

**GUILSBOROUGH MULTI ACADEMY TRUST**

**Complaints Procedure Policy**

Policy Name	Complaints Procedure Policy
Committee	Finance and Staffing
Owner	Principal
Statutory	Yes

Date Ratified	Review Due
25 <sup>th</sup> June 2015	June 2016
6 <sup>th</sup> October 2016	October 2018

**INTRODUCTION**

- a) This procedure will apply to most general complaints received by the Multi Academy Trust (MAT). It is not intended to cover those matters for which there is a specific statutory process to object, complain or appeal.
- b) Complaints about delivery of the statutory Curriculum requirements and the provision of religious education and collective worship should be handled under the requirements of Section 409 of the Education Act 1996.
- c) Separate procedures also exist for appeals about special needs assessments and academy admissions and exclusions. (See the SEN Code of Practice and Academy Admissions Code of Practice)
- d) Concerns about allegations of child abuse and staff discipline must be dealt with through the separate agreed procedures that have been adopted for these purposes.
- e) Guidance on dealing with complaints linked to racism is contained in Annex A.
- f) The MAT will make parents aware of the existence of their complaints procedure, through inclusion on the academies websites.

**GENERAL PRINCIPLES**

- The resolution of a complaint provides the potential opportunity for the MAT to improve its practice and develop further a strong partnership with parents/carers.
- The complaints procedure should be easily accessible and well publicised, so that parents/carers know how to raise concerns.
- It is desirable for any concern/complaint to be addressed by a member of staff/Governor at a level closest to the cause for the concern.
- Procedures should be as speedy as possible, consistent with fairness to all
- A complaint is distinct from any formal disciplinary procedure. Staff who may be questioned as part of a complaints procedure must be treated fairly and have an opportunity to put their case. They should be offered support in responding to any investigation into a complaint.
- If it becomes apparent to the Principal/Head of School or Chair of Governors that the parent's concern/complaint has the potential to be a disciplinary issue, professional advice should be immediately sought. Advice is also available from the Education Funding Agency.
- Confidentiality is important in securing the confidence of all concerned. Conversations and correspondence must be treated with discretion. Parents need to feel confident that a



complaint will not disadvantage their child. However, the parties to a complaint should realise that some information may have to be shared to carry out a thorough investigation.

- If the investigation of a complaint shows that it is justified, then the MAT should consider how to make amends in an appropriate way.
- Senior Staff and governors in academies should have the opportunity to take part in training or briefing to raise their awareness of the procedures and develop their skills in dealing with people who wish to complain.
- All complaints should be recorded and monitored to identify issues and allow any lessons to be learned by the MAT.
- Every complaint should be acknowledged as "genuinely felt" by the complainant.

## **Behaviour of Complainants**

- Our staff deserve to be treated with respect and as such we will not accept abusive, rude behaviour and language.
- All complainants must follow the complaints policy giving suitable notice periods for complaints to be reviewed.
- Complainants must not demand immediate meetings, but give up to 2 working days for a convenient meeting date to be set under the informal stage.
- 2 agreed meeting dates with at least 24 hours notice of having to re-arrange. On the 3<sup>rd</sup> occasion the meeting will go ahead.
- Where an issue has already been taken through a complaints procedure, the Academy will not respond if the complainant raises it again.
- Malicious complaints may incur appropriate action by the Academy.

## **Correspondence from local MP's**

- Correspondence will be reviewed by the Principal who will decide on the relevant action to take and a written response will be made within 5 working days.

## **Complaints about Governors**

- Complaints about a member of the governing body should be made in writing to the clerk of the governing body.

## **Complaints from members of public**

- The Academy will deal with complaints from people who are not the parents of attending pupils following the same procedures as stated in this policy.

## **Stage 1 - INITIAL APPROACH**

### **GUIDELINES**

- The vast majority of concerns and complaints can be resolved informally, often straight away by an appropriate member of staff, subject teacher or a form tutor.
- The academy aims to ensure that parents feel able to raise concerns with staff without undue formality, either in person, by telephone or in writing. There may be occasions when it is appropriate or helpful for someone to accompany or act on behalf of a parent.
- Parents may not be clear at first that they are making a complaint. They may wish to ask a question or express an opinion. A preliminary discussion with academy staff will usually clarify the issue and help parents to decide whether they wish to take the matter further.

