

The GALLERY TRUST



A community of special schools

Complaints Policy

Written	December 2018
Date of review	December 2020
SLT Lead	S Hunston
Signed: Chief Executive Officer	_____
Chair of Trustees	_____

Background

The Gallery Trust is governed by a Board of Trustees who is responsible for, and oversee, the management and administration of schools within the Trust.

The Trust appoint a Local Governing Body, to whom is delegated responsibility for oversight of the school/s. Governors of schools within the Trust have adopted the following procedure to deal with concerns and complaints from members of the school community or general public about appropriate matters relevant to the running of the school.

This procedure is to be used only when informal attempts to resolve problems have been unsuccessful.

This procedure is designed to:

- be well publicised and easily accessible
- be simple to understand and use
- be impartial
- be non-adversarial
- allow swift handling with established time limits for action and keeping people informed of the progress
- ensure a fair investigation by an appropriate person, who is not connected to the complaint, where appropriate
- allow for a hearing of a Panel of Governors, where appropriate
- respect people's desire for confidentiality, wherever possible
- address all points of issue, provide an effective response and appropriate redress where necessary
- provide information to the school's Senior Leadership Team so that services can be improved.

Informal Stage

If it is possible, concerns ought to be handled without the need for formal procedures. In most cases the class teacher will receive the first approach. Efforts should be made to resolve informal concerns at the earliest possible opportunity. If the concern is not handled to the satisfaction of the person who has raised the issue then the concern should be referred to a member of the Senior Leadership Team of the school. 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 the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review school policies in light of the complaint.

It is important to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

Mediation

If at any time the school feels that mediation would help resolve the complaint, this can be arranged. By agreement the mediator can be a member of the Governing Body (for complaints not relating to the actions/inactions of the Governing Body) or the Trust Board (for complaints not relating to the actions/inactions of the Trust Board).

Mediation can be a good way to resolve a complaint because:

- it gives both the complainant and the Head Teacher/designated person an opportunity to hear each other's points of view, with a third party facilitating
- it gives the third party an opportunity to help the Head Teacher/designated person and complainant identify and build on areas of agreement
- It gives the Head Teacher/designated person and complainant a structure within which they can resolve remaining differences
- If the complainant and the Head Teacher/designated person emerge from the mediation satisfied, that is the best foundation for a continuing positive relationship between them
- Even if the complaint continues to the formal stage, the issues to be considered are likely to be much clearer following the mediation.

Formal Stage – Stage 1

Every attempt will be made to resolve concerns informally. Where informal attempts have been unsuccessful in resolving a complaint, the matter will be formally investigated by an appropriate person from the school. If the matter is about the day-to-day running of the school or the interpretation of school policies, by members of staff of the school or the actions or inactions of staff at the school, the matter should be investigated by the Head Teacher or a member of senior staff nominated by the Head Teacher. If the matter is about school policies as determined by the Governing Body or the actions or inactions of the Governing Body, then the matter should be dealt with by the Chair of Governors or Governor nominated by the Chair.

A complainant wishing to instigate the formal procedure should be asked to complete a complaint form (Appendix 1) and should provide it to the school office marked "FOR IMMEDIATE ACTION".

The school should offer to help an individual to complete the form and the person providing this help should be unconnected with the complaint. It is essential to report the progress of any complaint and the final outcome. It is

necessary that at each stage, the person investigating the complaint (the designated person) makes sure that they:

- 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 unsure or further information is necessary);
- clarify what the complainant feels would put things right.
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct the interview/s with an open mind and be prepared to persist in the questioning;
- keep notes of the interview/s.

The Chief Executive Officer of the Trust should be informed by the Head Teacher of complaints which reach Stage 1 and should continue to be kept informed until the complaint is resolved.

Resolving the Complaint

At each stage in the procedure, the school 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 or more of the following:

- an apology
- an explanation
- an admission that the situation could have been handled differently or better an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review school policies in light of the complaint.

It would be useful if complainants were encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence. Equally, an effective procedure will identify areas of agreement between the parties. It is also of importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues. If the school rejects the complaint, it is important to re-assure the complainant that the matter has been thoroughly investigated.

Stage 2

Where the complainant is still not satisfied that their complaint has been dealt with fully and properly, they may choose to take it to a second stage by completing the Complaint form (Appendix 1). This stage will be referred to a

Panel established as outlined in Appendix 2. The flowchart on page 6 provides details of Stage 2.

The Chair of the Panel will be nominated by the Chair of Governors and will be responsible for maintaining a further procedure as outlined in Appendix 2.

Parents can attend and be accompanied by a 'friend' at a panel hearing if they wish. The Panel will consist of three members, one of whom must be independent of the management and running of the school. This person may be a Governor from another LGB in the Trust.

Timescale

Complaints need to be considered and resolved, as quickly and efficiently as possible. An effective complaints process must have realistic time limits for each action within each stage, and this will be communicated to the complainant. See "Flowchart of Complaint Stages". Where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

Monitoring Complaints

As well as addressing an individual's complaint, the process of listening to and resolving complaints would contribute to school improvements. When individual complaints are heard, schools may identify issues that need to be addressed. The monitoring and review of complaints by the school and Governing Body can be useful to evaluating the school's performance. Any discussion of complaints by the Governing Body or others in the school community should not name or be able to identify individuals.

Taking a complaint further

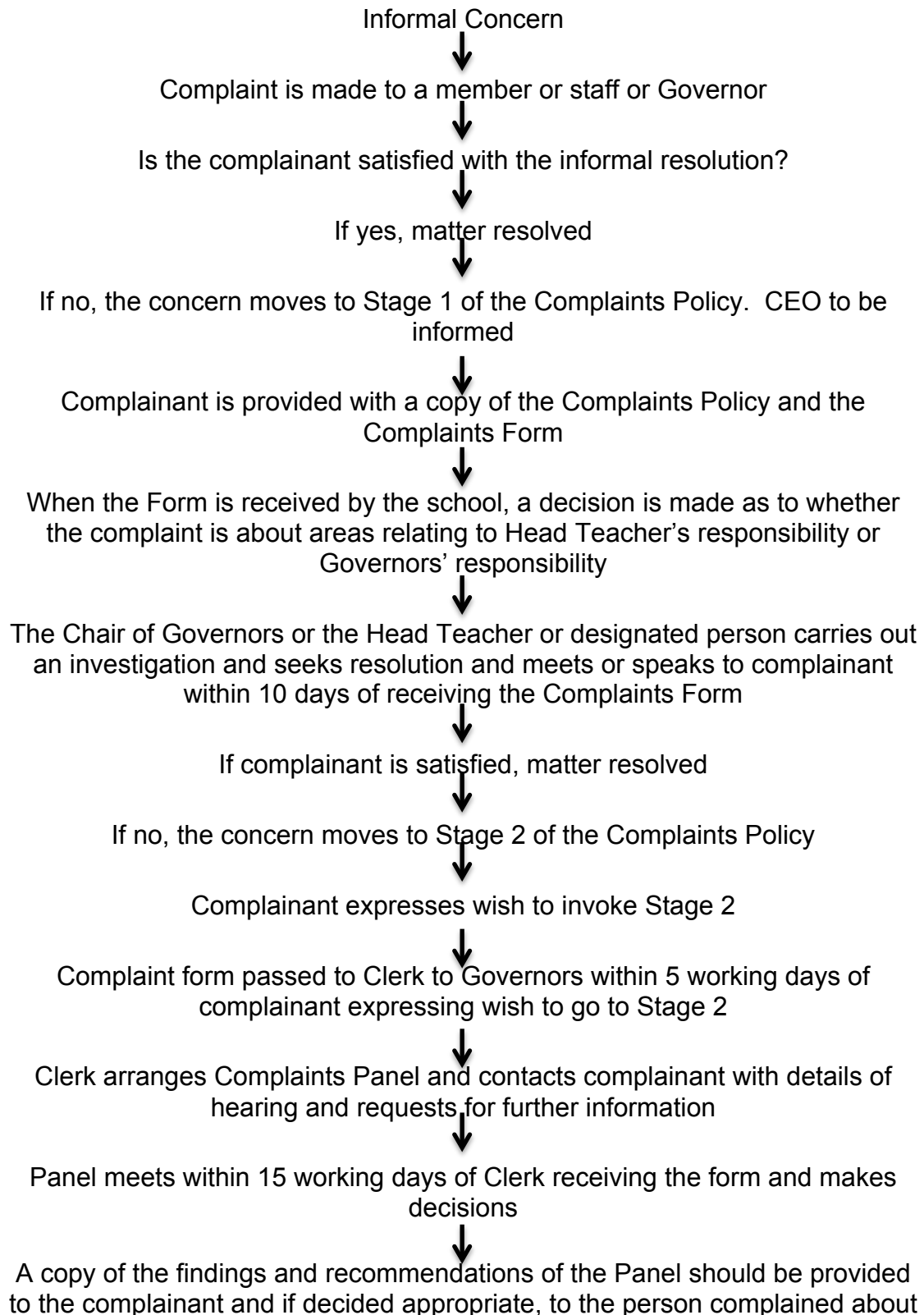
For most complaints, you cannot take your appeal further than the Governing Body of the school. The Local Authority cannot investigate school matters on a parent's behalf nor can it review how the school has dealt with a complaint.

If complainants feel that the school has acted unreasonably or not followed the correct procedures, the complainant can write to the Chair of the Board of Trustees at The Gallery Trust.

