



**South Gloucestershire and Stroud Academy Trust (SGSAT)**

**Complaints Policy**

**If you would like this document in an alternate format  
Please contact the Human Resources Department**

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<b>Job Title/Role:</b>	Vice Principal - Performance, Standards & Effectiveness
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<b>Approved by:</b>	SGSAT Trust Board
<b>Date:</b>	20/05/2020

# Complaints Policy

## 1. Policy Intent

- 1.1. This Policy has been written to ensure compliance with South Gloucestershire and Stroud Academy Trust's obligations as set out in section 29 of the Education Act of 2002 and the 2015 Consumer Rights Act. This policy and procedures is designed to deal with all complaints relating to the Trust, Trust Schools and to any community facilities or services that the school provides, for which there are no separate (statutory) procedures.

## 2. Scope

- 2.1. This Policy seeks to ensure that we develop positive and responsive partnerships with all our pupils, employers, public service providers and the communities we serve. Our review of feedback is used to inform planning and the continual improvement of the wider learning experience and the services that the Trust and that Trust Schools provide.
- 2.2. This policy aims to establish a good practice framework for handling suggestions and complaints; to provide an overview of the key factors included in our processes and set out underlying principles and operational guidance to support an understanding of timeframes, progression between review stages, and record-keeping.
- 2.3. This Policy is not intended to refer to complaints about decisions concerning pupil behaviour, financial aid, or assessment. Complainants are advised to refer to the appropriate policy prior to submitting a complaint under this policy.

## 3. Policy implementation

- 3.1. All Trust Stakeholders will have regard to the objectives and principles of this policy and as such are encouraged to talk to Trust staff in order to make their views known and to resolve concerns and issues before they become complaints.

The Trust's complaints procedures, laid out below, are intended to be used by pupils and their parents or guardians. The term 'pupil' refers to anyone registered or enrolled with a Trust School and those who have left a Trust School within the last 12 months. The Trust will however accept complaints from a pupil's representative. However, we will not usually investigate a complaint without first confirming with the affected pupil or their parent or guardian that they wish to open a complaint.

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.

The Trust recognises that issues and concerns, which lead to formal complaints are often highly emotive. However, Trust staff have the right to be treated with respect and protected against unacceptable behaviour. Complainants who are rude or disrespectful will be warned once about any unreasonable behaviour and where such behaviour is repeated the Trust will terminate consideration of their complaint and may issue a disciplinary to the pupil, according to the Trusts Disciplinary Policy and Procedure.

The Trust will also terminate consideration of complaints which it considers to be frivolous or vexatious. Examples of such complaints and academic appeals include:

- complaints or academic appeals which are obsessive, harassing, or repetitive
- Complainants who insist on pursuing non-meritorious complaints or academic appeals and/or unrealistic or unreasonable outcomes
- Complainants who insist on pursuing what may be meritorious complaints or academic appeals in an unreasonable manner
- Complaints or academic appeals which are designed to cause disruption or annoyance
- Complaints or demands for redress which lack any serious purpose or value.

Alternatively, the Trust may decide to manage unreasonable complainant behaviour by:

- Placing limits on the number and duration of contacts with staff per week or month.
- Offering a restricted time slot for necessary calls.
- Limiting the complainant to one medium of contact (telephone, letter, email etc).

Requiring the complainant to communicate only with one named member of staff.

- 3.2. Trust Staff will seek to respond to concerns and address issues raised with them in a timely fashion; and forward, to the nominated complaints personnel, at the first available opportunity, as appropriate and as per the identified process.

Staff will respond sensitively to the issues and concerns raised with them. Effective complaints handling requires a local, informal element which is capable of resolving concerns before they become formal complaints. Staff who receive concerns should:

- Seek to provide individuals with more information or a more detailed explanation to alleviate concerns. Where appropriate staff must be proactive in making reasonable adjustments for

pupils or, where appropriate, instigate action to mitigate for individual circumstances beyond a pupil's control.

- Be proactive in suggesting solutions
- Be empathetic and understanding when there is no apparent solution
- Make an apology where it seems appropriate to do so
- Introduce pupils and staff to trained mediators or conciliators.

Staff will direct pupils towards the support services available to them, which can provide helpful independent support and advice to those who wish to pursue a complaint.

Staff will endeavour to identify pupils (complainants) who have mental health issues, disabilities or other personal characteristics that may mean that they need additional support. All complainants who require additional support should be advised as to how they can access support to make their complaint or signpost them to other sources of support such as counselling services; or, where appropriate, services external to the Trust. If a pupil appears unable to engage effectively with the complaints procedures, staff may wish to suggest that the pupil appoints a representative; and it may be appropriate to suspend the consideration of a complaint until the pupil has accessed appropriate support.

Trust and School Support Staff, when supporting a pupil to make a complaint, must advocate for that pupil and act in their best interests at all times.

#### **4. Confidentiality**

- 4.1. Complaints and academic appeals should be handled with an appropriate level of confidentiality, with information released only to those who need it for the purposes of investigating or responding to the complaint or academic appeal. No third party should be told any more about the investigation than is strictly necessary in order to obtain the information required from them.
- 4.2. Where a complaint is made about another pupil or a member of staff they will be told about the existence and nature of the complaint, so that they may adequately defend themselves against that complaint. The pupil bringing the complaint will be told the outcome. However, it is not appropriate to share specific details affecting other pupils or staff members, particularly where disciplinary action is being taken, and therefore these details will remain confidential.

#### **5. Reporting requirements**

- 5.1. Valuable feedback is obtained through the consideration and resolution of complaints and academic appeals. Both procedures allow the Trust to identify opportunities to improve provision of services and academic

decision making. All formal complaints will be recorded and used for analysis and management reporting. The SGS Trust Board will receive reports, at least annually.

- 5.2. The recording, analysis and management reporting of complaints and appeals will include an analysis of the prevalence of issues relating to equality, diversity and inclusion.

## **6. Complaints and appeals arising from the Coronavirus/ Covid-19 pandemic**

- 6.1. Coronavirus/Covid-19 is an unforeseen and unprecedented circumstance, beyond the reasonable control of the Trust and individual Trust Schools. Like all educational institutions, the outbreak of Coronavirus has interfered with our continuing ability, to deliver programmes and other services in accordance with the descriptions provided on our website and within our prospectuses. However, the Trust is committed to use all reasonable endeavours to minimise disruption as far as it is practicable to do so.
- 6.2. Where it is not practical to do so, pupils will not be penalised for missing any teaching or assessments because they have coronavirus symptoms, because they are following advice to self-isolate, or because they have unexpected caring responsibilities.
- 6.3. All pupils have been advised of what they must do in these circumstances, and how they should report a sickness absence.
- 6.4. In the grip of a pandemic or public health emergency the Trust may relax strict rules about needing medical evidence to support sickness absences. However, periods of illness, self-isolation or caring responsibilities must still be reported. If you think that these may impact upon your ability to continue to engage with or complete your studies you must communicate this to the Trust without delay; and before any assessment decision is made.
- 6.5. You may be able to make a complaint about how the coronavirus has affected your studies. Depending on the circumstances, you may also be able to make an academic appeal if your progress or grades have been affected. But all providers, SGSAT included, will not yet know what measures will be put in place to overcome the challenges that this disruption is causing. However, the Trust is committed to the principles of fairness and expects that pupils, who have complaints, follow the informal early resolution process before lodging a formal complaint.
- 6.6. SGS Trust is unable to accept formal complaints, related to Coronavirus/Covid-19 unless the informal early resolution process has been attempted.

## **7. Enforcement**

7.1. Failure to comply with this policy may result in complaints being rejected or investigations stopped.

## 8. Related Policies, Procedures, Charters, Plans, Guidance and Legislation

- Section 29(2) of the Education Act 2002
- Human Rights Act 1998
- Equality Act 2010
- Freedom of Information Act 2000
- Data Protection Act 2018
- The 7 principles of public life

## 9. Impact

9.1. By listening to and responding positively to feedback the SGS Academy Trust aims to focus on the development of the whole child by involving pupils, parents and staff in a supportive, aspirational and caring environment. We will positively promote and nurture the academic, moral, social, physical and creative growth of the children in our care.'

## 10. Procedure

### Stage 1

Formal complaints must be made to the head teacher (unless they are about the head teacher), via the school office. This may be done in person, in writing (preferably on the Complaint Form), or by telephone.

The head teacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within five school days.

Within this response, the head teacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The head teacher can consider whether a face to face meeting is the most appropriate way of doing this.

Note: The head teacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.

During the investigation, the head teacher (or investigator) may:  
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.

At the conclusion of their investigation, the head teacher will provide a formal written response within 30 school days of the date of receipt of the complaint.

If the head teacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

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 to be taken to resolve the complaint.

The head teacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

If the complaint is about the head teacher, or a member of the governing body (including the Chair or Vice-Chair), a suitably skilled Trustee will be appointed to complete all the actions at Stage 1.

Complaints about the head teacher or member of the governing body must be made to the Clerk, via the school office.

**If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2**

## Stage 2

This is the final stage of the complaints procedure, Therefore a request to escalate to Stage 2 must be made to the Clerk, via the school office, within 10 school days of receipt of the Stage 1 response. (Requests received outside of this time frame will only be considered if exceptional circumstances apply).

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) 5 school days.

The school will convene a complaint committee, which will be formed of the first three available, impartial members of the Local School Board.

The Clerk will write to the complainant to inform them of the date of the complaint committee meeting. They will aim to convene a meeting within 15 school days; but if this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.

If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. Generally, we do not

encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

Note: 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.

Representatives from the media are not permitted to attend.

At least 10 school days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, 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 committee at least <insert number> school days before the meeting.

Any written material will be circulated to all parties at least 5 school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee 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.

The meeting will be held in private. Electronic recordings of meetings 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 meetings or conversations take place. Consent will be recorded in any minutes taken.

The committee will consider the complaint and all the evidence presented. The committee 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 committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.
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The Chair of the Committee will provide the complainant and head teacher with a full explanation of their decision and the reason(s) for it, in writing, within 15 school days of the complaint committee meeting.



The letter to the complainant will include details of how to contact the SGS Academy Trust Board if they are dissatisfied with the way their complaint has been handled.

## 11. Contact us

11.1. In the first instance contact should be addressed to the Head teacher or Clerk to the appropriate school:

<b>Forest High School</b>	<b>Berkeley Green UTC</b>	<b>Pegasus School</b>
Causeway Road Cinderford Gloucestershire GL14 2AZ	Gloucestershire Science and Technology Park Berkeley, GL13 9FB	Hempton Lane South Gloucestershire BS32 4AJ
Tel: 01594 822257 Email: <a href="mailto:info@foresthg.org.uk">info@foresthg.org.uk</a>	Tel: <a href="tel:08004701516">0800 4701 516</a> Email: <a href="mailto:office@berkeleygrenutc.org.uk">office@berkeleygrenutc.org.uk</a>	Tel: 01454 568 200 Email: <a href="mailto:pegasusschool@sgscol.ac.uk">pegasusschool@sgscol.ac.uk</a>

If you believe that the school did not handle your complaint in accordance with this complaints procedure or that they have acted unlawfully or unreasonably in the exercise of their duties under education law, you can contact the Department for Education after you have completed Stage 2 above.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by the SGS Academy Trust Schools.

A complainant, who has completed stage 2 can refer their complaint to the Department for Education online at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), by telephone on: 0370 000 2288 or by writing to:

Department for Education  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD.

## 12. Statutory complaints

12.1. Complaints relating to statutory matters cannot be considered under this policy. Instead complainants are referred to:

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>• Admissions to schools</li> <li>• Statutory assessments of Special Educational Needs</li> <li>• School re-organisation proposals</li> </ul>	<p>Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised, as appropriate, with:</p> <p>South Gloucestershire Council Badminton Road Yate Bristol BS37 5AF AdmissionsAndTransport@southglos.gov.uk</p> <p>Gloucestershire County Council Shire Hall Gloucester GL1 2TP United Kingdom</p>
<ul style="list-style-type: none"> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>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).</p> <p><a href="https://edocs.southglos.gov.uk/safeguardingchildrenboard16/pages/local-authority-designated-officer-lado/">https://edocs.southglos.gov.uk/safeguardingchildrenboard16/pages/local-authority-designated-officer-lado/</a></p> <p><a href="https://www.gscb.org.uk/i-work-with-children-young-people-and-parents/the-role-of-the-lado-and-the-allegations-management-process/">https://www.gscb.org.uk/i-work-with-children-young-people-and-parents/the-role-of-the-lado-and-the-allegations-management-process/</a></p>
<ul style="list-style-type: none"> <li>• Exclusion of children from school*</li> </ul>	<p>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>.</p> <p><i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i></p>
<ul style="list-style-type: none"> <li>• Whistleblow</li> </ul>	<p>We have an internal whistleblowing procedure for all our</p>

ng	<p>employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers 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>
• Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.
• Staff conduct	<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>
• Complaints about services provided by other providers who may use school premises or facilities	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
• National Curriculum - content	Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>
Complaints about collective worship	Complainants who are dissatisfied with the content of the daily act of collective worship (DACW) should contact their local authority.

Completed by:		
Gavin Murray	Vice Principal - Performance, Standards & Effectiveness	06/05/2020
I have read the guidance document: Completing a Policy Impact Assessment?		✓
If this policy has been up-dated, please tick to confirm that the initial impact screening has also been reviewed:		✓

EQUALITY AND DIVERSITY IMPACT ASSESSMENT		
Characteristic	This policy seeks to:	
Age	No appreciable impact	
Disability	Use available resources to identify and address any issues of inequality as a result of disability. Supporting pupils both academically and pastorally in order that they should be successful.	
Faith or Belief	No appreciable impact	
Gender	No appreciable impact	
Race or Ethnicity	No appreciable impact	
Orientation	No appreciable impact	
Gender reassignment	No appreciable impact	
Economic disadvantage	No appreciable impact	
Rural isolation	No appreciable impact	
Marriage	No appreciable impact	
Pregnancy & maternity	No appreciable impact	
Carers & care leavers	Use available resources to identify and address any issues of inequality as a result of being in care or a care leaver. Supporting learners both academically and pastorally in order to be successful.	
Vulnerable persons	Use available resources to identify and address any issues of inequality as a result of being a vulnerable person. Supporting learners both academically and pastorally in order to be successful.	
Please identify any sections of the policy that specifically seek to maximise opportunities to improve diversity within any of the Academy Trust's stakeholder groups:	Sections 7.2 and 9.2	
Please identify any sections of the policy that specifically seek to improve equality of opportunity within any of the Academy Trust's stakeholder groups:		
Is there any possibility that this policy could operate in a discriminatory way?	<input type="checkbox"/>	<input checked="" type="checkbox"/> If you have ticked yes (red), which characteristic will be most affected? Choose an item.
If yes please confirm that the Policy has been sent for a full Equality & Diversity Impact Assessment, and note the date:	<input type="checkbox"/>	Click or tap to enter a date.

**Note:** if the policy does not seek to increase diversity or improve equality you should go back and review it before submitting it for approval.

MAPPING OF FUNDAMENTAL RIGHTS	
Which United Nations Convention on the Rights of the Child ( <a href="#">UNCRC</a> ), Right does this policy most protect:	Art. 28 Right to education Art. 40. Right to justice Art. 42 Right to know your rights
Which Human Right ( <a href="#">HRA</a> ) does this policy most protect:	Art. 14 Prohibition of discrimination Art. 7 No punishment without law

DATA PROTECTION & PRIVACY BY DESIGN SCREENING	
Tick to confirm that you have considered any data protection issues as part of the design and implementation of this policy; and, that implementing this policy will <u>not</u> result in the collection, storage or processing of personal data outside of official Academy Trust systems:	✓
Tick to indicated that this policy has or requires a Data Privacy Impact Assessment:	✓

## Appendix 1: Formal Complaint Form

Before you complete this form, please ensure that you have firstly raised the matter informally at a local level with the appropriate Tutor, Teacher or Middle leader. Please also ensure that you have carefully read the SGS Academy Trust's Complaints Policy & Procedure.

### SECTION A: PUPIL DETAILS

Name, including your Surname (Family Name):	
Pupil ID Number (e.g. sgs12345):	
Which School are you enrolled at:	
Daytime Telephone Number:	
Year/ tutor group:	
Date of complaint (or incident leading to complaint):	

### SECTION B: ELECTED REPRESENTATIVE (DATA PROTECTION WAIVER)

If you the Parent, Carer or Guardian of a child under the age of 16 and you wish to complain on their behalf:

State you name and relationship	
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By ticking the box below, I confirm that I am giving consent to the Trust to process my personal data in order that my complaint may be investigated.

Tick here to confirm

### SECTION C: PARENTAL REPRESENTATIVE

If you are over 14 years old and you wish to appoint a representative to act on your behalf you can do so here.

Name of representative:	
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By ticking the box below, I confirm that I am giving consent to the Trust to share my personal data with my representative and; I understand that all correspondence relating to my complaint will be sent to my representative, unless I ask my School to stop.

Tick here to confirm

### SECTION D: SUPPORTING STATEMENT

Please give details of the circumstances of your complaint and attach any relevant supporting evidence (continuing on a separate sheet if necessary).

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Please indicate the remedy you are seeking as a resolution to your appeal:

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**SECTION E: DETAILS OF EARLY INFORMAL DISCUSSIONS**

Has this complaint been raised informally first with the appropriate Tutor, Teacher or Middle Leader?

<b>Name of staff member:</b>	
<b>Post Title:</b>	
<b>Date discussed:</b>	

What was the outcome? *(Please also indicate why you are still dissatisfied)*

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**SECTION E: DECLARATION**

**By signing this form, I declare that:**

- I have read and understood the SGS Academy Trust Complaints Policy & Procedure.
- I understand that the Trust will need to gather information about the matters raised in my complaint and that this information may include sensitive personal details which will be processed in accordance with Data Protection legislation and the [Trust's Privacy Notice](#)
- I understand that my complaint will be handled in confidence, but that in order to investigate the issues raised it may be necessary to disclose the content of my appeal to relevant staff or exchange information with external organisations
- If I have disclosed personal data relating to another person/s within my complaint, I have been given permission by them to do so.
- I confirm that what I have written on this form and any enclosures is truthful and relevant to my complaint.

<b>Signed (Your Signature)</b>	<b>Date</b>
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