



WADE DEACON
TRUST

A COMMITMENT TO EXCELLENCE

COMPLAINTS POLICY

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Link: Mr I Kirkham

A GREAT
PLACE
**TO BE A
PART OF**

Introduction

We recognise that there will be occasions when you wish to raise a concern with the Academy. We would consider a concern as an expression of worry or doubt over an issue considered to be important to you for which reassurances are sought. All Academy staff can assist you dealing with concerns without the need to resort to a formal procedure. Most concerns can be satisfactorily resolved at this Stage and each Academy values informal discussions or meetings to facilitate an early resolution.

During all phases of raising a concern or Complaint we would ask that staff are allowed appropriate time to respond in order that they can continue with the core teaching and support role that they undertake. It will not always be possible to respond to calls and email communication on the same day.

If appropriate the Academy may maintain a record of any issues for future reference. There is no suggested time-scale for resolution at this Stage given the importance of dialogue through informal discussion although it we would hope that most concerns could be resolved in within 15 Academy days.

If you feel that your concern has not been resolved there will be occasions when Complainants want to raise their concerns formally. In those cases, the Trust Complaints procedure below should be followed. It is in everyone's interest that Complaints are resolved at the earliest possible Stage.

We will listen to all concerns, Complaints, suggestions and compliments of all our stakeholders and see them as opportunities to improve the quality of the service we provide.

1. ABOUT THIS POLICY AND PROCEDURE

- 1.1. The Wade Deacon Trust ("the Trust") is committed to attaining and maintaining the highest standards achievable. There can be occasions when matters fall short of the required standard. This Complaints policy has been prepared to allow those with issues to raise them with the Trust, and provides a set of Stages for how Complaints will be dealt with in an efficient and fair way.
- 1.2. We would encourage all parties to seek to resolve matters through the informal route. If you feel that you have been unable to resolve your concern through general contact, you may wish to follow the Complaints policy.
- 1.3. The Trust takes all Complaints seriously and is committed to seek to resolve any matters raised in a positive and transparent way and make any identified improvements.
- 1.4. There are three Stages to formal element of the Trust's Complaints policy. It is the Trust's aim to ensure that the vast majority of Complaints raised are dealt with at Stage One.
- 1.5. In the event that the Complaint cannot be resolved at Stage one, this policy sets out the procedure for Complaints to be investigated and resolved.
- 1.6. "Academy days" means a school day during term time and does not include inset days, weekends, bank or public holidays or any other days that are outside term time.
- 1.7. During meetings, panel hearings or telephone calls you are welcome to make handwritten notes if these would assist you. Recordings of any kind (audio/video) are prohibited. (See 4.10)
- 1.8. The Complaints process is not designed nor should it be used to launch legal action. It is not appropriate for a Complainant to bring legal representation to any Stage of the Complaints process.

2. WHO THIS POLICY APPLIES TO

- 2.1. This policy applies to each Academy ("the Academy") within the Wade Deacon Trust.

- 2.2. This policy applies to anyone who has a Complaint regarding the pupils, employees, governors, trustees, premises or operation of the Academy or the Trust, whether they are a parent or guardian of a pupil, or a member of the local community ("the Complainant").
- 2.3. This policy does not apply to Complaints arising from:
- 2.3.1. admissions;
 - 2.3.1.1. Concerns about admissions should be handled through a separate process (subject to the school year applied for) either through the appeals process or via the local authority.
 - 2.3.2. child protection and safeguarding;
 - 2.3.2.1. Complaints about child protection matters are handled under our safeguarding and child protection policy and in accordance with relevant statutory guidance. Details can be found on each Academy website.
 - 2.3.2.2. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).
 - 2.3.3. exclusions;
 - 2.3.3.1. Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.
 - 2.3.3.2. Complaints about the application of the behaviour policy can be made through this Complaints procedure.

