

## 1 INTRODUCTION

This policy provides a framework to guide school leaders and governors and strengthen decision-making as they deal with complaints about the school.

This policy is based on

- The Equality Act 2010
- The Public Sector Equality Duty 2011
- DfE Best Practice Advice for School Complaints Procedures 2020
- DfE Creating an Academy Complaints Procedure
- DfE Understanding and dealing with issues relating to parental responsibility
- The Great Academies Education Trust (GAET) Vision and Values.

## 2 PURPOSE AND OBJECTIVES

### Purpose

This policy aims to ensure that on occasions when parents/carers or other stakeholders have concerns about their child's education or about particular issues at one of our Academies, they know how to raise a concern, make a formal complaint, use the various stages of the complaints process and that people dealing with the complaint do so properly.

### Objectives

The objectives of this policy are to

- Inform all stakeholders of the procedures to follow for raising concerns or complaints;
- ensure a consistent approach to concerns and complaints that arise;
- encourage resolution of concerns by informal means wherever possible;
- encourage the person with the concern or complaint to say what can be done to resolve the issue;
- support academy staff dealing with complex complaints
- ensure the system to raise and resolve concerns and complaints is easily accessible, simple to understand and use;
- ensure the process is impartial and non-adversarial.
- allow swift handling with established time-limits for action and keeping people informed of the progress;
- ensure a full and fair investigation and an independent review where necessary.
- respect people's desire for confidentiality and maintain this where possible;
- address all the points at issue and provide an effective response and appropriate redress, where necessary

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- provide information to the academy's senior management team, governors and the Trust so that services can be improved.

### 3 GUIDING PRINCIPLES

This policy is guided by legislative duties, national guidance and the GAET Vision and Values

#### Key legislative duties and national guidance

- The Equality Act 2010 which legally protects people from discrimination in the workplace and in wider society. The Act provides protection for people discriminated against because they are perceived to have, or are associated with someone who has, a protected characteristic.
- The Public Sector Equality Duty 2011 which ensures that all public bodies play their part in making society fairer by tackling discrimination and providing equality of opportunity for all.
- DfE Best Practice Advice for School Complaints Procedures 2020 which aims to share and encourage best practice and help schools avoid common pitfalls
- DfE Creating an Academy Complaints Procedure which sets out how complaints procedures should be drawn up and used effectively to handle complaints from parents of pupils.
- DfE Understanding and dealing with issues relating to parental responsibility which aims to help schools understand their obligations and duties in relation to the rights and responsibilities of parents, as recognised by education law.

#### GAET Vision and Values

##### Vision

"Great Academies Education Trust will be a truly outstanding, outward facing multi-academy trust supporting its academies, from their starting points, to become outstanding.

All pupils will make exceptional academic progress in all subjects and regardless of age or stage will be work and college ready."

Our academies will be places where pupils are valued as individuals, where they will have opportunities to achieve highly, lead strongly and develop into confident, responsible and successful young adults."

In implementing this policy, the Trust and its employees will work with all other relevant agencies to develop outstanding procedures to deal with, and learn from, complaints about its academies. By implementing the policy, parents and other stakeholders will be listened to and their concerns and complaints heard and resolved as quickly as possible. In dealing well with complaints, and in learning from them, the academies will be able to better support their pupils to make progress, achieve and develop into resilient, confident, responsible and successful young adults.

##### Values

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“All individuals will embody our values

Genuine - mutually trusting, open, honest and reflective.

Respect(ful) to all.

Excellent at what they do, striving for excellence and intolerant of mediocrity.

Achievement focussed-understanding that academic excellence is the goal and high aspirations key to each child achieving their academic potential .

Together-believing that we can make the biggest difference when we work as a strong team.”

In implementing this policy, the provision for pupils is paramount. Anyone raising a concern or making a complaint will be treated fairly and honestly. All stakeholders will be involved, as appropriate, in genuine conversation and decision-making. Conversations will include respectful challenge and will be honest and reflective. The procedures to handle concerns and complaints will always challenge mediocrity and strive for excellence. By learning from concerns and complaints our pupils will be better supported to achieve the highest academic standards possible. GAET staff will work together with each other, and other parties, to focus on the best possible well-being and academic outcomes for pupils.

## **4 EQUALITY**

The Great Academies Education Trust ensures that (explain how the policy contributes to promoting equality). We recognise the protected characteristics under the Equality Act 2010. We do not discriminate against anyone on the grounds of their age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, or sexual orientation. This is line with the Equality Act 2010 and covers both direct and indirect discrimination.

## **5 IMPLEMENTATION GUIDANCE**

### **5.1 Raising a concern**

In the event of a concern about a pupil or the academy, in the first instance, you should always address your concern to the member of staff who has direct responsibility for your child's welfare i.e. your child's teacher or form tutor. It is always best to make contact at an early stage so that any problems can be dealt with before they become bigger issues. Anyone who wishes to raise a concern may do so in person, by telephone or in writing, by letter, fax or e mail.

The school upholds a three-month time limit in which a complaint can be lodged regarding an incident.

Complaints made outside this time limit will not be automatically refused and exceptions will be considered.

If possible, concerns will be dealt with immediately. In such circumstances the teacher will confirm acknowledgement of the concern and the action taken within the academy week. This may be in

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person, by telephone or in writing. All contacts will be recorded in academy, e.g. on the SIMs communication record.

If it is not possible or appropriate to deal with the concern there and then a letter of acknowledgement will be sent within the academy week. An assessment will then be made about the nature and seriousness of the concern and the action that should be taken to remedy the situation. A decision will be reached and a response made within 3 further academy days.

### **Exceptional Circumstances**

The DfE expects complainants to have completed the school's complaints procedure before directing a complaint to them. The exceptions to this include when:

- Pupils are at risk of harm.
- Pupils are missing education.
- A complainant is being prevented from having their complaint progress through the school's complaints procedure.
- The DfE has evidence that the school is proposing to act or is acting unlawfully or unreasonably.

If a social services authority decides to investigate a situation, the headteacher or governing board may postpone the complaints procedure.

Where a matter can be resolved through a legal appeal, it will not be considered as a formal complaint. The key areas are: admissions decisions, certain decisions relating to formal assessment of SEND, and decisions to permanently exclude a child.

If a complainant commences legal action against the school in relation to their complaint, the school will consider whether to suspend the complaints procedure, until those legal proceedings have concluded.

If any complaints are received during Covid-19 school closures the guidance in appendix 4 will be applied.

## **5.2 Complaints Procedure**

### **5.2.1 Stage 1 - Investigation**

If you are not satisfied with the response you have received from your child's teacher the complaint may be progressed to Stage 1 of the formal complaints procedure. At this stage you should speak or write to the Academy's Complaints Coordinator. The Academy's Complaint Coordinator will identify an appropriate person to investigate your complaint. This may be member of the relevant Academy's Management/Leadership team. If your complaint relates to the principal, it is likely that the chair of governors will need to investigate. An appointment will be made within 5 academy days. Confirmation of the appointment will be given in writing; at this stage of the procedure, you will also be asked to put your concerns in writing if you have not already done so. A form to support this may be used, an example is given in Appendix 3.

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Following the meeting with the person investigating your complaint, a response/decision will be given in writing within 3 academy days.

### **5.2.2 Stage 2 – Involving the Principal**

If you are not satisfied with the response you have received from Stage 1, the complaint may be progressed to Stage 2 of the formal complaints procedure. At this stage you should speak or write to the Principal. The Principal may ask you to make an appointment to meet with him/her within 5 academy days. The Principal will investigate the way in which your complaint has been handled and the actions taken and will respond to you in writing within 5 academy days. If your complaint relates to the principal, stage 2 of the procedure will automatically be omitted.

