



# Wigston Academies Trust

## SCHOOL COMPLAINTS PROCEDURE: STATUTORY

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<b>APPROVED BY:</b>	Board of Trustees
<b>REVIEW FREQUENCY:</b>	Every 2 years
<b>DATE FOR REVIEW:</b>	December 2022

Signed by Chair of Trustee

A handwritten signature in black ink, appearing to be 'M. M. M.', is written over the signature line.

Date: 8<sup>th</sup> December 2020

## **CONTENTS**

- 1. Introduction**
- 2. Principles and scope**
- 3. Procedure**
  - Stage 1: Informal**
  - Stage 2: Formal to Headteacher**
  - Stage 3: Formal to Chair of Trustees**
  - Stage 4: Appeals Panel**
- 4. Further rights of appeal**
- 5. Complaints against an individual Trustee**
- 6. Timescales for response**
- 7. Persistent complaints**
- 8. Duplicate complaints**
- 9. Complaint campaigns**
- 10. Record keeping**

## **1 INTRODUCTION**

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the Trust can be crucial in determining whether the complaint will escalate. To this end all staff and Trustees are aware of the procedure to be followed if a complaint is raised. Also, whilst not wishing to encourage complaints, complainants should note that they have a duty to raise a matter as soon as conveniently possible. A complaint is defined as "an expression of dissatisfaction however made, about actions taken or a lack of action". We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The Trust will aim to give the complainant the opportunity to complete the complaints procedure in full. To support this, we will ensure we publicise the existence of this policy and make it available on the Trust's websites.

Our Trust aims to meet its obligations when responding to complaints from parents and carers of students at the school, and of others.

When responding to complaints, we aim to:

- be impartial and non-adversarial
- facilitate a full and fair investigation by an independent person or panel, where necessary
- address all the points at issue and provide an effective and prompt response
- respect complainants' desire for confidentiality
- treat complainants with respect
- keep complainants informed of the progress of the complaints process
- consider how the complaint can feed into school improvement evaluation processes.

Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

## **2 PRINCIPLES AND SCOPE**

When investigating a complaint, we will try to clarify:

- what has happened
- who was involved
- what the complainant feels would put things right.

We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage.

Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

The Trust expects that complaints will be made as soon as possible after an incident arises and no later than three months afterwards. We will consider 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.

This policy does not cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters

Exclusion  
Whistle-blowing  
Staff grievances  
Staff discipline

Please see our separate policies for procedures relating to these types of complaint.

### **3 PROCEDURE**

**3.1** Wigston Academies Trust operates a 4 stage complaints procedure outlined below. If your complaint is about the Executive Headteacher, you should refer your formal written complaint to the Chair of Trustees to be dealt with under Stage 3 of this procedure.

Where the following procedure refers to the Executive Headteacher, they may delegate any of these functions to a member of the senior leadership team if appropriate. In exceptional circumstances, the Executive Headteacher may commission an independent investigator to undertake an investigation on behalf of the school.

#### **3.2 Stage 1: Informal concern**

An initial concern should be raised with the class teacher or the member of staff concerned. This can be done in writing (including email), by telephone or in person by appointment. The vast majority of concerns can be dealt with at this stage. It would be helpful to identify at this point what outcome you are looking for in order for us to address your concern quickly and effectively.

The Trust will normally acknowledge informal complaints within 3 school days, and investigate and provide a response within 10 school days.

The informal stage will involve a meeting between you and the person receiving the complaint as appropriate.

If the complaint is not resolved informally, it will be escalated to a formal complaint.

If you are not a parent/carer of a child at our Trust, please start at Stage 2 and make contact with the Headteacher or Executive Headteacher to discuss your concerns.

#### **3.3 Stage 2: Formal complaint to the Headteacher**

If your concern is not resolved at the informal stage you can make a formal complaint to the Headteacher, within 10 school days of Stage 1 being concluded. Your complaint should usually be made in writing indicating your desired outcome from the complaint (a form is attached for this purpose).

Your complaint will be acknowledged within 5 school days and will include an indicative date for a written response. The Headteacher will be responsible for ensuring that your complaint is investigated appropriately. They may meet with you to clarify details of your complaint and the resolution that is being sought. The Headteacher will investigate the complaint further and make every effort to resolve the issue.

Dependent upon the nature of the issues raised, the matter will either continue to be dealt with through the school complaints procedure, or by other procedures such as the disciplinary or safeguarding procedures. If this happens you will be informed of this fact but you will not be advised of the outcome of these proceedings.

On conclusion of the investigation the Headteacher will write to you with all appropriate information in relation to the complaint and information on any outcome(s) normally within 10 school days of the meeting. The response will also inform you of the next stage of the procedure in case you are not satisfied with the response.

### **3.4 Stage 3: Formal complaint to the Executive Headteacher**

If your complaint is about the Headteacher or your concern is not resolved at the Stage 2 you can make a second formal complaint to the Headteacher, within 10 school days of Stage 1 being concluded. Your complaint should usually be made in writing indicating your desired outcome from the complaint (using the same attached form).

Your complaint will be acknowledged within 5 school days and will include an indicative date for a written response. The Executive Headteacher will be responsible for ensuring that your complaint is investigated again if appropriate. They may meet with you to clarify details of your complaint and the resolution that is being sought. The Executive Headteacher will investigate the complaint further again and make every effort to resolve the issue.

Dependent upon the nature of the issues raised, the matter will either continue to be dealt with through the school complaints procedure, or by other procedures such as the disciplinary or safeguarding procedures. If this happens you will be informed of this fact but you will not be advised of the outcome of these proceedings.

On conclusion of the investigation the Executive Headteacher will write to you with all appropriate information in relation to the complaint and information on any outcome(s) normally within 10 school days of the meeting. The response will also inform you of the next stage of the procedure in case you are not satisfied with the response.

### **3.5 Stage 4: Formal complaint to the Chair of Trustees**

If you are dissatisfied with the Executive Headteacher response or your complaint concerns the conduct of the Executive headteacher then you can make a formal complaint to the Chair of Trustees.

Your complaint should be made in writing to the Chair of Trustees, care of the school, within 10 school days of the date of the Executive Headteacher's response to you. Please provide a copy of the written complaint, a copy of the Executive Headteacher's letter concluding Stage 2 and give details in writing of why they are not satisfied with the outcome.

At this stage the Chair of Trustees will generally handle the complaint but can delegate this to a nominated Trustee. In exceptional circumstances, the Chair of Trustees may commission an independent investigator to undertake an investigation on behalf of the Trust.

You will receive an acknowledgment of receipt of your complaint within 5 school days and an indicative timescale for response.

The Trustee will investigate the complaint and make every effort to resolve the issue. They may meet with you if they need clarification or further information is necessary.

On conclusion of the investigation you will receive a written response of the outcome reached and the process for appeal.

### **3.6 Stage 5: Formal complaint to the Complaints Appeal Panel**

If you remain dissatisfied with the response to your complaint you may request that it is reviewed by the Complaints Appeal Panel by writing to the clerk to the Trustees within 10 school days of the date of the letter notifying you of the outcome of Stage 3.

The clerk will write to acknowledge receipt of your complaint within 5 school days. The letter will explain the process which is to be followed and information about the how the panel will operate.

The clerk will convene a governing body Complaints Appeal Panel and ask you to provide details of your appeal and any relevant supporting evidence. You will be invited to attend and you can be accompanied if you wish. You will be given reasonable notice of the panel hearing date (normally 5 days).

The panel will usually consist of two Trustees and a person who is independent of the management and running of the Trust. These panel members will have no previous knowledge of the complaint. If this is not possible for any reason, then alternative arrangements will be made and communicated to you.

The remit of the Complaints Appeal Panel is to:

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

The panel, the complainant and the Trust representative(s) will be given the chance to ask and reply to questions. Once you and school representative(s) have presented their cases, they will be asked to leave and evidence will then be considered.

The panel must then put together its findings and recommendations from the case. The panel will also provide a copy of the findings and recommendations to you and, where relevant, the individual who is the subject of the complaint, and make a copy available for inspection on the Trust premises by the proprietor and Executive Headteacher.

You will be notified in writing of the panel's decision, usually within 5 days. The letter will confirm the end of the Trust's and Trustees' involvement with the complaint and explain any further rights of appeal.

