



WICKERSLEY  
PARTNERSHIP  
TRUST.

# PRIMARY COMPLAINTS POLICY

**WICKERSLEY PARTNERSHIP TRUST**

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## **APPENDICES**

Appendix A - Wickersley Partnership Trust Complaints Form

Appendix B - Wickersley Partnership Trust Complaints Request Review Form

This policy does not form part of the contract of employment and from time to time may be altered following consultation and negotiations with recognised Trade Unions. Any changes will be communicated to employees with reasonable notice. The policy may vary from time to time on a case-by-case basis in consultation and agreement with Union Representatives.

# 1 INTRODUCTION

Wickersley Partnership Trust (hereafter referred to as WPT) believes that everyone should be treated fairly and with respect.

This policy is intended to allow individuals to raise a concern (a concern is defined as an expression of worry or doubt over an issue considered too important for which reassurances are sought) or complaint (a complaint is defined as a concern that has not been resolved) relating to the school/Trust, or the services that it provides.

An anonymous concern or complaint will not be investigated under this policy.

To allow for a proper investigation, concerns or complaints should be brought to the attention of the school/Trust as soon as possible. In general, any matter raised more than three months after the issue, will not be considered.

This policy is not limited to parents or carers of children that are registered at the Trust. Any person, including members of the public or employees of WPT, may make a complaint to WPT about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this Complaints Policy.

This policy has been adopted after consultation with the recognised Trade Unions and Professional Associations. WPT are responsible for ensuring the effective implementation of this policy. As part of equality monitoring WPT will review and monitor the operation and impact of the policy on a regular basis. Any major amendments to the policy will be consulted on with the recognised Trade Unions.

Any complaint which relates to harassment or bullying on the part of a colleague, the matter should be dealt with under the WPT Harassment and Bullying Policy - the procedure for which has been drafted in line with this WPT Grievance Policy (please refer to the WPT Harassment and Bullying Policy).

WPT will consider complaints made outside of term time to have been received on the first school day after the holiday period.

## 2 AIMS

This policy applies to any individual wishing to raise a concern or complaint regarding WPT or any of our services that we provide, and aims to:

- Reinforce WPT's commitment to equal opportunities in employment practice
- Ensure WPT fulfils its legal obligations in accordance with relevant legislation
- Promote a climate in which good equal opportunities practice exists
- Create an environment in which individual differences, and the contributions of all WPT employees are recognised and valued
- Ensure every employee is treated with dignity and respect
- Ensure that any form of intimidation, victimisation, harassment or bullying (see Harassment and Bullying Policy) will not be tolerated
- Ensure training, development and progression opportunities are available to all
- Ensure we allow our staff the power to change lives for the better and the responsibility to do no less
- Ensure we create an atmosphere where each child is valued as an individual, enabling them to develop a positive self-image, self-discipline and respect for other students
- Reinforce our inclusive and diverse approach to recruitment, retention and development

## 3 LEGISLATION

This policy complies with (but is not limited to) the following legislation and regulation:

- Education and Training (Welfare of Children) Act 2021
- Part 7 of the Education (Independent School Standards) Regulations 2014
- Data Protection Act 2018
- Freedom of Information Act 2000
- General Data Protection Regulations
- Equality Act 2010

# 4 ROLES AND RESPONSIBILITIES

## Headteacher/CEO

They are responsible for:

- Appointing a suitable Investigating Officer
- Ensuring that all existing and new employees are trained on this policy, and become familiar with this policy
- Providing opportunities to discuss the Equal Opportunities Policy with employees on a regular basis and ensure that any queries raised are resolved quickly

## The Investigator

They will be appointed by the Headteacher and CEO, who are responsible for ensuring that a suitable Investigator is appointed.

They are responsible for:

- Providing a sensitive and thorough interviewing process of the complainant to establish what has happened and who is involved
- Considering all records, evidence and relevant information provided
- Interviewing all parties that are involved in the complaint, including staff and pupils (if necessary)
- Analysing all information in a comprehensive and fair manner
- Liaising with the complainant and clarifying an appropriate resolution to the problem
- Identifying and recommending solutions and courses of action to take
- Responding to the complainant in a clear and understandable manner
- Ensuring that any concerns raised under the scope of this policy will be treated seriously and sensitively
- Ensuring that any allegations raised are investigated promptly and appropriately in accordance with the procedure set out in this policy and/or any other relevant policies as appropriate

## Complainants

Complainants will receive a more effective response to the complaint if they:

- Explain the complaint in full as close to the event(s) that relate to the complaint as possible and within a maximum of three months of the date in which the event(s) that relate to the complaint occurred
- Provide clarity regarding what they would like to happen next and what outcome(s) they

desire

- Co-operate with the school/Trust in seeking a solution to the complaint
- Respond promptly to requests for information or meetings or in agreeing the details of the complaint
- Ask for assistance as needed
- Treat all those involved in the complaint with respect
- Refrain from publicising the details of their complaint on social media and respect confidentiality
- Should ensure that they are familiar with the content of this policy
- If the complainant is an employee of WPT, they should raise any queries or areas of concern they have with their Line Manager in the first instance. The Line Manager is required to log all concerns and to discuss with the Headteacher/CEO to formulate a plan. In cases where the Line Manager is involved, the employee should seek support/report to a member of the Senior Leadership Team

### **The Clerk to the Trust Board**

They are responsible for:

- Handling and delegating responsibilities regarding complaints against local Governors, Trustees, the Chair of Trustees and, where applicable, the CEO

### **Complaints Review Panel Members**

They will be aware that:

- The review panel hearing is independent and impartial
- No individual with prior involvement in a complaint, or the circumstances surrounding it, is permitted to sit on the panel
- The aim of the panel is to achieve a reasonable resolution and, ultimately, attain reconciliation between the parties involved
- Reconciliation between the trust and complainant is not always achievable, and that it may only be possible to establish facts and make recommendations to reassure the complainant that their case has been taken seriously
- The panel can:
  - » Dismiss or uphold the complaint, in whole or in part
  - » Recommend changes that the trust can make to prevent reoccurrence of the problem
- Complainants may feel nervous or inhibited in a formal setting and, therefore, the proceedings should be as welcoming as possible
- When a child is present at the hearing, extra care needs to be taken to ensure that the child does not feel intimidated, as well as ensuring the child's view is represented equally

# 5 SCOPE OF POLICY

This policy covers all complaints about any provision of community facilities or services by WPT, other than complaints that are dealt with under other statutory procedures, including those listed below.

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 with the Head of Service Access to Education in Rotherham Local Authority.</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>
<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:</p> <p><a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a></p> <p>*Complaints about the application of policies relating to behaviour can be made through the school's complaints procedure. See WPT Staff Code of Conduct and the WPT Policy for more details.</p>
<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	<p>We have an internal whistleblowing procedure for all our 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</p>

	<p>their employer. Referrals can be made at:</p> <p><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>
<ul style="list-style-type: none"> <li>• Staff grievances</li> </ul>	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>
<ul style="list-style-type: none"> <li>• Staff conduct</li> </ul>	<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>
<ul style="list-style-type: none"> <li>• Complaints about services provided by other providers who may use school premises or facilities</li> </ul>	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.</p>
<ul style="list-style-type: none"> <li>• National curriculum - content</li> </ul>	<p>Please contact the Department for Education at:</p> <p><a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a></p>

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 a complainant commences legal action against the Trust or any of the schools within the Trust in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.



# 6

## RAISING A CONCERN

### Resolving Complaints

At each stage of the policy, WPT wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- An explanation
- An admission that the situation could have been handled differently or better
- An assurance that we will try to ensure the event complained of will not recur
- An explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- An undertaking to review school policies in light of the complaint
- An apology

### Withdrawal of a Complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

### Informal Stage

It is normally appropriate to communicate directly with the employee or a member of the Senior Leadership Team concerned (unless the concerns are about a member of the Senior Leadership Team). This may be by letter, by e-mail, by telephone or in person by appointment. Many concerns can be resolved by a simple clarification, or the provision of relevant information and it is anticipated that most concerns will be resolved within five working days at this informal stage.

In the case of serious concerns, it may be appropriate to address them directly to a member of the Senior Leadership Team or to the Chair of the Trust Board. If the complaint is about a member of the Senior Leadership Team this will be addressed to the CEO or Chair of the Trust Board.

If complainants are uncertain about who to contact, they should seek advice from the Clerk to the Trust Board.

It is at this informal stage that the school/Trust will take the concerns expressed seriously and hope to resolve the issue in an informal way. The school/Trust will aim to discuss ways of resolving the issue with the stakeholder concerned and ask the complainant what actions they think will help positively resolve the issue at hand.

Unless specifically stated otherwise, the school/Trust will deal with all initial contacts at the informal stage.

# 7 RAISING A COMPLAINT

## Formal Stage

If a concern is not resolved at the informal stage the complainant must put the complaint in writing and pass it to a member of the Senior Leadership Team, (or to the Clerk to the Trust Board, for the attention of the Chair of the Trust Board) who will be responsible for ensuring that it is investigated appropriately.

Complainants should include details which might assist the investigation, such as names of potential witnesses, dates and times of events and copies of relevant documents.

It is very important that complainants include a clear statement of the actions they would like the school/Trust to take to resolve their concern. Without this, it is much more difficult to proceed.

Concerns must be raised in writing using the Complaints Form in Appendix A.

The nominated Trust representative will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within five working days.

The nominated Trust representative may invite the complainant to a meeting to clarify concerns and to seek an informal resolution. If this invitation is accepted, the complainant may be accompanied by a friend/colleague, if they wish, to assist them in explaining the nature of their concerns.

It is possible that the complaint will be resolved through this meeting. If not, arrangements will be made for the matter to be investigated, using the appropriate procedures.

Any investigation will begin as soon as possible and all complaints that cannot be dealt with informally will endeavour to be investigated and responded to in writing within a maximum of 20 working days from the receipt of the complaint.

However, if the investigation is likely to take longer than expected, the complainant will be kept well informed at every stage.

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 WPT will take to resolve the complaint.

The nominated Trust representative will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome.

If the complaint is about a member of the Senior Leadership Team or a member of the Trust Board, a suitable skilled governor will be appointed to complete the actions at the formal stage.

Complaints about a member of the Senior Leadership Team or a member of the Trust Board must be made to the Clerk to the Trust Board.

If the complaint is jointly about the Chair or Vice Chair, or the entire Trust Board, or the majority of the Trust Board then the formal stage will be considered by an independent investigator appointed by the CEO. At the conclusion of their investigation, the independent investigator will provide a formal written response.

If the complaint is in relation to the CEO, then the same process will apply in the sense that the complaint must be made to the Clerk to the Trust Board. The Chair of the Trust Board would then be responsible for deciding on an appropriate Investigating Officer.

## 8

## REVIEW PROCESS (COMPLAINTS REVIEW PANEL)

Any such request for a review must be made in writing to the Clerk to the Trust Board within ten working days of receiving notice of the outcome of the formal complaint stage. It must include a statement that explains the reasons why the Complainant is not happy with the outcome of the investigation.

The procedure described below will be followed.

A Complainant Review Request Form is provided in Appendix B.

Any review of the process followed by the school/Trust will be conducted by the Complaints Review Panel. This will usually take place within 20 working days of the receipt of the request and all parties will be given a minimum of five working days' notice of the meeting.

The review will normally be conducted through a consideration of written submissions, but reasonable requests to make oral representations will be considered sympathetically.

- The Complaints Review Panel will be made up of two members of the Trust Board (who

were not involved in the initial investigation into the complaint) and one independent member (a Director of the Trust Board) who is independent of the day-to-day management and running of the school/Trust

- Once again, the complainant may be accompanied by a friend/colleague, if they wish, to assist them in explaining the nature of their complaint
- The complaint has the opportunity to submit evidence to the review panel and all parties will receive relevant written evidence (at least three working days) from the Complainant prior to the Complaints Review Panel meeting
- The Complainant will have the opportunity to explain their complaint, the reasons why they are unhappy and what they think will help resolve their complaint
- The panel will then invite representatives of the school (usually the person that has investigated the complaint) to make a response in full to the complainant
- The complainant will be informed in writing of the Complaints Review Panel outcome, usually within 10 working days of the panel meeting.

The matter will then be closed as far as the school/Trust is concerned.

If the complainant believes that the Trust Board has acted illegally or arbitrarily in handling the complaint, then they may make representations to the Educational Funding Agency, details of which can be found via the following link:

<https://www.gov.uk/government/organisations/education-and-skills-funding-agency/about/complaints-procedure>

## 9 RECORDING A FORMAL COMPLAINT

At the formal stage of the process a written record will be kept of the complaint, along with summaries of discussions with all stakeholders. All records relating to the complaint will be kept confidential and will be kept only for monitoring purposes and submission to relevant authorities, if and when requested.

The records will detail:

- The main issues raised, the findings and any recommendations
- Whether the complaint was resolved following an informal route, formal route or panel hearing
- Actions taken by the Trust as a result of the complaint (regardless of whether the complaint was upheld)

# 10 PARENTS OF CHILDREN WITH SPECIAL EDUCATIONAL NEEDS

## Dealing with complaints - parents of children with special educational needs

All general concerns should be through the child's class teacher who will work to ensure any concerns are addressed in a timely fashion.

If the concern is regarding the provision for a child's SEND then concerns should be raised with the SENCO or Inclusion Manager.

If parents/carers feel that their concerns are not dealt with to their satisfaction, they should contact the Assistant Headteacher

If parents/carers remain concerned about any aspect of the provision for their child's education, they should seek to speak to a member of the Headteacher and, if the situation still remains unresolved, consult the school's website for information on how to make a formal complaint.

# 11 MONITORING AND REVIEW

The Trust will review this policy and assess its implementation and effectiveness annually in consultation with the recognised Trade Unions. The policy will be promoted and implemented throughout all schools.

KPIs will also be set and monitored to ensure consistent and ongoing reporting to review the impact of this policy.

The policy will be updated regularly in line with legislation and any major changes to the policy will be consulted on with the recognised Trade Unions.

# 12 LINKS WITH OTHER POLICIES

This policy links with our policies on:

- Grievance Policy
- Harassment and Bullying Policy
- Disciplinary Policy
- Equal Opportunities Policy
- Whistleblowing Policy
- SEND Policy

# APPENDIX A

## WICKERSLEY PARTNERSHIP TRUST

### COMPLAINTS FORM

Please complete this form and return it to a member of the Senior Leadership Team or the Clerk to the Trust Board, who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name:

Relationship with the school (eg: parent/carer of a student on the school's roll):

Child's name (if relevant to your complaint):

Your address:

Daytime telephone number:

Evening telephone number:

Mobile:

Email address:

Please give concise details of your complaint (including dates, names of witnesses etc) to allow the matter to be fully investigated:

You may continue on separate paper, or attach additional documents, if you wish.

Number of additional pages attached:

What action, if any, have you already taken to try to resolve your complaint? (I.e: who have you spoken with or written to and what was the outcome?)



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

Signature:

Date:

School/Trust use:

Date Form Received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

<b>COMPLAINT REFERRED TO:</b>			
<b>DATE:</b>			

# APPENDIX B

## WICKERSLEY PARTNERSHIP TRUST

### COMPLAINT REVIEW REQUEST FORM

Please complete this form and return it to a member of the Senior Leadership Team or the Clerk to the Trust Board, who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name:

Your address:

Daytime telephone number:

Evening telephone number:

Mobile:

Email address:

Dear Sir

I submitted a formal complaint to the school/Trust on \_\_\_\_\_ and I'm dissatisfied by the procedure that has been followed.

My complaint was submitted to \_\_\_\_\_ and I received a response from \_\_\_\_\_ on \_\_\_\_\_.

I have attached copies of my formal complaint and of the response(s) from the school.

I am dissatisfied with the way in which the procedure was carried out, because:

You may continue on a separate paper, or attach additional documents, if you wish.

Number of additional pages attached:

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

Signature:

Date:

School/Trust use:

Date Form Received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

<b>COMPLAINT REFERRED TO:</b>			
<b>DATE:</b>			