



Statutory Policy

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WILDERN ACADEMY TRUST

General Complaints Policy

At Wildern Academy Trust we believe all parents, stakeholders or community members have the right to voice any concerns they have about the school to the school itself, any complaint will be taken seriously and dealt with appropriately.

CAVEAT: *Academic Year 2021/2022 Deer Park School Stage 2 complaints are to be addressed to the Deputy Headteacher at Deer Park School who will manage the complaint, with the support of another Headteacher in the Trust as necessary.*

Principles

- This policy is to ensure that a concern or complaint is managed sympathetically, efficiently and at the appropriate level, and resolved as soon as possible. Doing so is good practice, it is fair to those concerned and it helps to promote parents' and students' confidence in our ability to safeguard and promote welfare.
- We will try to resolve every concern or complaint in a positive way with the aim of putting right a matter which may have gone wrong and, where necessary, reviewing our systems and procedures in light of the circumstances.
- The aim of the Complaints Procedure is to facilitate the efficient resolution of concerns by providing a transparent and simple process for complainants, staff and governors of the school. The school's role is to:
 - Resolve concerns through informal discussions at the earliest stage.
 - Provide named contacts and a timescale for a response to be made by the school.
 - Focus on resolving complaints rather than apportioning blame.
 - Promote confidentiality and discretion.
 - Be forthright in dealing with unreasonable complainants.
- We believe that the effective resolution of complaints is based on the prompt notification of concerns, a shared trust between the complainant and the school, and a mutual respect for the privacy and confidentiality of information.
- Any complaints made to the school will start to be dealt with as soon as they are lodged. (When we refer to **working days**, we mean Monday to Friday, during term time).
- 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.

Practice

- 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.

- A complaint may be made in person, in writing or by telephone. They may also be made by a third party acting on behalf of a complainant, as long as they have the appropriate consent to do so. Please mark written complainants against school staff, Headteachers, Executive Headteacher, Governors or Trustees as Private and Confidential.
- We will consider complaints made outside of term time to have been received on the first school day after the holiday.
- We will not normally investigate anonymous complaints. However, the Executive Headteacher or Chair of the Trust Board, if appropriate, will determine whether the complaint warrants an investigation.
- 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. If this happens, we will inform you of a proposed new timescale.
- If a complainant commences legal action against Wildern Academy Trust in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.
- If complainant wants to withdraw their complaint, we will ask for this to be confirmed in writing.
- Complainants should not approach individual Governors or Trustees to raise a complaint.
- The Headteacher in the first instance will be responsible for managing and coordinating the complaints procedure. If they are unavailable or are the subject of the complaint then their duties will be carried out by the Executive Headteacher.

Their main responsibilities will be:

- ❖ The first point of contact while the matter remains unresolved and keep records.
- ❖ To co-ordinate the complaints procedures across the Academy school.
- ❖ To arrange assistance for parents who require this, for example, because of a disability.
- ❖ To maintain an on-going training programme for all Academy Trust employees in relation to complaints.
- ❖ To monitor the keeping, confidentiality and storage of records in relation to complaints.
- ❖ To report regularly to the Executive Headteacher with respect to complaints.
- Complaints against the Executive Headteacher would first be dealt with by the Chair of the Trust Board.
- Complaints against the Chair of the Trust Board or Local Governing Body Governors or any other member of the governance body should be made by writing to the Clerk to the Trust Board and it will be investigated by the Trust Board with the support of the Clerk.
- If the complaint is regarding the entire or majority of the Local Governing Body it will be heard by the Trustees and an independent panel member at Stage 4.
- If the complaint is regarding the entire or majority of the Trust Board it will be heard by a completely independent committee panel at Stage 4.

- Stage 3 complaints, to the Chair of the Trust Board, must be received by the Chair within 20 working days following the date of the letter provided by the Executive Headteacher/Headteacher at Stage 2.
- Complaints from parents of children with special educational needs will be dealt with in accordance with this policy, the SEN Information Report and the Special Educational Needs and Disability (SEND) Policy.

Stage 1 (Informal Complaint)

- All general complaints about the school should in the first instance be referred to the school or appropriate member of staff (class teacher / tutor, curriculum / subject leader, Year Leader, Senior Leadership Team). The attached flow chart outlines who complainants should contact depending upon the concern or issue they wish to discuss and raise.
- We expect that most concerns, where a parent/complainant seeks intervention, reconsideration or some other action to be taken, can be resolved informally. Complaints of discrimination, harassment or victimisation are taken very seriously and may need to be dealt with at Stage 2 without action at Stage 1.
- We will acknowledge any written notification by telephone, e-mail or letter within five working days and will give details of the proposed action to resolve the concern. Depending on the concern the school will decide on the appropriate course of action.
- The school will endeavour to resolve the concern as soon as reasonably practicable and will communicate the steps taken to resolve the concern within ten working days.
- If the resolution of a concern is not satisfactorily dealt with at this stage, the complainant has the right to proceed to Stage 2.

Stage 2 (Formal Complaint Headteacher Investigation (or Executive Headteacher))

- An unresolved concern under Stage 1, or a complaint which needs investigation, or a dissatisfaction of the school's policies, procedures, management or administration should be set out in writing with full details to the Headteacher (or Executive Headteacher) or to one of the Deputy Headteachers. To assist complainants in this process, a Complaints Form is attached to this procedure (Appendix 4). Further copies are available from the school (please ask at Reception). Your complaint will be acknowledged within five working days, indicating the action that is being taken and the likely timescale.
- The Headteacher (or Executive Headteacher) may ask a Member of the Senior Leadership Team to act as Investigator. The Investigator(s) may request additional information from you and the Headteacher (or Executive Headteacher) or Senior Colleague will probably wish to speak to you personally and to others who have knowledge of the circumstances. The Headteacher (or Executive Headteacher) or member of the Senior Leadership Team will then contact you by e-mail or letter of the decision and the reasons for it. The Headteacher (or Executive Headteacher) will aim to inform you of the outcome of an investigation and the resolution to the complaint within twenty working days from the receipt of the complaint.
- If, after receiving a response to the complaint from the Headteacher (or Executive Headteacher), the complainant is not satisfied with the proposed steps for resolution, the complaint may be referred to Stage 3 of the Complaints Procedure.

Stage 3 (Referred to The Chair of the Trust Board)

- If you are dissatisfied with the Executive Headteacher's/Headteacher's decision under Stage 2, your complaint may be renewed in writing to the Chair of the Trust Board. You should write

to the Chair within five working days of receiving the Executive Headteacher's decision setting out full details of the complaint.

- Upon receipt of the complaint, the Chair of Trust Board will acknowledge the complaint within five working days indicating the action that is being taken and the likely timescale. The Chair will aim to offer a response in writing setting out his / her decision and the reasons for it within ten working days of receipt. More complex investigations will require a longer time being needed (up to twenty working days). The complaint will be investigated following the equivalent procedures set down in Stage 1 and 2.
- If the complainant remains dissatisfied with the resolution proposed, the complainant has the right to ask for the complaint to be referred to the Complaints Panel within five working days of receiving the decision. The Clerk to the Trust Board will arrange a meeting of the Complaints Panel and invite the complainant to the hearing.

Stage 4 (Complaints Panel)

- Please see Appendix 1 for full details of how to request a Complaints Panel hearing, how the Panel will be constituted and the procedure that will be followed at the hearing.
- The Panel's task is to establish the facts surrounding the complaints that have been made by considering: the documents provided by both parties and any representations made by you, the Headteacher, the Executive Headteacher or the Chair. The Panel will not consider any new areas of complaint which have not been previously raised. It is not within the powers of the Panel to make any financial award, nor to impose sanctions on staff, pupils or parents. The Panel may make recommendations on these or any other issues to the Executive Headteacher or to the Trust Board as appropriate.
- If, after establishing the facts, the Panel consider that the complaint is justified, they will uphold the complaint in whole or in part. If the Panel consider that the complaint is not made out, they will dismiss the complaint in whole or in part. They will make these decisions on the balance of probabilities.
- Once the meeting has been held, the decision of the Complaints Panel will be communicated to the complainant no later than ten working days following the hearing. The letter will set out a summary of the issues, an outline of the main points of discussion, the reasons for the decision and the proposed actions, if any or outcomes.
- It should be noted by complainants that the role of the Trust Board is primarily strategic, being responsible for the school's strategic framework, including its aims and objectives, its priorities and targets, and its policies for achieving those aims and objectives. The Executive Headteacher, meanwhile, has sole responsibility for making day-to-day decisions in the school, and is responsible for the internal organisation, management and control of the school, and for implementing governors' policies.
- The Department for Education (DfE) has clearly laid out which areas of responsibility are within the remit of the Executive Headteacher and which are within the remit of the Trust Board. The Chair of the Trust Board is bound by this legislation and will decide what powers the Trust Board has to deal with the particular complaint.
- The Trust Board is only permitted to reconsider a decision made by the Executive Headteacher if the concern falls within its legislated authority. If the complaint falls within the remit of the Executive Headteacher as laid out in the DfE legislation, the Trust Board can only investigate the reasonableness of the decision. If you are not satisfied with the Chair's decision, you may contact the Education and Skills Funding Agency (ESFA) which will consider the complaint on behalf of the Secretary of State.

- **Confidentiality:** A written record will be kept of all complaints, and of whether they are resolved at Stage 1 or proceed to a panel Hearing. The number of complaints registered under the formal procedure during the preceding school year will be supplied to parents on request.

Correspondence, statements and records relating to individual complaints will be kept confidential except to the extent required by paragraph 33(k) of schedule 1 to the Education (Independent School Standards) (England) Regulations (2014), that is where access is requested by the Secretary of State or where disclosure is required in the course of the Academy's inspection or under other legal authority. In accordance with data protection principles, details of individual complaints will normally be destroyed following each inspection. In exceptional circumstances, some details will be retained for a further period as necessary.

If you are dissatisfied after Stage 4 of the process and feel your complaint was not handled in accordance with the published complaints procedure or the Trust acted unlawfully or unreasonably in the duties under education law, you may contact the Education and Skills Funding Agency (ESFA).

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by Wildern Academy Trust. They will consider whether the Trust's 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.

The complainant can refer their complaint to the ESFA online at: 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

Unreasonable Behaviour

All complaints will be processed in accordance with this policy. 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 and threatening.

Wildern Academy Trust uses the same definition of "unreasonably persistent complainants" as that generally used by Government and other Public Sector organisations, namely:

"Those who, because of the frequency or nature of their contact with an authority, hinder the School's consideration of their or other people's complaints."

We will inform you when we consider your complaint and your associated behaviour to be unreasonable. Such decisions will not be taken lightly. Where an individual's behaviour is causing a significant level of disruption we may implement a tailored communications strategy and/or seek advice from external advisors.

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. We will act to ensure that it remains a safe place for students, staff and other members of the community.

This will not affect your right to escalate your complaint beyond Wildern Academy Trust as set out in this policy.

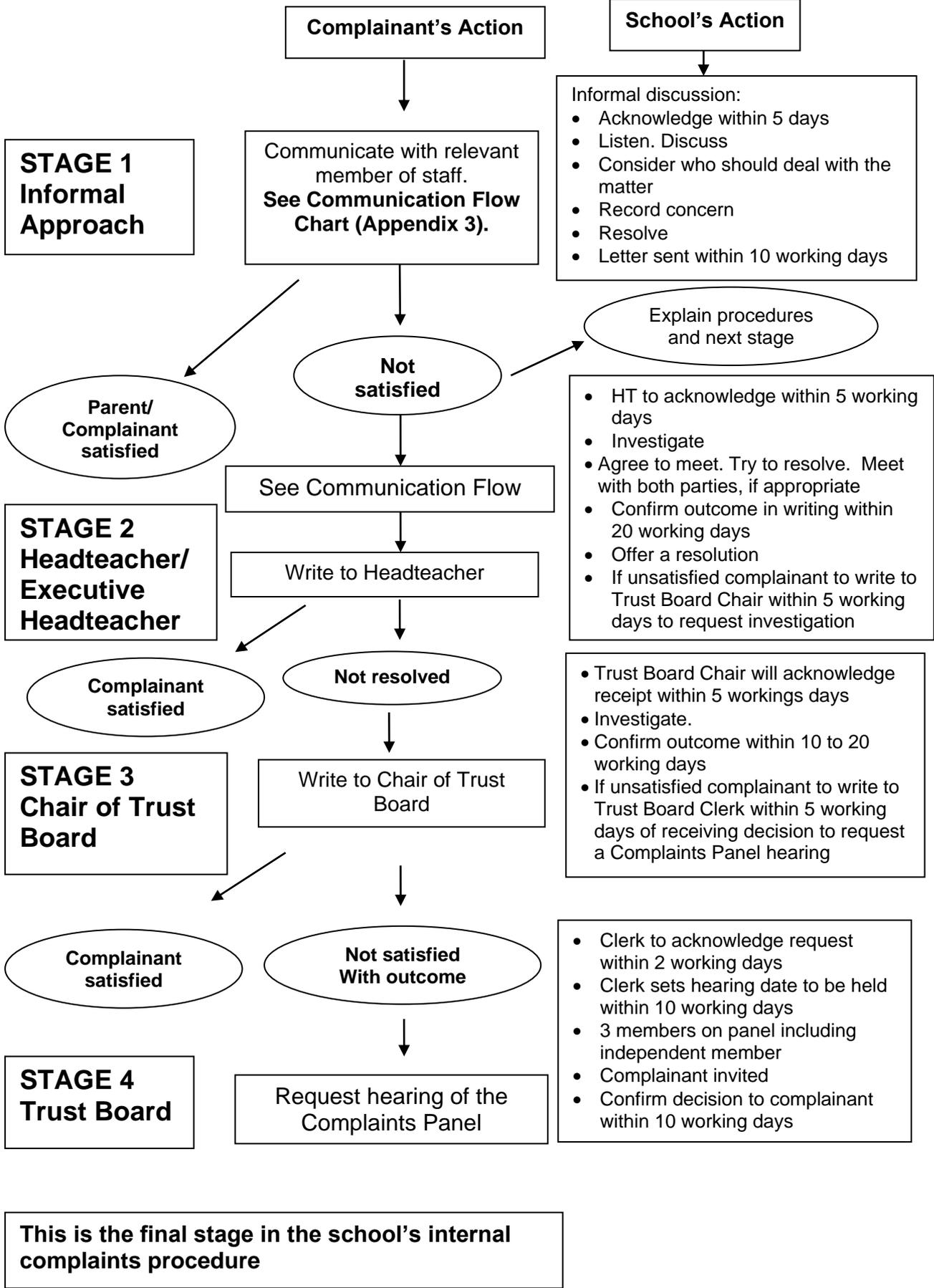
Linked Policies: Dealing with Abusive and Vexatious Parents/Visitors Policy

Appendix (1) The Complaints Panel Hearing

- The panel will be formed of school Trustees who have not been involved in any earlier part of the complaints process and who have no detailed prior knowledge of the nature of the complaint and an independent member who is independent of the governance, management and running of the school. The ESFA suggest that an independent member should have no association with the Trust, however, with the exception of the multi academy trust's Trustees, a governor, from a local governing body at a different school within Wildern Academy Trust, who has no conflict of interest or prior knowledge of the complaint and has no direct involvement with the management and the running of the school, can be an independent panel member. The panel will not consider any new areas of the complaint which have previously been raised as part of the complaints procedure.
- **Notification:** To request a Hearing before the Complaints Panel please write to the Clerk to the Trust Board within five working days of the decision complained of. Your request will usually only be considered if you have completed the procedures at Stages 1, 2 and 3 and where appropriate, 4. Please ensure that a copy of all relevant documents and your full contact details accompany your letter to the Clerk to the Trust Board. Please state in your letter the outcome that you desire and all the grounds of your complaint. Please also send the Clerk a list of the documents which you believe to be in the School's possession and wish the Panel to see. The Clerk to the Trust Board will acknowledge your request in writing within two working days. If you require assistance with your request, for example, because of a disability, please contact the Clerk who will be happy to make appropriate arrangements.
- **Convening the Panel:** The Clerk to the Trust Board will convene the Complaints Panel as soon as reasonably practicable, but the Panel will not sit during half terms or school holidays, unless there are exceptional circumstances. The Panel will consist normally of a minimum of three individuals who have no detailed prior knowledge of the circumstances of the complaint.
- **Notice of Hearing:** Every effort will be made to enable the Panel Hearing to take place within ten working days of the receipt of your request. As soon as reasonably practical and in any event, at least seven working days before the hearing, the Clerk to Trust Board will send you written notification of the date, time and place of the Hearing, together with brief details of the Panel members who will be present. 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.
- **Attendance:** You will be invited to attend the Hearing and may be accompanied by one other person such as a relative, teacher, or friend. It is not necessary for that person to be legally qualified but if you do wish to be accompanied by a legally qualified person, acting in their professional capacity, please notify the Clerk at least five working days before the Hearing. Copies of additional documents you wish the Panel to consider should be sent to the Clerk to the Trust Board at least three clear working days prior to the Hearing. 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. Representatives from the media are not permitted to attend.
- **Chair:** The Hearing will be chaired by one member of the Panel (chosen by themselves) and will be conducted in an informal manner.
- **Hearing:** All statements made at the Hearing will be unsworn. All present will be entitled, should they wish, to write their own notes for reference purposes. Formal minutes of the meeting will be taken by the Clerk to the Trust Board, who will take no part in proceedings apart from reminding the Chair of the Panel of procedural protocol as necessary.

- **Evidence:** The Chair of the Panel will conduct the Hearing in such a way as to ensure that all those present have the opportunity of asking questions and making comments in an appropriate manner. The Hearing is not a legal proceeding and the Panel shall be under no obligation to hear oral evidence from witnesses but may do so and / or may take written statements into account.
- **Conduct:** All those attending the Hearing are expected to show courtesy, restraint and good manners or, after due warning, the Hearing may be adjourned or terminated at the discretion of the Chair. If terminated, the original decision will stand. Any person who is dissatisfied with any aspect of the way the Hearing is conducted must say so before the proceedings go any further and his / her comment will be minuted.
- **Adjournment:** The Chair may, at his / her discretion, adjourn the Hearing for further investigation of any relevant issue. This may include an adjournment to take legal advice.
- **Decision:** After due consideration of the matters discussed at the Hearing, the Panel shall reach a decision unless an agreed position is reached and the complaint withdrawn. The Panel can uphold the complaint in whole or part, or dismiss the complaint in whole or part. The Panel's decision, findings and any recommendations may be notified orally at the Hearing or subsequently and shall be confirmed in writing to you by electronic mail, telephone or letter, where appropriate within ten working days. If you do not wish to receive the decision by electronic mail, a copy will be given or posted to you. The decisions, findings and any recommendations will be available for inspection on the school premises by the Trust Board, Executive Headteacher and the Headteacher. Reasons for the decision will be given. The decision may include recommendations and will be sent to you, the Chair of the Trust Board, Executive Headteacher, the Headteacher and, where relevant, any person about whom the complaint has been made. The letter 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 Wildern Academy Trust.
- **Private proceeding:** A Hearing before the Complaints Panel is a private proceeding. No notes or other records or oral statements about any matter discussed in or arising from the proceeding shall be made available directly or indirectly to the press or other media. 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.

STAGED APPROACH TO HANDLING COMPLAINTS



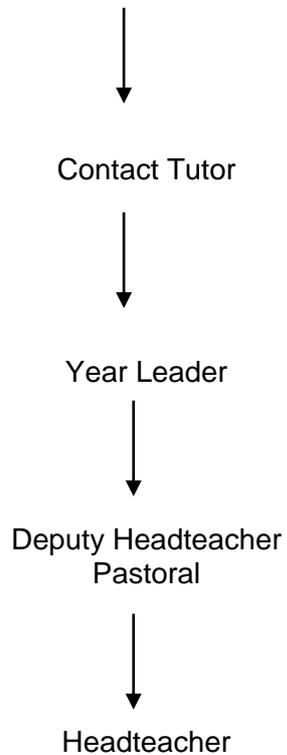
APPENDIX 3

COMMUNICATION/COMPLAINT PROCEDURE

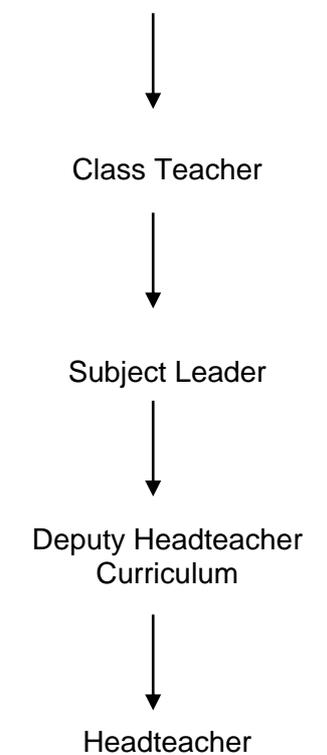
Recommended Procedure for Parents/Guardians

1. → Nature of concern/complaint

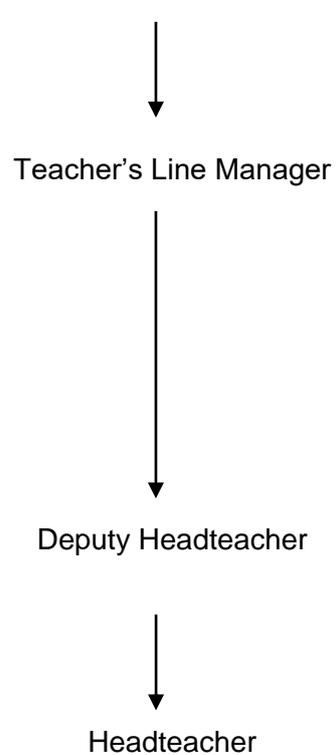
A Pastoral Concern



A Curriculum Concern



Staffing Complaint



2. → Headteacher (Executive Headteacher) – if not contacted under procedure 1 and unable to resolve issue.

3. → Chair of Trust Board – for involvement of Trust Board.

Have you discussed this matter with a member of staff before filling in this form? If so, who did you speak to and what was their response?

What would you like to happen as a result of making this complaint?

Signature

Date

Official use only

Initial response and
Acknowledgement:

By whom:

Date:

Complaints reference number:

Action Taken:

Date:

General Data Protection Regulation 2018 – We will only process your personal data to respond to your complaint. In general, this will be used for administrative and statistical purposes.