



Complaints Policy

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| Responsible Committee: | GEP Resources Committee |
| Responsible Officer: | Chief Operating Officer |
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| | Adopted by all member academies (Local Academy Committee approval/ratification not required) |
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| Review Cycle: | 3 years |
| Next Review Date: | Spring 2022 |
| Related Documents: | GEP Complaints Procedure GEP Data Protection and Information Policy GEP Child Protection and Safeguarding Policy GEP Schools' Behaviour Policy GEP Whistleblowing Policy GEP Grievance Procedure GEP Disciplinary and Capability Policy |

1. Introduction

Guildford Education Partnership (GEP) Academies endeavours to provide the best education possible for all of its pupils in an open and transparent environment. We welcome any feedback that we receive from parents, pupils and third parties, and we accept that not all of this will be positive. Where concerns are raised the GEP and its schools deal with them:

- Fairly
- Openly
- Promptly
- Without prejudice

GEP’s Trustees have approved the following procedure for the handling of complaints made against GEP and its schools.

The records relating to any complaint will be retained in accordance with GEP’s data retention procedure, as referred to in the GEP Data Protection and Information Policy.

2. Availability of the complaints policy and procedures

The GEP Complaints Policy will be used across each school and business unit within GEP Academies for complaints from parents/guardians and other parties.

A copy of the Complaints Policy and Complaints Procedures can be obtained by contacting the reception of each school, on each school’s website, and on the GEP Academies website.

3. Scope of this policy

This policy covers all complaints about any provision of GEP Academies, other than complaints that are dealt with under other statutory processes, including those listed below:

| Exceptions | Who to contact |
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| <ul style="list-style-type: none">• Admissions to schools• Statutory assessments of Special Educational Needs• School re-organisation proposals | Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Surrey County Council. |
| <ul style="list-style-type: none">• Matters likely to require a Child Protection Investigation | Complaints about child protection matters are handled under our Child Protection and Safeguarding Policy and in accordance with relevant statutory guidance. If you have concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH). https://www.surreycc.gov.uk/social-care-and-health/concerned-for-someones-safety |

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| <ul style="list-style-type: none"> Exclusion of children from school* | <p>Further information about raising concerns regarding exclusions can be found at: www.gov.uk/school-discipline-exclusions/exclusions.</p> <p><i>*complaints about the content and application of a school's behaviour policy can be made through this policy.</i></p> |
| <ul style="list-style-type: none"> Whistleblowing | <p>We have an internal Whistleblowing Procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus.</p> <p>Volunteer staff who have concerns should complain through this complaints policy. They may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of the complaint.</p> |
| <ul style="list-style-type: none"> Staff grievances | <p>Complaints from staff will be dealt with under the GEP Grievance Procedure.</p> |
| <ul style="list-style-type: none"> Staff conduct | <p>Complaints about staff will be dealt with under the GEP Disciplinary and Capability Policy, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p> |
| <ul style="list-style-type: none"> Complaints about services provided by other providers who may use a school premises or facility | <p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them directly.</p> |
| <ul style="list-style-type: none"> National Curriculum - content | <p>Please contact the Department for Education at: www.education.gov.uk/contactus.</p> |

4. Who can raise concerns or complaints?

Complainants do not need to be parents or guardians of children at GEP's schools. GEP will not normally investigate complaints that are submitted anonymously. The Headteacher or Chief Executive (as appropriate) will determine whether an anonymous complaint requires investigation.

5. Raising your concerns informally

GEP and its schools strongly encourage those with concerns to raise them informally with an appropriate individual. This will usually be a child's form tutor or head of year, with the school's office, or with a member of GEP's central staff. If a complainant is not satisfied with the response to their concern and believe that the issue has not been resolved, they will need to use the formal complaints procedure detailed below.

All concerns will be dealt with confidentially, although the staff member may need to take notes if they feel that the matter may need to be taken further or it may arise again in the future. Any such notes will be kept in accordance with the GEP Data Protection and Information Policy. Notes can be used as evidence if further investigation is required, or if the concern becomes a formal complaint.

