

# COMPLAINTS POLICY AND PROCEDURE

## Mission Statement

WeST holds a deep seated belief in education and lifelong learning. Effective collaboration, mutual support and professional challenge will underpin our quest to ensure that all of the children and adults we serve are given every opportunity to fulfill their potential and succeed in life.

Westcountry Schools' Trust adopted this policy in October 2018

Westcountry Schools' Trust will review this policy annually

## 1. Introduction

- 1.1 This Policy and Procedure sets out the Framework for how complaints are managed within all the Schools/Academies in the Westcountry Schools Trust. The Trust reserves the right to alter this process, in exceptional circumstances.
- 1.2 The Trust's complaints procedure is for parents, carers and members of the public to use to make complaints about any Schools/Academies or Local Governing Board within the Trust. It is expected that the concern or complaint will be directed to the School/Academy the concern or complaint relates to.
- 1.3 The Trust would encourage complaints to be made as soon as possible after an incident arises and considers 3 months to be an acceptable timeframe within which to lodge a complaint. Complaints lodged after 3 months from the date of the original incident/occurrence may be considered only in exceptional circumstances.
- 1.4 Within our Trust, we value our relationship with parents, carers and our local community. We are happy to receive suggestions and comments on what goes on within our Schools/Academies. This can help us to identify areas of success and where we can make improvements. We believe it is important that anyone who raises a concern is treated seriously and that their concerns and complaints are dealt with promptly, courteously and fairly.
- 1.5 People are encouraged to make their concerns known to staff in the School/Academy so that they can be addressed in partnership. Usually, concerns can be dealt with informally and can be resolved satisfactorily through discussion. Occasionally, a concern cannot be resolved in this way and it may become a complaint.
- 1.6 When someone raises an issue, it may be easily resolved by the person contacted. Sometimes, this will not be possible and they will refer the matter to someone else. Before doing so, some details will be recorded about the concern and the person raising it (name, nature of the concern, date, contact address or phone number). An idea will be given of when a response can be expected. The day to day running of the school is the Principal/Headteacher's responsibility, so all concerns about this will be referred to the Principal/Headteacher.
- 1.7 Every effort will be made to resolve the matter informally. However, if this is not possible the person may wish to take the matter further. The person should be given clear information about how to proceed along with a copy of this procedure.

## 2. Definition

- 2.1. For the purpose of this document:
  - a. The Westcountry Schools Trust is referred to as The Trust;
  - b. School/Academy refers to all Schools/Academies within the Trust;
  - c. Pupils refers to all pupils being educated or on site at any one of the Schools/Academies within the Trust.
  - d. Working days are normally those on which the School/Academy is open i.e. term time. These are days on which the School/Academy/Trust could reasonably be expected to receive, progress and respond to a complaint.

### 3. Legal Framework

- 3.1. This procedure is fully compliant with the statutory requirements on Schools/Academies in accordance with the standards set out in part 7 of The Education (Independent School Standards) Regulations 2014.

### 4. Receiving Complaints by Phone or in Person

- 4.1. If a telephone call is received or a person arrives at the School/Academy with a concern or complaint, the member of staff will:
  - a. Make a note of the caller information, brief details of the complaint and clarification as to who the caller wishes to speak to.
  - b. The person will be passed to an appropriate member of staff who can assist, or will be assured that they will be contacted back within one working day.
  - c. The form at Appendix A will be completed by the member of staff who initially received the complaint and emailed to the Principal/Headteacher's Administrator, who will ensure the complaint or concern is passed onto the appropriate person.

### 5. Receiving Complaints in Writing

- 5.1. If a complaint is received in writing, this will be passed onto the Principal/Headteacher's Administrator, who will ensure the complaint or concern is passed onto the person who will then seek to resolve the complaint in accordance with this policy.

### 6. Investigating Complaints

- 6.1. The aim is to address concerns, wherever possible without the need for formal procedures and whilst this policy outlines the complaints procedure, it does not in any way undermine efforts to resolve concerns informally. Formal procedures are invoked when initial attempts to resolve a concern have been unsuccessful and the complainant has communicated that they wish to take the matter further.
- 6.2. When investigating a concern or a complaint the aim is to:
  - a. Seek to establish what has happened and who has been involved.
  - b. Clarify the nature of the complaint and what remains unresolved.
  - c. Speak to the complainant or contact them if further information is required.
  - d. Clarify what the complainant feels would put things right.
  - e. Interview those involved in the matter (at the formal stage those being interviewed may be accompanied).
  - f. Conduct any interviews with an open mind but be prepared to persist in the questioning.
  - g. Keep notes of the interview and include a clear chronology of events.
- 6.3. At every stage of the procedure, the ways in which a complaint can be resolved is at the forefront; and it is understood that it may be sufficient to acknowledge that the complaint is valid in whole or in part and, as a result, is appropriate to offer one or more of the following:
  - a. An apology;
  - b. An explanation;
  - c. An admission that the situation could have been handled differently or better;
  - d. An assurance that actions have been taken to prevent recurrence of the subject of the complaint;
  - e. An explanation of the steps that have been taken to prevent recurrence of

## Westcountry Schools Trust (WeST)

- the subject of the complaint;
- f. An undertaking to review Trust policies in the light of the complaint.
- 6.4. Following an investigation of events sometimes no clear conclusion may be drawn. We accept that this may be frustrating for all parties concerned.
- 6.5. If following investigation, the complaint is considered to be vexatious the complainant will be informed in writing and no further action will be considered.

### 7. Complaints Procedure

7.1 The complaints procedure follows a three stage process, which is detailed below. The relevant forms can be found at Appendix A & B:

- Stage 1 – Informal
- Stage 2 – Formal
- Stage 3 - Panel Hearing

#### 7.2 Stage 1 - Concern or Informal Complaint

- a. It is in all parties' interest to resolve a complaint at the earliest possible stage. The aim will be to resolve the complaint and achieve reconciliation between the School/Academy and the complainant.
- b. The concern or complaint will be heard by a member of staff within the School/Academy it relates to, who is not subject to or had any involvement with the subject matter. Consideration will be given to the views of the complainant if they feel they would have difficulty discussing the complaint with a particular member of staff, likewise if the member of staff feels compromised to deal with the complaint. If a complaint is made to a Local Governor it will be passed to the Principal/Headteacher's Administrator, as the Local Governor may need to be involved at a later stage in the process.
- c. Complaints about Primary Academy/School Head Teachers will be referred to the relevant Executive Primary Principal.
- d. Complaints about Executive Primary Principals or Secondary School/College Principals will be referred to the Chief Executive Officer.
- e. The aim is to resolve all informal complaints within ten working days.
- f. If the complaint remains un-resolved the complainant can make a request for their complaint to be dealt with under the formal stage 2 of the complaints process (see section 7.3). For this to be considered, the complainant must submit their request in writing, within 10 working days of receipt of the outcome at the informal stage, using the form at appendix 2, giving details of the complaint, action already taken to resolve it and proposed further actions to resolve the problem.
- g. A complaint can be escalated straight to stage 2 of the complaints procedure, by the Academy or school if it has been initially assessed as needing investigation, or is a more serious dissatisfaction with some aspect of the school's policies, procedures, management or administration.

### 7.3 Stage 2 – Formal Complaint

- a. An unresolved concern or informal complaint under Stage 1, or a complaint which needs investigation, or is a more serious dissatisfaction with some aspect of the school's policies, procedures, management or administration should be set out in writing in accordance with section 7.2.f using the form at Appendix B. Failure by the complainant to provide the required information within the timeframe specified may result in a delay or the dismissal of the complaint.
- b. Formal complaints will be passed to the School Complaints Coordinator who will act as the investigating officer with the aim of resolving the complaint. Complaints about Primary School Head Teachers will be referred to the relevant Executive Primary Principal to investigate. Complaints about Executive Primary Principals or Secondary School/College Principals will be referred to the Chief Executive Officer who may investigate the complaint personally or assign it to an appropriate investigating officer.
- c. The investigating officer will collate the information, but will not make the decision on the outcome or the action to be taken.
- d. The complaint will be acknowledged in writing, (which could include email), normally within 3 working days of receipt during term time and as soon as practicable during the holidays. The acknowledgement will indicate the action that is being taken and the likely timescale for resolution.
- e. The investigating officer may request additional information from the complainant and will fully investigate the issue. In most cases the investigating officer will meet or speak with the complainant to discuss the matter.
- f. The aim is to inform the complainant of the outcome of any investigation and proposed resolution to the complaint within 15 working days from the receipt of the complaint. Please note that any complaint received within 15 working days of the end of term or half term may take longer to resolve.
- g. Written records will be kept of any meetings and interviews held in relation to the complaint.
- h. If a complainant is not satisfied with the outcome, there is an option for it to be escalated to stage 3 (see 7.4). For this to be considered, the complainant must submit this request in writing, within 15 working days of receipt of the outcome of stage 2, stating specifically what element(s) of their original complaint remain unresolved and confirmation of how they believe matters could be resolved.
- i. The investigating officer will escalate the complaint to stage 3 upon the complainant's written request and confirmation that they are dissatisfied with the outcome of stage 2.

### 7.4 Stage 3 – Panel Hearing

If the complainant remains dissatisfied following Stage 2 and wishes to take the complaint further, the complaint must be put in writing within 15 working days of the outcome at Stage 2, addressed to the Chair of the Board of Trustees.

The written complaint should:

- a. state clearly the reason for the complaint
- b. explain clearly what steps have been taken to resolve the complaint so far by the academy/school and why this has not been satisfactory

- c. outline the desired outcome from the complaint

The complaint will be acknowledged in writing, which could include email, Normally within 3 working days of receipt. The acknowledgement will indicate the next steps in the process.

The chair of the Board of Trustees will arrange for the complaint to be considered and investigated. This will involve a Panel of Governors/independent individuals and a panel hearing should take place as soon as possible and normally no later than 20 working days after the date of receipt of the complaint under Stage 3. The complainant must be invited to attend the panel hearing.

The Panel will consist of at least three Governors/independent members who have not been directly involved in matters detailed in the complaint. If the Chair of the Board of Trustees has been involved in discussions to help resolve the complaint at an earlier stage, s/he will arrange for another governor to take charge of the investigation. The Chair will ensure that at least one member of the Panel is independent of the management and running of the School/Academy (i.e. not a Governor of the school/academy, a member of the trust board, or an employee of the academy or trust).

Parents will be given reasonable notice of the Panel hearing date, with any Papers circulated 5 working days in advance.

- 7.5 As part of the formal stage, the complainant must make sure that members of the Governors' complaints panel are provided with any written information and/or evidence to be used in a formal hearing – also to be provided in time for circulation 5 working days in advance. The complainant may be accompanied to any meeting. The chair of the panel may invite any person who could help establish the facts of the complaint and will advise the complainant of this before the meeting.
- 7.6 If any member of staff is required by the Chair of the Board of Trustees or the Complaints Panel to attend a meeting, they will have the opportunity to be accompanied. A member of staff named in a complaint may also choose to attend a meeting, even if not required to do so by the Governors or they may be represented. If this happens, all parties will be informed in advance.

The aim of the Panel hearing will always be to resolve the complaint and achieve reconciliation between the academy/school and the complainant.

- 7.7 When the panel has fully investigated the complaint, the Chair of the Panel will write to the complainant with findings and recommendations normally within 10 working days of the hearing. If the Panel consider that further investigations are required prior to it reaching a decision, this timescale may be extended.

The decision reached is final.

The findings and recommendations will be reported to the Academy/School Governing Board the Chair of the Trust Board and where relevant, the person who is the subject of the complaint.

### 8. Roles and Responsibilities

#### **The Role of the Clerk:**

All panels considering complaints must be Clerked. The Clerk would be the contact point for the complainant and be required to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible
- collate any written material and send it to the parties in advance of the hearing
- meet and welcome the parties as they arrive at the hearing
- record the proceedings
- notify all parties of the Panel's decisions

#### **The Role of the Chair of the Panel:**

The Chair of the Panel has a key role, ensuring that:

- the remit of the Panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the key issues are addressed;
- key findings of fact are made;
- complainants or others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the panel is open minded and acting independently;
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

### 9. Record Keeping

A copy of the Panel's findings and recommendations will be available for inspection on the school premises by the proprietor and the head teacher. A written record will be kept of all complaints that are made under Stages 2 or 3 and

- (i) whether they were resolved following a formal procedure, or proceeded to a panel hearing; and
- (ii) action taken by the school/academy/Trust as a result of those complaints (regardless of whether they are upheld); and

Correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

### 10. Exempt Complaints

The following are exempt complaints:

#### **Complaints about matters outside of the Trust's control**

This means a complaint about the activities of persons or organisations not under the direct control of the Trust (for example, complaints by one parent against another).

#### **Complaints about decisions of the Board of Trustees**

Decisions made by the Board of Trustees are not subject to review by Trust employees or individual trustees, and any dissatisfaction in respect of any such decision should be addressed to the Board of Trustees (c/o the Chair of Trustees). The Board will consider such representations at a duly convened meeting, but shall not be obliged to reconsider their decision.

#### **Complaints about Trustees or Committees of the Board acting under their delegated powers**

This means a complaint about the activities of trustees or committees of the Board, who are acting under the powers delegated to them by the Board of Trustees. These are subject to the Code of Conduct and other policies adopted by the Board, and subject to review by the full Board of Trustees; concerns in respect of such matters should be addressed to the Chair of Trustees (or the Vice Chair if the concern is in relation to the activities of the Chair), who will take such action within his/her powers as s/he considers to be appropriate.

#### **Complaints previously dealt with**

This means a complaint raised by a complainant which has already been dealt with using the procedures outlined in this policy, and which raises no new matter and presents no new information. This may include a complaint which differs slightly from the original complaint, but which is substantially the same as the complaint previously dealt with.

#### **Complaints in relation to which other procedures exist**

This means a complaint in respect of matters which are properly dealt with by way of alternative procedures in place (for example, employee complaints relating to employment matters should be dealt with under the Trust's Grievance Policy; complaints relating to pupil exclusions should be dealt with under the relevant legislative process etc.)

#### **Complaints by a Persistent Complainant**

This means a complaint which is substantially different from complaints previously received, but is submitted by a complainant who may be considered unreasonably persistent.

A complainant will not be considered unreasonably persistent solely on the basis that he or she has submitted previous complaints. However, matters such as volume of correspondence, the effect on the Trust's resources of dealing with the complainant, the importance or triviality of the complaint, and the direct impact of the matter complained of on the complainant will be considered factors in determining whether the complaint is an exempt complaint.

### 11. Unacceptable Behaviour

We will aim to deal fairly, honestly, consistently and appropriately with all complainants, including those who we consider to be persistent complainants. We believe that all complainants have the right to be heard, understood and respected. We also consider that our employees have the same rights.

The Trust reserves the right to conclude an investigation without further involvement from the complainant, or choose not to conclude an investigation, if the complainant's behaviour is deemed unacceptable, e.g. aggressive.

Where behaviour is so extreme that it threatens the immediate safety and welfare of the school's staff or pupils, we will consider reporting the matter to the police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

### 12. The Role of Other Bodies

A complaint about the Trust or an individual Academy/school within the Trust can be referred by a member of the public to the ESFA.

