



# THE NEW GUILD TRUST

## Complaints Policy

At each individual school in The New Guild Multi Academy Trust we are committed to working in partnership with parents and carers in a spirit of mutual courtesy, respect and consideration. All the decisions that are taken in regard to the care of and educational provision for the children in our school are done so in their best interests. On occasions it may be that decisions or actions taken

result in a parental concern or worry. The aim of this procedure is to ensure that those concerns or worries are dealt with quickly and reassuringly in the interests of maintaining positive and mutually supportive home-school relations.

### ***The Rules of Natural Justice***

Simply put, the rules of natural justice relate to fairness. The individual school of The New Guild Multi academy trust will ensure that all concerns, difficulties or complaint are dealt with in accordance with the following principles:

- All parties will be provided with all information and documentation pertinent to the matters raised;
- All parties will be given the opportunity to prepare and present their case and respond to the other parties involved;
- All persons investigating and making decisions in relation to the matters raised will be impartial and will do so without bias (or apparent bias) to any party involved;
- All decisions made will be made on a balanced and considered assessment of the information before him or her only;
- All decisions made will be based upon logical conclusions, and not based on mere speculation or suspicion;
- All decisions made will be supported by detailed reasons which will be disclosed to all parties involved.

### ***Equality Act 2010***

The individual school in The New Guild Multi Academy Trust will deal with concerns, difficulties and complaints in accordance with its duty under the Equality Act 2010 to have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and other conduct prohibited by the Equality Act 2010;
- Advance equality of opportunity between those who share a relevant protected characteristic and those who do not, by having regard to the need to:
- Remove or minimise disadvantages connected to a relevant protected characteristic; and
- Take steps to meet the different needs of those sharing a relevant protected characteristic; and encourage those who share a relevant protected characteristic to participate in Academy life and activities in which participation is disproportionately low;
- Foster good relations between those who share a relevant protected characteristic and those who do not, by having regard to the need to:
- tackle prejudice; and promote understanding;

“Relevant protected characteristics” includes sex, race, disability, religion or belief, sexual orientation, gender reassignment, pregnancy and maternity and (in the case of persons who are not students) age.

In addition, the individual school will comply with its duty to make the following reasonable adjustments for persons with a disability:

- Where a provision, criterion or practice places a disabled person at a substantial disadvantage compared to person who is not disabled, reasonable steps must be taken to avoid that disadvantage;
- Where a disabled person would, but for the provision of an auxiliary aid, be placed at a substantial disadvantage compared with a person who is not disabled, reasonable steps must be taken to provide the auxiliary aid.

## **General Principles**

- This procedure is intended to allow you to raise a concern or complaint relating to the school, or the services that it provides.
- Each level of the procedure set out below offers the opportunity for concerns and complaints to be resolved as quickly as possible.
- An anonymous concern or complaints will not be investigated under this procedure, unless there are exceptional circumstances.
- To enable a proper investigation, concerns or complaints should be brought to the attention to the school as soon as possible. In general, we will be unable to consider and therefore investigate any matter raised more than three months after the event has taken place.
- If we receive complaints from people who are not parents of attending pupils, we will continue to use the complaints procedure as set out below.
- Vexatious Complaints - If, despite all stages of this policy being followed, the complainant remains dissatisfied they are not entitled to reopen the same issue. In such cases the Governing Body is able to inform them in writing that the process has been exhausted and the matter is now closed.

## **Investigating Complaints**

### **The person investigating the complaint will:**

- Establish what has happened so far and who has been involved.
- Clarify the nature of the complaint and what remains unresolved.
- Meet with the complainant or contact them if further information is required.
- Clarify what the complainant feels would put things right.
- Conduct any interviews with an open mind and be prepared to persist in the questioning.
- Complete all necessary notes.

## **Resolving Complaints**

At each stage in the complaint, schools and the complainant will want to keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition it may be appropriate to offer one of the following:

- An apology;
- \*An admission that the situation could have been handled differently or better;
- Assurance that the event that was the basis of the complaint will not recur;
- Explanation of the steps that have been taken to ensure it does not happen again (details of disciplinary procedures that have taken place as a result of the complaint will not be shared).
- An undertaking to review school policy or procedure in light of the complaint;
- An explanation that there is insufficient evidence and thus the complaint cannot be upheld;
- An explanation that there is insufficient evidence and thus the complaint cannot be upheld; • An explanation that, following investigation, the evidence does not substantiate the concern.

