



## COMPLAINTS POLICY

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This document applies to all schools and operations of the Galileo Multi Academy Trust:  
[www.galileotrust.co.uk](http://www.galileotrust.co.uk)

## Policy Review Sheet

<b>Date of changes:</b>		<b>19.08.22</b>
<b>Page/ Section</b>	<b>Changes to note</b>	<b>Reason for change <i>e.g., change in legislation</i></b>
Throughout Document	Updated Local Governing Body (LGB) to Local School Board (LSB)	Clarity in line with revised terminology.
Appendix D	Added an appendix providing guidance on dealing with Vexatious Complaints	
<b>Date of final approval:</b>		<b>01.09.22</b>

## Contents Page

Introduction	4
Aims	4
Monitoring and recording complaints	5
Special circumstances	5
Anonymous complaints	6
Time limits and cut off points	6
Confidentiality	6
Monitoring of policy	6
Appendix A – Complaints procedure	7
Appendix B – Summary for dealing with complaints	12
Appendix C – Complaint form	13

## **Purpose**

The purpose of this policy is to ensure any general concerns against a member of staff, school, or the Trust as a whole, relating to aspects of the provision, facilities, or services. This policy sets-out the formal procedures should the concern not be resolved informally. The policy is not intended to cover complaints regarding those aspects of school life for which there are specific statutory requirements:

- Delivery of the National Curriculum and the provision of collective worship and religious education.
- Local Authority decision on special needs assessment.
- School Admissions and exclusions.
- Allegations of child abuse, financial improprieties, or other criminal activities.
- Complaints about general matters of policy such as the overall resourcing of a school.
- Teacher performance.

## **Introduction**

Galileo Multi Academy Trust prides itself on the quality of teaching provided for all pupils. If parents/carers have concerns, they will be treated seriously by the Trust. A complaint can be brought by a parent/carer of a registered child at any school within the Trust or any person who has been provided with a service/facility at any school within the Trust. This person is referred to as the complainant.

- School's may have a nominated member of staff with responsibility for the operation and management of the complaint's procedure. The class teacher will be the first point of contact unless the concern relates to the teacher in which case the first point of contact should be the Headteacher.
- A concern becomes a complaint only when the complainant asserts that the school or the Trust has acted wrongly in some significant decision, action, or failure to act.
- Even when a complaint has been made it can be resolved or withdrawn at any stage.

## **Aims**

This policy aims to reassure complainants that any complaints raised will be dealt with in a fair, open, and responsive way with the aim of achieving a speedy and satisfactory resolution. The Trust recognises a willingness to listen to questions, criticisms and to respond positively in a way in which improvements can be made to school and/or Trust practices.

In line with the Education Act 2002, the Trust will:

- Encourage the resolution of problems by informal means wherever possible.
- Allow easy access and publication of complaints procedure
- Be impartial.

- Ensure the procedure is simple to understand and use.
- Be non-adversary.
- Allow swift handling with established time-limits for action and keeping people informed of any progress.
- Ensure a full and fair investigation by an independent person where necessary.
- Respect confidentiality.
- Address all the points at issue, provide an effective response and appropriate redress where necessary.
- Provide information to the senior management team so that services can be improved.

### **Monitoring and recording complaints**

At all stages of the complaints procedure the following information should be recorded:

- Name of the complainant.
- Date and time at which complaint was made.
- Details of the nature of the complaint.
- Desired outcome of the complainant.
- How the complaint is being investigated (including written records of any interviews held).
- Results and conclusions of investigations.
- Any action taken.
- The complainant's response.
- Record of any subsequent action if required.

### **Special circumstances**

- If the complaint suggests that a child has been at risk of significant harm through violence, emotional abuse, sexual interference or neglect, the DSL of that school will be informed, and the complaint may be referred without further notice to Children's Social Care and/or to the social services authority for the area in which the child lives.
- If a social services authority decides to investigate a situation, this may postpone or supersede investigation by the Trust, school Headteacher or Local School Board.
- Where a matter can be resolved through a legal appeal, it will not be considered as a formal complaint. The key areas are: admissions decisions; certain decisions relating to formal assessment of special educational needs; and decisions to permanently exclude a child.

### **Anonymous complaints (please see also vexatious complaints)**

The Trust and its academies encourage all complainants to follow the complaints process detailed in this policy. If an anonymous complaint is received and includes allegations around safeguarding issues, we will look to address all concerns. However, anonymity may hinder any investigation.

Any anonymous complaints will be retained, and the number reported to the Trust Board and local School Board to enable Trustees and Governors to monitor any patterns of complaints.

### **Time limits & cut-off points**

Complaints need to be considered, resolved as quickly, and efficiently as possible.

Parents/carers should therefore make a complaint as soon as possible after an incident and should not leave reporting an incident or making a complaint longer than one week after the incident. Exceptions will be considered where it can be proven that there were good reasons why a complaint was not made earlier (e.g., further information was being gathered before making the complaint or full implications of an incident were not known until a later date).

### **Confidentiality**

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.

### **Monitoring of policy**

This policy will be reviewed annually (or updated sooner if required) and monitor the number of complaints received, how these were addressed, and any action taken.

## Appendix A – Complaints procedure

### The stages of the complaint

#### Stage 1 (informal): Raising your concern with a staff member

- The Trust recognises that a vast majority of complaints and concerns can be resolved informally.
- It is expected that in most cases a member of staff will be able to resolve concerns without the need to go any further and it is in everyone's interest that complaints are resolved at the earliest possible stage.
- The complainant must feel able to raise concerns and complaints with members of staff, either in person, by telephone or in writing.
- A preliminary discussion may be undertaken to help clarify if he or she is making a complaint or expressing an opinion. The discussion is to:
  - establish what has happened so far and who has been involved,
  - clarify what remains unresolved,
  - establish what the complainant feels would put things right,
  - determine whether they wish to take it further.
- The complainant should be able to bring a friend to any discussion.
- The member of staff dealing with the concern should make sure that they conduct any interviews or meetings at a convenient time and in a positive atmosphere. Interviews and meetings should be conducted with an open mind and the staff member should be prepared to persist in the questioning and keep notes of the meeting/interview or arrange for an independent note taker to record minutes of the meeting.
- The member of staff dealing with the concern should make sure that any misunderstandings that may have occurred are clarified and that the complainant is clear what action (if any) or monitoring of the situation has been identified and agreed.
- The process should be completed speedily and concluded in writing with appropriate detail.
- Where no satisfactory solution has been found, the complainant should be informed that he or she will need to consider whether to make a formal complaint in writing to the school Headteacher.
- To assist in this process a complaint form is provided. (See Annex C)

Please note that the staff member will require time in order to investigate the matter further themselves and an unreasonable refusal to allow your concern or complaint to be addressed informally may result in the school being unwilling to take the issue any further.

The complaints co-ordinator i.e., the school Headteacher should be informed of any outcome.

If, having raised your concern with the member of staff concerned you are still dissatisfied or, the member of staff concerned is the subject of your complaint, then you should move on to the next level of the procedure, Stage 2, contacting the school Headteacher.

If the first approach is made to a governor, the next step would be to refer the complainant to the appropriate person and advise them about the procedure.

**Stage 2 (formal):** complaint heard by school Headteacher

At this point, the complainant may be dissatisfied with the way the complaint was handled at Stage 1 after pursuing their initial complaint.

The school Headteacher may ask you to put your concerns in writing or to complete a formal complaints form – see Annex C, but will usually be able to deal with your concerns face-to-face.

The school Headteacher will acknowledge receipt within 5 working days of the complaint and will attempt to resolve your concerns using any reasonable means that are felt appropriate: this may involve meeting with you to discuss the matter further or delegating another senior member of staff to investigate and collate the information but not the decision on the action to be taken.

The school Headteacher should be allowed reasonable time to investigate the concern or complaint and gather any information that is required, this may be via discussions with all parties involved. This may involve talking to staff members, interviewing witnesses, and taking statements from those involved. The school Headteacher will keep reasonable written records of meetings, telephone conversation and other documentation. The school Headteacher will investigate fully and communicate findings and/or resolutions to the complainant(s) verbally or in writing depending on the nature of the issue.

On this basis you should expect to receive feedback regarding the decision reached and the reasons for it. Where appropriate it should include what action, the school will take/has taken to resolve the complaint.

As far as is reasonable, except in more complex cases, a written response will take place within 30 days of the initial complaint being received by the school Headteacher.

If you are dissatisfied with the outcome from the school Headteacher, or if the school Headteacher is the subject of your concern or complaint, the outcome of the chair of the Local School Board, then you may within 10 school days of the response, put your complaint in writing to the clerk to the Local School Board, in a sealed envelope addressed to:

**Clerk to Local School Board**

**Your Schools Postal Address can be found on both the Trust and School website or obtained by contacting the school office, or Central Trust Office.**



**Stage 3 (formal):** complaint heard by chair of Local School Board (LSB) and/or complaints committee.

The clerk to the Local School Board will acknowledge receipt of the complaint within 5 school days of receipt.