### **4 FURTHER RIGHTS OF APPEAL**

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the ESFA. The ESFA will check whether the complaint has been dealt with properly by the school. The ESFA will not overturn a school's decision about a complaint. However, it will look into:

- whether there was undue delay, or the Trust did not comply with its own complaints procedure
- whether the Trust was in breach of its funding agreement with the Secretary of State
- whether the Trust has failed to comply with any other legal obligation.

If the Trust did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the Trust's complaints procedure is found to not meet normal regulations, the Trust will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

## **5 COMPLAINTS AGAINST AN INDIVIDUAL TRUSTEE**

If your complaint concerns the Chair of Trustees or an individual Trustee you should write to the clerk to the Trustees. The clerk will acknowledge receipt of your complaint within 5 school days. The letter will explain the process that will be followed and the expected timescale for response.

The Chair of Trustees will consider complaints about an individual Trustee and the Vice Chair will consider complaints against the Chair. If for any reason this is not appropriate then another Trustee will be nominated.

On conclusion of the investigation you will receive a written response detailing all appropriate information in relation to the complaint and information on any outcome(s). There will be no further right of appeal for complaints against an individual Trustee.

If the complaint is jointly about the Chair and Vice-Chair, the entire Board of Trustees or the majority of the Board, a committee of independent governors will hear the complaint. They will be sourced from local schools and/or the local authority and will carry out the steps at stage 3.

## **6 TIMESCALES FOR RESPONSE**

Our aim is to address your complaint in a timely and efficient manner. However, there may be occasions when we are unable to achieve the timescale indicated. In this event, we will write to you outlining the reason for the delay and provide you with a new timescale for the conclusion of that part of the process.

## **7 PERSISTENT COMPLAINTS**

Where a complainant tries to re-open the issue with the Trust after the complaints procedure has been fully exhausted and the Trust has done everything it reasonably can in response to the complaint, the Chair of Trustees (or other appropriate person in the case of a complaint about the Chair) will inform the complainant that the matter is closed.

If the complainant subsequently contacts the Trust again about the same issue, the Trust can choose not to respond. The normal circumstance in which we will not respond is if:

- the Trust has taken every reasonable step to address the complainant's needs, and
- the complainant has been given a clear statement of the Trust's position and their options (if any), and
- the complainant is contacting the Trust repeatedly but making substantially the same points each time.

The Trust will be most likely to choose not to respond if:

- we have reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience, and/or
- the individual's letters/emails/telephone calls are often or always abusive or aggressive, and/or
- the individual makes insulting personal comments about, or threats towards, staff.

Once the Trust has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

The Trust will ensure when making this decision that complainants making any new complaint are heard, and that it acts reasonably.

## **8 DUPLICATE COMPLAINTS**

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account. If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and the local process is complete.
- Direct them to the DfE if they are dissatisfied with our original handling of the complaint if there are new aspects, we will follow this procedure again.

## **9 COMPLAINT CAMPAIGNS**

Where the Trust receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the Academy or College, the Trust may respond to these complaints by:

- Publishing a single response on the school website
- Sending a template response to all of the complainants

If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the normal procedures will apply.

## **10 RECORD-KEEPING**

The Trust will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved (informal, formal or following appeal), and the final outcome. This final outcome will include details of the actions taken by the Trust regardless of whether the complaint was upheld or not. The records will also include copies of letters and emails, and notes relating to meetings and phone calls. This material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or on the Appeals Panel. This is except where the Secretary of State (or someone acting on their behalf) requests them under section 109 of the 2008 Act requests access to or the complainant requests access to records of a complaint through a freedom of information (FOI) request or under the terms of the Data Protection Act, or where the material must be made available during a school inspection. Records of complaints will be kept for seven years.

The details of the complaint, including the names of individuals involved, will not be shared with the whole governing board in case an Appeals Panel needs to be organised at a later point. Where the governing board is aware of the substance of the complaint before the Appeals Panel stage, the school will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the governing board, who will not unreasonably withhold consent.

WIGSTON ACADEMIES TRUST SCHOOL FORMAL COMPLAINT FORM

Your name:	
Student's name:	
Your relationship to student:	
Address:	
Post Code:	Daytime Tel:
Mobile:	Email:
Nature of complaint:	