



# Complaints Policy and Procedure

## Review Summary

<b>Adopted:</b>	<b>June 2016</b>
<b>Review Cycle:</b>	<b>2 years</b>
<b>Last Review:</b>	<b>November 2021</b>
<b>Next Review:</b>	<b>November 2023</b>

<b>Revision history</b>		
<b>Version</b>	<b>Date</b>	<b>Summary of changes</b>
6	10.09.20	6.4 updated to clarify reporting process and responsibility for notifying the Chair of Trust Board
6.1	23.09.20	6.3 updated to clarify timescale of response for complaints received during school holidays.
6.2	Nov 21	4.6, 6.2e, 6.3h, 6.5 – Deadlines updated for all stages.

## **1. Introduction**

- 1.1. This policy sets out the framework for how complaints are managed for all the academies within the Ted Wragg Multi Academy Trust (the Trust). The Trust reserves the right to alter this process, in exceptional circumstances.
- 1.2. The Trust values its relationship with parents, carers and our local community. We are happy to receive suggestions and comments outside of this complaints policy, as this can help us to identify areas of success and where we can make improvements.
- 1.3. It is expected that complaints will be directed to the academy that the complaint relates to. Usually, concerns can be dealt with informally and can be resolved satisfactorily through discussion. Occasionally, a concern cannot be resolved in this way and it may become a complaint.
- 1.4. Every effort will be made to resolve the matter informally. However, if this is not possible the procedures in this policy should be followed.

## **2. Definition**

- 2.1. For the purpose of this document:
  - a. The Ted Wragg Multi Academy Trust is referred to as The Trust;
  - b. Academy refers to all academies within the Trust;
  - c. Pupils or Students refers to all pupils or students being educated or on site at any one of the academies within the Trust.

## **3. Legal Framework**

- 3.1. It is a requirement of the Education (Independent School Standards) Regulations 2010 that a complaint procedure is in place for all the academies within the Trust.

## **4. Who can Raise a Complaint and How?**

- 4.1 We believe it is important that anyone who raises a complaint is treated seriously and that their complaint is dealt with promptly, courteously and fairly.
- 4.2 This policy is intended to cover complaints received from parents or carers of pupils currently or previously registered at any Trust academy and members of the public or their representative.
- 4.3 Third parties may make a complaint to the Trust but are not guaranteed the same procedure and the Trust will prioritise its provision for existing pupils.
- 4.4 Complaints can be made by telephone, in person or in writing (email or letter) to the relevant academy.
- 4.5 Complaints received outside of term time will be deemed as having been received on the first day of the subsequent term.
- 4.6 The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.

## **5. Investigating Complaints**

- 5.1. The Trust academies aim to address complaints, wherever possible, without the need for formal procedures and whilst this policy outlines the complaints procedure, it does not any way undermine efforts to resolve concerns informally. Formal procedures are invoked

when initial attempts to resolve a concern have been unsuccessful and the complainant has communicated that they wish to escalate the matter.

5.2. When investigating a complaint the aim is to:

- a. Seek to establish what has happened and who has been involved;
- b. Clarify the nature of the complaint and what remains unresolved;
- c. Speak to the complainant or contact them if further information is required;
- d. Clarify what the complainant feels would put things right;
- e. Interview those involved in the matter (at the formal stage those being interviewed may be accompanied);
- f. Conduct any interviews with an open mind but be prepared to persist in the questioning;
- g. Keep notes of the interview and include a clear chronology of events.

5.3. At every stage of the procedure the focus will be on an early resolution of the complaint. It is understood that it may be sufficient to acknowledge that the complaint is valid in whole or in part and, as a result, is appropriate to offer one or more of the following resolutions:

- a. An apology;
- b. An explanation;
- c. An admission that the situation could have been handled differently or better;
- d. An assurance that actions have been taken to prevent recurrence of the subject of the complaint;
- e. An undertaking to review Trust policies if necessary in the light of the complaint.

5.4. Following a complaint investigation, sometimes no clear conclusion may be drawn. We accept that this may be frustrating for all parties concerned but do not accept that this is justification that the complaint has not been handled appropriately.

5.5. If following investigation, the complaint is considered to be vexatious the complainant will be informed in writing and no further action will be considered.

