



**THE JOHN OF GAUNT SCHOOL**  
**- A Community Academy –**

**Complaints Procedure**

Originator	Reviewed by	Date of Review	Approved by	Date of Approval	Next Review Date	Website
School	S&C	08/05/17	Board	22/05/17	May 2019	Yes

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## 1 Vision Statement

### ‘Creating an irresistible climate for achievement’

- We challenge, support and encourage every student to **achieve their potential**.
- We believe **effort** and **dedication** lead to success and we **raise aspirations**.
- We personalise our provision to meet the needs of individuals.
- We enable our students to flourish as **confident learners and leaders** of our community.
- We create a culture where all stakeholders feel valued, supported and proud.
- We **work collaboratively** to improve outcomes for our students and support other schools to improve.

### 1a Core Principles

As our vision statement makes clear, we aim to help all our students achieve success and we have high expectations of them. We appreciate the support received and welcome comments and suggestions for improvement.

## 2 Which procedure do I need?

Sometimes, when concerns are more specific, there are alternative and more appropriate policies for dealing with them. The following list details specific topics of complaints, and the correct policy to refer to. You can access these policies on the school website or ask for a copy from the main school reception:

Pupil admissions; please see the school’s admissions policy or contact Wiltshire Council.

Pupil exclusions; please see the school’s behaviour policy.

Staff grievance, capability or disciplinary; these are covered by the school’s grievance, disciplinary and capability procedures.

Where the complaint concerns a third party used by the school; please complain directly to the third party themselves (unless it directly affects the safety or welfare of the child).

Anonymous complaints – please refer to the whistleblowing policy.

Subject Access Requests and Freedom of Information Requests – please see the school’s data protection and freedom of information policy.

## 3 Informal Procedures

Complaints and other issues should in the first instance and preferably be dealt with informally. Should you wish to contact the school for a specific reason you will find it helpful to know the name of the person who is most easily able to deal with your query. In many instances this will be a student’s tutor or House Leader. Further details on who to contact if you have specific queries can be found on our website <http://johnofgauntschool.org/information/contact-find-us> . For specific areas, you can address your compliments, comments, and complaints to the following people.

Curriculum and any general matters	Mr B Rhodes (Deputy Head) <a href="mailto:brhodes@jogschool.org">brhodes@jogschool.org</a>
Examinations	Mrs D Cottle (Examinations Office) <a href="mailto:dcottle@jogschool.org">dcottle@jogschool.org</a>
Student care, discipline and general matters	Mrs H Kerr (Assistant Head) <a href="mailto:hkerr@jogschool.org">hkerr@jogschool.org</a>
Sixth Form	Mrs L Baines (Director of Post-16) <a href="mailto:lbaines@jogschool.org">lbaines@jogschool.org</a>
Matters of concern	Mr P Skipp (Headteacher) <a href="mailto:pskipp@jogschool.org">pskipp@jogschool.org</a>
Governance & other issues	Mr D Whewell (Chair of Governors) via the school's address, tel 01225 711156 or email <a href="mailto:dwhewell@jogschool.org">dwhewell@jogschool.org</a>

#### 4 Raising concerns

All concerns will be dealt with confidentially, although the staff member may need to take notes if they feel that the matter may need to be taken further or it may arise again in the future. Any such notes will be kept in accordance with the principles of the Data Protection Act 1998. However, such notes would be able to be used as evidence if further investigation was required, or if the concern became a formal complaint.

#### 5 Safeguarding

Wherever a complaint indicates that a child's wellbeing or safety is at risk, the school is under a duty to report this immediately to the local authority. Any action taken will be in accordance with the school's safeguarding policy available via the school website.

#### 6 Social Media

In order for complaints to be resolved as quickly and fairly as possible, we request the complainants do not discuss complaints publically via social media such as Facebook and Twitter. Complaints will be dealt with confidentially for those involved, **and we expect complainants to observe confidentiality also.**

#### 7 Formal Procedures

Formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further. The school has nominated the headteacher's PA, as complaints co-ordinator to have responsibility for the management of the school complaints procedure.

Formal complaints should be addressed to [pskipp@jogschool.org](mailto:pskipp@jogschool.org) . If your complaint is about the Headteacher it should be directed to the Chair of Governors.

