



**Wingfield Academy**

# Complaints Policy

*This policy has been implemented at Wingfield Academy after consultation with relevant recognised trade unions on behalf of Wingfield Academy following TUPE transfer to New Collaborative Learning Trust (NCLT).*

*Policy review will be carried out in consultation with recognised trade unions.*

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## **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).
- 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 or for an employee complaining about the conduct of another member of staff, the Bullying and Harassment Procedure for an employee complaining of bullying or intimidation and the Whistleblowing 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 they 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, including, but not limited to:

- no action – where a complaint is unfounded/unsubstantiated;

- 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 formal complaints will be acknowledged within 2 working days 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 to secure the resolution of the complaint to the satisfaction of the complainant if possible, though there may be some occasions where this is not achievable. The Academy reserves the right to dismiss complaints following investigation.

2.7 There will be a standing agenda item on the Headteacher/Trust CEO meetings to discuss all complaints received by the Academy.

2.8 Board of Directors Meeting – There will be a half-termly agenda item to discuss formal complaints received and their resolutions.

### **3. Representation at Meetings**

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 will be sent from the Headteacher's PA outlining that an investigation has commenced. The Academy will acknowledge receipt of a written complaint within 2 working days.

4.2 The complaint will be recorded by the Headteacher's PA, 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. The complainant will not be informed of any outcome or action that may or may not be taken against an individual following a complaint due to confidentiality.

### **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 CEO of the Trust/Chair of the Board of Directors 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 CEO using the Complaint Form (see Appendix 1). The CEO 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. The complainant will not be informed of any outcome or action that may or may not be taken against an individual following a complaint due to confidentiality.
- 5.6 In some cases, matters affecting general Academy policy may be judged by the Headteacher, in consultation with the CEO of the Trust/Chair of the Board of Directors, to be an appropriate area for discussion at Senior Leadership/Board of Director 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.
  - iii. Complaint unfounded/unsubstantiated.

## **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 Trust CEO, 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 wherever possible, though there may be some occasions where this is not achievable. The Academy reserves the right to dismiss complaints, following investigation.

- 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 relevant Academy policies/procedures. The Academy 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 who will forward to the Trust CEO/Chair of Board of Directors who may be able to resolve the complaint informally, with the result that the complainant withdraws their appeal. If this is not possible, the Trust CEO/Chair of Board of Directors 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 Directors 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 Directors 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/Trust.

## **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 Directors in making arrangements for setting the date, time and venue for the hearing collating any written material and sending it to all relevant parties within 5 working days of the meeting, wherever possible, 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/colleague, other representative.
- 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 have the opportunity to respond, ask any questions and sum up their complaint.
- 11.8 The Panel will interview the Headteacher/Trust CEO.
- 11.9 The Headteacher/Trust CEO will explain the Academy/Trust's action.
- 11.10 The Panel will have the opportunity to question the Headteacher/Trust CEO. The Headteacher/Trust CEO will sum up the Academy's action.
- 11.11 The complainant and Headteacher/Trust CEO will have the opportunity to ask questions/clarification points of each other.
- 11.12 The Panel will interview other staff as appropriate.
- 11.13 The complainant and representative, Headteacher and Trust CEO will be thanked and asked to leave the Hearing.
- 11.14 The Clerk will remain with the Panel to record their decision and advise on the process.
- 11.15 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 or procedures as a preventative step against similar problems arising in the future.
  - Provide a written response to the complaint within 14 working days.

11.16 The Appeal Panel's decision is final, however, in limited circumstances it is possible for complaints to be referred to the Education and Skills Funding Agency (ESFA). The ESFA 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.

**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, in line with the Academy Data Protection Policy.

**13. Monitoring, Evaluation and Review**

13.1 The Academy will review this procedure routinely every three years and assess its implementation and effectiveness, or sooner if deemed necessary.

**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.

Date Received .....

Date of Response to Complainant .....

**Appendix 2**

**Complaint Appeal Form**

Name .....

Address .....

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Tel/Mobile .....

Date complaint was submitted in writing .....

Date response received 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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**Policy Status**

<b>Policy Lead (Title)</b>	Director of HR	<b>Review Period</b>	Annually
<b>Reviewed By</b>	Headteacher	<b>Equality Impact Assessment Completed (Y/N)</b>	N

**POLICY AMENDMENTS**

<b>Version</b>	<b>Approval Date</b>	<b>Page No./Paragraph No.</b>	<b>Amendment</b>	<b>Audience</b>	<b>Plan for Communicating Amendments</b>
Version 1* First version since WFA joined NCLT	Trade Union July 21 Headteacher 04/10/2021			WFA stakeholders including parents and staff	Uploaded onto NCLT website