### **PROCEDURE**

1. Parents should have an opportunity for informal discussion of their concerns with an appropriate member of staff. This discussion should aim to clarify the nature of the parent's concern and assure them that the academy wishes to hear about it. The discussion should also aim to clarify what kind of outcome the parent is seeking.

2. If the member of staff first contacted cannot deal with the matter immediately, s/he should make a firm arrangement to deal with it at a future date or refer the matter to their Line Manager or another appropriate member of staff. In either case a note of the name, date and contact details of the complainant should be taken. The first contact should check to make sure the referral has been successful.
3. If the parent is still unhappy with the response they should contact the Head of Department or Head of Year for advice and support.
4. Staff should seek advice from their line manager if they are unsure of how to deal with the matter raised. Any matter that could potentially result in legal or insurance complaints relating to employment practice should be referred immediately to the Principal.
5. If the concern relates to the Principal and the parent feels unable to raise it with the Principal they should be advised to contact the Chair of Governors.
6. The staff member dealing with the complaint should make sure that the complainant is clear about what will happen next (if anything). This should be put in writing if it seems the best way of making the next steps or outcome clear.
7. If the parent is unsure who to contact they should be referred to the Principal's PA for advice on [principalpa@guilsborough.northants.sch.uk](mailto:principalpa@guilsborough.northants.sch.uk)
8. It is important for parents/carers to recognise that the academy is a busy organisation and that whilst we will do our best, it is unlikely we will be able to offer an immediate appointment.

## Stage 2 - FORMAL COMPLAINT

### GUIDELINES

- The vast majority of concerns and complaints can be resolved through investigation and a follow up meeting with appropriate staff.
- The Principal/Head of School, or Deputy-Principal in his/her absence, needs to determine who has responsibility for responding to a formal complaint, including the decision about his/her own involvement at various stages.
- Other individuals on the governing body should not become involved at this stage to avoid prejudicing their possible future involvement.
- Other staff made aware of complaints should inform the Principal /HOS who will decide who the most appropriate senior member of staff to investigate. The report should be returned to the Principal /HOS to decide if a verbal or written response is appropriate.

### PROCEDURE

1. Parents who wish to pursue a formal complaint at Stage Two should be asked to put the complaint, the contact made with the academy so far, any actions that have already been taken and their desired outcome in writing to the Principal Head of School via [Principal\\_pa@guilsborough.northants.sch.uk](mailto:Principal_pa@guilsborough.northants.sch.uk) The Principal /Head of School will appoint a designated member of staff should acknowledge the complaint orally or in writing within three working days of receipt giving a brief explanation of the complaints procedures and a target date for providing a response. Ideally, this should be within ten working days. If it is not possible to deal with the matter in this time, the complainant should be informed of this and if possible, when it is likely to be concluded.
2. A designated member of SLT may offer an opportunity for the complainant to meet him/her. The complainant should, if she/he wishes, be allowed to be accompanied by a friend or relative who can speak on his/her behalf.
3. If necessary a designated member of SLT staff should interview any witnesses and take statements from those involved. If the complaint concerns a student, the student should also be interviewed. In some circumstances another senior member of staff with whom the student feels able to speak to can be made available to speak to.
4. The designated member of staff should keep written records of meetings, telephone conversations and other documentation.
5. Once all the relevant facts have been established, the designated member of SLT staff should either write to the complainant or arrange a meeting to discuss or resolve the matter. This meeting should be followed up with a letter summarising the outcome of the meeting. The complainant should be advised in this letter that if they remain unhappy with the outcome, s/he may appeal to the Principal. The



complainant should notify the Principal within two weeks of receiving the letter detailing the outcome of the complaint. If the complainant is still unhappy they should notify the Principal in writing via [principalpa@guilsborough.northants.sch.uk](mailto:principalpa@guilsborough.northants.sch.uk) stating, why they are still unhappy with the outcome.