6. Timescales for raising concerns and complaints

Concerns must be raised informally with an appropriate member of the school's staff or the school office as soon as possible. Where a complainant wishes to proceed with the formal process set out below, they will normally need to do so within three months of any issue occurring. The timescales that apply to each stage are stated in the appropriate sections of this policy.

Where other bodies are investigating aspects of a complaint, for example the police, the local authority (LA), safeguarding teams or Tribunals, our ability to adhere to the timescales within this procedure may be affected or may result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against GEP or any of its schools in relation to their complaint, GEP will consider whether to suspend the complaints procedure in relation to the complaint until those legal proceedings have concluded.

7. Formal complaints

Complainants are able to formally complain where they are not satisfied that their concerns have been addressed using the informal process set out above. GEP and its schools encourage complainants to raise their complaints online using the complaints form – <https://www.gepacademies.com/complaints>.

Formal complaints are logged by GEP and its schools.

Complaints about schools (not including Headteachers/Principals, or GEP Local Academy Committees)

Stage 1

Investigation and response from the Headteacher/Principal or their Deputy in the absence of the Headteacher (both referred to as "the Headteacher").

Stage 2

Headteacher/Principal's investigation and response reviewed by at least three members of the GEP Local Academy Committee.

Stage 3

GEP Local Academy Committee response reviewed by GEP's Complaint Review Panel, consisting of at least two trustees and one independent member (usually a senior individual from a GEP school not connected with the complaint).

Complaints about Headteachers/Principals; GEP Local Academy Committees; GEP Academies and its other units

Stage 1

Investigation and response by GEP's Chief Executive.

Stage 2

Chief Executive's investigation and response reviewed by GEP's Complaint Review Panel, consisting of at least two trustees and one independent member (usually a senior individual from a GEP school not connected with the complaint).

At each stage of this procedure, GEP and its schools want to resolve complaints in partnership with complainants. Where a complaint is upheld in part, or its entirety, the following measures are available at all stages of the process:

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

Where there are multiple complaints that are similar in their nature, GEP and its schools reserve the right to issue template responses or to publish responses on their websites.

At all stages of this policy, GEP and its schools will act in a manner that is:

- Lawful
- Not discriminatory
- Rational
- Reasonable
- Fair
- Proportionate

Stage 1 – investigations

Complainants must set out, in writing:

- The grounds of the complaint.
- Details of the informal discussions that took place in order to attempt to resolve the matter.
- Why any informal measures have not been successful, which have resulted in the complaint remaining unresolved.
- What measures the complainant is seeking, in order to resolve their complaint.

The complaint's receipt will be acknowledged in writing within ten term-time working days.

An investigation will be carried out, during which further information from the complainant either in writing, verbally, or via a meeting may be sought. Investigations may be delegated to a suitable qualified or experienced member of staff, but only the Headteacher or Chief Executive may provide a formal response.

The staff member investigating the complaint will:

- If necessary, seek statements or information from those involved in the matter. These individuals may also be accompanied if they wish;
- Retain a written record of the investigations, including notes of any meetings or discussions that have taken place.

At the conclusion of the investigation, the Headteacher or Chief Executive will provide a formal written response within thirty term-time working days of the date of receipt of the complaint. If this deadline cannot be met, the complainant will be provided with the reasons for this, and a date by which the Headteacher or Chief Executive expects to be able to provide a formal response. A formal response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions GEP and/or its schools will take to resolve the complaint.

The Headteacher or Chief Executive will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

Stages 2 and 3 – review panels

In order to proceed to these stages, the complainant must set out in writing, the reasons why they feel that the complaint has not been fully investigated, which element(s) of their complaint remain unresolved, and what outcome they are seeking from the Complaint Review Panel. The complainant must make their request within ten term-time working days of receiving the decision letter from the earlier stage or it will not be considered, except in exceptional circumstances.

The aim of a complaint review meeting is to review how the complaint was handled, not to reinvestigate the complaint itself. This will include reviewing evidence and outcomes from earlier stages, evaluating whether relevant policies and procedures have been followed, and considering whether the resolution offered was reasonable and appropriate. Consideration should also be given to achieving reconciliation between GEP and/or the school and the complainant, however, it is recognised that this is not always possible.

