**Gillotts School**

**Complaints Procedure**

The purpose of this procedure is to address complaints from parents, students and other stakeholders in the school. We will use this procedure unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions). It must not be used to address employees’ and former employees’ concerns, which are professionally and properly addressed within the school’s Grievance, Capability and Disciplinary procedures.

**Introduction**

The aims of this Complaints Procedure are the following:

* to ensure that concerns are addressed fairly and consistently,
* to maintain the spirit of partnership in which we seek to work with parents, students and members of the community,
* to ensure staff and students are protected from the consequences of mischievous and/or vexatious complaints and allegations,
* to rectify errors when they have occurred,
* to review professional practice if complaints are found to be valid.

At each stage in the procedure, the school will keep in mind ways in which a concern or complaint might be resolved should it prove to be justified. It might be sufficient to acknowledge that the concern or complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

* an apology,
* an explanation,
* an admission that the situation could have been handled differently or better,
* an assurance that we will try to ensure the event complained of will not recur,
* an explanation of the steps that have been taken or will be taken to help to ensure that it will not happen again and an indication of the timescales within which any changes will be made,
* an undertaking to review school policies in light of the complaint.

Complaints should be made as soon as possible after an incident arises, and usually within a maximum time period of three months. We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

We will not normally investigate anonymous complaints.

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

Correspondence, statements and records relating to individual complaints will be kept confidential, except where the Secretary of State or Ofsted requests access to them.

A written record will be kept of all complaints made in accordance along with details of whether they were resolved following an informal or formal procedure, including progression to a panel hearing. The School will record the action it takes as a result of complaints (regardless of whether they are upheld).

***The procedure is in two parts comprising an informal and a formal process. Complainants and the School should use all reasonable endeavours to resolve all complaints using the informal process. The formal process should only be implemented if the complaint has not been resolved by the informal process.***

**Informal Process:**

Ideally a complaint should be dealt with as informally and as promptly as possible. The procedure should therefore be as follows:

1. The complaint should be referred in the first place to the person(s) about whom the complaint has been made. The Headteacher should be advised of the complaint.
2. If this does not achieve a resolution, the line manager or a member of senior staff will consider the complaint and respond to it. The line manager will monitor any agreed outcomes and advise the Headteacher of this. Only those who are in a position to resolve the issue should be involved. Staff may wish to involve their union representative. Confidentiality should be observed and no other people should be involved, unless they need to be interviewed as witnesses. The Headteacher should be made aware of the resolution.
3. If this process has not brought about a resolution, the Headteacher will consider the complaint and respond to it.
4. If the issue involves a serious allegation, the Headteacher may, at his/her discretion, deal with the matter personally, without going through the steps above. The Headteacher may also assume personal responsibility for dealing with any complaint at any time.
5. In the rare event of this process failing to bring about a resolution, the Headteacher will advise the Chair of Governors. If he/she is satisfied that the procedure has been applied fully and been exhausted, he/she will review the complaint. In the event of his being satisfied that all reasonable action has been taken by the school, he/she will communicate this to the complainant. If the Chair of Governors does not believe that all reasonable steps have been taken by the school, he/she will make further recommendations to the school.
6. If the complaint has been made about the Headteacher, the Headteacher will refer the complaint to the Chair of Governors for consideration and response.

Within each stage, reasonable and realistic time limits for each action will be set. Where further investigations are necessary, new time limits will be set and the complainant sent details of them, with an explanation for the delay.

**Informal Process – Governors’ Role & Protocol**:

Governors have a strategic role and do not involve themselves directly in management issues. If a governor receives a complaint from a parent, student or other stakeholder in the school, she/he will refer it immediately to the Headteacher. The Headteacher will advise any governor who has brought a complaint to him/her of the outcome.

Individual complaints are not heard or discussed by the whole Governing Body at any stage, as this would compromise the impartiality of any panel set up to hear the complaint as part of the formal process or to hear a disciplinary hearing against a member of staff following a serious complaint.

**Gillotts School Complaints Procedure**

**Formal Process: Complaint Heard by**

**Governing Body’s Complaints Appeal Panel**

If a complaint has not been resolved by the informal procedure and the complainant remains dissatisfied and wishes to take the complaint further, a Complaints Appeal Panel of the Governing Body will be convened to hear the complaint. This is the last stage of the complaints process.

