



**GAT/0052**

# **COMPLAINTS PROCEDURE**

## POLICIES AND PROCEDURES PROFORMA

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<b>Author:</b>	Chief Executive Officer
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### Amendments Summary:

Amend. No.	Issued	Page	Subject
1	Nov 2020		Whole policy review
2	Feb 2022		Whole policy update based on new gov.uk model
3	March 2022		Introduction of Complaints Co-ordinator and other matters v8

# Complaints Procedure

## 1. Who can make a complaint?

- 1.1 This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to the school about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions – see Section 7.1), we will use this complaints procedure.

## 2. The difference between a concern and a complaint

- 2.1 A concern may be defined as *‘an expression of worry or doubt over an issue considered to be important for which reassurances are sought’*.
- 2.2 A complaint may be defined as *‘an expression of dissatisfaction however made, about actions taken or a lack of action’*.
- 2.3 It is in everyone’s interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. The Gryphon Trust takes concerns seriously and will make every effort to resolve the matter as quickly as possible.
- 2.4 If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the headteacher will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the headteacher will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.
- 2.5 We understand however, that there are occasions when people would like to raise their concerns formally. In this case, the trust will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

## 3. How to raise a concern or make a complaint

- 3.1 A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf on a complainant, as long as they have the complainant’s consent to do so.
- 3.2 Concerns should be raised with directly with the member of staff concerned, their line manager, or the respective headteacher. The headteacher may delegate others to resolve a concern under his/her supervision. If the issue remains unresolved, the next step is to make an Informal Complaint using the procedure set out in Stage 1.
- 3.3 Complainants should not approach individual trust directors (also known as trustees) or a school’s local governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 2 or Stage 3 of the procedure.
- 3.4 All written complaints should be sent to “The Complaints Co-ordinator” via either school office. Please mark Private and Confidential. The respective Complaints Co-ordinator will forward the complaint to the appropriate person to investigate.
- 3.5 Complaints against school staff (except a headteacher) will normally be investigated by the respective Headteacher or a member of their Senior Leadership Team.
- 3.6 Complaints that involve or are about a headteacher or an individual Local Governor will normally be investigated by the Chair of the Local Governing Body.

- 3.7 Complaints about the Chair or Vice-Chair of the Local Governing Body or the majority or whole local governing body will normally be investigated by the Chief Executive Officer (CEO).
- 3.8 Complaints about the Chief Executive Officer (CEO), a trust central services employee, a director of the Trust, or the whole trust will normally be investigated by the Chair of the Directors.
- 3.9 For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the school office. You can also ask third party organisations like the Citizens Advice to help you.
- 3.10 In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

#### 4. Anonymous complaints

- 4.1 We will not normally investigate anonymous complaints. However, the CEO, a headteacher or Chair of a Local Governing Body, or Chair of the Directors, as appropriate, will determine whether the complaint warrants an investigation.

#### 5. Time scales

- 5.1 You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

#### 6. Complaints received outside of term time

- 6.1 We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

#### 7. Scope of this Complaints Procedure

- 7.1 This procedure covers all complaints about any provision of community facilities or services by the Trust and its schools, other than complaints that must be dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>• Admissions to schools</li> </ul>	Concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority.
<ul style="list-style-type: none"> <li>• Statutory assessments of Special Educational Needs</li> <li>• School re-organisation proposals</li> </ul>	Concerns about statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Hampshire County Council.
<ul style="list-style-type: none"> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.  If you have serious 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). <a href="mailto:child.protection@hants.gov.uk">http://child.protection@hants.gov.uk/</a>
<ul style="list-style-type: none"> <li>• Exclusion of children from school*</li> </ul>	Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a> .

	<i>*complaints about the application of the behaviour policy can be made through the complaints procedure identified in the school's exclusion policy.</i>
<ul style="list-style-type: none"> <li>Whistleblowing</li> </ul>	<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 whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at:  <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p>
<ul style="list-style-type: none"> <li>Staff grievances</li> </ul>	Complaints from staff will be dealt with under the school's internal grievance procedures.
<ul style="list-style-type: none"> <li>Staff conduct</li> </ul>	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, 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"> <li>Complaints about services provided by other providers who may use school premises or facilities</li> </ul>	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.

