



Wade Deacon Trust

Complaints Policy

Policy & Procedure Number: 72

Date of Board of Trustees' Review: Spring 2018

Next Review Due: Spring 2021

Trust Link: Mr I Kirkham

Revision Number: v3

I. COMPLIANCE

1.1. This complaints policy statement has been drafted with regard to the following statutory provisions and guidance:-

1.1.1. Education (Independent School Standards) (England) Regulations 2014

1.1.2. Education Funding Agency's guidance, "Creating an academy complaints procedure" 27 January 2015

2. ABOUT THIS POLICY

2.1. 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.

2.2. There are three stages to the Trust's complaints policy. It is the Trust's aim to ensure that the vast majority of complaints raised are dealt with informally at Stage One.

2.3. In the event that the complaint cannot be resolved at an informal level, this policy sets out a formal procedure for complaints to be investigated and resolved.

2.4. "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.

3. WHO THIS POLICY APPLIES TO

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

3.2. 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 he/she is a parent or guardian of a pupil, or a member of the local community ("the Complainant").

3.3. This policy does not apply to complaints arising from:

3.3.1. admissions;

3.3.2. child protection and safeguarding;

- 3.3.3. exclusions;
 - 3.3.4. school re-organisation proposals;
 - 3.3.5. services provided by third party suppliers/contractors who may use the Academy's premises;
 - 3.3.6. employee grievances and disciplinary procedures;
 - 3.3.7. whistleblowing; and,
 - 3.3.8. statutory assessment of special educational needs. 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.
- 3.4. The Local Governing Body and Trust Board reserve the right to reject a complaint from a vexatious complainant.
- 3.5. Anonymous complaints will not be examined under this or any complaints procedure.

4. **STAGE ONE – INFORMAL**

- 4.1. The Complainant should first approach the form tutor of the pupil concerned or alternatively another member of the Academy's employees ("Member of Staff"). If the Complainant is not a parent or guardian of a pupil, he/she should direct his/her complaint to the Principal.
- 4.2. The Complainant may raise his/her complaint in person, by telephone or in writing.
- 4.3. The Complainant should be prepared to give details of the circumstances which have given rise to the complaint that he/she wishes to raise, and express how he/she would like the matter to be dealt with or how he/she see a resolution being achieved. It may be necessary to put these details in writing ("the Complaint").
- 4.4. There may be some occasions where the Complaint can be resolved on the spot. If that is achievable, details of the concern and the resolution will be recorded by the Member of Staff for monitoring purposes.
- 4.5. 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.

- 4.6. Once the enquiries have been concluded, the Member of Staff will contact the Complainant and provide:
 - 4.6.1. a summary of his/her understanding of the Complaint raised;
 - 4.6.2. a summary of the information which he/she has discovered as part of his/her Stage One enquiries (if required to be undertaken);
 - 4.6.3. provide the Academy's response to the Complaint and an explanation as to how the response has been reached; and,
 - 4.6.4. confirm whether any action is to be taken;
- 4.7. The Member of Staff will keep their line manager fully informed about the Complaint and the progress of their enquiries.

5. **STAGE TWO – FORMAL COMPLAINT**

- 5.1. If the Complainant is not satisfied that the matter has been resolved at Stage One, he/she can progress his/her Complaint to the formal procedure under Stage Two ("Stage Two Complaint").
- 5.2. 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.
- 5.3. 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 Local Governing Body. If the Complaint concerns the Trust central operations, the form should be addressed to the Trust Head of Operations.
- 5.4. The Stage Two Complaint form will be acknowledged in writing within five Academy days.
- 5.5. The Letter of Acknowledgement will:
 - 5.5.1. Specify who will investigate the complaint ("the Complaint Officer") and provide details of how to contact them; and,
 - 5.5.2. specify that the Complaint will be investigated within 15 Academy days from acknowledgement of the Stage Two Complaint ("the Stage Two Investigation").