### **5.2.3 Stage 3 – Governor Panel**

If you are not satisfied with the response you have received at Stage 2 (or stage 1 for complaints relating to the principal), the complaint may be progressed to Stage 3, If you wish to pursue your complaint further, you have the opportunity of a formal hearing before a Complaints Panel of the Governing Body. This request should be made within 10 school days. Stage 3 complaints should be addressed to the Chair of the Governing Body. Receipt of the request will be acknowledged within 3 school days.

The Governing Body will not interfere with the Principal's day-to-day management of the Academy, but will investigate whether your complaint has been dealt with in an appropriate manner.

A hearing will be set up within 10 school days of receipt of the stage 3 complaint by the chair of governors. A panel of 3 Governors, 2 of whom could be independent and a governor from one of the Trust's other schools. The complainant may be accompanied at the Stage 3 hearing by one other person. If the complainant wishes to be accompanied they should confirm details 2 school days prior to the hearing.

At the governor panel, no further complaint can be added to the original complaint at this stage.

The decision of the panel (including their findings and recommendations) will be given in writing to the complainant and where applicable, the person against which the complaint was made within 3 school days.

## **5.3 Complaints against a Principal or members of the governing body**

Complaints against a Principal or members of the governing body should in the first instance be sent to the Chair of Governors, who will arrange for the matter to be heard.

Complaints against an individual governor, or the whole governing body, should in the first instance be sent to the Clerk to the Governors, who will arrange for the matter to be heard.

## **5.4 Recording Complaints**

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Written records of all complaints, investigations and outcomes will be confidentially maintained by the Academy Trust except where access is requested by the Secretary of State or a body conducting an inspection under section 163 of the 2002 Education Act.

### **5.5 Serial/Unreasonable Complaints**

The procedure for dealing with serial or unreasonable complaints is described in Appendix 2.

### **5.6 Monitoring, Evaluation and Review**

An anonymous analysis of all formal complaints will be reported to the Academy Trust Board on a regular basis, together with recommendations regarding any changes necessary to the Academy Trust's Complaints Procedures.

### **5.7 Complaints outside this policy**

Separate policies and procedures apply to the following complaints

- Pupil admissions
- Pupil exclusions
- Statutory assessment of a child's Special Educational needs
- Child protection concerns
- Staff grievances
- Complaints about a member of staff which fall under the Trust's disciplinary policy
- Allegations that a member of staff or other adult working in the school has harmed a child
- School reorganisation proposals

## **6. ROLES AND RESPONSIBILITIES**

### **Great Academies Education Trust**

- Creates this policy and keeps it up to date
- Monitors and evaluates anonymised information regarding formal complaints on an annual basis
- Considers changes to the Trust's systems or procedures to ensure that problems of a similar nature do not recur.

### **Governing Body**

- Undertakes panel hearings as described in 4.2.3 above
- Monitors and evaluates anonymised information regarding formal complaints on a termly basis
- Considers changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

### **Governor Panel**

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The panel can:

- Dismiss the complaint in whole or in part;
  - Uphold the complaint in whole or in part;
  - Decide on the appropriate action to be taken to resolve the complaint;
  - Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.
- a. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, the GB will ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.
  - b. The aim of the hearing, held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
  - c. The GB acknowledges that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible.
  - d. Extra care will be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel will be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
  - e. The governors sitting on the panel need to be aware of the complaints procedure.
  - f. The chair of the panel seeks support and/or specialist advice from the Trust if appropriate

### **Clerk to the governor panel**

The clerk will be the contact point for the complainant and is required to:

- Set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- Collate any written material and send it to the parties in advance of the hearing;
- Meet and welcome the parties as they arrive at the hearing;
- Record the proceedings;
- Share notes / minutes of the meeting.
- Notify all parties of the panel's decision.

### **Principal**

- Hears Stage 2 complaints as described in 5.2.2 above
- Seeks support and/or specialist advice from the Trust if appropriate

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**School Complaints Coordinator****Stage 1 Complaints**

- Establishes what has happened so far, and who has been involved;
- Clarifies the nature of the complaint and what remains unresolved;
- Speaks to the complainant (if further information is necessary);
- Clarifies what the complainant feels would put things right;
- Identifies an appropriate person to investigate;
- Seeks support and/or specialist advice from the Trust if appropriate

**All complaints**

- Keeps a record of the progress of all formal complaints;
- Produces an anonymised report on complaints for the governing body.

