



Wickersley Partnership Trust

“Building for All Our Futures”

Academy Complaints Policy, Process and Procedure

Updated May 2017



**WICKERSLEY
PARTNERSHIP
TRUST.**

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The Local Authority's model policy has been adapted by the Wickersley Partnership Trust, which has been developed using information from the DCFS document – School Complaints Procedure, LEA/0180/2003 (2007) obtainable at www.governor.net.co.uk, the EFA Guidelines and the Education (Independent School Standards) (England) Regulations 2010.

Introduction

All Academies must have a complaints procedure which meets the standards set out in The Education (Independent School Standards) Regulations 2010. An Academy's procedure for dealing with complaints from the parents of pupils must contain at least the three stages set out in section 7 of the Regulations, available at <http://www.legislation.gov.uk/ukxi/2010/1997/schedule/1/made>.

One main difference to a maintained school is the composition of the complaints panel in an Academy is that it must include at least one member who is independent of the management and running of the Academy.

Formal Procedures

The Multi Academy Trust takes informal concerns seriously at the earliest stage. Where the concern cannot be satisfactorily resolved the complaint will be taken through the formal procedures (Appendix A).

The Academies formal complaints procedures will be invoked when initial attempts to resolve an issue are unsuccessful and the person raising a concern remains dissatisfied and wishes to take the matter further.

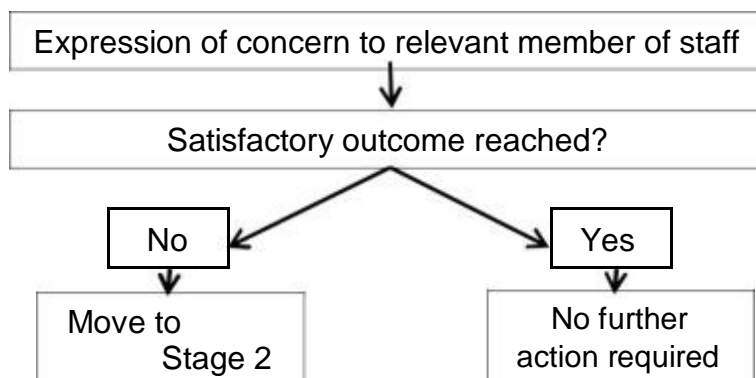
Academies within the Trust have the choice of nominating a member of staff to have responsibility for the operation and management of the Academy complaints procedure or choosing for the responsibility to stay with the Head of School.

The complaints procedure will:

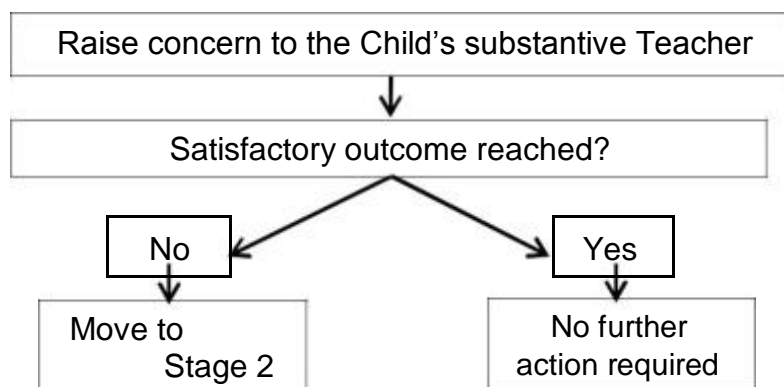
- encourage resolution of problems by informal means wherever possible;
- be easily accessible and publicised;
- be easy to understand;
- have clear time-limits for action
- ensure a full and fair investigation
- respect people's confidentiality where possible;
- keep the complainant informed of progress
- address all the points and provide an effective response
- provide information to the Academy's senior management team so that services can be improved.