## **6. Complaints Procedure**

6.1. The complaints procedure follows a four stage complaints process (Appendix A):

- Informal Complaint;
- Stage 1 – Formal Complaint;
- Stage 2 – Appeal Panel;
- Stage 3 – Trustee Review.

### **6.2. Informal Complaint**

- a. It is in all parties' interest to resolve a complaint at the earliest possible stage and achieve reconciliation between the academy and the complainant.
- b. The parent/carer will discuss the informal complaint with a relevant member of academy staff. If a complaint is made to a Local Governor it will be passed to the Head

teacher's PA, as the Local Governor may need to be involved at a later stage in the process.

- c. Complaints about the Headteacher will be referred to the Executive Headteacher Primary, Executive Headteacher Secondary or the Chief Executive Officer.
- d. The academy aims is to resolve all informal complaints within ten school days of receiving the complaint.
- e. If the complainant considers that the complaint remains unresolved they may request that their complaint is be dealt with under the formal stage 1 of the complaints procedure. The complainant must submit this request in writing stating what they feel remains unresolved within 10 school days of receiving a written response to their informal complaint, confirming what they feel remains unresolved and confirmation on what they feel the academy can do to put things right.
- f. A complaint can commence at the formal stage 1 of the complaints procedure if the academy considers is needs a formal investigation, or it is a more serious dissatisfaction with some aspect of the school's policies, procedures, management or administration.
- g. A record of the informal complaint and its resolution will be retained by the person dealing with the complaint.

### **6.3. Stage 1 – Formal Complaint**

- a. An unresolved informal complaint, or a complaint which needs investigation, or is a more serious dissatisfaction with some aspect of the school's policies, procedures, management or administration should be set out in writing with full details and sent with all relevant documents and full contact details.
- b. A formal complaint received will be passed to the academy's Complaints Co-ordinator, who takes on the role of investigating officer. In the case of a complaint against the Headteacher, the Executive Headteacher Primary or Executive Headteacher Secondary, the Chief Executive Officer may investigate the complaint themselves or assign it to an appropriate investigating officer.
- c. The investigating officer collates the information and may make recommendations but will not make the decision on the outcome or the action to be taken.
- d. The complainant will be acknowledged in writing, (which could include email), normally within 3 school days of receipt of the complaint during term time. The acknowledgement will indicate the action that is being taken and the likely timescale for resolution.
- e. The investigating officer may request additional information from the complainant and will fully investigate the issue.
- f. The aim is to inform any complainant of the outcome of an investigation and the proposed resolution to the complaint within 15 school days from the receipt of the

complaint. In complex cases the investigation may take longer and the complainant will be kept informed. A complaint will not be upheld solely because a deadline has been missed.

- g. Written records will be kept of any meetings and interviews held in relation to the complaint.
- h. If a complainant is not satisfied with the outcome of the formal stage 1 complaint, there is an option for it to be escalated to a stage 2 Appeal Panel. For this to be considered, the complainant must submit this request to the Clerk to the Academy Local Governing Body in writing within 10 school days of the written response, stating what they feel remains unresolved and confirmation on what they feel would put things right.

#### **6.4. Stage 2 – Appeal Panel**

- a. Complaints received at this stage will be considered by a panel of governors on behalf of the Board of Trustees.
- b. The Clerk to the Academy Local Governing Body will acknowledge the request to escalate to stage 2 within 5 school days. The Clerk to the Local Governing Body will act as Clerk to the Appeal Panel, except for complaints in relation to the Headteacher or the Chief Executive Officer, in which case the Clerk to the Trust will act as Clerk to the Appeal Panel.
- c. For monitoring purposes, the Clerk to the Local Governing Body will notify the Clerk to the Trust and the Trust Director of Finance & Resources that a request for a Complaints Appeal Panel has been received, providing a summary of the complaint. They will be notified again, at the end of the process, informing them of the outcome. The Clerk to the Trust and the Trust Director of Finance & Resources will be responsible for notifying the Trust Board as necessary.
- d. The Clerk will aim to convene the Appeal Panel hearing as soon as possible, normally no later than 20 school days after receipt of the Stage 2 request.
- e. The Panel will consist of at least 3 Local Governors from the Local Governing Body of any Trust academy and who have not previously been involved in the complaint. Staff governors may not form part of the Panel. The Appeal Panel will select its own Chair.
- f. In relation to the Panel for the complaints in relation to the Headteacher, the panel will consist of Trustees.
- g. At least one member of the Appeal Panel will be independent from the management and running of the academy the complaint relates to.
- h. The aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. The complaint appeal panel chair will ensure that the proceedings are as informal as possible.