**Investigator****Stage 1 Complaints**

- Interviews those involved in the matter, allowing them to be accompanied if they wish;
- Conducts interviews with an open mind and is prepared to persist in the questioning;
- Keeps notes of the interview or arrange for an independent note taker to record the minutes of the meeting;
- Prepares a response to the complaint.

**Class teacher/Form tutor****Concerns**

- Deals with concerns as described in 4.1 above

**7 LINKS TO OTHER POLICIES**

This policy should be read in conjunction with;

Great Academies Education Trust Policies including:

- Safeguarding and Child protection
- Behaviour
- Anti-Bullying
- Staff Discipline
- Whistleblowing
- Pupil admissions
- Special Educational Needs and Disabilities
- Staff grievances
- Managing allegations

DfE Creating an Academy Complaints Procedure

DfE Best Practice Advice for School Complaints Procedures 2020

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DfE Understanding and dealing with issues relating to parental responsibility

## **8 SOURCES CONSULTED**

DfE Best Practice Advice for School Complaints Procedures 2020

The Equality Act 2010

The Equality Duty 2011

The Key for School Leaders, complaints policy checklist

DfE Creating an Academy Complaints Procedure

DfE Understanding and dealing with issues relating to parental responsibility

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**Appendix 1****COMPLAINT STAGE 3 GOVERNOR PANEL****PROCEDURE**

1. Chair introduces panel members, complainant and/or representative, investigating officer and their roles in the meeting, Panel of 3 members.
2. Where the Complainant and/or a representative attends, they will introduce the basis for proceeding to a governor panel and present the complaint, otherwise the Panel will consider written representations;
3. Where present, questions to the Complainant/representative from the Panel, Academy representative (if in attendance);
4. If in attendance, Academy representative presents its response to the complaint, or governors consider any written response, correspondence already provided;
5. Questions to the Academy representative from the Panel, Complainant;
6. Complainant sums up;
7. Academy representative sums up;
8. Chair to sum up;
9. Panel retires to consider the complaint and responses.

In the absence of the Complainant or an academy representative, or otherwise where the Panel requires clarity or wishes to raise further questions, review documents, interview any person, the Panel may adjourn the hearing for such period as the Chair regards as reasonable but not so to prejudice the complaints procedure. No further complaint can be added to the original complaint at this stage.

A decision of the panel (including their findings and recommendations) will be given in writing to the Complainant and where applicable, the Academy/ person against which the complaint was made within 3 working days of the close of the full hearing.

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## Appendix 2 Procedure for dealing with serial or unreasonable complaints

Great Academies Education Trust is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Great Academies Education Trust defines unreasonable complainants as *'those who, because of the frequency or nature of their contacts with the school/Trust, hinder our consideration of their or other people's complaints'*.

A complaint may be regarded as unreasonable when the person making the complaint:-

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:-

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

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Complainants should limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the Principal or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Principal will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the academy causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the academy premises.

### **Barring from the School Premises**

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

If a parent's behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the Principal or the Academy Trust can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. Schools should always give the parent the opportunity to formally express their views on the decision to bar in writing.

The decision to bar should then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent should be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the Principal or Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

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**Appendix 3 Great Academies Education Trust Complaint Form**

Please complete and return to The Complaints Co-ordinator at the academy, who will acknowledge receipt and explain what action will be taken.

|                                                                                                                                |
|--------------------------------------------------------------------------------------------------------------------------------|
| Your name                                                                                                                      |
| Pupil's name                                                                                                                   |
| Your relationship to the pupil                                                                                                 |
| Address                                                                                                                        |
| Daytime telephone number                                                                                                       |
| Evening telephone number                                                                                                       |
| Details of your complaint                                                                                                      |
| What action, if any, have you already taken to try and resolve your complaint. Who did you speak to and what was the response? |
| What actions do you feel might resolve the problem at this stage?                                                              |
| Are you attaching any paperwork? If so, please give details.                                                                   |
| Signature and date                                                                                                             |
| <b>Official use only:</b> Complaint tracking                                                                                   |

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## Appendix 4

### Complaints Procedure During the Coronavirus (COVID-19) Pandemic

#### The following only applies during school closures

##### Statement of intent

In line with current government guidance, the school is not expected to handle new or existing complaints while it is open to a limited number of pupils due to the coronavirus pandemic; however, the school remains committed to maintaining open communication channels with parents and all stakeholders during this time.

We understand the necessity to adapt our procedures during the school's partial closure and to ensure members of our school community can continue to voice any concerns they may have.

This appendix outlines how the school will manage concerns and complaints during the coronavirus pandemic, in line with the government's guidance and this policy. The information in this section is under constant review and kept updated to reflect any changes to national or local guidance.

##### Making a complaint

For the purpose of this policy, a **"complaint"** can be defined as 'an expression of dissatisfaction' towards the actions taken or a perceived lack of action taken.

The normal complaints procedure set out within the main body of this policy will resume once the school reopens fully to all pupils and when directed by the DfE; until this point, formal complaints will not be dealt with by the school.

Any updates that influence this policy will be communicated to all parties involved via email a timely manner.

Complainants are encouraged to call the DfE for more information regarding the expectations on schools regarding complaints at this time.

##### Concerns with regards to school closures

A **"concern"** can be defined as 'an expression of worry or doubt' where reassurance is required.

Parents can share concerns about aspects of the school's current provision, by contacting the headteacher via telephone or email. Concerns will be responded to as soon as it is deemed possible.

Parents who wish to share a concern about their child's learning should in the first instance will raise their concerns with their child's class teacher via telephone or email.

If a concern relates to the safeguarding of a child, the person concerned should contact the, LA or, where appropriate, the police without delay.

##### Recording a concern

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A written record will be kept of any concern made in the school's Concerns Log where deemed necessary, and will include:

The main issues raised and any recommendations.

Whether the concern was resolved and how this was achieved.

Actions taken by the school as a result of the concern raised.

The school will keep the governing board up-to-date with any concerns raised and actions that are taken to resolve them, where necessary.

### **Monitoring and review**

The Principal is responsible for continually monitoring government updates and updating this appendix in line with any changes and guidance on both national and local levels.

Any changes to this appendix will be communicated to all staff, parents and relevant stakeholders.

This appendix will be considered redundant once the school reopens fully to all pupils and when directed by the DfE – at which point, the school will resume its regular complaints procedures.

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**School Appendix – Middleton Technology School****Concerns: How to contact your child's teacher**

You can either contact your child's teacher, head of department, head of year or form tutor by telephoning school on 0161 643 5116 and leave a message or by emailing [enquiries@middtech.com](mailto:enquiries@middtech.com)

**Complaints Stage 1: How to contact the academy's complaints coordinator**

If you are not satisfied with the response you have received from your child's teacher the complaint may be progressed to Stage 1 of the formal complaints procedure. At this stage you should speak or write to the Academy's Complaints Coordinator. The academy's complaints coordinator, the senior operations officer, can be contacted by telephoning direct or by emailing [enquiries@middtech.com](mailto:enquiries@middtech.com)

**Complaints Stage 2: How to escalate your complaint to Stage 2**

If you are not satisfied with the response you have received from Stage 1, the complaint may be progressed to Stage 2 of the formal complaints procedure. At this stage, you should speak or write to the Principal. Please telephone the Headteacher's PA on 0161 643 5116 or by emailing [enquiries@middtech.com](mailto:enquiries@middtech.com)

**Complaints Stage 3: How to escalate your complaint to Stage 3**

If you are not satisfied with the response you have received at Stage 2, the complaint may be progressed to Stage 3. Stage 3 complaints should be addressed to the Chair of the Governing Body by emailing Clerk of the Governors. (Details on the school website).

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