The clerk to the Complaint Review Panel will acknowledge receipt of the complaint within ten term-time working days and attempt to convene a panel within thirty term-time working days of its receipt. Reasonable attempts will be made to establish a date that is convenient for all parties. The documents for the hearing (including the procedure to be followed) will normally be circulated five term-time working days before the hearing.

The clerk will prepare and circulate the minutes (which form a summary of the proceedings) and decision letter as soon as reasonably practicable after the hearing.

Where any deadline cannot be met, the clerk will contact the complainant detailing the reasons for this. Where a mutually convenient date cannot be established, or any party does not attend as arranged, hearings are able to proceed in their absence so long as the requisite panel members and clerk are present.

All panel members must have no prior knowledge of the complaint.

The following parties would normally be invited to complaints review hearings:

- The complainant.
- The Headteacher/Principal/Chief Executive of GEP and/or the appointed complaints officer (as applicable).
- Relevant witnesses.
- An adviser and/or clerk to the panel.

The complainant may be accompanied by a friend, relative, representative or advocate. This would not normally be a member of GEP or school staff. The complainant should advise the clerk to the Complaint Review Panel of the name and role of any person they wish to accompany them. The presence of attendees and the manner in which they are able to participate in the hearing is subject to the agreement of the chair of the panel.

Parties are discouraged from being accompanied by a legal representative. Due to the confidential nature of the panels, electronic copies of the proceedings are not normally allowed and members of any media outlet are not permitted to attend.

If the attendance of any pupils is required at the hearing, parental permission will be sought if the pupil is under the age of 18. Particular care will be taken to consider the vulnerability of children where they are present at a complaints hearing.

Parties will be informed in writing of the hearing's outcome, along with the panel's reasons, as soon as reasonably practicable after the hearing.

These are the final stages at which GEP and its schools will consider the complaint. The clerk will advise the complainant of next steps in the panel's decision letter.

8. Complaints about the Chief Executive

Where a complaint relates to the Chief Executive of GEP, an investigation will be carried out by a trustee, who will then report to the Complaints Review Panel with any recommendations.

9. Complaints about Trustees

Where a complaint relates to a trustee, an investigation will be carried out by an independent person who will report to the Complaints Review Panel with any recommendations.

10. Withdrawal of complaints

Complainants are able to withdraw their complaints at any point by writing to the individual investigating their concerns.

11. Persistent and vexatious complainants and acceptable behaviour

Parties are expected to act in a decent manner and treat each other with respect through all stages of the complaints process.

The policy for the handling of persistent and vexatious complainants is attached to this document at appendix A.

12. Adjustments to this policy

GEP periodically reviews its policies to ensure that they are appropriate and follow all necessary legislation and guidance.

Requests for reasonable adjustments to this policy, on the basis of the Equalities Act 2010, will be considered on a case by case basis.

Where this policy does not specify a particular course of action, GEP's Chief Executive is able to authorise appropriate actions to be taken.

Next Steps

If a complainant believes that GEP or its schools did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties, they can contact the Education and Skills Funding Agency after they have exhausted the steps detailed in this complaints process.

The Education and Skills Funding Agency will not normally reinvestigate the substance of complaints or overturn any decisions made by Trusts. They will consider whether Trusts have adhered to education legislation and any statutory policies connected with the complaint.

Details on how to complaint to the Education and Skills Funding Agency are online - <https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy>.

Appendix A – policy for persistent and vexatious complainants

GEP and its schools are 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 our 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.

GEP and its schools define unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- 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
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- 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 Education and Skills Funding Agency
- seeks an unrealistic outcome
- makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the school that relates to their complaint, while the 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.

If a complainant's unreasonable behaviour continues, the GEP's Chief Executive will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact GEP or its schools, causing a significant level of disruption, GEP may specify methods of communication and limit the number of contacts in a communication plan. Such plans will be reviewed at appropriate intervals.

In response to any serious incident of aggression or violence, the police will be immediately informed and any further communication may be in writing only. Individuals may be barred from any GEP site where this is felt to be an appropriate measure.