#### Principles

Our Complaints Procedure aims to:

- encourage resolution of problems by informal means wherever possible; be easily accessible and publicised;
- be simple to understand and use;
- be impartial;
- be non-adversarial;
- ensure a full and fair investigation by an independent person where necessary;
- respect people's desire for confidentiality; address all the points at issue and provide an effective response and appropriate redress, where necessary;

- provide information to the school's senior management team so that services can be improved.

### **Investigating complaints**

At each stage the complaints co-ordinator or nominated person should make 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 with an open mind and be prepared to persist in the questioning;
- keep notes of any interviews.

### **Resolving complaints**

At each stage in the procedure the school wants 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;

An admission that the school could have handled the situation better is not the same as an admission of negligence. We want to identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

## **8 The Stages of Complaints**

This complaints procedure has three well-defined stages.

- Stage one: complaint heard by staff member (though not the subject of the complaint);
- Stage two: complaint heard by headteacher;
- Stage three: complaint heard by Governing Body's complaints appeal panel.

### **8a Stage 1: Informal Resolution**

We will make every attempt to contact you within 24 hours.

We will acknowledge your complaint, tell you what we have done, how we intend to proceed and when you will hear an outcome from us – normally this will be within 1 working week.

The receipt of your complaint and how it was resolved will be logged, and this record will be made available to the Governing body; however, details of the complaint and related correspondence will be kept confidential and only released where the Secretary of State or a body conducting an inspection under section 162A of the 2002 Act requests access to them.

The Senior Leader will make a record of the concern and the outcomes of the discussion which will be held centrally for twelve months, in line with the principles of the Data Protection Act 1998.

## **8b Stage 2: Formal Resolution**

If you are unhappy with how the school has dealt with your complaint in Step 1, please inform the complaints co-ordinator via [pskippp@jogschool.org](mailto:pskippp@jogschool.org) and it will be heard by the Headteacher. The Headteacher may delegate this stage to a member of the Senior Leadership Team who was not involved in Step 1.

In this case,

The 'Senior Leader' will respond in writing within 10 working days (excluding those that fall in the school holidays) of the date of receipt of the complaint to acknowledge receipt of the complaint and explain what action will be taken, giving clear timeframes.

A log of all correspondence in relation to the complaint will be kept in accordance with the data protection principles.

We will consider all relevant evidence; this may include but is not limited to:

- A statement from the complainant.
- Where relevant a statement from an individual who is the subject of the complaint.
- Any previous correspondence regarding the complaint.
- Any supporting documents in either case.
- Interview with anyone related to the complaint.

The Senior Leader may decide to have a meeting with the complainant (and where relevant, the subject of the complaint) if they feel that it would be appropriate for the investigation.

After considering the available evidence, the Senior Leader can:

- Uphold the complaint and direct that certain action be taken to resolve it.
- Reject the complaint and provide the complainant with details of the stage three appeals process.
- Uphold the complaint in part: in other words, the Senior Leader may find one aspect of the complaint to be valid, but not another aspect. They may direct for certain action to be taken to resolve the aspect that they find in favour of the complainant.

The Senior Leader must inform the complainant of their decision in writing within 20 working days (excluding those that fall in the school holidays) of having issued written acknowledgement of the receipt of the complaint. They must explain clearly why they have come to the decision that they made. They must detail any agreed actions as a result of the complaint. Finally, they must provide the complainant with details of how to progress the complaint to Stage three if they are not satisfied, providing them with the contact details of the clerk to the governors.

### **8c Stage 3: Appeal Panel Hearing**

If the complainant wishes to appeal a decision by the Headteacher at Stage 2 of the procedure, or they are not satisfied with the action that the Senior Leader took in relation to the complaint, the complainant is able to appeal this decision.

They must write to the clerk to the governors (see the contact details at the end of the procedure) as soon as possible after receiving notice of the headteacher's decision, briefly outlining the content of the complaint and requesting that a complaints appeal panel is convened.

The clerk to the governors will fulfil the role of organising the time and date of the appeal hearing, inviting all the attendees, collating all the relevant documentation and distributing this 5 working days in advance of the meeting, recording the proceedings in the form of minutes, and circulating these and the outcome of the meeting.

The complainant must request an appeal panel within four weeks of receiving the headteacher's decision or it will not be considered, except for in exceptional circumstances. On receipt of this written notification, the following steps will be followed.

- i. The clerk to the governors will write to the complainant within five working days (not including the school holidays) to confirm receipt of the appeal request and detail further action to be taken.
- ii. The clerk to the governors will convene a panel of three school governors. All three panel members will have no prior knowledge of the content of the complaint.
- iii. The appeal hearing will take place within 20 working days (excluding those which fall in the school holidays) of receipt of the date of the confirmation letter from the clerk to the governors to the complainant, confirming the appeal.
- iv. In addition to the panel, the following parties will be invited, where applicable:
  - The complainant
  - The SLT member who dealt with the complaint at Stage 2
  - Where the complaint regards a member of staff, the staff member who is the subject of the complaint.

The complainant is also able to bring a companion with them to the hearing if they wish. Where the subject of the complaint is a member of staff, that staff member is also able to bring a companion with them.

The companion will be a friend or a colleague. Neither party is able to bring legal representation with them. If after the hearing any party feels that legal action is necessary, please see the contact details at the end of the procedure.

If the attendance of any pupils is required at the hearing, parental permission will be sought if they are under the age of 18. Extra care will be taken to consider the vulnerability of children where they are present at a complaints hearing.

Where the complaint is about a governor, the complainant may request that the appeal is heard by an entirely independent panel. It is at the discretion of the governing body who will notify the clerk to the governors of their decision. Where an entirely independent panel is required, timescales may be affected while the school source appropriate individuals for the review.

The panel can make the following decisions:

- 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.

All parties who attended the meeting will be informed in writing of the outcome of the appeal within 5 working days (excluding those which fall in the school holidays).

## **8d Further Information**

Contact details for external organisations if not satisfied with the outcomes of the complaints procedure in full:

- If you have any queries regarding any aspect of the complaints procedure, please direct these to the clerk to the governors, Mrs E Shergold.
- If the complainant feels that the governing board acted 'unreasonably' in the handling of the complaint, they can complain to the Department for Education after the complaints procedure has been exhausted. Please note that unreasonable is used in a legal sense and means acting in a way that no reasonable school or authority would act in the same circumstances. <https://www.gov.uk/complain-about-school>
- Ofsted will also consider complaints about schools.

## **9 Managing and Recording Complaints**

### **Governing Body review**

The Governing Body will monitor the level and nature of complaints and review the outcomes on an annual basis to ensure the effectiveness of the procedure and make changes where necessary. Complaints information shared with the whole Governing Body will not name

individuals. The monitoring and review of complaints by the school and the Governing Body can be a useful tool in evaluating a school's performance.

## **10 Complaints that result in staff capability or disciplinary**

If at any formal stage of the complaint it is determined that staff disciplinary or capability proceedings are necessary in order to resolve the issue, the details of this action will remain confidential to the Headteacher and/or the individual's line manager. The complainant is entitled to be informed that action is being taken and the eventual outcome of any such action, but they are not entitled to participate in the proceedings or receive any detail about them.

## **11 Publicising the procedure**

There is a legal requirement for the complaints procedure to be publicised. Details of the complaints procedure will be included in:

- The information given to new parents when their children join the school.
- The school website.

## **Policy for Unreasonable or Vexatious Complaints**

The John of Gaunt School 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 the school. 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.

The John of Gaunt School 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 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 raised 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 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 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 Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues, the Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contacts The John of Gaunt 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 John of Gaunt School.

Barring from the school premises:

Although fulfilling a public function, our school is a private place and the public has no automatic right of entry. We therefore act to ensure we remain a safe place for pupils, staff and other members of our community.

If a complainant or parents' behaviour is a cause for concern they will be asked to leave school premises. In serious cases the Headteacher will notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any written representation that they wish to make. The decision to bar will be reviewed upon receipt of any representations made and will either be confirmed or lifted. Any decision will be notified in writing with an explanation of how long the bar will be in place.

Should anyone wish to complain about being barred they can do so via letter or email to the Headteacher or Chair of Governors. However, complaints about being barred cannot be escalated to the Department for Education. Once the school's complaints procedure has been completed the only remaining avenue of appeal is through the Courts.

## Flowchart

## Summary of Dealing with Complaints

