

# Waterton Academy Trust



W A T E R T O N

ACADEMY TRUST®

~ WHERE SUCCESS IS A SHARED EXPERIENCE ~

## **Complaints Policy**

Reviewed: September 2016

Next Review: September 2017

## **1. Introduction**

This policy statement sets out our approach to dealing with parental concerns and complaints. Further details of how we handle these are contained in our procedures section, which can be obtained on request from the office.

## **2. Aims/Responsibilities**

We always aim to maintain positive relationships with parents and carers and do our best to address any concerns as soon as they arise. However we are aware that in some instances a parent/carer may wish to make a complaint.

- 2.1 We value good home/academy relations and will, therefore, do everything we can to establish and maintain them. This includes seeking to resolve any concerns or complaints promptly, and to the satisfaction of all concerned.
- 2.2 We welcome feedback on what parents/carers feel we do well, or not so well, as an academy. We will consider carefully all feedback, whether positive or negative, and will review our policies and practices accordingly.
- 2.3 We will treat all concerns and complaints seriously and courteously and will advise parents/carers and others of Waterton Academy Trust's procedures for dealing with their concerns. In return, we expect parents/carers and other complainants to behave respectfully towards all members of the Trust community. In particular, any disagreement should not be expressed inappropriately or in front of pupils.
- 2.4 All staff and governing members of Waterton Academy Trust will be made aware of this policy statement and will be familiar with procedures for dealing with concerns and complaints, to which they will have access as required.
- 2.5 The complaints procedures will be reviewed regularly and updated as necessary.
- 2.6 The staff and governing members of Waterton Academy Trust will receive training in handling parental concerns and complaints as appropriate. This may be on an individual basis, or as a group activity.
- 2.7 Whilst we will seek to resolve concerns and complaints to the satisfaction of all parties, it may not be possible to achieve this in every case. We will, therefore, use our option to close a complaint before all the stages of the Trust's procedures have been exhausted, if this appears to be appropriate.

## **Complaints procedure**

The majority of concerns from parents, carers and others are handled under the following procedures.

### **1. Overview of complaints procedure stages;**

- a. The informal stage** aims to resolve the concern through informal contact at the appropriate level in the academy.
- b. Stage 1** is the first formal stage at which written complaints are considered by the Headteacher or Chair of Governors, who has special responsibility for dealing with complaints. If the complaint relates to a Headteacher, this will be dealt with by a suitably qualified Trust appointed officer.
- c. Stage 2** if the complaint is not resolved through stage 1 the next stage would be to involve a complaints appeal panel.
- d. Stage 3** the way the complaint was dealt with will be reviewed and commented upon by a panel made up of Directors of Waterton Academy Trust.

### **2. Detailed explanation of complaints procedure stages**

#### **a. The informal stage – initial contact with the academy**

- In the first instance concerns should be raised informally through the child's class teacher or phase group leader.
- If the issue concerns the class teacher or phase group leader the concern may be raised with another member of staff.
- All members of staff are aware of the complaints procedure and are able to refer the issue to the most appropriate person with responsibility for the area of concern. Staff are expected to make clear notes of the details of the complaint and to follow up after the matter has been referred.
- If the matter cannot be resolved immediately contact will be made either by telephone, in person or in writing to arrange a convenient time to discuss the issue(s)
- Any actions or monitoring of the situation that has been agreed will be confirmed either verbally or in writing.
- If necessary we will contact appropriate people who may be able to assist us with our enquiries into your concern.

- An update on the progress of our enquiries will normally be made within ten working days. Once we have responded to your concern, you will have the opportunity to ask for the matter to be considered further.
- If the concern has not been addressed fully the complaint can be raised more formally under stage 1 of the procedure.

