



Ref: 027/16/01

## COMPLAINTS POLICY AND PROCEDURE

Thomas Gainsborough School, part of the The Samuel Ward Academy Trust

Recognised Trades Unions were consulted by the Samuel Ward Academy Trust on this document and it was accepted by the Trust's Board on:	9 <sup>th</sup> December 2016



## **AVAILABILITY OF THE COMPLAINTS POLICY AND PROCEDURE**

This policy and procedure is available on request to pupils, the parents of pupils and prospective pupils [insert name] School, part of the Samuel Ward Academy Trust. While pupils may themselves raise concerns and complaints under this policy and procedure, the school will involve parents should this occur. Copies are available from the school office and/or may be downloaded from the school's website.

## **COMPLAINTS POLICY AND PROCEDURE**

This policy applies to all complaints by parents of pupils attending [insert name] School, that are made against the school, except in relation to admissions, exclusions and child protection allegations, which have their own processes. This policy covers complaints that have been raised with the school as a matter of concern but which have not been capable of informal resolution and which the complainant or the school consider should be dealt with on a formal basis.

The complaints procedure is intended to be extended to those persons who may have a legitimate complaint relating to the school and where any complaint may not be pursued through another statutory procedure. It is anticipated that these persons will be parents of pupils currently at the school, as defined by Section 576 of the Education Act 1996, and those with parental responsibility, as defined in the Children Act 1989. These arrangements do not cover pupils who are no longer at the school.

It is the policy of the Samuel Ward Trust ("the Trust"), to treat all complaints very seriously, with proper dispatch, and where errors have been made to learn from them. Should the occasion arise, the Trust will act fairly but firmly where its provision or the conduct of its staff has been less than satisfactory.

Complaints are a valuable indicator of performance and are to be responded to in a sympathetic and consistent manner. It is vital that the complainant is kept informed of progress by the nominated person to avoid confusion and/or conflicting messages.

The complainant may withdraw the complaint at any time. Findings are to be recorded and appropriate action taken to reduce the likelihood of similar complaints in the future. In all cases, correspondence and/or records of any discussions must be documented and a copy retained for a minimum of 10 years for future reference or query.

## **STAGE ONE - INFORMAL RESOLUTION**

An issue or concern might be raised with any member of staff within the school. If approached directly or by telephone the individual staff member should listen carefully to the complainant and show empathy and understanding but must be careful not to react or jump to conclusions.

The staff member should confirm whether the complainant is content for the individual to deal with the matter informally, or whether they wish the matter to be treated as a formal complaint. It is essential that the staff member attempts to identify the significant issues and the outcome that is being sought.

The school expects that before seeking to use this formal policy the complainant:

- a) will have raised the matter with the pupil's Class Teacher / Form Tutor (as applicable), if the matter relates to a pupil;
- b) will have made reasonable attempts to seek an informal resolution.

The Chair of Governors shall have a discretion, which will be exercised reasonably, not to allow a complaint to be pursued where this precondition has not been met.

The school will attempt to resolve the matter as quickly as possible and then inform the complainant of action taken (within the bounds of confidentiality). If the issue cannot be resolved informally, then it must be treated as a formal complaint, and the steps described in the Formal Complaint Process must be followed.

## **STAGE 2 – FORMAL PROCEDURE**

All complaints must be treated as 'Confidential' but copies of all correspondence, statements and records must be made available for inspection by authorised bodies, e.g. Department for Education (DfE).

If a serious allegation has been made or external agencies are to be involved with a complaint relating to child or member of staff it is possible that an external investigation will take place. The appropriate Director and the Chief Executive must be informed. It may also be necessary to notify the Police. Assistance should be given to external investigators.

Advice must be taken before any action is taken that might be deemed to hinder, interfere with or prejudice an external investigation. If external agencies have been involved at any stage, no report is to be made to the complainant unless and until those agencies have confirmed in writing that they intend to take no further action against any individual. The complainant should though be informed that the relevant agency is investigating and that they will be informed of the outcome.