The chair will investigate the complaint which may involve discussions with those involved. Once all the relevant facts have been established, the chair will seek to resolve issues and, if deemed necessary, the chair may refer the complaint to the complaints committee for the complaint to be heard further.

The Local School Board body has responsibility for ensuring that any complaints formally notified to them are addressed. If you have not raised your concern or complaint with the school Headteacher, the chair may advise you to do so, but otherwise, if you have a complaint and have not already put the details in writing, the chair will ask you to do so. There is a form (Appendix C) which you may use if you wish.

The complaints committee is a designated panel of 3 governors who will be convened to hear your complaint.

The designated governors will hear your complaint on an impartial basis via a panel hearing that must be held in private and will aim to resolve the complaint and reconcile any differences between you and the school.

Possible outcomes may include - the panel will:

- dismiss the complaint in whole or in part, or
- uphold the complaint in whole or in part, or where appropriate decide action to be taken, or

Offer one or more of the following:

- an apology
- an explanation
- an admission that the situation could have been handled differently or better (NB. this is not the same as an admission of negligence)
- an admission 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 policies in light of the complaint.

It is recognised that you might not be satisfied with the outcome if the hearing does not find in your favour, therefore it may only be possible for the hearing to establish the facts and make recommendations.

Following the investigation, you will receive written feedback from the chair of the Local School Board including any decisions, recommendations, reasons for them and if appropriate, the next steps. This should be issued within ten working school days after the investigation has concluded.

Please note: if the outcome leads to action under another procedure or is an internal management issue for the school and therefore the responsibility of the school Headteacher, you may only be told that appropriate action will be taken.

If you are dissatisfied with the response from the chair of the LSB you should move on to step four of the formal stage, i.e., to appeal against the decision to the Local School Boards' complaints appeal panel.

**Stage 4 (formal):** complaint heard by Local School Boards' complaints appeal panel

The complainant needs to write to the clerk to the Local School Board within 10 days of the decision giving details of the complaint and asking that it is put before the appeal panel. The chair, or if the chair has been involved at any previous stage in the process, a nominated governor, will convene a LSB complaints panel. One member of the panel will be independent of the management and running of the school.

The LSBs' appeal hearing is the last school-based stage of the complaints process and is not convened merely to rubber-stamp previous decisions, you will be given the opportunity to attend the hearing along with a friend or representative and/or a translator if you wish.

Individual complaints would not be heard by the whole LSB 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.

The LSB may nominate a number of members with delegated powers to hear complaints at that stage and set out its terms of reference. These can include:

- drawing up its procedures
- hearing individual appeals
- making recommendations on policy as a result of complaints.

The panel can be drawn from the nominated members and may consist of three or five people. The panel may choose their own Chair.

The panel can make findings and recommendations:

- 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.

A copy of the panel's findings and recommendations will be:

- provided to the complainant and where relevant, the person complained about
- made available for inspection on the school premises by the proprietor/school Headteacher

### **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, with the panel's response (including the reasons for the decision); this is usually within 30 days of the appeal being received by the appeal panel procedure.

The letter should explain if there are any further rights of appeal if so, to whom they need to be addressed.

This is the final step of the process for the school (except for carrying out agreed actions) and there is no more that the school can do – trying to raise the issue further through the school may lead to your complaint being treated as vexatious.

### **Vexatious Complaints**

There will be occasions when, despite all stages of the procedures having been followed the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the chair of the GB is able to inform them in writing that the procedure has been exhausted and that the matter is now closed. If the complainant writes again on the same issue, then the correspondence may be recognised as vexatious and there will be no obligation on the part of the school to respond.

If, despite all stages of the procedure having been followed, you remain dissatisfied, you may take your complaint to Galileo Multi Academy Trust who can review due process.

There is no onus on them to re-open an investigation if they are satisfied that the school has dealt with the complaint appropriately.

The final stage of appeal is to the Education and Skills Funding Agency

Complainants should be advised to write to

Academy Complaints and Customer Insight Unit

Education and Skills Funding Agency

Cheylesmore House

Coventry

5 Quinton Road

Coventry

CV1 2WT

Further information on what the Education and Skills Funding Agency will do is available from:

[www.gov.uk/government/publications/setting-up-an-academies-complaints-procedure/best-practice-guidance-for-academies-complaints-procedures](http://www.gov.uk/government/publications/setting-up-an-academies-complaints-procedure/best-practice-guidance-for-academies-complaints-procedures)

## **Appendix A - Abusive, persistent or vexatious complaints policy**

### **1. Introduction**

1.1 Dealing with a complaint is a straightforward process but in a minority of cases, people pursue their complaints in a way which can either impede the investigation of their complaint or can have significant resource issues for the Trust. This can happen either while their complaint is being investigated, or once the Trust has finished dealing with the complaint.