- 5.6. 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.
- 5.7. The Principal or Chair of the Local Governing Body/Trust Board will be entitled to delegate the Stage Two investigation to another senior Member of Staff or Governor/Trustee, so long as he/she has not been involved with the Complaint at Stage One or in any other way. Where the Principal or Chair of the Local Governing Body/Trust Board do not personally act as the Complaint Officer, they will be kept fully informed about the Complaint and the progress of the investigation.
- 5.8. In the event that the Stage Two Complaint is about the Principal or Chair of the Local Governing Body/Trust Board, or if the Principal/Chair of the Local Governing Body/Trust Board 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 Local Governing Body/Trust Board whichever is deemed to be more appropriate in the circumstances by the Trust.
- 5.9. 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").
- 5.10. The Complainant will be entitled to be accompanied at a Stage Two Meeting by one of the following:
 - 5.10.1. a relative;
 - 5.10.2. a friend; or,
 - 5.10.3. a representative.
- 5.11. At a Stage Two Meeting, a decision may be given regarding the outcome of the Stage Two Investigation and the decision of the Academy regarding the Stage Two Complaint.
- 5.12. Minutes of the Stage Two Meeting will be taken by an appropriate person appointed by the Academy/Trust.
- 5.13. The Complaints Officer will respond to the Complainant in writing within 15 Academy days from acknowledgement of the Stage Two Complaint, 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.

- 5.14. A record of the Stage Two Complaint, along with any documentation prepared during the Stage Two Investigation, and the Stage Two Meeting minutes, will be retained by the Academy/Trust for six years.

6. **STAGE THREE – COMPLAINTS PANEL**

- 6.1. If the Complainant is not satisfied with the outcome at the conclusion of Stage Two, he/she 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 3 is received within 15 Academy days it will be deemed that the decision is accepted and the Complaint will be closed.
- 6.2. The Complainant will be required to write to the Clerk of the Local Governing Body/Trust Board (“the Clerk”) to request that the Complaint be dealt with at Stage Three. (Contact details for the Clerk will be available from the Academy's General Office or the Academy's website).
- 6.3. The Stage Three Complaint will be considered by a complaints panel (“the Panel”).
- 6.4. The Panel will have three members:
 - 6.4.1. two members from the Local Governing Body/Trust Board who have had no involvement with the Stage Three Complaint at Stage One or Stage Two; and,
 - 6.4.2. one independent member who has no involvement with the management and running of the Academy/Trust.
- 6.5. Within 5 Academy days of a written request for the Complaint to be considered at Stage Three, the Clerk will acknowledge the request in writing and arrange for a meeting of the Panel to take place within 15 Academy days (“the Panel Meeting”) of the request to progress to Stage 3.
- 6.6. The Complainant will be entitled to be accompanied at the Panel Meeting by one of the following:
 - 6.6.1. a relative;
 - 6.6.2. a friend; or,

- 6.6.3. a representative.
- 6.7. The Complainant and the Academy/Trust will be entitled to submit any relevant documentation for the Panel's consideration. The documentation must be submitted to the Clerk three clear Academy days before the date of the Panel Meeting.
- 6.8. The Complainant and the Academy/Trust must provide copies to each other of any documents submitted for the Panel's consideration three clear Academy days before the Panel Meeting.
- 6.9. 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. Details of the witnesses must be provided to the Clerk and other party three clear Academy days before the Panel Meeting.
- 6.10. 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 6.7, 6.8 or 6.9 of this policy.
- 6.11. Minutes of the Panel Meeting will be taken by an appropriate person appointed by the Principal or Chair of the Governing Body/Trust Board.
- 6.12. The procedure for an Panel Meeting is as follows:
- 6.12.1. The Complainant and Academy/Trust Representative will enter the hearing together.
- 6.12.2. The Chair will introduce the panel members and outline the process.
- 6.12.3. The Chair will invite the Complainant to outline the Complaint, to refer the Panel to any of the documents submitted in compliance with paragraphs 6.7 and 6.8, and to call on any witnesses he/she has identified in accordance with paragraph 6.9 of this policy. The Complainant will be entitled to put questions to his/her witnesses. The Academy/Trust Representative and the Panel will also have the right to put questions to the Complainant's witnesses once the Complainant has concluded his/her questions.
- 6.12.4. The Academy/Trust Representative and Panel may question the complainant.
- 6.12.5. The Panel will invite the Academy/Trust Representative to outline their response to the Complaint, to refer the Panel to any of the documents submitted in compliance with paragraphs 6.7 and 6.8, and to call on any witnesses identified in accordance with paragraph 6.9 of this policy. The

Academy/Trust Representative will be entitled to put questions to their witnesses. The Complainant and the Panel will also have the right to put questions to the Academy's witnesses once the Academy/Trust Representative has concluded their questions.