i. **Remit of the Complaints Appeal Panel**

The Panel can:

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

j. **Attendance at the Complaints Appeal Panel**

The following are entitled to attend a hearing, submit written evidence and address the Panel:

- the complainant and/or one representative (it is not appropriate for a legal representative to attend);
- the Headteacher and/or the school complaints co-ordinator;
- the Chief Executive Officer;
- any other person who the Appeal Panel considers to have a reasonable and just interest in the appeal and whose contribution would assist the Panel in their decision making.

l. **Evidence:**

Evidence will be considered by the Panel along with the initial submission. All parties will be given the opportunity to submit written evidence to the Panel in support of their position. All written evidence must be received by the Clerk no later than 5 school days before the Appeal Panel Hearing. The Clerk will distribute the evidence to all parties no later than 3 school days before the Appeal Panel Hearing.

m. **Roles and Responsibilities**

**The Role of the Clerk:**

All panels considering complaints must be clerked. The Clerk would be the contact point for the complainant and be required to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the Panel's decisions.

**The Role of the Chair of the Appeal Panel:**

The Chair of the Panel has a key role to ensure that:

- the remit of the Panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the key issues are addressed;
- key findings of fact are made;
- complainants or others who may not be used to speaking at such a hearing are put at ease;

- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
  - the panel is open minded and acting independently;
  - no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
  - all written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.
- n. The Appeal Panel will aim to reach a decision, and make any recommendations within 10 school days of the hearing. If the Appeal Panel considers that further investigation is required prior to it reaching a decision, this timescale may be extended. The decision reached is final.
- o. The Panel's findings will be sent, in writing, by the Clerk, to the complainant, the Headteacher, the Executive Headteacher and the Chair of the Trustees and, where relevant, to the person complained about. The letter will state the reasons for the decision reached and any recommendations made by the Panel.
- p. **Record Keeping** – The Chair of the Trust will ensure that:
- A record is kept of all appeals, decisions and recommendations of the Complaints Appeals Panels;
  - The findings and recommendations will be available for inspection on the school premises;
  - A record will be kept of whether the complaint was resolved following a formal procedure or proceeded to a panel hearing;
  - A record will be kept of action taken by the school as a result of complaints (regardless of whether they are upheld or not).
- q. **Confidentiality** – Correspondence, statements and records relating to individual complaints are to 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.

#### 6.5. **Stage 3 – Board of Trustees Review**

If the complainant remains dissatisfied they can write to the Clerk to the Trust and request that the complaint is referred to the Board of Trustees for review within 10 school days of receiving written confirmation of the Appeal Panel decision. The Board of Trustees will not overturn the decision of the Appeal Panel but will ensure that this complaints procedure has been fully complied with and due process has been conducted appropriately and fairly. The Clerk to the Trust will inform the complainant of the Board's decision in writing within 10 days.

#### 6.6. **Exempt Complaints**

The following are exempt complaints and will not be considered by the Trust or any of its academies:

##### **Complaints about matters outside of the Trust's control**

This means a complaint about the activities of persons or organisations not under the direct control of the Trust (for example, complaints by one parent against another).

**Complaints about Trustees or Committees of the Board acting under their delegated powers**

This means a complaint about the activities of trustees or committees of the Board, who are acting under the powers delegated to them by the Board of Trustees. These are subject to the Code of Conduct and other policies adopted by the Board, and subject to review by the full Board of Trustees. Concerns in respect of such matters should be addressed to the Chair of Trustees (or the Vice Chair if the concern is in relation to the activities of the Chair), who will take such action within his/her powers as s/he considers to be appropriate.

**Complaints previously dealt with**

This means a complaint raised by a complainant which has already been dealt with using the procedures outlined in this policy, and which raises no new matter and presents no new information. This may include a complaint which differs slightly from the original complaint, but which is substantially the same as the complaint previously dealt with.

**Complaints in relation to which other procedures exist**

This means a complaint in respect of matters which are properly dealt with by way of alternative procedures in place (for example, employee complaints relating to employment matters should be dealt with under the Trust's Grievance Policy; complaints relating to pupil exclusions should be dealt with under the relevant legislative process etc.)

**Historic complaints**

This means where the dissatisfaction relates to issues or an incident that occurred more than three months prior to the complaint being submitted. This timeframe may be extended in exceptional circumstances.

**6.7. Persistent Complainants and Unacceptable Behaviour**

We will aim to deal fairly, honestly, consistently and appropriately with all complainants, however there will be rare circumstances where we will deviate from the complaints procedure. A complainant will not be considered unreasonably persistent solely on the basis that he or she has submitted a previous complaint. However, the following circumstances may result in a complaint not being considered by the academy or the Trust:

- Where the volume of correspondence and frequency of contact by the complainant is affecting the proper running of academy;
- Where the complainant's complaint is vexatious and/or clearly has insufficient grounds;
- Where the complainant's complaint is the same or similar or based on the same facts as a complaint that has already been considered by the academy or the Trust;
- Where the importance or triviality of the complaint does not warrant expending academy or Trust resource to undertake an investigation;
- Where the complainant's behaviour towards staff, governors or trustees is deemed unacceptable, e.g. rude, aggressive, abusive or threatening;

In the above circumstances the academy or Trust may:

- Inform the complainant that their behaviour is unacceptable or unreasonably persistent and ask them to change it;
- Restrict the complainant's access to the Trust/academy e.g. requesting contact in a particular form (for example, letters only) or requiring contact to take place with a named person only and restricting telephone calls to specified days and times;



- Ban the complainant from the academy's premises;
- Concluded an investigation without further involvement from the complainant eg. conduct the Appeal Panel referring to papers only, or choose not to conclude an investigation
- Refuse to consider the complaint and refer the complainant directly to the ESFA.
- Where an individual(s) behaviour is so extreme that it threatens the immediate safety and welfare of the school's staff or pupils, we will report the matter to the police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

In all cases we will write to tell the complainant why we believe his or her behaviour is unacceptable and/or unreasonably persistent, what action we are taking and the duration of that action. Further detail can be found in the Trust's policy for managing serial and unreasonable complaints.

#### **6.8. The role of the ESFA (Education and Skills Funding Agency) on behalf of the Secretary of State**

If a complaint is referred to the ESFA, the ESFA will check whether the complaint has been dealt with properly by the Trust. The ESFA will only consider complaints that fall into the following three areas:

- a. Where there is undue delay or the Trust did not comply with its own procedure when considering a complaint
- b. Where the Trust is in breach of its funding agreement with the Secretary of State
- c. Where a Trust has failed to comply with any other legal obligation.

It is unlikely that the ESFA will overturn a Trust's decision about a complaint. However the ESFA will request that the complaint is looked at again from the appropriate stage, if there has been a breach in its own complaints procedure. If the procedure does not meet the regulation the Trust will be required to rectify any aspects that do not meet the regulations.

Complaints should be sent to:

ESFA Complaints  
Chief Executive's Office  
Cheylesmore House  
Quinton Road  
Coventry  
CV1 2WT

#### **7. The Role of the (DfE) Department for Education**

- 7.1 If a complainant is still dissatisfied with the way that their complaint has been handled they may contact the DfE online via the school complaints form or at the postal address below:

Ministerial and Public Communications Division  
Department for Education  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

## **8. Policy Circulation**

- 8.1. This Policy will be published on the Trust's website, on the individual academy websites and included in the Trust's Policy Monitoring Schedule
- 8.2. This Policy will be circulated to Trustees, Local Governing Bodies and Senior Employees by sending an email to the link on the Trust's website on an annual basis.
- 8.3. The Trustees, in consultation with the Local Governing Bodies, are responsible for overseeing, reviewing and organising the revision of the Complaints Policy

## **Adoption of the Policy**

This Policy has been adopted by the Trustees of the Ted Wragg Multi Academy Trust.

**Signed**

*ARMulcah*

**(Chair of Trust)**

**Date: 10.11.21**

**Appendix A – Complaints Process Diagram**