6. The complainant should be informed of any advice and support that may be available to them.

## Stage 3 – FORMAL COMPLAINT THROUGH PRINCIPAL/HEAD OF SCHOOL

### Guidelines

The complainant will inform the Principal/HOS in writing why they do not feel the complaint has been resolved, what actions have already been taken and their desired outcomes. The Principal/HOS will review the investigation, who may arrange a meeting as necessary. The outcome will be reported in writing within 5 working days.<sup>1</sup> If it is not possible to deal with the matter in this time, the complainant should be informed of this and if possible, when it is likely to be concluded.

### Procedure

- The Principal will normally acknowledge receipt of the complaint within five working days of receiving it. In many cases this response will also report on the action taken to resolve the issue. Alternatively, a meeting may be convened to discuss the matter further.
- This meeting will normally take place within ten working days of the receipt of the formal complaint but in any case within no more than fifteen working days. The aim will be to resolve the matter as speedily as possible.
- If the matter has still not been resolved at Stage 3, then the Principal will advise the complainant of the right to refer the complaint to the Chair of Governors' of the appropriate Local Governing Body. If the complaint relates to the Principal, the complaint will be referred to Multi Academy Trust Directors.

## Stage 4 - Right of Appeal to Governors' Panel

If the complaint has still not been resolved the complainant should send their written complaint to the Chair of Governors via the clerk to the governors [governorclerk@Guilsborough.northants.sch.uk](mailto:governorclerk@Guilsborough.northants.sch.uk) setting out clearly their specific points of complaint, what they would like to have considered by the panel to redress issues and asking for the matter to be considered by the Governors' Appeal Panel with delegated powers to hear complaints. The hearing will normally take place within fifteen working days of the receipt of the written request for Stage 4 investigation.

The Chair of Governors will convene a panel consisting of themselves, another Governor and an independent person not connected with the management or running of the Academy. No one on this panel will have been directly involved in the matter that is the subject of the complaint. Due consideration should be given by the Chair as to conflict of interest. It is the responsibility of those on the panel to disclose anything that could be construed as a conflict and if required the Chair will make a final decision

This panel will hear the complaint and attempt to achieve reconciliation between the Academy and the complainant. A personal representative or translator (if required) may accompany the parents/carers at this hearing. The status of any representative attending must be clarified to the Clerk at least 24 hours prior to the meeting. Parents/carers may also introduce further written statements by parties involved in the complaint.

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<sup>1</sup> If the complaint is about the Principal/HOS, or the Head of School has been very closely involved informally, the Chair of Governors should carry out all the Stage Three procedures, with support if necessary from a governor, and with professional advice if necessary.



Attendance at this hearing by the Principal or other members of staff is at the discretion of the panel. It is advisable that the panel hear the position of all of those involved either in person or by filing of statements.

The Chair of Governors will notify the parents/carers of the panel's findings in writing following the conclusion of the hearing or tell them what further action is planned (if any).

The aim of the Appeal panel hearing is to impartially resolve the complaint and to achieve reconciliation between the Academy and the complainant. All parties, including where relevant, the person complained about will be notified of the Panel's findings and recommendations in writing within three working days after the date of the hearing. The letter will also contain details of any further rights of redress available.

Written records will be kept of all complaints at which stage they were resolved. The confidentiality of all records will be ensured, although they will be available for inspection, on the Academy premises by the proprietor, the Principal and if necessary the Directors.

N.B: - The Governors' appeal hearing is the last Academy-based stage of the complaints' process.

## Guidelines

- Complaints only rarely reach the appeal stage. At this stage, the Chair of Governors may wish to seek advice from professional personnel and/or the Education Funding Agency.
- It may only be possible to establish the facts of a situation and make recommendations about future action, and to satisfy the complainant that their complaint has been taken seriously.
- The panel must consist of at least 3 people who were not directly involved in the matters detailed in the complaint. This must include at least one member who is independent of the management and running of the academy.
- It is important, should a complaint reach the appeal stage that the governing body is impartial and independent and is seen to be so. Individual complaints should not be considered by the full governing body. The governing body will, therefore, establish a panel to deal with complaints by nominating a pool of governors from which two can be drawn for any hearing and an independent member not involved with the management or running of the academy.
- Panel members should have had no prior involvement with the complaint. Generally, the Chair of Governors is not on the panel as s/he may be involved at the earlier stage.
- Governing bodies should have regard to the advantages of having a mix of types of governor on the panel and be sensitive to issues of equal opportunity in the composition of the panel.
- Individual governors should not get involved in looking into complaints before this stage to avoid prejudicing their potential involvement. If individual governors are approached by parents or others with complaints, they should refer the complainant to the academy complaints procedure, making the necessary introduction to a member of staff as appropriate.
- Complaints that reach the appeal stage will do so because the complainant is not satisfied with the response so far. In this situation it is perhaps helpful for the governing body to view any complaint as being against the academy rather than an individual staff member whose actions may have led to the original complaint.
- Complainants that are not satisfied with the way, in which their complaint has been handled by the academy, are to be made aware of the Education Funding Agency's complaints system which can be found at the following:

<https://www.education.gov.uk/schools/leadership/schoolperformance/school-complaints-form>

## PROCEDURE

Upon receipt of a written request from the complainant for the complaint to proceed to Stage Four, the following procedure should be followed. A suitable clerk to the panel should be appointed.

1. The clerk should write acknowledging receipt of the written request, informing the complainant that a committee of the governing body will hear it within 15 working days of receipt.
2. The clerk should convene a meeting of the complaints committee at a time that is convenient for the complainant and the academy.
3. The clerk should ensure that the complainant, Principal and any other witnesses

are given at least five working days' notice in writing of the date, time and place of the hearing or otherwise are in full agreement of a shorter timescale. The letter of notification to the complainant should also inform him/her of their right to be accompanied by a friend/relative who can act as an advocate. The letter should set out the procedure for the conduct of the hearing (see annex B) and the complainant's right to submit further written evidence to the committee.

4. The clerk should invite the Principal to attend the hearing and to submit a written report for the committee in response to the complaint. The Principal may also invite the Chair of Governors or any other members of staff directly involved in matters raised by the complainant to respond in writing and/or in person to the complaint. Any involvement of other staff should be at the discretion of the chair of the committee.

5. All relevant documents should be received by all parties, (including the complainant) at least five working days before the meeting of the panel. This provides adequate opportunity to read them prior to the start of the meeting.

6. An officer from the Education Funding Agency and/or a professional advisor may be invited to attend the meeting to advise the committee.

7. The panel should elect a chairperson who should ensure that proper minutes of the meeting are taken.

8. The chair of the panel should try to ensure that the proceedings are sufficiently informal as possible and that the complainant and other participants feel at ease.

9. At the conclusion of the representations and questions, the chair should explain that the panel will consider the issues and write to both

10. All except for the governor's panel and any advisers should then withdraw and the panel should consider the evidence. This should include: a judgement about the validity of the complaint; appropriate action to be taken by the academy and/or the parent; and where appropriate, recommendations on changes to the academy's systems or procedures to ensure similar problems do not arise in the future.

11. The academy should ensure that a copy of all correspondence and notes is kept confidentially on file in the academy. This should be separate from students' personal records.

11. The panel are required to make findings and recommendations. The panel must provide a copy of the findings and recommendations to the complainant, and where relevant, the person complained about, and make a copy of the findings and recommendations available for inspection by the Principal.

12. The broad outcomes recommended by the panel can be reported to the next full

Governing body or appropriate committee with the identity of all those taking part kept confidential. The governing body should monitor implementation of the recommendations

