



# The Gorse Academies Trust: Complaints Policy

<b>Designated Person:</b>	Deputy Chief Executive Officer
<b>Reviewed by:</b>	Governors Policy Committee
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### Updates to this version (10 January 2024):

#### Section 3.2:

Added a paragraph to clarify someone of a similar or higher position within the trust-wide structure than those who resolved the informal complaint would be appointed as investigating officer.

#### Section 4.5 and 4.6:

Amended wording to clarify the constitution of the Appeals Panels

#### Throughout document:

Minor grammatical or clarification amendments.

### Document control:

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## 1. INTRODUCTION

- 1.1. Every well governed and well managed trust establishment will, from time to time, inevitably have to deal with complaints from parents/carers or other stakeholders. The governing body must ensure, therefore, that proper procedures are in place.
- 1.2. This policy is not intended to be used by internal staff employed by the trust establishment or trust. Staff should refer to the internal policies relevant to their complaint.
- 1.3. This policy should not be used to deal with complaints relating to:
  - Admissions – refer to the trust establishment’s Admissions Policy
  - Statutory assessments of Special Educational Needs and Disabilities (SEND), where the complaint relates to a local authority’s decision not to issue an Educational, Health and Care (EHC) Plan or a local authority has failed to meet statutory timescales when carrying out an EHC needs assessment. In these circumstances, the complaint should be made directly to the local authority undertaking the statutory assessment. For all other SEND related concerns/complaints this policy applies
  - Trust establishment re-organisation proposals – refer to guidance in the consultation documents
  - Complaints about services from other providers who may use trust establishment premises or facilities – direct these to the provider of the service
  - Exclusion – refer to the trust’s Exclusion Policy
  - Whistleblowing – refer to the trust establishment’s Whistleblowing Policy
  - Disciplinary allegations against members of staff – these matters will invoke the trust establishment’s internal disciplinary procedures. Complainants will not be informed of the outcome of any disciplinary investigation

At any stage within the complaints procedure a decision may be made, based upon details of the complaint, to refer it to a different procedure.

- 1.4. Complaints should be lodged promptly or at least within 2 calendar months of the incident. If a complaint is received after this time, unless there are exceptional circumstances, the trust establishment will take no further action.
- 1.5. Governors need to avoid prior knowledge of any issues which might later be considered by an appeal panel. In general, the need to maintain a strategic overview, rather than a day-to-day operational involvement, should remain paramount. Other than in exceptional circumstances, Governors should not be involved in the complaints procedure until the complaint reaches the appeal stage. If a complaint is in any part in relation to an individual Governor, they must have no part in any stage of hearing the complaint.

## 2. INFORMAL RESOLUTION

- 2.1. Parents/carers or other stakeholders should feel free to raise their concerns with the class teacher, form tutor or other appropriate member of staff either in person or by telephone to seek a resolution to a complaint.
- 2.2. The trust establishment is committed to responding as quickly as possible to any issues raised i.e. members of staff will listen to parents' concerns and seek to reach a speedy and satisfactory resolution.
- 2.3. If a complaint is raised directly with the Principal, it is likely the Principal will forward the complaint to the most appropriate member of staff in the trust establishment for it to be addressed through informal resolution.
- 2.4. Complainants will, where possible, receive a response to their concern within 4 school days. If it is not possible to meet this deadline, they will be informed of when a response will be made.
- 2.5. If, at any time, the Principal feels that the complaint requires an investigation and formal response it will be dealt with under the formal procedure.
- 2.6. Where the complaint is about:
  - The Principal, the complaint should be put in writing for the attention of the Deputy Chief Executive Officer
  - An individual Governor or Trustee, the complaint should be made to the Strategic Lead Officer, in their capacity as Governance Professional to the Trust Board
  - The Deputy Chief Executive Officer, the complaint should be made in writing to the Chief Executive Officer of The GORSE Academies Trust
  - The Chief Executive Officer, the complaint should be made in writing to the Chair of the Board of The GORSE Academies Trust
  - The GORSE Academies Trust (as opposed to an individual trust establishment or member of staff), the complaint should be made in writing to the Chair of the Board of The GORSE Academies Trust.

If, after attempting to resolve the issue informally, a complainant remains dissatisfied with the outcome, they will be provided with information about the formal procedure.