2.3.4. school re-organisation proposals;

2.3.4.1. Any re-organisation proposals would be subject to the appropriate formal consultation process to enable comments to be made.

2.3.5. services provided by third party suppliers/contractors who may use the Academy's premises;

2.3.5.1. The relevant party contact details will be provided to access their Complaints or relevant policy.

2.3.6. employee grievances and disciplinary procedures;

2.3.6.1. Complaints from staff will be dealt with under the Trust's internal grievance procedures.

2.3.6.2. Complaints about staff will be dealt with under the Trust's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a Complaint. However, the Complainant will be notified that the matter is being addressed.

2.3.7. whistleblowing;

2.3.7.1. The Trust has an internal whistleblowing procedure for all our employees, including temporary staff and contractors.

2.3.7.2. The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus.

2.3.7.3. Volunteer staff who have concerns about the Trust should complain through this Complaint procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your Complaint.

2.3.8. statutory assessment of special educational needs;

2.3.8.1. Specific Complaints about the Education Health and Care (EHC) plan procedures, or about the content of an EHC plan should be referred to the Local Authority.

- 2.4. You must raise the Complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider Complaints made outside of this time frame if exceptional circumstances apply.
- 2.5. The Local Governing Committee (LGC) and Trust Board (TB) reserve the right to reject a Complaint from a vexatious Complainant.
- 2.6. Anonymous Complaints will not be examined under this or any Complaints procedure.
- 2.7. If other bodies are investigating aspects of the Complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations. If this happens, we will inform you of a proposed new timescale.

3. STAGE ONE

- 3.1. The Complainant should make known their concern(s) to the Academy, which should be recorded by a relevant member of staff.
- 3.2. The Complainant should give details of the circumstances which have given rise to the Complaint that they wish to raise, and express how they would like the matter to be dealt with or how they see a resolution being achieved. It may be necessary to put these details in writing ("the Complaint").
- 3.3. When the Complaint is received, an appropriate Member of Staff will be assigned to deal with the Complaint at Stage One.
- 3.4. There may be some occasions where the Complaint can be resolved on the spot. Where this is appropriate, this will be recorded by the Member of Staff.
- 3.5. There may be some Complaints which require further enquiries, with accounts being taken from other parties involved. The Member of Staff dealing with the Complaint at Stage One will make a record of the issues raised, and will carry out those enquiries. There is no suggested time-scale for resolution at this stage given the importance of dialogue through informal discussion however it would be expected that most issues would be resolved within 15 Academy days.

- 3.6. Once the enquiries have been concluded, the Member of Staff will contact the Complainant and provide:
 - 3.6.1. a summary of their understanding of the Complaint raised;
 - 3.6.2. a summary of the information which they have discovered as part of their Stage One enquiries (if required to be undertaken);
 - 3.6.3. the Academy's response to the Complaint and an explanation as to how the response has been reached; and,
 - 3.6.4. confirm whether any action is to be taken;
- 3.7. The Member of Staff will keep their line manager fully informed about the Complaint and the progress of their enquiries.
- 3.8. It is expected that concerned parties explore all available avenues to reach a resolution at Stage One before progressing to Stage Two.

4. STAGE TWO

- 4.1. If the Complainant is not satisfied that the matter has been resolved at Stage One, they can progress their Complaint to the formal procedure under Stage Two ("Stage Two Complaint").
- 4.2. The Complainant will be required to complete the Stage Two Complaint form. A copy of the form is attached at appendix one of this policy.
- 4.3. The completed form should be addressed to the Principal of the Academy. If the Complaint concerns the Principal, the form should be addressed to the Chair of the LGC. If the Complaint concerns the Trust central operations, the form should be addressed to the Trust Chief Operations Officer.
- 4.4. The Stage Two Complaint form will be acknowledged in writing within seven Academy days.
- 4.5. The acknowledgement will:
 - 4.5.1. Specify who will investigate the Complaint ("the Complaint Officer") and provide details of how to contact them; and,
 - 4.5.2. Specify that the Complaint will be normally investigated within 20 Academy days from acknowledgement of the Stage Two Complaint ("the Stage Two Investigation").