1.2 We are committed to dealing with all complaints equitably, comprehensively, and in a timely manner.

1.3 We will not normally limit the contact which complainants have with Trust staff or office.

1.4 We do not expect staff to tolerate unacceptable behaviour by complainants. . Unacceptable behaviour includes behaviour which is abusive, offensive or threatening and may include:

- Using abusive or foul language on the telephone
- Using abusive or foul language face to face
- Any form of intimidating or threatening behaviour
- Sending multiple emails
- Leaving multiple voicemails

1.5 We will take action to protect staff from such behaviour. If a complainant behaves in a way that is unreasonably persistent or vexatious, we will follow this policy.

1.6 Raising legitimate queries or criticisms of a complaints procedure as it progresses, for example if agreed timescales are not met, should not in itself lead to the complaint being regarded as vexatious.

1.7 Similarly, the fact that a complainant is unhappy with the outcome of a complaint and seeks to challenge it once, or more than once, should not necessarily cause him or her to be labelled unreasonably persistent.

### **2. Aim of this policy**

2.1 The aim of this policy is to contribute to our overall aim of dealing with all complaints in ways which are demonstrably consistent, fair and reasonable.

2.2 It sets out how we will decide which complaints will be treated as vexatious or unreasonably persistent, and what we will do in those circumstances. The policy is for the information of staff, parents and members of the public.

### **3. Definitions**

3.1 We define unreasonably persistent and vexatious complaints as those which, because of the frequency or nature of the complainant's contacts with the Trust, hinder our consideration of their or other people's complaints. The description "unreasonably persistent" and „vexatious“ may apply separately or jointly to a particular complaint.

3.2 Examples include the way or frequency that complainants raise their complaint with staff, or how complainants respond when informed of our decision about the complaint.

3.3 Features of an unreasonably persistent and/or vexatious complaint include the following (the list is not exhaustive, nor does one single feature on its own necessarily imply that the complaint and the person making it will be considered as being in this category)

An unreasonably persistent and/or vexatious complaint may be one where:

- There are insufficient or no grounds for the complaint and it is made only to annoy (or for reasons that the complainant does not admit or make obvious)
- There are no specified grounds for the complaint despite offers of assistance
- The complainant refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved
- The complaint is about issues not within the power of the Trust to investigate, change or influence (examples could be a complaint about something that is the responsibility of another organisation) and where the complainant refuses to accept this.
- The complainant insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice (insisting, for instance, that there must not be any written record of the complaint or insisting the complaint is only dealt with by the Chief Executive)
- There appears to be groundless complaints about the staff dealing with the complaints, and an attempt to have them dismissed or replaced
- There is an unreasonable number of contacts with us, by any means, in relation to a specific complaint or complaints
- There are persistent and unreasonable demands or expectations of staff and/or the complaints process after the unreasonableness has been explained to the complainant (an example of this could be a complainant who insists on immediate responses to numerous, frequent and/or complex letters, faxes, telephone calls or emails)
- Attempts to harass, verbally abuse or otherwise seek to intimidate staff dealing with their complaint by use of foul or inappropriate language or by the use of offensive or discriminatory language
- Subsidiary or new issues are raised whilst a complaint is being addressed that were not part of the complaint at the start of the complaint process
- Trivial or irrelevant new information is introduced whilst the complaint is being investigated and an expectation that this to be taken into account and commented on
- There is a change to the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed
- The complainant denies statements he or she made at an earlier stage in the complaint process
- The complainant electronically records meetings and conversations without the prior knowledge and consent of the other person involved
- The complaint is the subject of an excessively „scattergun“ approach; for instance the complaint is not only submitted to the Trust, but at the same time to the school or the DFE.
- The complainant refuses to accept the outcome of the complaint process after its conclusion, repeatedly arguing the point, complaining about the outcome, and/or denying that an adequate response has been given
- The same complaint is made repeatedly, perhaps with minor differences, after the complaints procedure has been concluded and where the complainant insists that the minor differences make these 'new' complaints which should be put through the full complaints procedure

- The complaint is submitted and persistently pursued through different Trust departments at the same time
- The complaint remains "active" through the complainant persisting in seeking an outcome which we have explained is unrealistic for legal, policy or other valid reasons
- Documented evidence is not accepted as factual by the complainant
- The complaint relates to an issue based on a historic and irreversible decision or incident
- The complaint combines some or all of these features

#### **4. Imposing restrictions**

4.1 We will ensure that the complaint is being, or has been, investigated properly according to the corporate complaints procedure.