*\* An admission that the school could have handled things better is not the same as an admission of negligence.*

## **Records of Complaints**

A confidential written record will be kept of all complaints and any action taken by the academy as a result of the complaint, regardless of whether they were upheld, resolved at the preliminary stage or proceeded to a panel hearing.

Correspondence, statements and records relating to individual complaints are kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Education and Skills Act requests access to them.

## ***Review of Complaints***

The local governing body will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. The Headteacher/ Head of school will report any official complaints in the Headteacher's Report to Governors and to the Multi-Academy Trust Board of Trustees. As well as addressing an individual's complaint, the process of listening to and resolving complaints will contribute to academy improvement. When individual complaints are heard the local governing body may identify underlying issues that need to be addressed. The monitoring and review of complaints by the academy and the local governing body will be a useful tool in evaluating the academy's performance.

## ***Raising a Concern or Complaint***

### **Stage 1 – Dealing with Concerns and Complaints Informally**

Parents or carers should contact the class teacher at the earliest possible opportunity if they have concerns regarding:

- Their child's welfare or progress
- The curricular provision for their child

Parents or carers are reminded that approaches should be made in a courteous and respectful manner. Class teachers will note the nature of the concern and any action to be taken. If necessary, members of the school's Senior Leadership Team may be involved at this stage. Prior to the meeting, discussions may take place with the class teacher to gain background information. In some circumstances where it is deemed appropriate and necessary, the class teacher may also be present in the meeting.

Staff will notify senior leaders of all stage 1 complaints and how they have been resolved. Parent/ carer contact records will be updated with the nature and date of the complaint and its resolution.

\* However, if the complaint is about the Headteacher, your complaint should be passed to the school office, to then be passed to the Chair of Governors. This will be acknowledged by the Chair within 5 working days of receiving the complaint. Please note this refers to a complaint specifically about the Headteacher and not about the decision that the Headteacher has made regarding your initial concern. If you feel that your complaint has not been resolved, then you should proceed to level 3, outlined below.

### **Stage 2 – Formal Referral to the Headteacher/ Head of School**

Parents or carers should contact the Headteacher/ Head of School when:

- Discussions with the class teacher have not resolved the issue.
- They feel that a member of staff has behaved in an unacceptable manner.

The headteacher will document the concern and investigate the matter raised, if necessary. Parents or carers will then be contacted, as soon as possible, to be informed of any outcomes. If the issue cannot be resolved successfully in this informal way, parents or carers may wish to make a formal complaint (Stage Three).

### **Stage 3 – Formal Referral to the Local Community Governing Body: Complaints Panel Official Complaint**

Parents or carers should use the official complaint form in the appendix of this policy, available online or from the school office, to write to the Chair of Governors giving details of the complaint when:

- Discussions with the headteacher have not resolved the issue.
- They feel that the headteacher has behaved in an unacceptable manner.

Receipt of the complaint form will be acknowledged within five working days. The Chair will then investigate the complaint and decide whether to refer it to the Governing Body's complaints panel. The complainant will be informed of the decision in writing within 10 working days of the acknowledgement.

The written response will include:

- Details of the agreed subject matter of the complaint
- Details of who was contacted in connection with the subject matter of the complaint (and in brief) the evidence that was obtained
- A full explanation of the decision reached and the reasons for it
- Where applicable, what action the academy will take to address the complaint and prevent recurrence
- What to do if the complainant is not satisfied, information on how to request a review by the governing body and the timescale

The governors' complaints panel hearing is the last school-based stage of the complaints process.

Individual complaints are not heard by the whole Governing Body at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

#### **Timescale**

All complaints will be responded to within the timescales as outlined above by the school. Complaints made to the school should be within 5 working days of the incident that the complaint is related to. Complaints made after this time will not be considered by the school. (Unless related to the Safeguarding of Children).

**The Remit of the Complaints 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 aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant.

The panel will acknowledge that parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming and informal as possible.

### **Roles and Responsibilities**

#### **The Role of the Clerk**

The clerk is the contact point for the complainant and will:

- 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
- notify all parties of the panel's decision

#### **The Role of the Chair of the Governing Body**

The Chair of the Governing Body will:

- check that the correct procedure has been followed
- notify the clerk to arrange the panel

#### **The Role of the Chair of the Panel**

The Chair of the Panel has a key role, ensuring 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 it would be useful to give all parties the opportunity to consider and comment on it.