- 4.5.3. Due to the complexity of some Complaints, where further investigation is necessary, a revised timeline for investigation will be set out.
- 4.6. During the Stage Two Investigation, the Complainant is required to keep the details of the Complaint **private and confidential**. This is to enable a just and fair investigation to be undertaken. Any steps taken by the Complainant which do not preserve the confidentiality of the Complaint may undermine the efficiency and effectiveness of the Stage Two Investigation.
- 4.7. The Principal or Chair of the LGC/TB will be entitled to delegate the Stage Two investigation to another senior Member of Staff or Governor/Trustee, providing they have not been involved with the Complaint at Stage One or in any other way. Where the Principal or Chair of the LGC/TB do not personally act as the Complaint Officer, they will be kept fully informed about the Complaint and the progress of the investigation.
- 4.8. In the event that the Stage Two Complaint is about the Principal or Chair of the LGC/TB, or if the Principal/Chair of the LGC/TB has dealt with the matter at Stage One, the Stage Two Complaint will be dealt with by another member of the Academy's senior management team or another member of the LGC/TB whichever is deemed to be more appropriate in the circumstances by the Trust.
- 4.9. The Complainant may be invited to attend a meeting with the Complaint Officer to discuss the Stage Two Complaint and the findings of any investigation ("Stage Two Meeting").
- 4.10. The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a Complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.
- 4.11. The Complaints Officer will respond to the Complainant in writing within 7 Academy days from the completion of the Stage Two Complaint (see 4.5.2), outlining their response to the Complaint, and any action that has or will be taken. If the Complaints Officer has decided not to take any further action on the issue, they will explain what they have decided, how they have reached this decision, and will outline the Complainant's right to take the matter further and the steps to be taken.

5. STAGE THREE – COMPLAINTS PANEL

- 5.1. If the Complainant is not satisfied with the outcome at the conclusion of Stage Two, they may progress the Complaint to Stage Three (“the Stage Three Complaint”) within 15 Academy days of the written response to the Stage Two Complaint. If no request to progress to Stage Three is received within 15 Academy days it will be deemed that the decision is accepted and the Complaint will be closed.
- 5.2. The Complainant will be required to write to the Trust Chief Operations Officer to request that the Complaint be dealt with at Stage Three. The Complainant must include the reason why they believe the Complaint should be escalated to Stage Three and provide a copy of the Stage Two outcome letter. (Contact details for the Trust Chief Operations Officer are available from the Trust website).
- 5.3. The Stage Three Complaint will be considered by a Complaints panel (“the Panel”).
- 5.4. The Panel will have three members:
 - 5.4.1. two members from the LGC/TB who have had no involvement with the Stage Three Complaint at Stage One or Stage Two; and,
 - 5.4.2. one independent member who has no involvement with the management and running of the Academy/Trust. The Clerk will record the date the Complaint is received and acknowledge receipt of the Complaint in writing (either by letter or email) within 5 Academy days.
 - 5.4.3. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Panel.
- 5.5. The Trust will write to the Complainant to inform them of the date of the meeting. They will aim to convene a meeting within 15 Academy days of receipt of the Stage Three request. If this is not possible, the Clerk will provide an anticipated date and keep the Complainant informed.
- 5.6. If the Complainant rejects the offer of three proposed dates, without good reason, the Trust will decide when to hold the meeting. It will then proceed in the Complainant’s absence on the basis of written submissions from both parties.