1. To initiate the formal process the complainant should write to the Chair of Governors or Clerk to the Governing Body at the school address, or email the Chair (gbchair@gillotts.org.uk) or the Clerk (kbarker@gillotts.org.uk). The envelope/email should be marked ‘FOR IMMEDIATE ACTION’. The complainant will be asked to complete a complaint form in the form attached to this procedure if he/she has not already done so. The Chair of Governors or Clerk will offer to help an individual to complete the form if appropriate;
2. On receipt of the complaint form the Chair of Governors will within 5 working days:
* clarify the nature of the complaint and what remains unresolved;
* meet with the complainant or contact them (if unsure or further information is necessary);
* clarify what the complainant feels would put things right;
1. A Governing Body Complaints Appeal Panel will be convened in accordance with the Governing Body’s current Protocol for the Appointment of Panels. A copy of the protocol is available for downloading for the school’s website or can be obtained from the Clerk to the Governors. One panel member will be independent of the management and running of the school. The panel will meet within 15 working days of receipt of the complaints form.

However if the complaint is about:

* the Chair of Governors and Vice Chair
* the entire governing body
* the majority of the governing body

an independent investigator or an independent panel (for example of governors from another educational establishment) will be appointed by the governing body. At the conclusion of their investigation, the independent investigator/panel will provide a formal written response to the complainant, including a full explanation of the decision made and the reason(s) for it.

1. The Chair of Governors will as soon as practicable confirm to all parties all arrangements for the hearing, including but not limited to, the names of the panel members and the clerk, arrangements for the exchange of documentation, arrangements for witnesses (if any) and arrangements for addressing any special circumstances.

The complainant will also be informed that they may attend and be accompanied at the hearing, for support, if they wish. We recommend that neither the complainant nor the school bring legal representation as this hearing is not a form of legal proceedings. We recognise there are occasions where legal representation may be appropriate. Representatives from the media are not permitted to attend.
2. The above process shall be varied where the Chair of the Governor is involved in the complaint in the sense that his/her actions are the subject matter (or part of the subject matter) of the complaint. In that event, “Chair of Governors” under points (2) and (4) above shall be substituted with “Appointed Governor” being the Governor appointed in place of the Chair of Governors. This substitution shall not apply where the Chair of Governors is only “involved” to the extent that he has considered an informal complaint under point 6 of the Informal process.

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| **The Powers and Remit of The Complaints Appeal Panel**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.

The panel may:* Consider and, if appropriate, criticise the way in which an operational decision was communicated – **but cannot overturn the decision itself**
* Consider the thoroughness with which the Headteacher investigated a complaint about a member of staff **– but cannot expect the Headteacher to provide details about confidential discussions with that staff member**
* Consider the manner in which a complaint about any decision was addressed – **but cannot expect the Headteacher to have changed the decision**
* Consider and, if appropriate, identify limitations in a policy or procedures – **but cannot make or improve policy.** (It can, however, recommend that the policy be reviewed by the governing body to ensure that problems of a similar nature do not recur, and individual panel members can subsequently play their part in improving the policy.)
* Consider whether it should recommend that the governing body offer appropriate redress.

Complainants and Panel Members should also note the following:1. All complainants and panel members should be aware of the contents of this procedure;
2. It is important that the appeal hearing is independent and impartial and that it is seen to be so. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. The panel should be sensitive to the issues of race, gender and religious affiliation and, as far as practicable, should comprise a cross-section of the categories of governor
3. The aim of the hearing, which should be held in private, is if possible to resolve the complaint and achieve reconciliation between the school and the complainant. However it may only be possible to establish the facts and satisfy the complainant that his or her complaint has been taken seriously;
4. An effective panel will acknowledge 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 should ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial;
5. Extra care needs to 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 needs to be aware of the views of the child and give them equal consideration to those of adults.

**Complaints Appeal Panel Procedure**1. The clerk to the panel will:
* meet and welcome the parties as they arrive at the hearing;
* make a written record the proceedings - electronic recording of the meeting is not normally permitted unless the complainant’s own disability or special needs require it;
* notify all parties of the panel’s decision;
1. The chair of the panel should ensure that:
* the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
* the issues are addressed;
* key findings of fact are made;
* parents and others who may not be used to speaking at such a hearing are put at ease;
* the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
* the panel is open minded and acting independently;
* no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
* each side is given the opportunity to state their case and ask questions;
* written material is seen by all parties. If a new issue arises all parties should have the opportunity to consider and comment on it and this may require an adjournment of the hearing;
1. The procedure for the hearing is as follows:
	1. The complainant and the Headteacher will enter the room where the hearing is taking place together;
	2. The chair will introduce the panel members and the clerk and outline the process;
	3. The complainant is invited to explain the complaint;
	4. The Headteacher may question the complainant;
	5. The panel will question the complainant;
	6. The Headteacher is then invited to explain the school’s actions;
	7. The complainant may question the Headteacher;
	8. The panel will question the Headteacher;
	9. The complainant is then invited to sum up their complaint;
	10. The Headteacher is then invited to sum up the school’s actions and response to the complaint;
	11. The chair explains that both parties will hear from the panel within a set time, normally five working days;
	12. Both parties leave together while the panel decides on the issues.

The clerk will remain with the panel after the hearing to clarify issues and assist in drafting of the decision.1. The use of witnesses is discouraged. In nearly every case, a complaints panel will work with **written** witness statements if appropriate, but there may be particular circumstances where the presence of witnesses is necessary to establish key facts. In those cases, witnesses must be agreed in advance. They will remain outside the hearing room until called in to give their evidence. They can be questioned by the panel members and the other party. They will leave the room when their evidence is completed. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.
2. The clerk should ensure that s/he has clear wording stating the panel decision, and any findings and recommendations, about each of the issues that the panel considered before the panel is allowed to finish. The clerk will use that wording to draft the decision letter. This should be sent to all members of the panel for checking. Once approved by all three panel members, it should be sent to the complainant, with a copy to the Headteacher, and where relevant, to the person complained about. The letter should clearly express how seriously the panel considered the complaint.
3. The clerk should also ensure that the letter reaches the complainant and the Headteacher by the deadline stated in a statement by the chair at the end of the hearing. This should not normally be longer than five working days.
4. The findings and recommendations of the panel will be available for inspection on the school premises by the proprietor and the head teacher.
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**Role of the Education & Skills Funding Agency (‘ESFA’)**

The ESFA may investigate complaints against Academies, but only in certain limited circumstances and not normally until an Academy’s own complaints procedure has been exhausted. A copy of the ESFA’s procedure for dealing with complaints about academies can be obtained either from the Clerk to the Governors or from the Department for Education [website](https://www.gov.uk/government/publications/complain-about-an-academy).

**Duplicate complaints**

If a duplicate complaint is received about the same subject where the complaint has already been considered and the local process complete, the complainant will be advised to contact the Department for Education if they are dissatisfied with the school’s handling of the original complaint.

**Complaint campaigns**

If a large volume of complaints is received all on the same subject, we will respond either by sending a template response to all complainants or by publishing a single response on the school’s website. If complainants continue to be dissatisfied, they will be advised to contact the Department for Education.

**Unreasonable complainants**

Gillotts School 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.

Gillotts School defines unreasonable complainants as ‘those who, because of the frequency or nature of their contacts with the school, 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 cooperate 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.

Complainants should limit the number 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 headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an ‘unreasonable’ marking.

If the behaviour continues the headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact Gillotts School 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 Gillotts School.

Gillotts School

**Complaint form**

Please complete and return to Mrs. Karen Barker, Clerk to the Governing Body, (kbarker@gillotts.org.uk) who will acknowledge receipt and explain what action will be taken.

Your name: …………………………………………………………………………

Address: …………………………………………………………………………….

…………………………………………………………………………………………

…………………………………………………………………………………………

Postcode: ……………………………………………………………………………..

Daytime telephone number: ………………………………………………………...

Evening telephone number: ………………………………………………………...

If applicable, name of child(ren) at school:

Please give 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?)

Your relationship to the school, e.g. parent, carer, neighbour, member of public:

*Continued overleaf*

What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details.

**Signature: ………………………………………………………………………..**

**Date: ………………………………………………………………………………**

**-------------------------------------------------------------------------------------------------------**

**Official Use:**

**Date of acknowledgement sent: ……………………………………………….**

**By whom: ………………………………………………………………………….**

**Complaint referred to: ……………………………………………………………**

**Date: ………………………………………………**