

**Wellspring Academy Trust
Complaints Policy
October 2015**

Date Approved by Board: 14 October 2015

Who this policy applies to:

Date of Review: October 2018

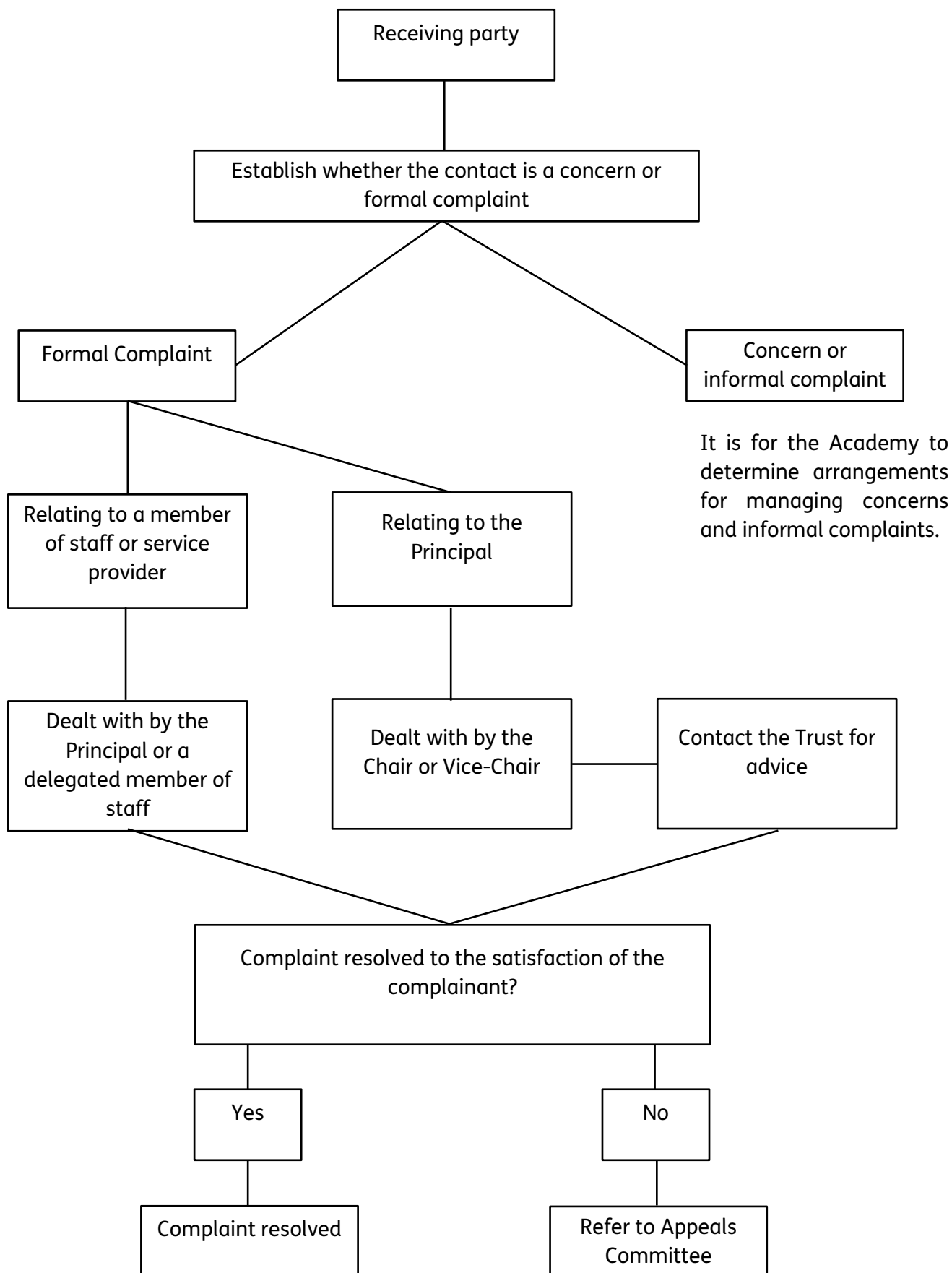
- **Governing Body**
- **Principal**
- **Staff**

Responsible Department: Wellspring Head Office

1. Introduction

- 1.1. It is in everyone's interest that complaints are resolved as quickly as possible within a clearly defined procedure.
- 1.2. Where the complaint is not from a parent, the same procedure must be followed as that for a parent. Therefore, any reference to a parent in this document also includes any other person making a complaint.
- 1.3. All Academy staff should be aware of the Academy complaints procedure and should be able to give information and assistance to parents on how to raise a concern or make a formal complaint.
- 1.4. The arrangements for dealing with complaints about:
 - Admissions procedures
 - Exclusion of individual pupils
 - Provision for individual pupils with special educational needs
 - Religious education or the religious character of a Academy
 - Financial impropriety
 - Criminal activity
 - Disciplinary and grievance matters....are detailed in the policies specific to them. Notwithstanding the detail of the specific policies, all complaints will be dealt with according to the format and conditions described herein.
- 1.5. Anonymous complaints will be risk assessed by the receiving party before a decision is made whether or not to progress them.

2. Structure for a complaints procedure



3. Informal complaints or concerns

- 3.1. It is in everyone's interest that complaints are resolved at the earliest possible stage.
- 3.2. If possible, the Academy should seek to resolve the complainant's concerns in a timely manner and on an informal basis.
- 3.3. Even some written complaints can be resolved simply and speedily by a quick response. Taking concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.
- 3.4. Where a parent raises an issue with the Academy it is important to establish whether the parent has a concern regarding a particular issue which they are seeking to have resolved or whether the parent has a complaint which they want investigating and respond to formally.
- 3.5. Irrespective of the Academy's reasonableness in responding to parental concerns, sometimes they will be dissatisfied with the outcome and will wish to make a formal complaint.

4. Formal complaints

- 4.1. Formal complaints procedures will need to be invoked when initial attempts to resolve issues informally are unsuccessful and the person concerned remains dissatisfied and wishes to take the matter further.
- 4.2. Parents need to be advised that complaints are treated seriously and managed by a formal process involving evidence and investigation.
- 4.3. A complaint must be made in writing or e-mail.
- 4.4. Where a parent makes a complaint by telephone or in person, they must be advised to submit the complaint in writing in order for it to be considered.

5. Complaints procedure

- 5.1. Where a parent wishes to make a complaint it will be treated seriously and managed in a formal procedure.
 - The parent must submit their complaint in writing. The letter should contain as much detail as possible
 - The complaint will be acknowledged in writing within 5 working days, stating which member of staff will be managing the complaint.
 - Within a further 20 working days, an investigation of the complaint will be undertaken.
 - Within 5 working days of completing the investigation the parent will receive a copy of the report and the Principal or Chair's decision, or notification that further investigation is required. If the Investigating Officer decides to undertake a further investigation the parent will be notified of this and be given a date by which it will be completed(normally a further 10/15 Academy days)
 - The parent will be invited to attend a meeting to discuss the report, if they wish, at a time convenient to them. There is no time limit to this.
 - Irrespective of whether the parent attends a meeting they have the right of appeal to the Governing Body Complaints Committee if they are dissatisfied with the outcome of the complaint.
 - A Complaints Appeals Committee meeting will be held within 15 working days of the parent informing the Academy they wish to appeal.
 - The decision of the Complaints Appeals Committee will be sent to the parent, in writing the working day following the meeting.
- 5.2. The decision of the Complaints Appeals Committee is final.
- 5.3. The parent can submit a complaint to the Trust only on the grounds that the Academy did not follow its published procedure. The Trust will not investigate the complaint against the Academy.

Where the complaint refers to the Principal, the Chair of the Governing Body will investigate the complaint.

6. Investigating and resolving complaints

- 6.1. The Officer dealing with the complaint should:
 - Record all information.
 - Establish exactly the nature of the complaint; what happened, who was involved, when it happened and where.
 - Investigate, with a view to finding witnesses/evidence.
 - Interview, where necessary, those complained of, allowing them to be accompanied if they wish.
 - Produce a report containing findings on the complaint.
- 6.2. Any report is produced in the name of the Principal (or Chair) and it is up to them to determine whether the complaint is upheld, wholly or in part, or whether there is no substance to the complaint.
- 6.3. The report must be sent to the complainant with the Principal's (or Chair) finding with an offer to meet to discuss the outcome.
- 6.4. Where a complaint has been upheld, the intention should be to put the complainant in the position they would have been in if things had not gone wrong. This will be dependent on the individual circumstances of the case but will usually be achieved by the following:
 - Offering an apology and full explanation for what went wrong.
 - An admission that the situation could have been handled differently or better.
 - Taking steps to remedy the situation if appropriate.
 - Taking action to ensure that the problem is not repeated, including amending an Academy policy if this is appropriate.

7. Who deals with complaints?

- 7.1. All formal complaints relating to the Academy must be referred to the Principal who can decide:
 - To deal with it themselves; or
 - Delegate to a member of staff (Investigating Officer).
- 7.2. Where a complaint involves or relates to the Principal, it must be referred to the Chair of the Governing Body. In the absence of the Chair then the Vice-Chair would be expected to deal with the complaint.
- 7.3. Where the parent makes a formal complaint regarding an Academy policy, rather than regarding the implementation or interpretation of the policy the matter should be referred to the chairperson for the governing body to deal with.

8. Roles of the Governing Body

- 8.1. The role of the Governing Body is to follow the procedure for dealing with complaints, to ensure that the procedure is published and to establish a complaints committee to hear appeals at the final stage of the complaints procedure.
- 8.2. There is a legal requirement for the Academy's Complaints Procedure to be publicised.
- 8.3. Complaints and appeals must not be heard by the whole Governing Body.
- 8.4. Establishing the Complaints Appeals Committee requires the Governing Body to:
 - Establish a Complaint Committee of three Governors;
 - To approve the Terms of Reference;
 - To establish a separate committee to deal with complaint appeals.
- 8.5. Governors, other than the Chair or Vice-Chair who is investigating a complaint, have no individual role in the complaints procedure.
- 8.6. Where a governor receives a complaint they must refer the complainant to the Principal of the Academy (or if the complaint concerns the Principal to the chairperson) and have no further involvement in the matter.

9. Appeal to Committee of Governing Body

- 9.1. Where the complainant remains dissatisfied they must be advised that they can make an appeal to the Governing Body Complaints Appeals Committee.
- 9.2. The purpose of the appeal is not to reinvestigate the complaint, it is to ensure that the complaints procedure was implemented correctly and every issue within the complaint thoroughly investigated. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that the complaint has been taken seriously.
- 9.3. It is important to note that professional decisions that are made in Academies are the responsibility of the Principal. This means that even if the Complaints Committee does not agree with the Principal's decision, they cannot substitute their own decision.

10. Complaints Appeals Committee

10.1. Constitution:

- The Committee shall consist of three Governors appointed by the Governing Body excluding the Principal and Staff Governors
- Where the Chairperson of the Governing Body is a member of the Committee they shall not attend any meeting where they have participated in the management of the complaint.
- The Chairperson of the Committee shall be elected by the Committee.
- The Committee shall appoint a Clerk to the Committee

10.2. The Clerk will ensure:

- A minimum of 7 clear days' notice of a meeting is given in writing to each committee member along with the agenda;
- The minutes and decisions of the committee are recorded and made available for inclusion in the agenda papers of the next Committee meeting and/or Governing Body meeting.
- The Committee is authorised to make decisions on behalf of the Governing Body only in respect of those powers specifically within its' Terms of Reference.

10.3. Terms of Reference

- To hear appeals from parents together with representations from the Principal or Chair.
- To notify in writing, to the parent, the outcome of the appeal

11. Procedure for the Complaints Appeals Committee of the Governing Body

- 11.1. Principal (or Chair*) and parent/carer will be invited into the meeting. (*Where the Chair has investigated the complaint instead of the Principal.)
- 11.2. Those present will introduce themselves
- 11.3. The Clerk will explain the procedure for hearing the parent's appeal against the management of their complaint.
- 11.4. The parent will present their complaint appeal.
- 11.5. The Governors may if they wish ask the parent questions.
- 11.6. The Principal/Chair may ask questions of the parent.
- 11.7. The Principal/Chair will be invited to explain how the complaint was managed and what decisions were taken on the complaint.
- 11.8. The Governors may if they wish, ask the Principal/Chair questions.
- 11.9. The parent may ask the Principal/Chair questions.
- 11.10. Following summaries by the parent/carer and Principal/Chair they will leave the meeting.
- 11.11. The Committee will then come to a decision on the complaint appeal.
- 11.12. Following the meeting the Clerk will write to the parent and the Principal/Chair informing them of the Committee's decision.

Witnesses may be questioned on any statement made or evidence given

12. Decisions of the Complaints Appeals Committee

12.1. The decision of the Complaints Appeals Committee will be in two parts.

12.2. Part A

- That the complaint was managed and investigated correctly; or
- That the complaint was not managed and investigated correctly.

12.3. Part B

- Uphold the decision on the complaint
- Uphold the decision on the complaint in part
- Judge that the decision was an incorrect application of the Academy Policy.

12.4. Following the Committee's two part decision they will need to consider the appropriate action to be taken to resolve the complaint and what response to make to the parent.

The following are examples:

- An explanation as to why they consider the complaint has been dealt with properly and fairly.
- Acknowledge the Academy is at fault and offer an apology.
- An admission that the situation could have been handled differently but this would not have affected the outcome.
- An assurance that the event complained of will not happen again and what actions are being undertaken by the Academy.
- A review of the policy/procedure in light of the complaint.

12.5. Following the meeting of the Complaints Appeals Committee, they must write to the complainant setting out the decision of the Committee and giving reasons for their decision.

12.6. The Committee may also recommend changes to the Academy's systems or procedures to ensure that problems of a similar nature do not happen again

13. Vexatious Complaints

13.1. When all the stages of the complaints procedure have been followed there may be an occasion when the complainant remains dissatisfied and attempts to continue the complaint. In such a case the Chair should write to the complainant and inform them the matter has been to appeal and therefore is now closed.

14. Role of the Trust

14.1. Where a parent contacts the Trust regarding a complaint against an Academy they will be advised to request a copy of the Academy's complaints procedure from the Academy and either raise their concerns informally or submit a written complaint to the Principal of the Academy. Where permission is given, notification of this contact will be sent to the Principal.

14.2. Where appropriate, and where permission is given, details of the concern may also be passed to other officers within the Trust so that they can provide support to the Academy. If there are possible safeguarding issues, information will be passed on to the relevant agencies.

14.3. The parent will be advised of the procedures for the Academy's' complaints and informed that the Trust will not investigate their complaint. In the case where a parent has followed their complaint to the end of the Academy's procedure the matter is concluded.

15. Role of OFSTED

- 15.1. OFSTED have the power to consider some complaints made in writing about schools/Academies. Such complaints can be made by parents or carers of children registered at an Academy.
- 15.2. OFSTED will not usually consider a complaint if the parent/carers has not first followed the Academy and Trust complaints procedure.
- 15.3. OFSTED can consider complaints where it affects the Academy as a whole, e.g.
 - The Academy not providing a good enough education.
 - The pupils are not achieving as much as they should, or their differing needs are not being met.
 - The Academy is not well led and managed, or is wasting money.
 - The pupils' personal development and wellbeing are being neglected.
- 15.4. OFSTED will not normally investigate cases to do with individual pupils.
- 15.5. OFSTED cannot consider complaints when there are other statutory ways of pursuing them.
- 15.6. OFSTED do not:
 - Investigate incidents that are alleged to have taken place.
 - Judge how well a Academy investigated or responded to a complaint.
 - Mediate between a parent and a Academy to resolve a dispute.
- 15.7. Where a complaint is made to OFSTED, which falls within their power to investigate, it may decide to bring forward an inspection or conduct an immediate inspection.