Complaint Stages Flow Chart (detailed in Appendix A - Complaints Procedure)

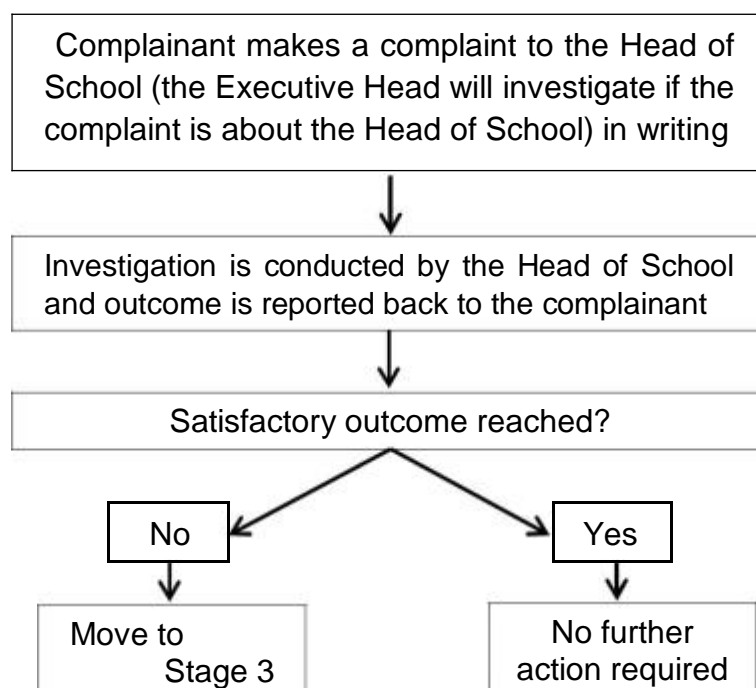
Informal



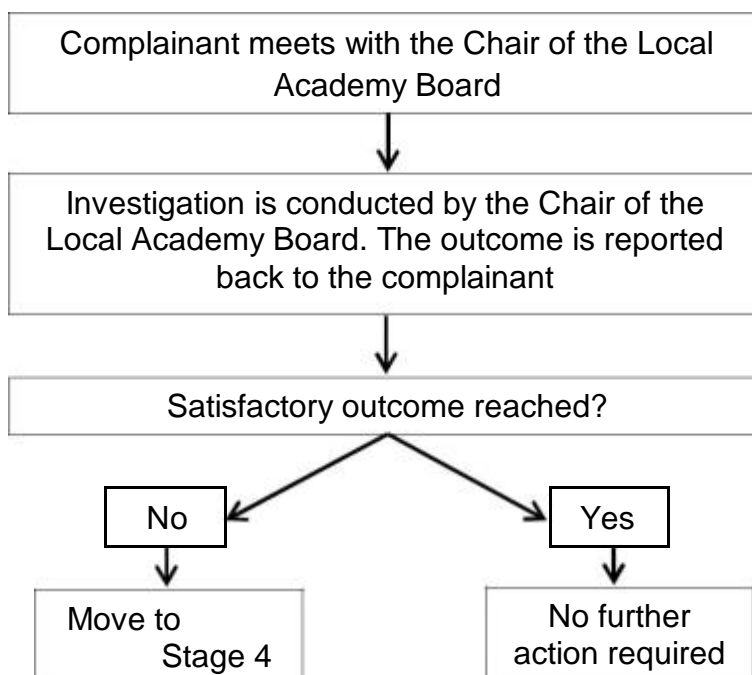
STAGE 1: Raise Concern with Substantive Teacher



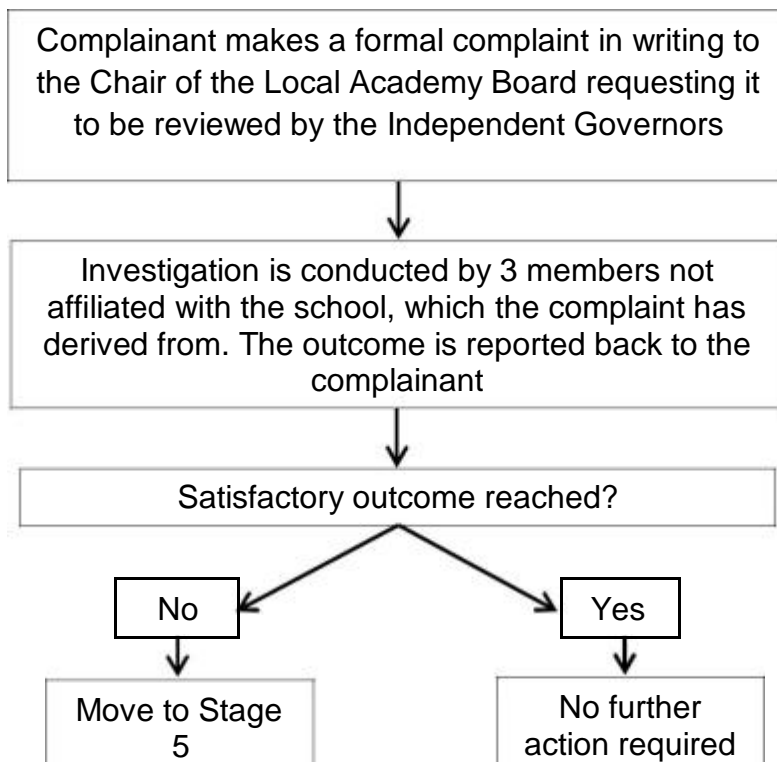
STAGE 2: Head of School's Investigation (the Executive Head will investigate if the complaint is about the Head of School)



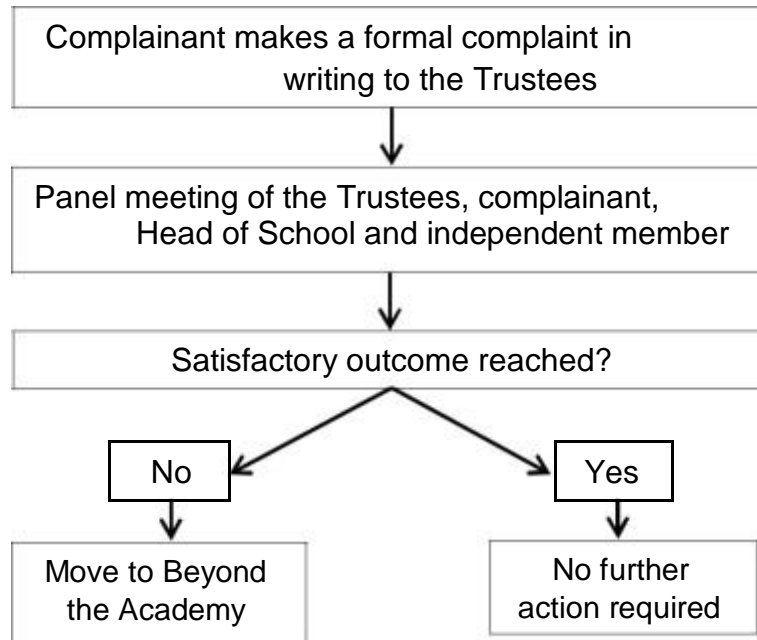
STAGE 3: Chair of the Local Academy Board Investigation



STAGE 4: Independent Governors from another Academy within the Trust



STAGE 5: Trustees Panel including an Independent Member from either another local school or Local Authority Representative



NEXT STAGES: Beyond the Academy

Complainant appeals to the Department for Education at <https://www.education.gov.uk/schools/leadership/schoolperformance/school-complaints-form>

Appendix A

Detailed Academy Complaints Procedure

It is in everyone's interest that complaints are resolved at the earliest possible stage.

The experience of the first contact between the complainant and the Academy can be crucial in determining whether the complaint will escalate. To that end, staff are made aware of the procedures.

Any Academy within the Trust will respect the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the complaint can be referred to another staff member.

Where the complaint concerns the Head of School or Teacher, the complaint can be referred to Executive Head Teacher and the complainant will be advised of this.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, consideration will be given to referring the complainant to another staff member. They may be more senior but does not have to be, as what is crucial is their ability to consider the complaint objectively and impartially.

When a Governor has been approached as first point of contact, the complainant will be referred to the appropriate person and advised of the procedure. The Academies within the Trust advise their Governors not to act on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

One of the reasons for having various "stages" in a complaints procedure is to reassure complainants that their grievance is being heard by more than one person.

Support for Complainants

Parents/carers can go for information, advice and advocacy, if they require it. Ideally, support should be offered from individuals and organisations that are clearly separate from those complained against, such as Parents' Advice Centres, Citizens Advice Centres, refugee support organisations and other local advice centres.

However, advice can come from the Local Authority's Children and Young People Services officers (e.g. specially designated complaints officers). Children and Young People Services will always advise complainants to discuss their concerns with the Academies concerned.

Parents raising concerns or complaints are advised that they can be accompanied by a friend, a relative or a representative at any stage of the procedure.

Support for a Person being complained about

Staff who may be questioned as part of a complaints procedure investigation will be informed that they too will have an opportunity to state their case, given a copy of the procedure and be kept informed of progress.

They also have the right to be accompanied by a union representative, friend or colleague at discussions about the complaint.

Support for Academies/Officers

Children and Young People Services will offer advice and support to Academies when handling a complaint if required and contact should be made with the Complaints Manager on 01709 823738 who will try to provide assistance.