**12.1 The role of the ESFA (Education and Skills Funding Agency) on behalf of the Secretary of State:** If a complaint is referred to the ESFA, the ESFA will check whether the complaint has been dealt with properly by the Trust. The ESFA will only consider complaints that fall into the following three areas:

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

It is unlikely that the ESFA will overturn a Trust's decision about a complaint. However the ESFA will request that the complaint is looked at again from the appropriate stage, if there has been a breach in its own complaints procedure. If the procedure does not meet the regulation the Trust will be required to rectify any aspects that do not meet the regulations.

**Complaints can be referred to the ESFA via their online form:**

[https://form.education.gov.uk/submitform.php?self=1&form\\_id=cCCNJ1xSfBE&type=form&ShowMsg=1&form\\_name=Contact+the+Department+for+Education&noRegister=false&ret=%2Fmodule%2Fservices&noLoginPrompt=1](https://form.education.gov.uk/submitform.php?self=1&form_id=cCCNJ1xSfBE&type=form&ShowMsg=1&form_name=Contact+the+Department+for+Education&noRegister=false&ret=%2Fmodule%2Fservices&noLoginPrompt=1).

### 12.2 The role of the (DfE) Department for Education

You may complain to the DfE if you have remain dissatisfied and have followed the Westcountry Schools Trust Complaints Policy and Procedure and followed all of the 'Make a Complaint' steps on the DfE website <https://www.gov.uk/complain-about-school/state-schools>.

You may do this via the online via school complaints form <https://www.education.gov.uk/form/school-complaints-form> or at the postal address below:

Department for Education  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

### 12.3 The role of Ofsted

You can complain to Ofsted if you think a school is not run properly.

<https://contact.ofsted.gov.uk/online-complaints>

You must have already followed the Trust's Complaints Policy and Procedure.

## 13. Policy Circulation

13.1. This Policy will be published on the Trust's website, on the individual School/Academy websites and included in the Trust's Policy Monitoring Schedule.

13.2 This Policy will be circulated to every Member, Trustee/Director, Local Governor and Senior Employee by sending an email to the link on the Trust's website on an annual basis and when each new Member, Trustee/Director, Local Governor and Senior Employee joins the Trust.

13.3. The Trustees, in consultation with the Local Governing Boards, are responsible for overseeing, reviewing and organising the revision of the Complaints Policy

## 14. Adoption of the Policy

This Policy has been adopted by the Trustees of the Westcountry Schools Trust.

Signed : Iain Grafton

(Chair of Trust)

Date: 23 October 2018

| <b>Appendix 1 Record of Complaint Form</b>                                |                        |   |
|---|------------------------|---|
| <b>Name of the School/Academy:</b>  |                        |   |
| me:   | In person or by phone? | Address:                                |
| Contact Numbers & Email:  |                        | Date & Time:                            |
| <b>Complaint</b>  |                        |   |
| <b>Details of the complaint:</b>  |                        |   |
| Complaint Recorded by:  |                        | Who the complainant wishes to speak to: |
| <b>Acknowledge that the person will be contacted within 1 working day</b> |                        |   |
| Office Use:   |                        |   |
| Who complaint has been passed on to:                                      |                        |   |
| Date and time:  |                        |   |

**Appendix 2 - Formal Complaint Form**

**Name of the School/Academy:**

|                          |  |          |
|--------------------------|--|----------|
| Surname:                 | First Name:  | Address: |
|                          |  |          |
| Contact Numbers & Email: | If applicable – name of pupil and relationship to the pupil: |          |
|                          |  |          |

**Complaint – to be completed by the complainant**

**Details of the complaint:**

**Action already taken to resolve the complaint:**

**What actions do you feel will resolve the problem at this stage?**

**Details of additional information or evidence attached:**

Signature (Form sent by email is classified  
as the signature):

Date:

**An acknowledgement of the complaint will be sent within 3 working days**

Office Use:

Date acknowledgement sent:

By: