



WELLSPRING
ACADEMY TRUST

We Make A Difference

Complaints Policy

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1. Introduction

- 1.1. This policy relates to complaints relating to Academies or to the Trust itself, with the exception of those relating to Admissions to Schools, statutory assessments of Special Educational Needs, school re-organisation proposals, matters likely to require a Child Protection Investigation, exclusion of children from school and whistleblowing (for which there are separate policies).
- 1.2. It is in everyone's interest that complaints are resolved as quickly as possible within a clearly defined procedure.
- 1.3. All staff should be aware of the complaints procedure and should be able to give information and assistance on how to raise a concern or make a formal complaint.
- 1.4. Anonymous complaints will be risk assessed by the receiving party before a decision is made whether or not to progress them.
- 1.5. The Trust's Governance Working Group were consulted when reviewing this policy.

The Equality Act 2010 requires public bodies, in carrying out their functions, to have due regard to the need to:

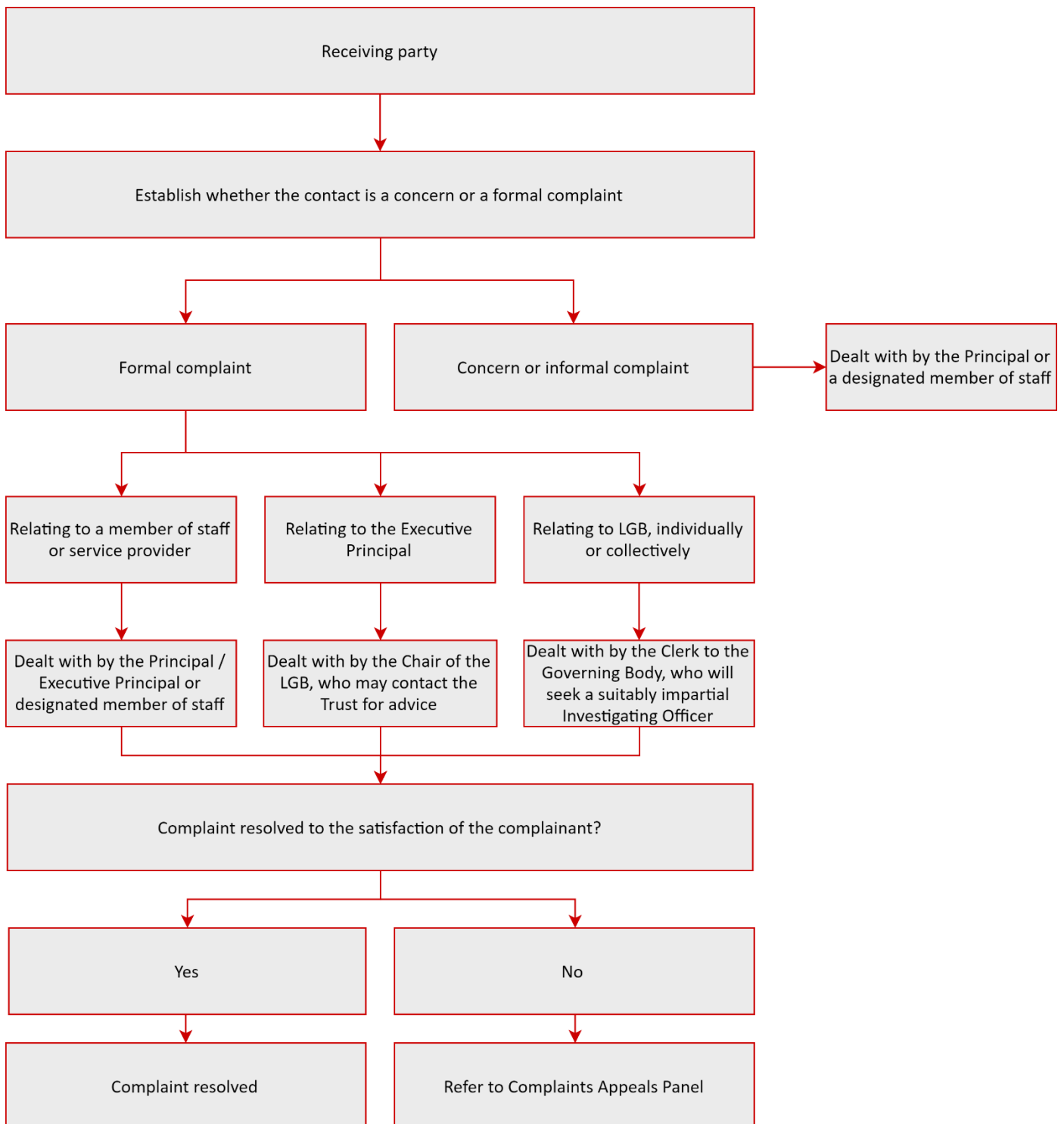
- *eliminate discrimination and other conduct that is prohibited by the Act*
- *advance equality of opportunity between people who share a protected characteristic and people who do not share it*
- *foster good relations across all characteristics - between people who share a protected characteristic and people who do not share it.*

In the development of this policy due regard has been given to achieving these objectives.

Further information regarding equality and diversity can be found at Appendix 3.

Cont'd

2. Complaints procedure



3. Receipt of complaints or concerns

- 3.1. It is in everyone's interest that complaints are resolved at the earliest possible stage.
- 3.2. Complaints should, where possible, be resolved 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 number that develop into formal complaints.
- 3.4. Where a complainant raises an issue, it is important to establish whether the complainant has a concern regarding a particular issue or has a complaint which they want investigating and responding to formally.
- 3.5. Irrespective of the reasonableness in responding to concerns, the complainant may be dissatisfied with the outcome and wish to make a formal complaint.
- 3.6. 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.
- 3.7. Complainants need to be advised that complaints are treated seriously and managed by a formal process involving evidence and investigation.
- 3.8. A formal complaint should be made in writing or by e-mail. If complainants need assistance in complying with this requirement, they can contact the Clerk to the Governing Body, who can make arrangements for appropriate support.
- 3.9. Where a person makes a complaint by telephone or in person, they should be advised to submit the complaint in writing in order for it to be considered.

4. Role of the Trust

- 4.1. Where a complainant contacts the Trust regarding a complaint against an Academy they will be advised to either raise their concerns informally or submit a written complaint to the Principal of the Academy.
- 4.2. Where appropriate, details of the concern may also be passed to other officers within the Trust who may provide assistance regarding the matter. If there are possible safeguarding issues, information will be passed on to the relevant agencies.

5. Who deals with formal complaints?

5.1 Stage 1

All formal complaints should be submitted to the relevant Principal, who can decide:

- to deal with it themselves; or
- to delegate the complaint to a member of staff.

5.2 Stage 2

- 5.2.1. Where the complainant remains dissatisfied after following the first stage, they must be advised that they can make an appeal. The Clerk to the Governing Body will organise a panel of at least three members, one of whom is independent of the management and running of the relevant Academy.
- 5.2.3. Where a complaint involves or relates to the Executive Principal, it must be referred to the Chair of the Local Governing Body. In the absence of the Chair, the Chair will appoint another member of the Governing Body.
- 5.2.4. Where a complaint relates to the Local Governing Body (LGB), individually or collectively, it should be referred to the Clerk to the LGB in the first instance. The Clerk will arrange, in consultation with the Trust Board, a suitably impartial Investigating Officer.
- 5.2.5. Where the complainant makes a formal complaint regarding a policy (rather than regarding the implementation or interpretation of the policy) the matter should be referred to the Chair of the

Local Governing Body (or Board, as appropriate) to deal with.

6. Formal Complaints procedure

6.1 Where a person wishes to make a formal complaint it will be treated seriously and managed in accordance with a defined procedure, ie:

- The complaint letter (or email) should contain:
 - as much detail as possible
 - contact details
 - brief description of how you feel the complaint could be resolved.
- The initial complaint should usually be submitted within a month of the event occurring. Exceptions to this time-frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.
- The complaint will be acknowledged in writing within 5 school days, stating who will be investigating the complaint (ie, the Investigating Officer).
- Within a further 20 school days an investigation will be undertaken and completed.
- The complainant will be notified of the decision of the Investigating Officer.
- Alternatively, they may be informed that further investigation is required. If the Investigating Officer decides to undertake a further investigation the complainant will be notified of this and be given a date by which it will be completed (normally a further 10/15 school days).
- The complainant has the right of appeal to an Appeals Panel if they are dissatisfied with the outcome of the complaint (stage 2).
- In such instances an Appeals Panel hearing will be held within 15 school days of the complainant indicating that they wish to appeal.
- The decision of the Panel will be sent to the complainant in writing within two school days following the meeting. The decision of the Appeals Panel is final.

6.2 Variations to this procedure may occur in exceptional circumstances which will be explained to the complainant.

7. Investigating and resolving complaints at Stage 1

7.1 The person investigating the complaint should:

- Record all information.
- Establish the exact nature of the complaint, ie: what happened, who was involved, when it happened and where.
- Investigate it, with a view to finding witnesses/evidence.
- Interview, where necessary, those complained about, allowing them to be accompanied if they wish.
- Produce a report containing findings regarding the complaint.

7.2 Any report is produced in the name of the person who completed the investigation 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.

- 7.3 The report must be sent to the complainant detailing the findings of the investigation.
- 7.4 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 of 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

8. Complaints from Parents

- 8.1 In keeping with the requirements of The Education (Independent School Standards) Regulations 2014, the following will apply in respect of Appeals Panels relating to complaints received from parents of pupils:
- Panels will comprise at least three people who were not directly involved in the matters detailed in the complaint, one of whom is independent of the management and running of the relevant Academy.
 - The parent may be accompanied to the Panel meeting if they so wish.
 - Correspondence, statements and records relating to complaint will be kept confidential, except where the Secretary of State or a body conducting an inspection under section 109 of the Education and Skills Act 2008 requests access to them.

9. Roles of the Local Governing Body / Trust Board

- 9.1 As indicated, the relevant Chair will investigate any complaints which relate to the Executive Principal and/or their conduct or actions. They may seek the support of the Clerk to the Governing Body in respect of the investigation.
- 9.2 There is a legal requirement for an Academy's Complaints Procedure to be publicised. The role of the Local Governing Body /Trust Board is to ensure that the procedure is published and that the Complaints Procedure is complied with.
- 9.3 The Terms of Reference relating to Appeal Panels will be adhered to (see Appendix 1).
- 9.4 Where a governor or Director receives a complaint they should refer the complainant to the relevant person as detailed earlier in this policy.

10. Investigating and resolving complaints at Stage 2 (Appeals Panel)

- 10.1 Where the complainant remains dissatisfied after following the first stage, they must be advised that they can make an appeal to the Academy's Appeals Panel.
- 10.2 It is envisaged that an appeal is lodged within 28 days of the outcome of the initial complaint.
- 10.3 The purpose of the appeal is to resolve the complaint and achieve reconciliation between the Academy/Trust and the complainant. However, it has to be recognised that the complainant might not be satisfied with the outcome. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- 10.4 The Terms of Reference of Hearings and Appeals Panels outline details of the composition of the Panels and other constitutional matters (please refer to Appendix 1)

- 10.5 The Clerk will ensure:
- That a minimum of 7 school days' notice of a Panel meeting is given in writing to each participant, along with the agenda for the meeting and any supporting information.
 - That the business of the meeting is recorded, including details of the decision taken by the Panel.
 - That the Panel is authorised to make decisions only in respect of those powers specifically within its Terms of Reference.
 - That outcomes are reported to the complainant in writing within 2 working days.

11. Procedure for the Appeals Panel

- 11.1 The Appeals Panel procedure is shown on Appendix 2.

12. Decisions of the Appeals Panel

- 12.1 The decision of the Appeals Panel will be to:

- Uphold the decision on the complaint.
- Uphold the decision on the complaint in part.
- Judge that the decision was incorrect.

- 12.2 Following the Panel's decision they will need to consider the appropriate action to be taken to resolve the complaint and what response to make to the complainant. The following are examples:

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

- 12.3 Following the meeting of the Appeals Panel, they must write to the complainant setting out the decision of the Panel and giving reasons for their decision.

- 12.4 The Panel may also recommend changes to systems or procedures to ensure that problems of a similar nature do not happen again.

13. Further pursuit of a complaint

- 13.1 Once a complainant has exhausted an academy's complaints procedure, they can submit a complaint to the Education and Skills Funding Agency (ESFA) by completing the online form or in writing to:

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

- 13.2 The **ESFA** will consider complaints about academies that fall into any of the following three areas:

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

13.3 If a parent is still not content that the complaint has been dealt with properly, **Ofsted** may consider the complaint. Ofsted's contact details are as follows:
enquiries@ofsted.gov.uk or the Ofsted Helpdesk on 08456 40 40 45.

13.4 Ofsted responds to complaints within 30 school days, indicating whether or not they will investigate the matter. Complaints may only be made to Ofsted if the complainant has already followed the Academy's complaints procedure.

14. Unreasonable Complaints

14.1 A complaint may be regarded as unreasonable where a complainant refuses to support the investigation process, changes the basis of the complaint as the investigation proceeds, or provides falsified information.

14.2 A complainant may be considered unreasonable if they make ongoing or unjustified complaints, seek unrealistic outcomes or use threatening, intimidating or offensive language or behaviour towards staff.

14.3 A complainant may also be considered unreasonable where details that pertain to the complaint or to members of staff are published or shared using social media. This list is not exhaustive.

14.4 Where a complaint or complainant is deemed to be unreasonable, the Principal or Chair, if appropriate, will write to the complainant outlining the reason and explaining why the complaint will not be investigated. Complainants may appeal this decision by writing to the Clerk to the Local Governing Body within 10 days of receiving this letter, responding to the concerns outlined in the correspondence they have received.

15. Vexatious Complaints

15.1 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.

16. Complaints Campaigns

16.1 For the purpose of this policy, complaints campaigns are where the Academy or Trust receives large volumes of complaints that are all based on the same subject from complainants.

16.2 Where an academy becomes the subject of a complaints campaign, a standard, single response will be published.

If the complainants remain dissatisfied with the response, they will be directed to the DfE.

17. Record Keeping and information sharing

17.1 The Academy will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, the final outcome and action taken by the Academy as a result of the complaint (regardless of whether the complaint was upheld). These records will also include copies of letters and emails and notes relating to meetings and/or phone calls. This material will be treated as highly confidential and stored securely. It will be only viewed only by those involved in investigating the complaint or the appeal panel (if applicable).

17.2 This is except where:

- the Secretary of State (or someone acting on their behalf) or a body conducting an inspection under section 109 of the 2008 Act requests access to them.
- the complainant requests access to records of a complaint through a Freedom of Information (FOI) request or under the terms of Data Protection legislation.

17.3 Records of complaints will be kept for a minimum of 6 years.

18. Link to Mission, Values, Strategic Aims

18.1 This policy links specifically to our aim of providing clear governance for our Academies.

19. Communications

19.1 This policy will be placed on the Trust and Individual Academy web pages.

Appendix 1 - Terms of Reference relating to Appeal Panels

1. PURPOSE

- 1.1 Appeal Panels may be convened from time to time to consider unresolved complaints.

2. CONSTITUTION

- 2.1 Appeals Panels will be convened as and when required.
- 2.2 Membership of the panels will consist of three members.
- 2.3 One member of the panel must be independent of the management and running of the Academy *(as required by clause 33 (g) of The Education (Independent School Standards) Regulations 2014)*.
- 2.4 The Panel can comprise of members of the Trust's Executive & Senior Management Team who have had no previous involvement in the matter and are not conflicted.
- 2.5 The Chair of an Appeal Panel will be appointed after discussion between the LGB Chair and the CEO.
- 2.6 It is the duty of the Principal to inform the LGB Chair of any forthcoming appeals and to also report high-level information to the LGB retrospectively.
- 2.7 Appeals must be heard within the time period specified in the policy wherever practical.
- 2.8 Minutes will be taken of all Appeal hearings. The Clerk to the LGB will usually clerk panel meetings.

3. INSTANCES WHERE THE PANEL RELATES TO THE EXECUTIVE PRINCIPAL

- 3.1 In instances where an Appeal hearing relates to the Executive Principal, the constitutional arrangements will be consistent with the previous section (excluding clause 2.4), except that Panel members should comprise the Chair of the Governing Body (or another member of the LGB appointed by the Chair), along with up to one member of the Trust's Executive Team and one independent person appointed by the Board in accordance with clause 2.3.

The composition of the Panel will be agreed jointly between the Chair of the Governing Body and the Trust.

4. INSTANCES WHERE THE PANEL RELATES TO THE LOCAL GOVERNING BODY

In instances where an Appeal hearing relates to the Local Governing Body the Panel will be arranged by the Clerk to the Governing Body, in consultation with the Trust Board.

5. DUTIES

- 5.1 To consider the detail of an Appeal.
- 5.2 The decision of an Appeal Hearing Panel shall be considered final.

Appendix 2 - Procedure for the Appeals Panel

The Principal (or Chair*) and complainant will be invited into the meeting. (**In instances where the LGB Chair or AN Other has investigated the complaint instead of the Principal*).

- Those present will introduce themselves.
- The procedure for hearing the appeal will be outlined by the Chair of the Panel.
- The complainant will present their complaint appeal.
- Panel members may, if they wish, ask questions of the complainant.
- The Principal/Chair may ask questions of the complainant.
- The Principal/Chair will be invited to explain how the complaint was managed and what decisions were taken on the complaint.
- The Panel may, if they wish, ask the Principal/Chair questions.
- The complainant may ask the Principal/Chair questions.
- Witnesses may be asked to provide information regarding any statements made.
- Following summaries by the complainant and Principal/Chair they will leave the meeting.
- The Panel will then come to a decision on the complaint appeal.
- The Clerk will write to the complainant and the Principal/Chair, informing them of the Panel's decision within 2 school days.

Appendix 3 - Equality Impact Statement

Further to the introductory statement in this policy, consideration was given to how the policy would impact on the following groups of people (primarily 'Equality Target Groups') compared to others:

- Age
- Disability
- Race, colour, nationality, ethnic or national origin
- Sex (including transgender people)
- Gender reassignment
- Maternity and pregnancy
- Religion and belief
- Sexual orientation
- Marriage and civil partnership (for employees).

It was concluded that the policy had neither a positive nor a negative impact on any group or groups of people compared to others.

Natalie Hardman, Chief Administration Officer, independently reviewed this policy on 17/04/19 and confirmed that the statement above is true and accurate.