Monitoring Complaints

The Local Governing Bodies will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and recommend changes to the Trust where necessary.

Complaints information shared with the whole Local Governing Bodies will not name individuals.

As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to the Academies/Trust improvement, as Academies may identify underlying issues that need to be addressed and is a useful tool in evaluating an Academy's performance.

Making and Recording Complaints

All Academies within the Trust must record the progress of a complaint and the final outcome.

A complaint may be made in person, by telephone, in writing or by email to the main email address of the Academy of which the child attends or the complainant has concerns with. No complaint can be made to the personal email of any member of staff.

The complaint must be received during an Academy day i.e. any day that the Academy of which the child attends or the complainant has concerns with, is open and the complainant has to be very clear as to the nature of the complaint.

The person taking the complaint must ensure that the complainant and the person responsible within the Academy for investigating the issue raised, have the same understanding of what was discussed and agreed following receiving the email/letter, telephone call or conducting the meeting.

A brief note what was discussed or received and the response given must be kept on record.

Once a complaint is being investigated, no discussion between the Academies concerned, the parent/complainant or any other individual can take place, which may prejudice the complaint being investigated appropriately.

Any complaint within the previous Academic Year or Term, which has been investigated and closed by the Academies, can be used as part of a new complaint.

Any complaint from a period prior to Academy status, from when the Academies were maintained schools, cannot be used as evidence with a new complaint.

If a complainant feels that their prior complaint prior to Academy status, from when the Academies were maintained schools, has not been resolved, they should write to the Local Authority concerned for further investigation.

Complaints about Bullying, Homophobia or Racism

The Trust has a commitment to reducing bullying, racism and harassment of children and young people and it is not tolerated at any Academy within it. As a result of this the Academies Trust has a separate policy and procedure for recording incidents of bullying, racism and harassment of children and young people.

When a bullying, homophobic or racism complaint is raised with a member of staff, the complainant will then meet with a member of staff, Head of School or Executive Head, if the complaint is about the Head of School and complete a bullying incident form. The complaint will be handled sensitively and all allegations taken seriously. In this bullying incident form the facts about the bullying, homophobic or racism complaint are recorded prior to any investigation taking place. This initial report is purely factual and records the names any perceived perpetrators and victims and a complaint of this nature is confidential and is made only by the parent or carer of the young person affected. All discussions that take place about incidents of this nature involving children or young people are confidential.

An investigation will take place and a response will be sent to the complainant detailing the outcome of the investigation and any action taken if deemed required within 10 school days of the bullying incident form being completed.

The complaints will be recorded and kept on file.

Confidentiality

All conversations and correspondence will be treated with discretion. It is vital that parents/carers feel confident that their complaint will not mean that their child will be penalised. However, from the outset, all parties to the complaint should be made aware that some information may have to be shared with others involved in the operation of the complaints procedure.

It is usually proper to disregard anonymous complaints unless somebody is prepared to substantiate them. However, the danger in this is that they may relate to something quite serious.

If the forewarned eventuality occurs, to the detriment of the Academy, the complainant may come forward subsequently and say that s/he alerted the Academy even though the complaint was unsigned. In this instance it will be the Head of School's discretion to decide whether the gravity of an anonymous complaint warrants an investigation.

Investigating Complaints

At each stage, the person investigating the complaint must ensure that they:

- understand the nature of the complaint
- identify what outcome the complainant is seeking by making their complaint
- clearly explain the complaints process
- interview those relevant to the investigation
- keep a record of interviews/investigations
- respond to the complainant within the timescales set out

Resolving Complaints

At each stage in the procedure the Academies with the Trust need 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 Academy policies in light of the complaint
- an admission that the Academy could have handled the situation better is not the same as an admission of negligence
- an effective procedure will 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.

Vexatious Complainants

If properly followed, the complaints procedure will limit the number of complaints that escalate. However, 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, as detailed under Making and Recording Complaints, the Chair of the Trustees will inform them in writing that the procedure has been exhausted and that the matter is now closed.

A complainant should, however, be advised of their right to contact Secretary of State for the Department for Education, should it get to that stage.

Formal Procedures

Informal Discussion with a Member of Staff

The complainant expresses their concern to a relevant member of staff who discusses it informally with them and any friend, relative or a representative that they wish to be with them. If a satisfactory outcome for all concerned is not reached, the complainant can move to Stage 1.

Stage 1: Raise Concern with Substantive Teacher

If a complainant considers that they have not received a satisfactory response at the informal discussion stage, they can refer their complaint to the substantive teacher of their child, or Executive Head Teacher if the complaint is about the Head of School.

The complainant expresses their concern to the substantive teacher of their child, or Executive Head Teacher, if the complaint is about the Head of School, who discusses it informally with them and any friend, relative or a representative that they wish to be with them. If a satisfactory outcome for all concerned is not reached, the complainant can move to Stage 2.

Stage 2: Complaint heard by Head of School, designated officer or Executive Head Teacher if the complaint is about the Head of School

If a complainant considers that they have not received a satisfactory response at Stage 1, they can refer their complaint to the Head of School, or Executive Head Teacher if the complaint is about the Head of School.

A complaints form (Appendix B) must be completed and received by the Head of School or Executive Head Teacher if the complaint is about the Head of School within 10 school days. The procedures set out in Making and Recording Complaints will be observed at all times.

In some cases the Head of School has already been involved in looking at the matter, in others it is his/her first involvement.

The Head of School, designate officer or Executive Head Teacher if the complaint is about the Head of School, will acknowledge the complaint in writing within 3 school days of receiving the complaint form.

An acknowledgement should give a brief explanation of the Academy's complaint procedure and a target date for providing a response to the complaint or in the case of it concerning the Head of School, a meeting with the Executive Head Teacher will be arranged.

The Head of School or Executive Head Teacher if the complaint is about the Head of School, will investigate the complaint raised, following the meeting and the outcome received by the complainant within 10 school days. If for any reason it is considered that this will not be possible the complainant should be advised, once again in writing.

If a satisfactory outcome for all concerned is not reached, the complainant can move to Stage 3.

Stage 3: Complaint heard by Chair of the Local Academy Board or designated Governor

Should the complainant remain dissatisfied after the investigation undertaken at Stage 2, they should address the complaint to the Chair of the Local Academy Board or designated Governor in writing.

The Chair of the Local Academy Board or designated Governor, will acknowledge the complaint in writing within 3 school days and invite the complainant, who are also advised that they can be accompanied by a friend, a relative or a representative, to meet with him/her to find a way forward.

Any relevant documentation, including information that the Head of School or Executive Head Teacher if the complaint is about the Head of School, has in relation to the complaint to date, should be provided for the Chair of the Local Academy Board or designated Governor, for their own investigation and prior to the meeting with the complainant.

The Chair of the Local Academy Board or designated Governor, will keep written records of meetings, telephone conversations and any other documentation relating to the complaint.

During the meeting, all the relevant facts will be established, not only from the original investigation, but also from the one completed by the Chair of the Local Academy Board or designated Governor and any further information the complainant wishes to present, in line with the procedures set out in Making and Recording Complaints. The Chair of the Local Academy Board or designated Governor will then adjourn the meeting to consider all that had been presented.

A written response from the Chair of the Local Academy Board or designated Governor must be received by the complainant, within 10 school days of the meeting taking place. The response will include a full explanation of the decision and the

reasons for it and where appropriate, any action the Academy will take to resolve the complaint. The response will also advise that should s/he wish to take the complaint to Stage 4 of the policy, s/he should notify the Chair of the Local Academy Board or designated Governor in writing within 10 school days of receiving the outcome letter.

Stage 4: Complaint heard by Independent Panel of Governors from the another Academy within the Trust

Should the complainant remain dissatisfied after the investigation undertaken at Stage 3, they should address the complaint to the Chair of the Local Academy Board advising of their wish to escalate their complaint to be heard by an Independent Panel of Governors from the another Academy within the Trust.

The Chair of the Local Academy Board will then ask the Chair of another Academy within the Trust to nominate 3 Governors, not involved with the management of the Academy concerned, to convene a complaints panel.

The Chair of the established panel will then acknowledge in writing, within 3 school days of receiving the request to move to Stage 4 and inform the complainant that the panel will be convened within 20 school days, providing a time, date, location, Chair and other members of the panel. The letter will also explain that the complainant has the right to submit any further documents, which have not already been considered during previous investigations, relevant to the complaint raised and in line with the procedures set out in Making and Recording Complaints. However, these must be received by the 3 members of the panel 10 school days before the panel meets.

The complainant will also be reminded that a friend, a relative or a representative can accompany them at the meeting.

The panel is not convened to merely rubber-stamp previous decisions and they will give unbiased consideration to the issue. The remit of the independent panel is to:

- 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 Academy's systems or procedures to ensure that problems of a similar nature do not recur

Following the meeting taking place, the Chair of the panel will notify the complainant of the panel's decision in writing, within 15 school days. The letter will explain that should the complainant still be dissatisfied with the decision, they can appeal in writing to the Trustees.

Stage 5: Complaint heard by the Trustees of the Multi Academy Trust and Independent Member either from another school or Local Education Authority

Should the complainant remain dissatisfied after the investigation undertaken at Stage 4, they should address the complaint to the Chair of the Trustees advising of their wish to escalate their complaint.

The Chair of Trustees will then ask the Clerk to the Trust to acknowledge in writing, within 3 school days the receipt of the request to move to Stage 5 and inform the complainant that the Trust panel will be convened within 20 school days, providing a time, date, location and the names of the panel members including the independent member. The letter will explain that the complainant has the right to submit any further documents, which have not already been considered during previous investigations, relevant to the complaint raised and in line with the procedures set out in Making and Recording Complaints. However, these must be received by the 4 members of the panel 10 school days before the panel meets. The complainant will also be reminded that a friend, a relative or a representative can accompany them at the meeting.

Once again the Trust panel is not convened to merely rubber-stamp previous decisions and they will give unbiased consideration to the issue. The remit of the Trust panel is to:

- 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 Academy's systems or procedures to ensure that problems of a similar nature do not recur

Following the meeting taking place, the Chair of the panel will notify the complainant of the panel's decision in writing, within 15 school days. The letter will explain that Stage 5 is the final stage of the Academy's complaints procedure and should the complainant still be dissatisfied with the decision, they can appeal. Complainant appeals to the Department for Education at <https://www.education.gov.uk/schools/leadership/schoolperformance/school-complaints-form>

The Next Stages:

It must be understood and made clear to the complainant that any decision reached by the Trustees is final and binding.

The Secretary of State for Education can receive complaints under Section 496 of the Education Act, 1996, on the grounds that a Local Academy Board or Trust is acting or is proposing to act unreasonably, or under Section 497 of the same Act, on the grounds that either the Local Academy Board or Trust has failed to discharge its duties under the said Act. The Secretary of State may contact the Local Academy Board or Trust for more information in order to consider the complaint further.

These powers relate to County Schools and Voluntary Schools and Grant-Maintained Schools and City Technology Colleges.

Contacts

The Secretary of State for Education
Sanctuary Buildings
Great Smith Street
London SW1P 3BT

Telephone number: 0870 0002288

Appendix B - Academy Complaints Form

Please complete and return to: Head of School or Executive Head Teacher if the complaint is about the Head of School

The Head of School or Executive Head Teacher if the complaint is about the Head of School, will acknowledge the receipt and explain what action will be taken within 3 days of receipt.

Academy Concerned:	
Your Name:	
Pupils Name (if applicable):	
Your relationship to the pupil (if applicable):	
Address:	
Post Code:	
Daytime telephone number:	
Evening telephone number:	

Please give clear details of your complaint:

What action, if any, have you already taken to try and resolve your complaint. Please include who you have spoken to and what was the response:

What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork as evidence? If so please give details

Signature of Complainant:

Date:

For Official Use:	
Stage 2	
Date complaint received:	
Date acknowledgement sent:	
Acknowledgement sent by who:	
Complaint referred to:	
Date response sent:	
Action taken:	
Stage 3	
Date complaint received:	
Date acknowledgement sent:	
Acknowledgement sent by who:	
Complaint referred to:	
Date meeting took place:	
Date response sent:	
Action taken:	

Stage 4	
Date complaint received:	
Date acknowledgement sent:	
Acknowledgement sent by who:	
Complaint referred to:	
Date meeting took place:	
Date response sent:	
Action taken:	

Stage 5	
Date complaint received:	
Date acknowledgement sent:	
Acknowledgement sent by who:	
Complaint referred to:	
Date meeting took place:	
Date response sent:	
Action taken:	

At what stage is the complaint at:			
Stage 1 (Date):		Stage 2 (Date):	
Stage 3 (Date):		Stage 4 (Date):	
Stage 5 (Date):		Move to Secretary of State for Education (Date):	

Date Completed:	
Name of Officer Signed off:	

Appendix C

The Policy Updates and Implementation are the responsibility of the following people:

Responsibility for Updates:

Ms Kay Sherburn, Head of School