#### **b. Formal consideration of the complaint**

- If the complaint has not been resolved informally it will be escalated to stage one where it will become a formal complaint.
- All formal complaints must be submitted in writing to the Headteacher. If, however, the complaint concerns the Headteacher personally, it should be sent to the academy marked “For the attention of the Chair of Governors” and also to Waterton Academy Trust marked “for the attention of the CEO”.
- The complaint will be acknowledged in writing within three working days of receipt. A copy of this procedure will be enclosed with the acknowledgement.
- Normally we would expect to investigate in full and respond within 15 working days but if this is not possible we will write to explain the reason for the delay and confirm when we hope to be able to provide a full response.
- As part of our consideration, the complainant may be invited to attend a meeting to provide further details. The complainant will be invited to bring someone to attend the meeting with them to help explain the reasons for the complaint. The Headteacher, or Chair of Governors, may also be accompanied by a suitable person if they wish.
- Following the meeting, the Headteacher, investigating officer or Chair of Governors will, where necessary, talk to witnesses and take statements from others involved. If the complaint centres on a pupil, we will talk to the pupil concerned and, where appropriate, others present at the time of the incident in question.
- We will normally talk to pupils with a parent or carer present, unless this would delay the investigation of a serious or urgent complaint, or where a pupil has specifically said that he or she would prefer the parent or carer not to be involved. In such circumstances, we will ensure that another member of staff, with whom the pupil feels comfortable, is present.
- If the complaint is against a member of staff, it will be dealt with under Waterton Academy Trust’s internal confidential HR procedures.

- The Headteacher, Chair of Governors or Trust appointed officer will keep written / typed, signed and dated records of all meetings and telephone conversations, and other related documentation.
- Once the relevant facts have been established, a written response will be sent to the complainant. This will give an explanation of the decision and the reasons for it.
- If follow-up action is needed, this will be indicated in the response. A further meeting may be held to discuss the outcome as part of our commitment to building and maintaining good relations.
- The person investigating the complaint may decide that we have done all we can to resolve the complaint, in which case we may use our discretion to close the complaint at this point. Please see section 3 for further information about this process.
- If the complaint has not been resolved to full satisfaction it should be referred to stage 2, as described below.

### **c. Consideration by a governors appeal panel**

- If the complainant is not satisfied with the outcome of stage 1 they can choose to take the matter to stage 2. If the complaint has not been resolved through stage 1 it can be referred to a governors appeal panel through stage 2 of the complaints procedure. This is a formal process, and the ultimate recourse at academy level.
- The purpose of this arrangement is to give the complainant the opportunity to present in front of a panel of 3 governors who have no prior knowledge of the details of the case and who can, therefore, consider it without prejudice. One of the panel members will be selected from another Trust school and will not currently hold the position of Trust director in order to fulfil the role of a member who is independent of the management and running of the school.
- The aim of a panel is not to rehear the complaint. It is there to review how the complaint has been investigated and to determine whether this has been conducted fairly. It is there to establish facts and make recommendations which will reassure you that we have taken the complaint seriously.

### **The governors appeal panel operates according to the following formal procedures:**

1. The governing body will convene a panel of three governors and will aim to arrange for the panel meeting to take place within **20 working days**.

2. Further written documentation may be submitted by the complainant in support of the appeal.
3. The Headteacher or complaint investigator will be asked to prepare a written report for the panel. The panel can request additional information from other sources if necessary.
4. The complainant will be informed, at least **five working days** in advance, of the date, time and place of the meeting. The meeting will normally take place at the academy however alternative arrangements can be made if preferred.
5. Any relevant correspondence or reports regarding stage 1 will be enclosed with the letter. The complainant will be given the opportunity to submit further written evidence to the panel.
6. The letter will explain what will happen at the panel meeting and will advise that the complainant is entitled to be accompanied to the meeting. The person accompanying the complainant should not normally be directly connected to the academy. They are to provide support and to witness the proceedings.
7. If it is necessary in the interests of the ratifying the investigative process, the complaint investigator may, with the agreement of the chair of the panel, invite relevant witnesses directly involved in the matters raised to attend the meeting.
8. The chair of the panel will bear in mind that the formal nature of the meeting can be intimidating and will do his or her best to put everyone involved at ease.
9. As a general rule, no evidence or witnesses previously undisclosed should be introduced into the meeting by any of the participants. If either party wishes to do so, the meeting will be adjourned so that the other party has a fair opportunity to consider and respond to the new evidence.
10. The chair of the panel will ensure that the meeting is properly minuted. Any decision to share the minutes with the complainant is a matter for the panel's discretion. There is not an automatic right to see or receive a copy as the minutes are the property of the governing body. Since such minutes usually name individuals, they are understandably of a sensitive and, therefore, confidential nature.
11. If the complainant feels that he or she would like to have a copy of the minutes this should be indicated in advance. If the panel is happy for the minutes to be distributed, the clerk can then be asked to maintain confidentiality in the minutes.
12. The complainant will be sent a written outcome of the panel meeting. This should give all the information required.