Further to this you can write to the Secretary of State for Education. The Secretary of State will consider all complaints raised but will only intervene where the Governing Body has acted unlawfully or unreasonably and where it is expedient or practical to do so. You can also contact the Education and Skills Funding Agency to lodge a complaint through an online form available at:

- https://form.education.gov.uk/en/AchieveForms/?form_uri=sandbox-publish://AF-Process-f1453496-7d8a-463f-9f33-1da2ac47ed76/AF-Stage-1e64d4cc-25fb-499a-a8d7-

Flow Chart of Complaint Stages





Decision of the Panel is sent to complainant within 5 working days

Appendix 1

The Gallery Trust Complaint Form

Please complete and return to the school office in an envelope marked for the attention of the Head Teacher or Clerk to the Governors. The Head Teacher or Clerk of Governors will acknowledge receipt and explain what action will be taken.

Your name	
School name	
Name of Child/ren (if applicable)	
Address	
Telephone number	
What is your relationship to the school, e.g. parent, neighbour, member of the public	
Please give details of your complaint	
What action if any have you taken to try to resolve your complaint?	
Who have you spoken to and what was the outcome of your conversation?	
What actions do you feel might resolve your Complaint?	
Signature	Date
For Office use	
Date Complaint Received	
By Whom	

Appendix 2 The Complaint Panel

The Clerk to Governors will make arrangements for the Complaint Panel to be appointed. The Panel will consist of three members, one of whom must be independent of the management and running of the school. This person may be a Governor from another LGB in the Trust.

When the Clerk of Governors receives a copy of the complaint form he/she will inform the Governing Body that a complaint has been received and that it has been passed to the Panel to deal with. No further information about the complaint should be shared with other Governors.

It is important that the Complaint Panel 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. In deciding the make-up of the Panel, Governors need to try and ensure that it is a cross-section of the categories of Governor. The Chair of Governors will nominate the Chair of the Panel. The Chair of the Panel is responsible for ensuring that both the complainant and Head Teacher are given a fair hearing, and that the Panel arrives at its judgement without fear or favour.

In most cases, the Clerk to the Governors will minute the Panel, but the Chair of the Panel can nominate another appropriate person to minute the Panel.

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

The Governors sitting on the Panel need to be aware of the Complaints Policy and any other policies which relate to the complaint e.g. Anti-bullying Policy.

The Chair of the Panel should discourage the introduction of fresh documentary evidence at the hearing. There should be every encouragement to produce the evidence in advance so that both sides have time to study it. However, if new and relevant evidence is accepted by the Chair, the Chair will adjourn the hearing for a few minutes to allow everyone to read the document. Both parties must leave the room during the adjournment.

The remit of the Panel is:

- dismiss the complaint in whole or in part
- uphold the complaint in whole or in part
- describe on the appropriation action to be taken to resolve the complaint
- recommend changes to the school's systems or procedures to ensure problems of a similar nature do not recur.

The Panel can make findings and recommendations and a copy of those findings and recommendations is:

- provided to the complainant and, where relevant, the person complained about
- available for inspection on the school premises by the Chief Executive Officer and Head Teacher

A written record will be kept of all complaints: whether they are resolved following a formal procedure or a Panel hearing: what action has been taken by the school as a result of those complaints (regardless of whether they are upheld).

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

The use of witnesses is discouraged. In nearly every case, a complaints panel will want to work with written witness statements 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. Witnesses are only required to attend for the part of the hearing in which they give their evidence. They can be questioned by the Panel members and the other party.

Format of a Panel hearing

1. Complainant and Head Teacher/designated person will enter the room where the hearing is taking place together
2. The Chair makes introductions
3. The complainant is invited to explain their complaint, and be followed by their witnesses.
4. The Panel may question both the complainant and the witnesses after each has spoken.
5. The Head Teacher/designated person is then invited to explain the school's actions and be followed by the school's witnesses.
6. The complainant may question both the Head Teacher/designated person and the witnesses after each has spoken.
7. The Panel may ask questions at any point.
8. The complainant is then invited to sum up their complaint.
9. The Head Teacher/designated person 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 five working days.

The Clerk remains with the Panel to clarify points. The Clerk should ensure that he/she has clear wording stating the Panel decision 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 Head Teacher. The letter should clearly express how seriously the Panel considered the complaint.

The Clerk should ensure that the letter reaches the complainant and the Head Teacher by the deadline stated, usually five working days.

Appendix 3 Policy for Unreasonable Complainants

The Trust is committed to dealing with all complaints fairly and impartially, and will not normally limit the contact complainants have with the school. However, we do not expect staff to tolerate unacceptable behaviour and will take action to protect staff from abusive, offensive or threatening behaviour.

The Trust 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 explain 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;
- 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 numbers 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 Head Teacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking. If the behaviour continues the Head Teacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it.

For complainants who excessively contact the 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 the school site.