### **First stage of the Formal Procedure**

1. The Complainant must put the complaint in writing unless the complainant has a disability which prevents this, in which case the complainant may contact the school office for assistance. The complaint should be addressed to the Headteacher at the school's address (under confidential cover.) The Complainant may wish to use the school's Complaints form (see Appendix 1), but this is not a requirement.
2. The Headteacher will acknowledge receipt of the complaint in writing.
3. An investigation of the complaint will be carried out by a member of the school's Leadership team as appropriate, who will report to the Headteacher.
4. The Headteacher will discuss the matter with the complainant. This may be during a meeting or on the telephone. Whenever reasonably possible such discussion will take place within 15 school days of the complaint being received.
5. The Headteacher will then put his or her findings in writing and indicate what steps if any should be taken to resolve the matter. Whenever reasonably possible this will be done

within 15 school days of the discussion with the complainant at 4 above.

Where a complaint relates to the Headteacher, the Chair of Governors will appoint a Deputy to take over this role. Otherwise, the procedure for the First Stage will remain the same.

### **Second Stage of the Formal Procedure**

1. If the complainant is not satisfied with the outcome of the first stage, she/he may request that the complaint be considered by the Chair of the Governing Body. Such a request should be in writing addressed to the Clerk to the Governors.
2. The Chair will conduct a review of the matter to date.
3. The Chair will report his/her findings to the Headteacher and the Parent within 15 school days of receipt of the written request to use the Second Stage.

### **Third Stage of the Formal Procedure**

1. If the complainant is not satisfied with the outcome of the first and second stages, the complainant may request that the complaint be considered by the Complaints Panel of the Governing Body which will comprise two members of the Board of Governors who have not previously been involved in the complaint, and one person independent of the management and running of the school.
2. A request to use the third stage must be in writing, addressed to the Clerk to the Governors at the school, within 10 school days of the response being sent to the complainant and must set out briefly the reasons why the complainant is dissatisfied with the response.
3. The Clerk will invite the School to put in writing its response to the complainant's reasons. The School will do this within 15 school days and at the end of that period (whether or not the School has responded) the Clerk will convene a meeting of the Complaints Panel of the Governing Body. That meeting will be held as quickly as practicable given the need to find a date that is reasonably convenient for the complainant, the School and the members of the Panel. Whenever possible, the meeting will be held within 15 school days of the end of the School's response time. At any meeting, the complainant will be entitled to be accompanied by a supporter.
4. The following are entitled to attend the Panel meeting, submit written representations and address the Panel:
  - (a) The parent/s and/or one representative;
  - (b) The Principal of the School and/or one representative; and
  - (c) Any other interested person whom the Complaints Panel considers to have a



reasonable and just interest in the appeal and whose contribution would assist the Panel in their decision-making.

5. The Panel may make findings and recommendations and a copy of those findings and recommendations will be
  - (i) sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about;
  - (ii) available for inspection on the School premises by the Trust's Central Leadership team and the Headteacher.
6. The Panel will formulate its response as quickly as reasonably possible, aiming to do so within 10 school days, and the Clerk to the Governors will notify all concerned.
7. A written record will be kept of all complaints, and of whether they are resolved at the first stage or proceed to a panel hearing
8. Correspondence, statements and records relating to individual complaints will be kept confidential except where the School is otherwise required by law to disclose them.



**APPENDIX 1**

**[insert name] School – Complaints Form**

**Please complete and return to ..... (name of staff member) who will acknowledge receipt and explain what action will be taken.**

<b>Your name:</b>	
<b>Pupil's name:</b>	
<b>Your relationship to the pupil:</b>	
<b>Address:</b>	
<b>Postcode:</b>	
<b>Day time telephone number:</b>	
<b>Evening telephone number:</b>	
<b>Please give details of your complaint. (continue on a separate page if necessary)</b>	