### **Notification of the Panel's Decision**

The chair of the panel will ensure that the complainant is notified of the panel's decision, in writing within 10 working days. The letter will explain any further rights of appeal and to whom they need to be addressed.

In the event that the complainant believes that the academy has failed to comply with its own complaints procedure or that the academy's complaints procedures does not comply with statutory requirements the complainant may complain to the Multi-Academy Trust.

## Stage 4 – Contacting the Multi Academy Trust

Where the individual school based complaints procedures have been completed and the complainant does not feel their complaint has been dealt with to their satisfaction by the individual school they may contact the Multi Academy Trust in writing to request a review of the complaint investigation.

Generally the Multi Academy Trust will only look into complaint about individual schools that fall into the following two areas.

**a) The school did not comply with its own complaints procedure when considering a complaint or the individual school's complaints procedure does not comply with statutory requirements.**

The Multi Academy Trust cannot review or overturn an individual school's decisions about complaints but will look at whether the individual school considered the complaint appropriately. The Multi Academy Trust will generally only do this after a complaint has been through the school's own procedure but may investigate sooner if there is evidence of undue delays by the school. If the MultiAcademy Trust finds that a school did not deal with a complaint appropriately it will request that the complaint is reconsidered. Similarly, if the school's complaints procedure does not meet statutory requirements then the Multi Academy Trust will ensure this is addressed.

**b) The school has failed to comply with a duty imposed under its funding agreement with the Secretary of State.**

The Multi-Academy Trust will seek to resolve any concerns regarding potential or actual breaches of the funding agreement with the school. The Multi Academy Trust will also consider evidence that a school has failed to comply with any other legal obligation placed on it.

Investigations will not usually take place twelve months or more after the decisions or action taken by the individual school unless the complainant has good reason for the delay in making the complaint.

The Multi Academy Trust reserve the right not to investigate complaints considered to be vexatious or malicious or where the Multi Academy Trust is satisfied with the action that the individual school has already taken or proposes to take to resolve the complaint.

## Stage 5 - Further Representation

If, following a review of the complaint process by the Multi Academy Trust the complainant is still not satisfied they have the right to complaint to the Education Funding Agency, using an online complaints form, using the link below:

[https://form.education.gov.uk/fillform.php?self=1&form\\_id=cCCNJ1xSfBE&type=form&ShowMsg=1&form\\_name=Contact+the+Department+for+Education&noRegister=false&ret=%2Fmodule%2Fservices&noLoginPrompt=1](https://form.education.gov.uk/fillform.php?self=1&form_id=cCCNJ1xSfBE&type=form&ShowMsg=1&form_name=Contact+the+Department+for+Education&noRegister=false&ret=%2Fmodule%2Fservices&noLoginPrompt=1)

Or go to the website (link below) and follow the link to the complaints form.

<https://www.gov.uk/complain-about-school>

The Education Funding Agency will ensure that the complaint has been dealt with properly by the academy and will consider complaints about the academies that fall into any of the following three areas:

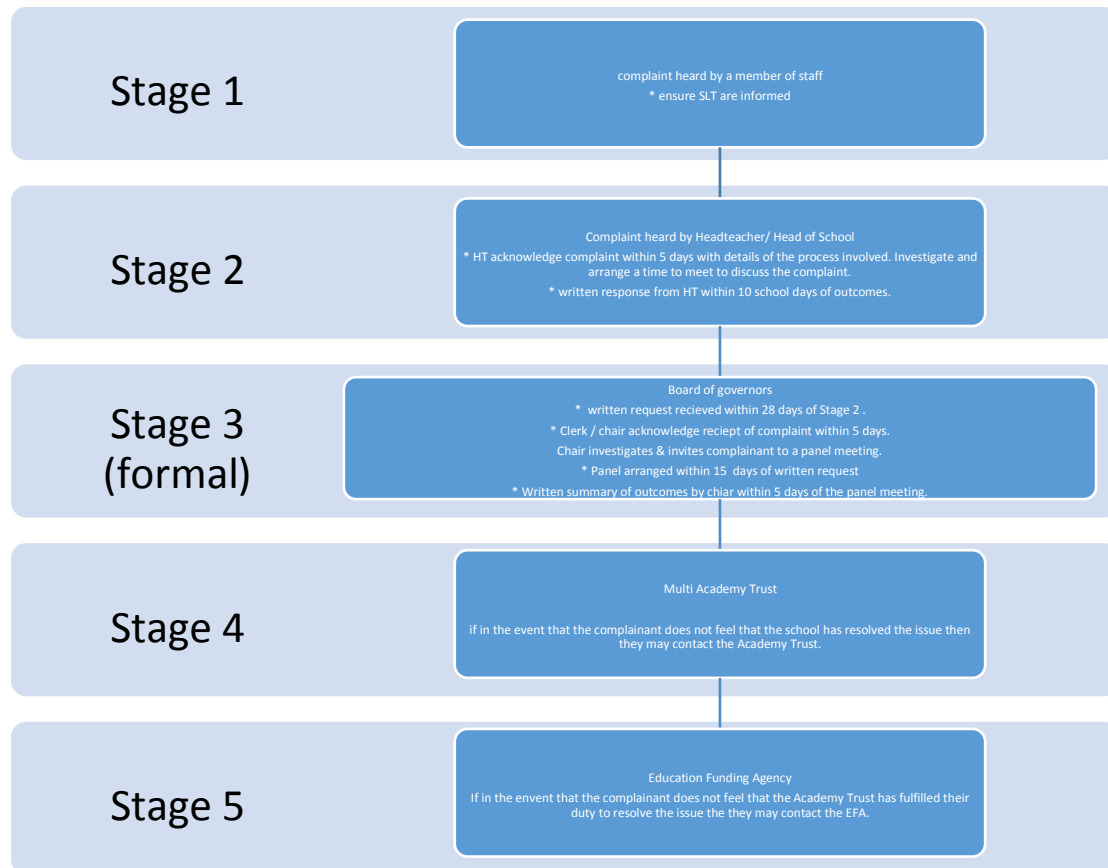
- Where there is an undue delay or the academy did not comply with its own complaints procedure when considering the complaint
- where the academy is in breach of its funding agreement with the Secretary of State
- Where an academy has failed to comply with any other legal obligation.

3. The EFA will not overturn an academies decision about a complaint. However if the EFA find an academy did not deal with a complaint properly they may request that the complaint is looked at again and procedures are changed to meet the requirements set out in the Regulations.



# The New Guild Trust – Complaint Procedure

## Appendix B – Summary of Dealing with Complaints



### Checklist for a Panel Hearing

The panel needs to take the following points into account:

- The hearing is as informal as possible.

## The New Guild Trust – Complaint Procedure

- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The headteacher may question both the complainant and the witnesses after each has spoken.
- The headteacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the headteacher and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The headteacher is then invited to sum up the school's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The chair explains that both parties will hear from the panel within a set time scale.

# The New Guild Trust – Complaint Procedure

## Expected standards of behaviour

When dealing with staff in school, staff have the right to expect that adults:-

- Behave reasonably
- Treat others with courtesy, consideration and respect   
Resolve complaints using the school's complaints procedure
- Avoid physical, written and verbal aggression at all times.

## Violent behaviour

Violent behaviour towards staff will not be tolerated. Violence is not restricted to acts of aggression that may result in physical harm but incorporates behaviour, including the use of gestures and language, that may cause the victim to become afraid or feel threatened or abused.

Staff will inform the headteacher or deputy headteacher if they are approached in a discourteous or aggressive manner. The headteacher will take one or all of the following actions depending upon the seriousness of the behaviour:

- Contact the person responsible and invite them to discuss the situation
- Write to the person responsible detailing expectations of behaviour and warning them that persistent unacceptable behaviour will result in a ban from school premises
- Make special arrangements for meetings and communication with school
- Ban the person responsible from the school premises

All cases of violence towards staff will be reported to the police.

In extreme cases it may be necessary to call the police immediately and have the person responsible removed from the premises.

## Complaints from Members of the Public

Occasionally the school receives complaints regarding children's behaviour on the way to and from school. In such cases the headteacher will try to establish the names of the children involved and ask the class teacher to investigate. Parents will be contacted and informed.

### Complaint Form

**Please complete and return to the Headteacher/ Head of School or Chair of Governors who will acknowledge receipt and explain what action will be taken.**

**Your name:**

**Pupil's name:**

**Your relationship to the pupil:**

# The New Guild Trust – Complaint Procedure

**Address:**

**Postcode:**

**Day time telephone number:**

**Evening telephone number:**

**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)?**

# The New Guild Trust – Complaint Procedure

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 acknowledgement sent:

By who:

Complaint referred to:

Date:

# **The New Guild Trust – Complaint Procedure**

**Review July 2019**