## 3. FORMAL PROCEDURE

- 3.1. If a complainant is dissatisfied with the informal resolution, they should put their complaint in writing to the Principal. This must be completed within 10 school days of the receipt of the informal procedure resolution. The complainant should:
- Set out in reasonable detail the nature of the complaint and any unresolved issues
  - Clarify what actions they believe would put things right
- 3.2. A senior member of staff, who has had no prior involvement with the complaint, will be appointed to investigate the complaint. The investigating officer will be of a similar or higher position within the trust-wide structure than the person who considered the informal complaint.
- 3.3. During the investigation, the investigating officer may contact the complainant to clarify the details of the complaint.
- 3.4. The investigating officer may be required to take statements from relevant witnesses. All witnesses, including the complainant, may be accompanied by a friend or relative to speak on their behalf or help make their case but not in a legal capacity.
- 3.5. If the complaint involves a student, they should also be interviewed, normally with a parent/carer present. In some cases, this might not be possible and a member of staff with whom the student feels comfortable, e.g. learning mentor, will attend the interview.
- 3.6. The investigating officer should keep written records of all meetings and telephone conversations undertaken as part of the investigation, together with any other relevant documentation. Where necessary, any interviews may be recorded for the purpose of minute taking, and the provision of a summary of the interview. Any summary would be shared with the interviewee for their approval, after the meeting, but this would not necessarily be a full transcript of the interview. The recording would not be shared, and will be destroyed once the record of the interview has been agreed.
- 3.7. A full written response will be made to the complainant and Principal within 20 school days of the written complaint being received. Outcomes to a complaint may include:
- A finding that the complaint requires no further action
  - A finding that there is insufficient evidence to reach a conclusion such that the complaint cannot be upheld
  - An acknowledgement that the situation could have been handled differently or better (this is not the same as an admission of negligence)
  - An apology

- An explanation of the steps that have been taken to ensure it will not happen again
- An undertaking to review the trust establishments or trust's procedures in light of the complaint

3.8. The complainant will be advised that if they are dissatisfied with the outcome, they may refer the matter to the Governing Body.

## **4. APPEAL PANEL**

- 4.1. If the complainant is dissatisfied with the formal resolution, they have a right to appeal to a specially convened appeal panel.
- 4.2. Appeals should be lodged with the Chair of Governors within 10 school days of receipt of the formal procedure outcome. If the subject of the complaint is the Deputy Chief Executive Officer or Chief Executive Officer, the appeal should be lodged with the Chair of the Board within 10 school days of receipt of the formal procedure outcome. Where there is a delay in submitting an appeal without good reason, the Chair of Governors/Chair of the Board may decide that the appeal is out of time and will not be heard further.
- 4.3. The panel will meet within 25 school days of receiving the appeal. The complainant and the Principal will be informed of the date, time and venue of the hearing.
- 4.4. The complainant will receive, at least 5 school days before the panel meets, copies of any relevant documentation to the complaint. Documentation will be sent to the complainant by recorded delivery and it is the complainant's responsibility to inform the Trust establishment if they have not received any documentation 4 school days prior to the appeal hearing.
- 4.5. For most appeal hearings, the panel will be identified by the Chair of Governors and will comprise of three Governors/Trustees from across the trust who have not been directly involved in the matters detailed in the complaint. Where possible, this would include at least one Governor from the trust establishment where the complaint has arisen.
- 4.6. Where a complaint is in relation to a Principal, Deputy Chief Executive Officer or the Chief Executive Officer, the panel will be identified by the Chair of Governors/Chair of the Board and will comprise of at least two Trustees from within the Trust Board and a third panel member who will be a Governor from across the trust who is independent of the management and running of the trust establishment.
- 4.7. The panel will appoint its own chair, normally the Chair or Vice-chair of Governors or the Board. The chair of the panel will ensure that the appeal hearing is minuted.
- 4.8. The panel will consider the way the complaint has been handled by the trust establishment. The panel will hear the report of the investigating officer and any submissions by the complainant.

- 4.9. It will be open to the appeal panel to:
- Dismiss the complaint in whole or in part
  - Uphold the complaint in whole or in part
  - Decide on any reasonable action to resolve the complaint
  - Recommend changes to the Trust establishment's systems or processes
- 4.10. The complainant may be accompanied by a friend or relative to speak on their behalf or help present their case. A hearing will generally be conducted in accordance with Appendix B.
- 4.11. The decision of the panel is final and a copy of the findings and recommendations will usually be provided to the complainant, and where relevant, the person complained about, within 5 school days of the decision being made.
- 4.12. In exceptional circumstances, an additional period of time may be required to complete the findings and recommendations. In which case both the complainant, and where relevant the person complained about, will be informed of the reason for the delay and the new timeframe.
- 4.13. A copy of the findings and recommendations will be made available for inspection on the school premises by the Principal and the Board of The GORSE Academies Trust.
- 4.14. A further stage of appeal can be taken to the Secretary of State at the Department for Education, but only on the grounds that the Governing Body is acting or proposing to act unreasonably or illegally.

## **5. RECORD KEEPING**

- 5.1 A written record will be kept of all formal complaints detailing whether they were resolved following a formal procedure or proceeded to an appeal panel. A written record will also be kept in relation to action taken by the trust establishment as a result of those complaints regardless of whether they were upheld. Any documentation relating to the complaint should be archived securely in line with the trust's retention policy.

## **6. CONFIDENTIALITY**

- 6.1. All documentation and information retained in relation to a complaint will be treated in confidence unless there is a specific reason which would require disclosure for example, a referral in relation to Safeguarding, or where the Secretary of State or a body conducting an inspection under Section 109 of the 2008 Act requests access to them.

## APPENDIX A: POLICY FOR UNREASONABLE COMPLAINANTS

### 1.0 INTRODUCTION

- 1.1 The GORSE Academies Trust (GORSE) 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 our establishments. 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.
- 1.2 GORSE defines unreasonable complainants as ‘those who, because of the frequency or nature of their contacts with the trust or one of its establishments would cause significant disruption to the safe and effective operation of the Trust establishments, harass or threaten any member of GORSE staff, or engage in vexatious complaints by seeking to re-open matters that have already been the subject of a concluded complaints procedure.’
- 1.3 Where a complainant acts in an unreasonable fashion, the Principal, Deputy Chief Executive Officer, Chief Executive Officer, Chair of Governors or Chair of the Trust Board (as relevant) may at any time inform the complainant that the complaints procedure has been exhausted and has come to an end by reason of the conduct of the complainant.
- 1.4 Where a complaint is viewed to be part of a co-ordinated ‘campaign’ of complaints, the trust establishment or The GORSE Academies Trust may decide that a single response will be provided to all complainants.

### 2.0 UNREASONABLE COMPLAINTS

- 2.1 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



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- 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 Trust's complaints procedure has been fully and properly implemented and completed, including referral to the Department for Education
- Seeks an unrealistic outcome
- Makes excessive demands on the Trust or one of its establishment's 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

2.2 A complaint may also be considered unreasonable if the person making the complaint acts in a manner which is:

- Malicious
- Aggressive
- Threatening, intimidating, or violent
- Made using abusive, offensive or discriminatory language
- Made knowing the complaint to be false
- Made using falsified information
- Otherwise made using conduct which is intended to intimidate, harass or is otherwise similarly inappropriate

## 3.0 COMMUNICATIONS

3.1 Complainants should limit the numbers of communications with the trust establishment 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.

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

3.3 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 GORSE establishments, 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.

- 3.4 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 Trust establishment premises.

Although fulfilling a public function, trust establishments are places where the safety of students and staff is paramount. The public has no automatic right of entry. GORSE will therefore act to ensure they remain safe places for students, staff and other members of the community.

- 3.5 Where a complaint has been identified as being part of a campaign of complaints (see section 1.4) communication, in terms of a response, may be limited to a response that all complainants within the campaign are provided with. As an example, this could include:

- The provision of a standard response to all complainants
- A single response published on a trust establishment website

## APPENDIX B: CONDUCT OF AN APPEAL HEARING

1. The Chair will welcome the complainant and introduce the panel members.
2. The Chair will explain the appeal hearing process and ask if there are any questions. Minutes of the hearing will be taken. If the meeting is to be recorded, this would only be for the purposes of assisting with the minutes and will not be shared with any other parties, including those present in the hearing. Once the minutes are agreed, the recording will then be deleted. This will be explained to all present at the hearing at the beginning of the meeting.
3. The complainant will present their complaint along with any comment on the documents produced or the manner in which the complaint was handled. Other witnesses may be invited to attend and speak where the Chair of the Appeal Hearing has agreed.
4. Questions may then be asked of the complainant.
5. The investigating officer in the formal resolution process will then present their reasons for why they reached their decision. Other witnesses may be invited to attend and speak where the Chair of the Appeal Hearing has agreed.
6. Questions may then be asked of the investigating officer.
7. Where the Chair of the Appeal Hearing has permitted other witnesses to be present, they may present their facts and may be questioned by the complainant, the investigating officer and the appeal panel.
8. The Chair will invite the complainant, and then the investigating officer, to make their final statement.
9. The Chair will then inform the complainant that the appeal panel will consider the information heard and will provide a written response within 5 trust establishment days of the decision.

## APPENDIX C: TEMPLATE COMPLAINT FORM

Complainant name:

Student name:

Relationship to student:

Address:

Contact email or telephone:

Full details of the complaint:

What actions have been taken to resolve the complaint:

What actions you believe will resolve the complaint:

I believe that all the facts stated in this document are true

Signature of complainant:

Date: