



COMPLAINTS POLICY

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INTRODUCTION

Wandle Learning Trust is a multi-Academy Trust made up of Primary and Secondary Academies. It is constituted under the Department for Education's Academies Act 2010. Academy Trusts are charitable companies limited by guarantee that operate independent, state funded academies and Free Schools, They are governed by a Board of Trustees and regulated by the Secretary of State of Education.

Trustees have established Local Academy Committees for each academy in the Trust. These provide local leadership, support and challenge to ensure the Trust's vision, values and ethos are delivered and maintained. The Trust's Scheme of Delegation details the roles and responsibilities retained by the Trust Board and those delegated to each Local Academy Committee.

The scheme also sets out which policies the Trust Board has responsibility for setting and which ones the Local Academy Committees have delegated responsibility for. In general terms, the Trust Board sets all policies related to the statutory and regulatory provisions the Trust must adhere to. This ensures all academies in the Trust comply with the law and the requirements of their Funding Agreement. Individual academies have the delegated responsibility to set academy-specific policies according to their local preferences and circumstances.

The Complaints Policy is the responsibility of the Trust Board. All academies within the Trust are required to adopt it and follow its provisions.

1.0 Aim

This policy sets out a procedure for resolving concerns and complaints from parents of children registered at the academy and others in accordance with Education and Skills Funding Agency (ESFA) guidance. The policy aims to:

- encourage resolution of problems by informal means wherever possible;
- be easily accessible and well publicised;
- be simple to understand and use;
- be impartial and non-adversarial;
- allow swift handling of complaints with established time-limits for action and keep people informed throughout the process;
- ensure a full and fair investigation by an independent person where necessary;
- respect people's desire for confidentiality.
- address all the points at issue and provide an effective response and appropriate redress, where necessary;
- provide information to the academy's senior leadership team and governing body so that services can be improved.

1.1 The difference between a concern and a complaint

A 'concern' may be defined as '*an expression of worry or doubt over an issue considered to be important for which reassurances are sought*'. A complaint may be generally defined as '*an expression of dissatisfaction however made, about actions taken or a lack of action*'.

It is in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to invoke formal procedures. The Trust and its academies take informal concerns seriously and makes every effort to resolve the matter as quickly as possible. There

are occasions when complainants would like to raise their concerns formally. In those cases, the procedures in this policy should be invoked through the stages outlined below.

1.2 Who can make a complaint?

Any person, including members of the general public, may make a complaint about any provision of facilities or services that an academy provides, unless separate statutory procedures apply (such as exclusions or admissions). Academies must not limit complaints to parents or carers of children that are registered at the academy.

2.0 Procedures for making an informal/formal complaint

If you have a complaint you want to raise with the Trust or one of its academies you should follow the following guidelines:

2.1 Stage 1: Informal complaint direct to the member of staff involved

1. You are encouraged to raise any complaints directly with the member of staff concerned so that they can be resolved as quickly and informally as possible. Details of staff members are published on the Academy's website. You can make your complaint in person, on the phone or in writing.
2. The member of staff will aim to make an initial response to concerns within 24 hours. Where this does not prove possible, you will be given an explanation within 24 hours and a date by which a response will be made.
3. The member of staff may involve their immediate line-manager if the complaint relates to something beyond their direct control.
4. If you are unhappy with the way your complaint has been dealt with at Stage 1, you should put your complaint in writing to the Headteacher within 10 working (school) days of the member of staff's response to your initial complaint. It is helpful if you can set out what you are unhappy with and what could be done to put that right.

2.2 Stage 2: Formal complaint to the Headteacher

At the point of contacting the Headteacher, the formal complaints procedures are initiated.

1. The Headteacher will investigate the complaint. This may involve delegating the investigation to a senior member of staff (investigating officer). In most cases the investigation will include a meeting with you.
2. Within 15 working days of receiving the complaint, the Headteacher will respond in writing, setting out the findings of the investigation, and if any aspects of the complaint are justified, what actions he/she intends to take. This could include an apology or an adjustment of an academy procedure or policy.
3. If you are unhappy with the outcome of the investigation, you should write to the Chair of the Local Academy Committee within 10 school days of receiving the Headteacher's response, outlining specific reasons for your dissatisfaction. For example, you may feel that the Complaints Policy has not been followed or significant information has not been considered.

Any complaints made to the Headteacher are reported to the Local Academy Committee on a termly basis so that they are able to monitor complaints and how they are managed by the Headteacher. **If your complaint is against the Headteacher**, you should send your complaint directly to the Chair of the Local Academy Committee at the academy. S/he may decide to hear the complaint or to arrange for a panel of members of the Local Academy Committee to hear it (Stage 3).

2.3 Stage 3: Complaints committee

1. If you are dissatisfied with the decision under Stage 2, you may request that a Complaints Committee be convened to consider your complaint. Your request will only be considered if you have completed the relevant procedures at Stages 1 and 2.
2. To request a hearing before a Complaints Committee, you should write to the Clerk to the Local Academy Committee within 10 school days of receiving notice of the outcome of Stage 2. You should ensure that you provide copies of all relevant documents and state all the grounds for your complaint and the outcome that you are looking for.
3. Your written request will be acknowledged within 5 school days of receipt.
4. The Clerk will arrange for a Complaints Committee to be convened, made up of three people who have had no prior involvement with the complaint. The three people will be made up of:
 - a. One member of the Local Academy Committee;
 - b. One Trustee of the Wandle Learning Trust (who can be, but need not be, a member of a Local Academy Committee); and
 - c. One person who is independent of the management and running of the Trust.
5. The Clerk will appoint one of the three members to be the Chair of the Committee.
6. Every effort will be made to enable the hearing to take place within 20 school days of the receipt of your request. As soon as reasonably practicable and in any event at least 5 school days before the hearing, you will be sent written notification of the date, time and place of the hearing, together with brief details of the committee members who will be present. Fair consideration will be given to any reasonable objection to a particular member of the committee. The notification will also inform you of your right to be accompanied to the meeting by a friend, relative, advocate or interpreter and explain how the meeting will be conducted. You should notify the Clerk at least 24 hours in advance if you intend to bring anyone to the hearing. If you do not notify the Clerk at least 24 hours in advance you will not be allowed to bring anyone to the hearing.
7. A copy of the complaint and any other documents provided by you in support of your complaint or by the academy in defence of the complaint will be provided to the Complaints Committee as soon as practicable. Copies of these documents will also be provided to you and the Headteacher at least 3 school days before the hearing. The Complaints Committee reserves the right not to consider any documentation presented by either you or the academy less than 3 school days before the hearing. The Complaints Committee is under no obligation to hear oral evidence from witnesses but may do so and may take written statements from witnesses into account.
8. The hearing will be conducted in such a way as to ensure that each party has the opportunity to address the Complaints Committee. The procedure to be followed during the hearing will be set out by letter to the parties in advance of the hearing. The Clerk will ensure that sufficient notes

are taken to record an accurate reflection of the points considered and any decisions taken or actions agreed.

9. Unless otherwise stated, the procedure for the hearing is as follows:

- the complainant and Headteacher will enter the hearing together;
- the Chair of the Committee will introduce the committee members and outline the process;
- the complainant will explain the complaint;
- the Headteacher and committee members will question the parent;
- the Headteacher will explain the academy's actions;
- the complainant and the Committee members will question the Headteacher;
- the complainant will sum up their complaint;
- the Headteacher will sum up the academy's actions;
- the Chair of the Committee will explain that both parties will hear from the committee within 5 school days;
- both parties will leave together while the Committee decides;
- the Clerk will stay to assist the committee by reviewing notes of the hearing on request and making a note of the Committee's deliberations.

10. After the hearing, the Clerk to the committee will inform the complainant, the Headteacher and, where relevant, the person(s) complained about, of the Committee's decision in writing within 5 school days. The letter will set out the decision of the Committee together with the reasons for that decision. The committee can (by a majority if necessary):

- 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 happen again.

2.4 Stage 4: Escalation of complaint to the ESFA

2.4.1 We hope that the above three stages will lead to a satisfactory resolution of your complaint. If, however, you still feel that the issue is unresolved, you are entitled to complain to the ESFA. The ESFA's Procedure for dealing with complaints about academies can be found here:

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

2.4.2 The ESFA cannot change the decision an academy has made about your complaint. It can, however, look at whether the academy considered your complaint properly following a procedure that is in line with legal requirements. If the ESFA upholds your complaint it can do one or both of the following:

- ask the academy to reconsider the complaint from an appropriate stage;
- ask the academy to change the complaints procedure so that it complies with legal requirements.

The ESFA will not consider complaints about the following:

- About the quality of education or leadership, or concerns affecting the academy as a whole. These should be raised with Ofsted
- About discrimination. These should be raised with the Equality Advisory Support Service
- About data protection. These should be raised with the Information Commissioner's Office
- About exam malpractice or maladministration. These should be raised with the Office of Qualifications and Examinations Regulation (Ofqual) and relevant awarding body
- About criminal behaviour. These should be raised with the police
- About any matter which is, or has been, subject to legal action
- About employment matters. These should be raised through the academy's grievance procedure, or taken to an Employment Tribunal
- About child protection. These should be taken up with the relevant local authority designated officer (LADO) and/or the Director of Children's Services
- About a child or young person's Statement of Special Educational Need where there is another route of appeal, for example the First Tier Tribunal (Special Educational Needs and Disability) Service formerly the Special Educational Needs and Disability Tribunal (SENDIST).

The ESFA will not consider complaints more than 12 months after a decision or action is taken.

The only exceptions will be if the delay in sending the complaint to them was unavoidable or if there is evidence that the academy is not currently complying with legal requirements.

3.0 Monitoring Complaints

1. A written record of all complaints will be kept including the details of whether they were resolved following a formal procedure, or progression to a panel hearing. Any record of findings and recommendations will be kept on the Trust's premises and be available for inspection by a trustee and/or the Headteacher.
2. The Headteacher will report on the operation of the Complaints Policy to the Local Academy Committee on a termly basis in his/her Head's report.
3. The Local Academy Committee will then suggest or signpost:
 - any significant amendments to the academy's practice as a result of the complaints made; and/or
 - any issues or comments that should be forwarded to the Trust Board relating to the operation of the Complaints Policy.
4. The Headteacher's report will respect the confidentiality of the individual complaints procedures.
5. A written report detailing any complaints received and actions taken by the academies in the Trust as a result of them will be received and considered by the Trust Board at least twice a year. In the light of each report Trustees will consider whether or not the Complaints Policy should be amended in any way and/or specific actions or interventions need to be undertaken in one or more academies.

6. All correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

4.0 Complaints not in the scope of this policy

Most complaints can be dealt with under the remit of this policy. There are however some exceptions. You should check whether or not your complaint relates to any of the matters below before making a formal complaint.

<ul style="list-style-type: none"> • Admissions to schools • Statutory assessments of Special Educational Needs (SEN) • School re-organisation proposals • Matters likely to require a Child Protection Investigation 	Concerns should be raised direct with local authorities (LA). For school admissions, it will depend on who is the admission authority (either the school or the LA). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.
Exclusion of children from school	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions .
Whistleblowing	Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: whistleblowing@ofsted.gov.uk or by writing to: WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD. The Department for Education is also a prescribed body for whistleblowing in education.
Staff grievances and disciplinary procedures	These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.
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. They should be contacted direct.

5.0 Dealing with unreasonable complaints

Wandle Learning Trust is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. However, it does not expect its staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Unreasonable complainants are *'those who, because of the frequency or nature of their contacts with the academy, hinder our consideration of their or other people's complaints'*.

A complaint may be regarded as unreasonable when the person making the complaint:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;

- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the academy's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;
- makes excessive demands on academy time by frequent, lengthy, complicated or abusive contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should not provide excessive information or engage in repeated communication with the academy while their complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the Headteacher or Chair of the Local Academy Committee will discuss any concerns with the complainant informally before deciding that a complaint is unreasonable or being pursued unreasonably. If the behaviour continues the Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact The Trust or its academies causing a significant level of disruption, the Trust may set out a communication plan, specifying acceptable methods of communication and a limit on the number of contacts. This will be reviewed after 6 months.

In response to any serious incident of aggression or violence, the academy's concerns and actions taken will be put in writing immediately and the police will be informed. This may include banning an individual from any Trust academy.

The guidance on unreasonable complaints should limit the number of complaints that become protracted. 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, the

Chair of the Local Academy Committee is able under this policy to inform them in writing that the procedure has been exhausted and that the matter is now closed.

COMPLAINTS FORM
Stage 1 or 2 of Complaints Procedures

Your Name:	Student's Name:	Year
Your relationship to the student:		
Address:		
Daytime Telephone number:		
Evening Telephone number:		
Please give details of your complaint:		
What action, if any, have you already taken to try and resolve your complaint and who have you already spoken to?		
What do you feel the Academy might do to resolve the problem at this stage?		
Are you attaching paperwork? If so please give details.		
Signature	Date	
<i>For official use only</i>		
Date acknowledgement sent:		
By whom:		
Further action taken:		
Complaint referred to:		
Date:		