6.12.6. The complainant and panel may question the Academy/Trust Representative.

6.12.7. The Complainant will sum up their complaint.

6.12.8. The Academy/Trust Representative will sum up the Academy/Trust's actions.

6.12.9. The Chair will explain that both parties will hear from the panel within 5 school days.

6.12.10. Both parties will leave together while the panel decides.

6.12.11. The clerk will stay to assist the panel with its decision making.

6.13. If the Panel is able to, it will deliver its decision at the conclusion of the Panel Meeting. A copy of the decision will be provided in writing within five Academy days to the Complainant and the Academy/Trust Representative.

6.14. If the Panel is unable to reach a decision at the conclusion of the Panel Meeting, it will be entitled to adjourn the Panel Meeting and to deliver its decision in writing to the Complainant and the Academy/Trust Representative within five Academy days.

6.15. A record of the Stage Three Complaint, along with documentation submitted to the Panel, and the Panel Meeting minutes, will be retained by the Academy/Trust for six years.

7. COMPLAINT TO THE EDUCATION AND SKILLS FUNDING AGENCY

7.1. If the Complainant remains unsatisfied with the outcome of the Complaint at the conclusion of Stage Three, he/she may raise the Complaint with the Education and Skills Funding Agency ("ESFA").

7.2. Details can be found at: <https://www.gov.uk/complain-about-school>

8. VEXATIOUS, UNREASONABLE AND PERSISTENT COMPLAINTS

- 8.1. Whilst it is hoped that this policy will reduce any dissatisfaction with the Trust, it is acknowledged that there may be rare occasions where a Complainant continues to be dissatisfied with the Trust and the outcomes achieved under the complaints policy.
- 8.2. Where a Complainant attempts to re-open an issue which has already been dealt with under the complaints policy, the Local Governing Body/Trust Board will contact them to inform them that the matter has already been dealt with and either that stage of the policy has been exhausted or that the complaints policy has been exhausted and the matter is considered closed. Where further correspondence is received on the same matter, this may be considered vexatious and the Trust will be under no obligation to respond to that correspondence.
- 8.3. We expect anyone who wishes to raise concerns to:
 - 8.3.1. Treat all members of the Trust and academy community with courtesy and respect;
 - 8.3.2. Avoid the use of violence, or threats of violence, towards people or property; and,
 - 8.3.3. Allow us a reasonable time to respond to a complaint and follow the complaints procedure.
- 8.4. Whilst we recognise that some complaints may relate to serious and distressing incidents, we will not accept threatening or harassing behaviour towards any members of the Trust or academy community.
- 8.5. In a minority of cases, people pursue their complaints in a way which can either impede the investigation of their complaint or can have significant resource issues for the Trust or Academy. This can happen either while their complaint is being investigated, or once the investigation has been concluded.
- 8.6. We define unreasonable persistent and vexatious complainants as those complainants who, because of the frequency or nature of their contacts, hinder our consideration of their complaints, or who persist in a complaint after being advised that there are insufficient or no grounds for their complaint, that the Trust is not the appropriate authority, or that the Complaints Policy has been exhausted.
- 8.7. We regard harassment as the unreasonable pursuit of issues or complaints, particularly if the matter appears to be pursued in a way intended to cause personal distress rather than to seek a resolution.

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- 8.8. We will not tolerate any form of unacceptable behaviour. In cases of vexatious / unreasonably persistent complaints or harassing / abusive behaviour, we may take some or all of the following steps, as appropriate:
- 8.8.1. Inform the Complainant informally or formally that their behaviour is now considered to be unreasonable or unacceptable, and request a changed approach;
 - 8.8.2. Require any personal contact to take place in the presence of an appropriate witness;
 - 8.8.3. Restrict contact to certain methods, such as in writing or through a third party;
 - 8.8.4. Not reply to or acknowledge any further contact from them on the specific topic of that complaint;
 - 8.8.5. Ban the individual from entering the premises; and / or
 - 8.8.6. Report the matter to the police or take legal action.
- 8.9. Any restriction that is imposed on the Complainant's contact with us will be appropriate and proportionate and the Complainant will be advised of the period of time the restriction will be in place for. The Wade Deacon Trust will always be involved with a decision to apply any or the steps detailed above unless emergency action is required.
- 8.10. Legitimate new complaints will always be considered and treated on their merits.



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APPENDIX ONE Stage 2 Complaints Form

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... (Include details of actions already taken by the school/Trust to try to resolve the situation)
What action have you already taken to try and resolve your complaint? (Who did you speak to and what was the response?)
What would you like as an outcome from your complaint?

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Your signature..... Date

All functions of the complaints procedure must adhere to the requirements of the Data Protection Act 1998 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