4.2 In the first instance the person investigating the complaint will consult with the relevant Chief Officer prior to issuing a warning to the complainant. The manager will contact the complainant either by phone, in writing or by email to explain why this behaviour is causing concern and ask them to change this behaviour. The person will explain the actions that the Trust may take if the behaviour does not change.

4.3 If the disruptive behaviour continues, the Chief Officer will issue a letter or email to the complainant advising them that the way in which they will be allowed to contact the Trust in future will be restricted. The Chief Officer will inform the complainant in writing of what procedures have been put in place and for what period, either in this letter or a subsequent letter. The Chief Officer can consult with the Trust legal team if they so wish.

4.4 Any restriction that is imposed on the complainant's contact with the Trust will be appropriate and proportionate and the complainant will be advised of the period of time the restriction will be in place for. In most cases restrictions will apply for between three and six months but in exceptional cases may be extended. In such cases the restrictions would be reviewed on a quarterly basis.

4.5 Restrictions will be tailored to deal with the individual circumstances of the complainant and may include:

- Banning the complainant from making contact by telephone except through a third party e.g. solicitor/councillor/friend acting on their behalf
- Banning the complainant from sending emails to individual and/or all Trust staff and insisting they only correspond by letter
- Banning the complainant from accessing any school or Trust building except by appointment
- Requiring contact to take place with one named member of staff only
- Restricting telephone calls to specified days / times / duration
- Requiring any personal contact to take place in the presence of an appropriate witness
- Letting the complainant know that the Trust will not reply to or acknowledge any further contact from them on the specific topic of that complaint (in this case, a designated member of staff should be identified who will read future correspondence)
- Informing the complainant that any further complaints from him or her will only be considered if a Chief officer agrees that it warrants investigation

4.6 When the decision has been taken to apply this policy to a complainant, the Chief Officer will contact the complainant in writing to explain:

- Why the Trust has taken the decision
- What action the Trust is taking
- The duration of that action
- The review process of this policy
- The right of the complainant to contact the Education and Skills Funding Agency about the fact that their complaint has been treated as a vexatious/persistent

4.7 The Chief Officer will enclose a copy of this policy in the letter to the complainant.

4.8 Where a complainant continues to behave in a way which is unacceptable, the Chief Officer may decide to refuse all contact with the complainant and stop any investigation into his or her complaint.

4.9 Where the behaviour is so extreme or it threatens the immediate safety and welfare of staff, the Trust will consider other options, for example reporting the matter to the police or taking legal action. In such cases, the Trust may not give the complainant prior warning of that action.

## **Appendix B – Summary for dealing with complaints**

### **Stage 1 – Complaint heard by staff member**

- Ensure school Headteacher i.e., complaints co-ordinator informed of outcome.

If not resolved, then escalate to **Stage 2 – Complaint heard by school Headteacher**

- Acknowledge receipt of complaint
- Write to complainant with outcome of investigation
- Ensure complaints co-ordinator informed of outcome
- Offer escalation to stage 3 if dissatisfied.

If not resolved, then escalate to **Stage 3 - Complaint heard by chair of THE Local School Board, or Local School Boards' complaints committee**

- Acknowledge receipt of complaint
- Write to complainant with outcome of investigation
- Ensure complaints co-ordinator informed of outcome
- Offer escalation to stage 4 if dissatisfied.

If not resolved, then escalate to **Stage 4 – Local School Boards' complaints appeal panel meeting arranged**

- Issue letter inviting complainant to meeting
- Issue letter confirming panel decision
- Ensure complaints co-ordinator informed of outcome
- Advise of escalation routes to the Trust and the Secretary of State for Education.



## Appendix C –Complaint Form

Please complete and return to the school Headteacher (complaints co-ordinator) who will acknowledge receipt and explain what action will be taken.

<b>Your name:</b>	
<b>Pupil's name (if relevant)</b>	
<b>Your relationship to the pupil (if relevant)</b>	
<b>Address (including postcode)</b>	
<b>Telephone number</b>	
<b>Please give details of your complaint</b>	
<b>What action, if any have you already taken to try and resolve your complaint (who did you speak to and what was the response)</b>	
<b>What actions do you feel might resolve the problem at this stage?</b>	

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**Are you attaching any paperwork? If so, please give details.**

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<b>Signature</b>	
<b>Date</b>	
<b>Official use</b>	
<b>Date acknowledgement sent:</b>	
<b>By whom:</b>	
<b>Complaint referred to:</b>	