13. During the meeting, there will be opportunities for:

- the panel to hear the case and the argument for why it should be heard at stage 2;
- the panel to hear the complaint investigator's case in response;
- the complainant to raise questions via the chair;
- the complainant to be questioned by the complaint investigator through the chair;
- the panel members to be able to question the complainant and the complaint investigator;
- the complainant and the Headteacher to make a final statement.

14. In closing the meeting, the chair will explain that the panel will now consider its decision and that written notice of the decision will be sent to the complainant and the Headteacher **within three school days**. All participants other than the panel and the clerk will then leave.

15. The panel will then consider the complaint and all the evidence presented in order to:

- reach a unanimous, or at least a majority, decision on the case;
- decide on the appropriate action to be taken, if necessary;
- recommend, where appropriate, to the governing body changes to the school's systems or procedures to ensure that similar problems do not happen again.

16. The clerk will send the complainant and the Headteacher a letter outlining the decision of the panel. The letter will also explain that there is no further appeal to the academy.

17. If the complainant feels that the academy has not properly followed procedures this must be communicated in writing to Waterton Academy Trust (FAO Chief Executive) within 10 working days of receipt of the panel outcome explaining what was wrong with the procedure. The Trust will not judge the complaint or outcome only the procedure followed. The Trust will respond to all parties within 10 working days to indicate its decision. If the Trust feels that the procedure was not properly followed it will advise a course of action which may include that the governor panel review part of the complaint or that a new panel is set up to review the complaint. Otherwise, the Trust will uphold the procedure followed as reasonable and fair.

18. A copy of all correspondence and notes will be kept on file in the academy's records but separate from pupils' personal records.

### **The Role of the Education Funding Agency (EFA)**

Being an Academy Trust, the Local Authority cannot investigate complaints. The role of the EFA is to check whether the complaint has been dealt with properly by the academy. The EFA will not overturn an academy's decision about a complaint. However, if the EFA find an academy did not deal with a complaint properly, they will request the complaint is looked at again from the appropriate stage.

### **3. Closure of Complaints**

- a. Very occasionally and regrettably it may be necessary to close a complaint where the complainant is still dissatisfied. We will do all we can to help to resolve a complaint against the academy but sometimes it is simply not possible to meet all of the complainant's wishes. Sometimes it is simply a case of "agreeing to disagree".
- b. If a complainant persists in making representations to the academy (the Headteacher, chair of governors or another interested party) it can be extremely time-consuming and can detract from our responsibility to look after the interests of all the children in our care.
- c. For this reason, we are entitled to close correspondence (including personal approaches, as well as letters and telephone calls) on a complaint where we feel that we have taken all reasonable action to resolve the complaint and that the complaint has exhausted our official process. Waterton Academy Trust will support this position, especially where the complainant's action is causing undue distress to staff and/or pupils.
- d. In exceptional circumstances, if it becomes evident during stage 1 of a complaint that an escalation to stage 2 would be not be beneficial to either party, closure may occur before a complaint has reached stage 2 to avoid unnecessary use of time and resources. The chair of governors may decide, therefore, that every reasonable action has been undertaken to resolve the complaint and that a complaints review panel would not help to move things forward. This does not, of course, prevent you from referring your complaint to Waterton Academy Trust for a review of the way it has been handled, as described above.