



Wingfield Academy

Complaints Policy

Reviewed By
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Headteacher

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Additional section (13) approved and added on the Awarding of Grades in Summer 2021 – May 2021

Complaints Policy

Introduction

We are committed to developing a strong partnership with students, parents/carers and other stakeholders. This provides a good basis for mutual understanding and for preventing and resolving complaints.

We hope that a clear complaints procedure will help to ensure that most complaints are resolved quickly and smoothly and as close to the source of the misunderstanding or problem as possible. In this way complainants can feel assured from the outset of a fair hearing, in line with a defined procedure for dealing with issues that have not immediately been resolved. We also hope that a staged framework might prevent an early and unnecessary escalation of the problem. In addition, we will ensure that any lessons learned from the investigation of complaints will prove useful to improve the Academy's policy and practice.

1. Scope

- 1.1 A complaint is an expression of dissatisfaction, however made, about the standard of service, actions or lack of actions by the Academy or its staff that affects an individual or a group and requires a response from the Academy.
- 1.2 This procedure deals with such complaints made by a student, a parent or other external stakeholder. (Separate appeals procedures for a parent dissatisfied with a decision regarding either the admission or the exclusion of their child and for appeals against the grade awarded to their child in an external examination.)
- 1.3 Separate procedures are in place to deal with a complaint raised by or on behalf of a member of staff. These include: The Grievance Procedure for a complaint by an employee of unfair treatment, the Harassment Procedure for an employee complaining of bullying or intimidation, the Disciplinary Procedure for an employee complaining about the conduct of another member of staff and the Whistle Blowing Procedure for an unresolved allegation of institutional malpractice.

2. Principles:

- 2.1 We believe that most complaints can be resolved satisfactorily by informal discussion either over the telephone or through a meeting involving the key people involved.
- 2.2 Informal queries and complaints should be taken up directly with the relevant member of staff either verbally or in writing.

Those responsible for investigating complaints at all stages will ensure that they:

- clarify the nature of the complaint and the issues to be resolved;
- contact the complainant to explain how they will conduct the investigation and the date by which s/he can expect a response;
- interview those involved, allowing them to be accompanied if they so wish, or consider statements made by them;
- conduct the investigation with an open mind;
- make notes of their actions and decisions,
- inform complainants of their decision.

Resolving Complaints

Those responsible for investigating complaints at all stages will consider different ways in which a complaint might be resolved, such as:

- an apology
- an explanation
- an acknowledgement that the matter could / should have been handled differently; · an assurance that the matter will not happen again; · an explanation of action to be taken in order that the matter will not happen again; an undertaking that Academy practice / policy will be reviewed as a consequence of the complaint.

2.3 Formal complaints should be addressed to the Headteacher in writing.

2.4 All complaints will be acknowledged within 48 hours of receipt and dealt with as quickly and efficiently as possible. The length of the period will vary with the gravity and complexity of the complaint and the urgency with which it needs to be settled. However, the intention is that all complaints should be settled within a period which is reasonable in the circumstances.

2.5 All formal complaints will be investigated fully, fairly and carefully and complainants will be kept informed of progress.

2.6 The aim is always to secure the resolution of the complaint to the satisfaction of the complainant if possible.

2.7 There will be a standing agenda item on the Headteacher/Chair of Trustees bi-weekly meetings to discuss all complaints received by the Academy.

2.8 Trustee Meeting – There will be a half termly agenda item to discuss complaints received and their resolutions.

3. Representation

3.1. The complainant may be accompanied by a friend, colleague or other representative. In this case, the complainant should make their own arrangements for such representation. The representative may ask questions, confer with the complainant and make summary statements but may not answer questions on behalf of the complainant.

4. Recording

4.1 When a letter of complaint arrives in the Academy, the letter will be date stamped and a letter of receipt will be sent from the Headteacher's PA outlining that an investigation has commenced. We will acknowledge receipt of a written complaint within 48 hours.

4.2 The complaint will be recorded by the Headteacher's PA/Clerk to the Board of Trustees, together with the outcome and reasons for the outcome. The complainant will be informed of the outcome in writing, together with their entitlement to appeal the outcome.

4.3 Where the complaint is upheld, any action to be taken by the Academy in response will also be recorded.

5. Stage One: Informal Complaints

5.1 Informal complaints or concerns should be raised with the relevant member of staff, such as Class Teacher, Tutor or Senior Tutor. Where an informal complaint is raised with the Headteacher, it will normally be passed to the most appropriate member of staff to deal with it informally. If the complainant indicates that they would have difficulty discussing the complaint with this member of staff, the Headteacher may direct them to another member of staff. Similarly, if the most appropriate member of staff feels they would have difficulty in dealing with the complaint objectively, the Headteacher may direct the complainant to another member of staff.

- 5.2 In certain circumstances, the Headteacher may instead choose to deal with the complaint informally in person, or the relevant member of staff may ask the Headteacher to deal with it informally in person.
- 5.3 If the complaint has been made in writing, the Headteacher may choose to treat it as a formal complaint and invoke the formal procedure.
- 5.4 If the complaint has been made to the Chair of Trustees in the first instance, they will refer the complaint to the Headteacher. However, if the complaint concerns the Headteacher without being resolved, the complaint must be made in writing to the Chair using the Complaint Form (see Appendix 1). The Chair will then invoke the formal procedure.
- 5.5 The member of staff to whom the complainant is referred will carry out an investigation and decide on any appropriate action. The complainant and the Headteacher will be informed of the conclusions drawn from the investigation and action to be taken, together with details of how to make a formal complaint if they remain dissatisfied.
- 5.6 In some cases, matters affecting general Academy policy may be judged by the Headteacher, in consultation with the Chair of Trustees, to be an appropriate area for discussion at Trustee Board level, in order to resolve the complaint. In these circumstances care will be taken to ensure that the identity of the complainant and the individual complained of are not disclosed in case a formal complaint is made subsequently.
- 5.7 Every effort will be made to resolve the problem to the satisfaction of the complainant at this informal stage. Possible outcomes include:
- i. Complaint resolved to the satisfaction of the complainant.
 - ii. Complaint not resolved to the satisfaction of the complainant and progressed to Stage 2.
 - ii. Complaint dealt with under another procedure.

6. Stage Two: Formal Complaints

- 6.1 The Headteacher will ensure the complaint is investigated fully. The Headteacher may delegate responsibility for conducting the investigation to another member of staff.
- 6.2 Where the complaint concerns the Headteacher, the Headteacher will inform the complainant in writing that they should send a completed Complaint Form to the Headteacher and Chair of Trustees, who will then take the place of the Headteacher throughout the formal procedure.
- 6.3 Once the investigation has been completed, the Headteacher will review all the information and discuss the findings with the complainant with the aim of resolving the complaint to the complainant's satisfaction.
- 6.4 The Headteacher will decide on the outcome and inform the complainant in writing of the decision, together with details of how to appeal against the decision if they remain dissatisfied. A meeting may also be arranged to convey the reasons for the decision.
- 6.5 Rarely, the decision may involve taking disciplinary action against an individual, for which there is a separate procedure. In this event, the complainant will be informed that the complaint will be pursued through disciplinary action. The Academy's disciplinary procedures require that all details of proceedings remain confidential, and consequently the complainant will not be informed of the outcome.
- 6.6 Possible outcomes include:**
- iv. Complaint withdrawn.
 - v. Complaint dismissed.
 - vi. Complaint dealt with under another procedure.
 - vii. Complaint upheld.

7. Stage 3: Appeals

- 7.1 If the complainant remains dissatisfied, they should send a completed Complaint Appeal Form (see Appendix 2) to the PA to the Headteacher/Clerk to the Board of Trustees who will forward to the Chair of Trustees who may be able to resolve the complaint informally, with the result that the complainant withdraws their appeal. If this is not possible, the Chair of Trustees will convene an appeal hearing by an Appeals Panel.

8. Appeal Hearing

- 8.1 The Appeals Panel will consist of at least 3 people, made up of members of the Board of Trustees and at least one independent person who is not involved in the management or running of the Academy/Trust. No member of the Board of Trustees can sit on the Appeals Panel if they have had any former knowledge or involvement in the case that is being dealt with at that time, or if they are employed by the Academy.

9. Proceedings of the Appeals Panel

- 9.1 The Appeals Panel Hearing will be closed to the public.
- 9.2 Complainants will be invited to attend and can be accompanied if they wish.
- 9.3 Witnesses will only be required to attend for the part of the hearing in which they give evidence.
- 9.4 The Panel will give careful consideration to how the complainant can be made to feel most comfortable at the hearing.
- 9.5 The Headteacher will liaise with the Clerk to the Board of Trustees in making arrangements for setting the date, time and venue for the hearing collating any written material and sending it to all relevant parties in advance of the meeting recording the proceedings and notifying relevant parties of the panel's decision.

10. Constitution of the Appeals Panel

- 10.1 All persons attending the hearing will be advised that the process is non- adversarial; that its purpose is to ascertain the facts and that they will be expected to treat each other with dignity and respect. Abusive behaviour will not be tolerated and may jeopardise the Hearing, with any person behaving in an abusive way being asked to leave.
- 10.2 When the facts have been established, the Panel will deliberate in private and make a binding judgement.

11. Procedure for Appeals Panel

- 11.1 The Panel will be provided with a copy of all correspondence relating to the complaint.
- 11.2 A date will be set for the Hearing which is convenient for the Academy and the complainant, providing a minimum of 5 Academy working days' written notice.
- 11.3 The Panel will interview the complainant who may be accompanied by a friend/family member.
- 11.4 The Chair will introduce the members and outline the process.
- 11.5 The complainant will be invited to explain his/her complaint.
- 11.6 The Panel will have the opportunity to question the complainant and view any witness statements.
- 11.7 The complainant will sum up their complaint.
- 11.8 The Panel will interview the Headteacher/Chair of Trustees.

- 11.9 The Headteacher/Chair of Trustees will explain the Academy's action.
- 11.10 The Panel will have the opportunity to question the Headteacher/Chair of Trustees. The Headteacher/Chair of Trustees will sum up the Academy's action.
- 11.11 The Panel will interview other staff as appropriate.
- 11.12 The complainant and representative, Headteacher and Chair of Trustees will be thanked and asked to leave the Hearing.
- 11.13 The Clerk will remain with the Panel to record their decision and advise on the process.
- 11.14 The Appeals Panel will:
- Dismiss all or part of the complaint
 - Uphold all or part of the complaint
 - Decide on appropriate action to be taken to resolve the complaint, evaluate all the evidence available and recommend changes to the Academy's or procedures as a preventative step against similar problems arising in the future.
 - Provide a written response to the complaint within 14 working days.
- 11.15 The Appeal Panel's decision is final, however, in limited circumstances it is possible for complaints to be referred to the Education Funding Agency (EFA). The EFA can consider complaints where it is alleged that a) the Academy has not complied with its own complaints policy or the policy does not comply with statutory requirements OR b) the Academy has failed to comply with a duty imposed on it under its funding agreement with

12. Record Keeping

- 12.1 Accurate and contemporaneous records will be maintained throughout the process, including details of any initial informal process.
- 12.2 Records will be held in a secure and confidential manner by the Clerk to the Board of Trustees.
- 12.3 Monitoring, Evaluation and Review.
- 12.4 The Academy will review this procedure within three years and assess its implementation and effectiveness.

13. The Awarding of Grades in Summer 2021

- 13.1 For a significant number of qualifications, including A level, GCSE, UAL and WJEC qualifications, the grades awarded will be based on teacher assessed grades submitted by the college/academy to the awarding body.

Each college/academy has produced a Centre Policy setting out the arrangements for determining teacher assessed grades, including the steps taken to ensure that the arrangements are fair and transparent.

- 13.2 Complaints/appeals in relation to the evidence used and the teacher assessed grades established by the college/academy will be dealt with in their entirety by the arrangements set out in section 6 of this policy and via the review and appeals process determined by the Joint Council for Qualifications (JCQ). The complaint form included in the appendices of this policy should not be used for concerns, complaints or appeals in relation to any aspect of the awarding of teacher assessed grades in 2021.
- 13.3 Each course will outline to students details of the evidence that will be used to determine teacher assessed grades. Teachers will also share with students details of any individual variations to the process or evidence used that apply in their case, for example because of mitigating circumstances, or if they did not complete an assessment or a piece of evidence that was intended to be used, or where it has been identified that a piece of evidence will be given less emphasis.

13.4 Students and parents will be provided with an opportunity to notify the college/academy if they believe there has been an error or omission in terms of identifying and addressing individual variations to the arrangements and evidence to be used to determine teacher assessed grades, including special consideration. The college/academy will explain to students and parents how and when they can notify the college/academy if they believe there is an error or omission. We will not consider notifications outside of this timeframe and mechanism.

The college/academy will review any valid notifications received and will determine whether:

- i) To make an adjustment with respect to intended individual variations for the student concerned
- ii) To make no adjustment with respect to intended individual variations for the student concerned

This review process will be carried out by a member of the senior leadership team and the SENDCo. The decision of this review will be communicated to the student/parent, and the decision will be final.

13.5 Under no circumstances will teachers disclose to students or parents the specific grades they will be submitting to the awarding bodies, prior to the official results day.

13.6 Undue influence from students or parents with respect to teacher assessed grades, for example by lobbying teachers about the teacher assessed grades they might submit, is considered to be malpractice and will be reported to the awarding bodies.

13.7 The need for appeals on or after results day should be very limited as students should be confident in their grades because of a number of factors:

- An effective Centre Policy which is adhered to by all staff within the college/academy, and which has been submitted to and reviewed by awarding bodies.
- A large body of evidence used to determine teacher assessed grades.
- A high standard of internal quality assurance, both when determining teacher assessed grades using the evidence available, and steps to ensure there are no administrative or procedural errors.
- Clearly defined procedures to identify and recognise students with special circumstances.
- The provision of access arrangements to students where they have been approved.
- Effective communication with students and parents about the college's/academy's approach to determining teacher assessed grades, transparency about the evidence to be used, and the accessibility of that evidence for students and parents.

13.8 Students who consider that an error has been made in determining their grade will have a right to appeal under arrangements set out by JCQ after they have received their results. We will make information available to students upon the publication of results about how they can access both the centre review and appeal stages. Appeals will be dealt with by awarding bodies under arrangements determined by JCQ. Complaints and appeals will be dealt with in their entirety via this process.

The outcome of any appeal to the awarding body will be the final resolution to any complaints or appeals with respect to the awarding of grades via teacher assessed grades by the college/academy.

Complaint Form

Name

Address
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Tel/Mobile

Details of Complaint

Please include full details including dates, times and names of those involved.

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Signed Date

Please continue on a separate sheet if necessary. Once completed, send this form to the Clerk to the Board of Trustees who will arrange for your complaint to be investigated.

Date Received by Clerk

Date of Response to Complainant

Complaint Appeal Form

Name

Address

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Tel/Mobile

Date complaint was submitted in writing

Date response received from Headteacher in writing

Details of Complaint Appeal

I am dissatisfied with the response to the above complaint and would like an Appeal Hearing for the following reasons:

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