- 5.7. The Panel will consist of at least three governors from the Trust's governance structure, all of whom have no prior involvement or knowledge of the Complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Panel. If there are fewer than three governors available from within the Trust's governance structure, the Trust will source additional, independent governors from other local schools and Multi-Academy Trusts.
- 5.8. The Complainant will be entitled to be accompanied at the Panel Meeting by a relative, friend or representative for support only. It is not encouraged that either party brings legal representatives to the Panel Meeting, however, there may be occasions when legal representation is appropriate.
- 5.9. The Complainant and the Academy/Trust must provide copies to each other of any documents submitted for the Panel's consideration five Academy days before the Panel Meeting.
- 5.10. The Complainant and the Academy/Trust will also be entitled to call any witnesses, which each may reasonably require in order to support the submissions to the Panel. Witnesses must first agree to attend, and details of the witnesses must be provided to the Clerk and other party five Academy days before the Panel Meeting.
- 5.11. The Panel Chair shall have an absolute discretion as to whether the Panel will consider any party's documents or witnesses where there has been non-compliance with either paragraphs 5.9 and 5.10 of this policy.
- 5.12. Minutes of the Panel Meeting will be taken by an appropriate person appointed by the Principal or Chair of the Governing Committee/TB.
- 5.13. The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a Complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.
- 5.14. The Panel will consider the Complaint and all the evidence presented. The Panel can:
- 5.14.1. uphold the Complaint in whole or in part
 - 5.14.2. dismiss the Complaint in whole or in part

- 5.15. If the Complaint is upheld in whole or in part, the Panel will:
- 5.15.1. decide on the appropriate action to be taken to resolve the Complaint
 - 5.15.2. where appropriate, recommend changes to the Academy's systems or procedures to prevent similar issues in the future.
- 5.16. If the Panel is able, it will deliver its decision at the conclusion of the Panel Meeting. The Chair of the Panel will provide the Complainant and Academy with a full explanation of its decision and the reason(s) for it, in writing, within five Academy days.
- 5.17. The Panel will also make written findings and recommendations. A copy of these findings and recommendations will be: (i) provided to the Complainant and, where relevant, the person complained about; and (ii) made available for inspection on the school premises by the Trust (proprietor) and the Principal.
- 5.18. The letter to the Complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their Complaint has been handled.
- 5.19. Stage Three will be heard by a committee of Trustees if the Complaint is:
- 5.19.1. jointly about the Chair and Vice Chair or
 - 5.19.2. the entire Governing Committee or
 - 5.19.3. the majority of the Governing Committee
- 5.20. The response will detail any actions taken to investigate the Complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions that the Academy will take to resolve the Complaint.
- 5.21. The response will also advise the Complainant of how to escalate their Complaint should they remain dissatisfied.

6. RECORD KEEPING AND CONFIDENTIALITY

- 6.1. A written record will be kept of all complaints made under the formal procedure (Stage Two and Stage Three), including: (i) whether they are resolved following a formal procedure, or proceed to a panel hearing; and (ii) the action taken by the Academy and the Trust as a result of those complaints, regardless of whether they are upheld.
- 6.2. Correspondence, statements and records relating to individual complaints will be kept strictly 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.

APPENDIX ONE

Stage Two Complaint Form

Please confirm that you have completed Stage One of the process before completing this form Yes ☐ No ☐

Your name:
Pupil's name:
Academy/School pupil/student attends:
Your relationship to pupil/student:
Your address and postcode:
Your daytime telephone number:
Your evening telephone number:
Your email address:
Your Complaint is... <i>(Include details of actions already taken by the Academy/Trust to try to resolve the situation)</i>
What action have you already taken to try and resolve your Complaint? <i>(Who did you speak to and what was the response?)</i>

What would you like as an outcome from your Complaint?

Your signature:

Date:

All functions of the Complaints procedure must adhere to the requirements of the Data Protection Act 2018 and the Freedom of Information Act 2000.

Please complete and return to the school office/Trust's central office in a sealed envelope addressed to the Complaints Officer or Chair of Trustees (as appropriate).

Office use

Date received

Date acknowledgement sent

Responsible member of staff