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

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

## 8. Resolving complaints

8.1 At each stage in the procedure, the Trust wants to resolve the complaint. As appropriate, we will advise whether the complaint is upheld or dismissed in whole or in part. In addition, we may offer one or more of the following:

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

## **9. Withdrawal of a Complaint**

9.1 If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

## **10. Stage 1 – Informal Complaints**

- 10.1 It is to be hoped that most concerns can be expressed and resolved on an informal basis.
- 10.2 Concerns should be raised with either the class teacher, year head / subject head or respective headteacher. Details of the concerns will be recorded with the date received.
- 10.3 Complainants should not approach individual school governors / trust directors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 2 or Stage 3 of the procedure.
- 10.4 At the conclusion of their investigation, the appropriate investigator the complaint will provide an informal written response within 20 school days of the date of receipt of the complaint.
- 10.5 If the issue remains unresolved, the next step is to make a formal complaint. Formal complaints must be made in accordance with the procedure set out in Stage 2 below.
- 10.6 Informal complaints about the Trust, a Director, the Local Governing Body, a Local Governor or the CEO will be handled in a similar manner.

## **11. Stage 2 – Formal Complaints**

- 11.1 A Formal Complaint must be made in writing (preferably using the Formal Complaint Form). It must be sent to the Complaints Co-ordinator via either school office and marked Private and Confidential.
- 11.2 The Complaints Co-ordinator will record the date the complaint is received, will acknowledge receipt of the Formal Complaint in writing (either by letter or email) within 5 school days and will usually forward the complaint to the respective Headteacher.
- 11.3 The headteacher will seek to clarify the nature of the Formal Complaint, ask what remains unresolved and what outcome the complainant would like to see. The headteacher can consider whether a face to face meeting is the most appropriate way of doing this.

*The headteacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken. Where it is deemed possible that the outcome of the Formal Complaint may result in staff disciplinary action the Headteacher will need to be mindful of not personally prejudicing any personnel hearing at which they may be required to sanction or dismiss an employee.*

- 11.4 During the investigation, the headteacher (or delegated investigator) will:
- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
  - keep a written record of any meetings/interviews in relation to their investigation.
- 11.5 At the conclusion of their investigation, the headteacher will provide a formal written response within 20 school days of the date of receipt of the Formal Complaint.
- 11.6 If the headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.
- 11.7 The response will detail any actions taken to investigate the Formal Complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the school or trust will take to resolve the Formal Complaint.

11.8 If the Formal Complaints about a headteacher or an individual Local Governor it will be dealt by the Chair of the respective Local Governing Body except, if in relation to the Chair, by the Vice Chair.

11.9 If the complaint is:

- jointly about the Chair and Vice Chair of a Local Governing Body or
- the entire local governing body or
- the majority of the local governing body

it will be dealt with by the CEO of the Trust or, where a conflict of interest may arise, to a suitably skilled independent person.

11.11 If the complaint concerns the CEO, a central services employee, a Director or the Trust, the complaint will be dealt with by the Chair of the Directors except, if in relation to the Chair, by the Vice Chair.

11.12 If the complaint is:

- jointly about the Chair and Vice Chair of the Directors or
- the entire Board of Directors or
- the majority of the Board of Directors or

it will be dealt with by a suitably skilled independent person.

11.13 The designated investigator (as set out in 11.8 to 11.12 above) will write to the complainant acknowledging the complaint within 10 school days of the date that the written Formal Complaint was received. The acknowledgement will confirm that the complaint will now be investigated under Stage 2 of this Complaints Policy and will confirm the date for providing a response to the complainant.

11.14 During the investigation, the investigator will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation.

11.15 At the conclusion of their investigation, the investigator will write to the complainant confirming the outcome within 25 school days of the date that the Formal Complaint was received. If this time limit cannot be met, the investigator will write to the Complainant within 15 school days of the date that the letter was received, explaining the reason for the delay and providing a revised date. The CEO will be provided with a copy of all correspondence not written by them.

11.16 In all cases the investigator will advise the complainant of how to escalate their Formal Complaint to Stage 3 were they dissatisfied with the outcome of Stage 2.

## **12 Stage 3 – Panel Hearing (Schools, School Staff, Local Governing Bodies and Central Services Staff)**

12.1 If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3 – a panel hearing consisting of at least three people who were not directly involved in the matters detailed in the complaint with one panel member who is independent of the management and running of the school. This is the final stage of the complaints procedure.

12.2 A request to escalate to Stage 3 must be made within 5 school days of receipt of the Stage 2 response. The request must be in writing and sent to the Complaints Co-ordinator via either school office, marked

Private and Confidential. The complainant should ask for the complaint to be heard before a Complaint Panel within 20 school days.

- 12.3 The Complaints Co-ordinator will record the date the request is received and acknowledge receipt in writing (either by letter or email) within 5 school days.
- 12.4 Requests received outside of this time frame will only be considered if exceptional circumstances apply.
- 12.5 The Complaints Co-ordinator will write to the complainant to inform them of the date of the hearing, which shall generally be convened within 10 school days of receipt of the Stage 3 request. If this is not possible, the Complaints Co-ordinator will provide an anticipated date and keep the complainant informed.
- 12.6 If the complainant rejects the offer of three proposed dates, without good reason, the Complaints Co-ordinator will decide when to hold the hearing. It will then proceed in the complainant's absence, if necessary, on the basis of written submissions from all parties.
- 12.7 One of the Complaint Panel members will be a suitably skilled person independent of the management and running of the Trust. This means that the independent Complaint Panel member will not be a Director, Local Governor or an employee of the Trust.
- 12.8 If the complaint is:
- jointly about the Chair and Vice Chair of the Local Governing Body or
  - the entire Local Governing Body or
  - the majority of the Local Governing Body
- the panel will comprise two directors of the Trust and a suitably skilled independent person.
- 12.9 A complainant may bring someone along to the hearing to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the hearing. However, there may be occasions when legal representation is appropriate. For instance, if a trust employee is called as a witness in a hearing, they may wish to be supported by union and/or legal representation.
- Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.*
- 12.10 Representatives from the media are not permitted to attend.
- 12.11 At least 10 school days before the hearing, the Clerk will:
- confirm and notify the complainant of the date, time and venue of the hearing, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
  - request copies of any further written material to be submitted to the panel at least 5 school days before the hearing.
- 12.12 The Complaint Panel will consist of three members. None of the three members of the Complaint Panel will have been involved in the incidents or events which led to the complaint, or have been involved in dealing with the complaint in the previous stages, or have any detailed prior knowledge of the complaint.

- 12.13 Any written material will be circulated to all parties at least 5 school days before the date of the hearing. The panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.
- 12.14 The panel will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.
- 12.15 The hearing will be held in private. Electronic recordings of hearings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before hearings or conversations take place. Consent will be recorded in any minutes taken.
- 12.16 The panel will consider the complaint and all the evidence presented. The panel can:
- uphold the complaint in whole or in part
  - dismiss the complaint in whole or in part.
- If the complaint is upheld in whole or in part, the panel will:
- decide on the appropriate action to be taken to resolve the complaint
  - where appropriate, recommend changes to the Trust's/school's systems or procedures to prevent similar issues in the future.
- 12.17 The Chair of the Complaint Panel will provide the complainant and the Trust/school with a full explanation of their decision and the reason(s) for it, in writing, within 20 school days.
- 12.18 The 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 Trust will take to resolve the complaint.
- 12.19 The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the respective school premises by the proprietor and the head teacher.
- 12.20 The response to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by the Trust.
- 12.21 A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.
- 12.22 All correspondence statements and records relating to individual complaints will 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.

### **13 Stage 3 – Panel Hearing**

(The Trust, Directors of the Trust or CEO)

- 13.1 A request to escalate to Stage 3 must be made within 5 school days of receipt of the Stage 2 response. The request must be in writing and sent to the Complaints Co-ordinator via either school office, marked Private and Confidential. The complainant should ask for the complaint to be heard before a Complaint Panel within 20 school days.
- 13.2 The Complaints Co-ordinator will record the date the request is received and acknowledge receipt in writing (either by letter or email) within 5 school days.
- 13.3 Requests received outside of this time frame will only be considered if exceptional circumstances apply.

- 13.4 The Complaints Co-ordinator will write to the complainant to inform them of the date of the hearing. They will aim to convene a hearing within 20 school days of receipt of the Stage 3 request. If this is not possible, the Complaints Co-ordinator will provide an anticipated date and keep the complainant informed.
- 13.5 If the complainant rejects the offer of three proposed dates, without good reason, the Complaints Co-ordinator will decide when to hold the hearing. It will then proceed in the complainant's absence on the basis of written submissions from all parties.
- 13.6 The Complaint Panel will consist of three members. None of the three members of the Complaint Panel will have been involved in the incidents or events which led to the complaint, or have been involved in dealing with the complaint in the previous stages, or have any detailed prior knowledge of the complaint. One Complaint Panel member will be independent of the management and running of the Trust. This means that they will not be a Director, Local Governor or employee of the Trust.
- 13.7 If the complaint is:
- jointly about the Chair and Vice Chair of the Directors or
  - the entire trust board or
  - the majority of the trust board

Stage 3 will be heard by a completely independent panel.

- 13.8 A complainant may bring someone along to the panel hearing to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the hearing. However, there may be occasions when legal representation is appropriate.
- 13.9 For instance, if a trust employee is called as a witness in a complaint hearing, they may wish to be supported by union and/or legal representation.

*Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.*

- 13.10 Representatives from the media are not permitted to attend.
- 13.11 At least 5 school days before the hearing, the Complaints Co-ordinator will:
- confirm and notify the complainant of the date, time and venue of the hearing, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
  - request copies of any further written material to be submitted to the panel at least 5 school days before the hearing.
- 13.12 Any written material will be circulated to all parties at least 5 school days before the date of the hearing. The panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.
- 13.13 The panel will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.
- 13.14 The hearing will be held in private. Electronic recordings of hearings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before hearings or conversations take place. Consent will be recorded in any minutes taken.

13.15 The panel will consider the complaint and all the evidence presented. The panel can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the panel will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the Trust/school systems or procedures to prevent similar issues in the future.

13.16 The Chair of the Complaint Panel will provide the complainant and Trust board and the CEO with a full explanation of their decision and the reason(s) for it, in writing, within 10 school days.

13.17 The 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 the trust will take to resolve the complaint.

13.18 The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the school premises by the proprietor and the head teacher.

13.19 The response to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by The Gryphon Multi-Academy Trust.

13.20 A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.

13.21 All correspondence statements and records relating to individual complaints will 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.

## **14. Next Steps**

14.1 If the complainant believes the Trust or one of 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 under education law, they can contact the ESFA after they have completed Stage 3.

14.2 The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by *school*. They will consider whether *school* has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed [Part 7 of the Education \(Independent School Standards\) Regulations 2014](#).

14.3 The complainant can refer their complaint to the ESFA online at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), by telephone on: 0370 000 2288 or by writing to:

Academy Complaints and Customer Insight Unit  
Education and Skills Funding Agency  
Cheylesmore House  
5 Quinton Road  
Coventry  
CV1 2WT

## 15. Serial and Unreasonable Complaints

- 15.1 The Gryphon Trust 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 schools. However, we do not expect our staff to tolerate unacceptable behaviour and will act to protect staff from that behaviour, including that which is abusive, offensive or threatening.
- 15.2 The Trust defines 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 Trust's complaint procedure has been fully and properly implemented and completed.
  - 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
- 15.3 Complainants should try to limit their communication with the Trust/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.
- 15.4 Whenever possible or appropriate, the headteacher or Chair of the Local Governing Body or Chair of the Directors will discuss any concerns with the complainant informally before applying an '*unreasonable*' marking.
- 15.5 If the behaviour continues, a headteacher will write to the complainant on behalf of the Trust explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact The Gryphon Trust schools causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.
- 15.6 In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from Gryphon Trust schools or other property.

## 16. Roles and Responsibilities

### Complainant

16.1 The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the Trust/a school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

### Investigator

16.2 The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
  - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
  - interviewing staff and children/young people and other people relevant to the complaint
  - consideration of records and other relevant information
  - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

16.3 The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The headteacher or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

**Complaints Co-ordinator** (this could be the headteacher / designated complaints governor or other staff member providing administrative support)

16.4 The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, headteacher, CEO, Chair of the Local Governing Body, Chair of the Directors, Clerk and LAs (if appropriate) to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
  - sharing third party information
  - additional support required (e.g. where the complainant is a young person or English is an

additional language).

- keep records.

### **Clerk to the Governing Body / Governance Professional**

16.5 The Clerk (School Local Governing Body) /Governance Professional (Trust Board) is the contact point for the complainant and the investigator or panel and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of any meeting or hearing, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example; stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of any meeting or hearing within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the investigator's or panel's decision.

### **Complaint Panel Chair**

16.6 The panel's chair, who is nominated in advance of the complaint hearing, should ensure that:

- all parties are asked (via the Clerk/Governance Professional) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the hearing is conducted in a convivial manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a hearing are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the panel is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.
- if a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the hearing but may trigger a new complaint under Stage 1
- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the hearing or verbally in the hearing itself
- the issues are addressed
- key findings of fact are made
- the panel is open-minded and acts independently
- no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the hearing is minuted
- they liaise with the Clerk/Governance Professional (and complaints co-ordinator, if the school has one).

## Complaint Panel Member

16.7 Panel members should be aware that:

- the hearing must be independent and impartial, and should be seen to be so no local governor, directors or employee may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the hearing should be to resolve the complaint and achieve reconciliation between the Trust/school and the complainant
- the Trust recognises that the complainant might not be satisfied with the outcome if the hearing does not find in their favour.
- it may only be possible to establish the facts and make recommendations.
- many complainants will feel nervous and inhibited in a formal setting
- parents/carers often feel emotional when discussing an issue that affects their child.
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting

*Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.*

*The panel should respect the views of the child/young person and give them equal consideration to those of adults.*

*If the child/young person is the complainant, the panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the panel should give the parent the opportunity to say which parts of the hearing, if any, the child/young person needs to attend.*

*However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the hearing that the panel considers is not in the child/young person's best interests.*

- the welfare of the child/young person is paramount.

## Stage 2 - Formal Complaint Form

Please complete and return to the Clerk via a school office who will acknowledge receipt and explain what action might be taken.

<b>Your name:</b>
<b>Student's name (if relevant):</b>
<b>Your relationship to the student (if relevant):</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, including whether you have spoken to anybody at the school about it.</b>

**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:**