## **Stage 5 - THE ROLE OF THE EDUCATION FUNDING AGENCY**

- The primary responsibility for resolving complaints rests with the governing body. (1998 Education Act, Part II, Chapter 3. Para. 39[1]) The Education Funding Agency role in academy complaints is to provide advice to all parties.
- When the Education Funding Agency receives a general complaint which does not come under one of the areas covered by statutory requirements, nor is obviously concerned with child abuse or staff disciplinary matters the complainant will be referred to the academy's complaints procedure. The complainant will be advised to contact the Principal to take the matter further. If the complaint has already involved the Principal but has not achieved a satisfactory resolution from the perspective of the complainant, the Education Funding Agency officer may seek to resolve issues between the Principal and the complainant. If this is not possible or successful the complainant will be referred to the Chair of Governors. In this situation the Principal will be notified of the referral and details of the complaint.
- Education Funding Agency staff will give advice to the Principal, governors and parents on the use of complaints procedures. For serious or complex complaints this will be through a Senior Education Officer.
- Where possible the Education Funding Agency will provide advice and appropriate support to complaints panels of governing bodies, including attendance of an officer at meetings to hear complaints



## ANNEX A Dealing with Complaints about Racism in Schools

1. Racist Behaviour to a Child or Student  
The procedures to be followed are stipulated in the guidance on reporting bullying as identified by the nine characteristics of the Equality Act 2010.
2. Racist Incident Alleged Against Academy Staff
  - i. The report/complaint should be made to the Principal, or if the Principal is the subject of the report/complaint, to the Chair of Governors;
  - ii. As racism is a disciplinary offence, the normal disciplinary procedures are followed.
3. Institutional Racism  
Parents who perceive that racist practice or policies are operated by the academy should pursue these through the General Complaints Procedure.



## ANNEXB Model Procedure for the Conduct of a Stage 4 Governors Panel Hearing

1. The chair of the committee should invite all parties (except any witnesses) into the room, introduce them and explain the role of each person.
2. The chair should explain to all present that the purpose of the hearing is to review the complaint and try to resolve it and achieve reconciliation between the academy and the complainant. However, it may only be possible to establish the facts of a situation and make recommendations about future action.
3. The chair should then ascertain whether the proposed procedure is acceptable. If so, the meeting will proceed along the following lines-
  - i. The complainant describes her/his complaint and may call witnesses.
  - ii. The Principal may seek clarification from the complainant and any witnesses.
  - iii. The governors' panel or its advisers may seek clarification from the complainant and any witnesses.
  - iv. The Principal will respond to the complaint and may call witnesses.
  - v. The complainant may seek clarification from the Principal and any witnesses.
  - vi. The governors' panel (including any Advisers) may seek clarification from the Principal and any witnesses.
  - vii. The Principal will be given the opportunity to sum up.
  - viii. The complainant will be given the opportunity to sum up.
  - ix. Both parties will leave the room to allow the panel to deliberate but any advisers may remain to offer technical and procedural advice.
4. The panel should make a decision or judgement on:-  
the validity of the complaint; appropriate action to be taken by the academy and/or parent; and where appropriate, recommendations on changes to the academy's systems or procedures to ensure similar problems do not arise in the future.
5. The decision or judgement will be confirmed in writing within 5 days.

NB If there is more than one complainant this procedure should be followed for each one in turn, unless the complainants agree to the complaint being dealt with in conjunction with each other.

**Complaints Procedure Policy**

**Stage 1 – Initial approach**

Contact the relevant Tutor or Class Teacher in the first instance.  
Encourage to attend a meeting to resolve the issues.

**If the issue is then not resolved**



Contact the relevant Head of Department or Head of Year.  
Encourage to attend a meeting to resolve the issues.



**Formal complaint**

**Stage 2**

The complaint is made in writing either via email [principalpa@guilsborough.northants.sch.uk](mailto:principalpa@guilsborough.northants.sch.uk) or by post to Guilsborough School, West Haddon Road, Guilsborough, Northampton NN6 8QE. The complaint will be investigated by a senior member of staff, who will respond either in writing or by arranging a meeting to resolve the issue. The outcome will be reported back to the Principal

**If the issue is not resolved**



**Stage 3**

The complaint will be reviewed by the Principal (Guilsborough) or Head of School (Naseby)  
The outcome will be reported in writing or a meeting will be convened to resolve the issue.

**If the issue is not resolved**



**Stage 4**

**Right of Appeal**  
Governors' panel



**Stage 5**

**Education Funding Agency**