



WENSLEY FOLD CE PRIMARY ACADEMY COMPLAINTS PROCEDURE

MISSION STATEMENT

The school values and recognises the uniqueness of each individual child and acknowledge their fundamental right to be educated to their full potential in a safe, secure and caring environment. The school, which has a Christian heritage, will, in partnership with parents and the extended community, aim to make each day count for all.

INTRODUCTION

1. Wensley Fold CE Primary Academy recognises that on occasions parents/carers, children or members of the public may need to raise a concern or complaint about the Academy. The Academy takes all concerns and complaints seriously and is committed to seek to resolve any matter raised in a positive way and make any identified improvements.
2. This policy applies to all concerns and complaints made against the Academy and any provision of facilities or services provided, with the following exceptions, for which there are separate procedures:
 - Admissions to school
 - Exclusions from school
 - Statutory assessments of Special Educational Needs (SEN)
 - School re-organisation proposals
 - Matters likely to require a Child Protection Investigation
 - Employee grievances
 - Whistleblowing matters
 - Complaints about a third-party organisation or supplier
3. A 'concern' is defined as an 'expression of worry or doubt over an issue considered to be important for which reassurances are sought'. A complaint may be generally defined as 'an expression of dissatisfaction however made, about actions or lack of action'
4. To enable a proper investigation, concerns or complaints should be brought to the attention of the Academy as soon as possible. This should be no later than three months after the event (or latest event, in the case of a series of incidents) to which the concern or complaint relates. Complaints made out of this time frame may only be considered if exceptional circumstances apply.
5. Complaints should not be raised with members of the Complaints Committee who may be required to have a formal role if a complaint reaches a Complaint Panel Hearing.
6. Anonymous complaints will not be investigated under this policy unless there are exceptional circumstances.

AIMS

7. To provide a fair complaints procedure which is clear and easy to use for anyone wishing to raise a concern or make a complaint.
8. To publicise the existence of our complaints procedure so that people know how to contact us to raise a concern or make a complaint.

9. To ensure all concerns and complaints are managed in an impartial and non-adversarial manner.
10. To encourage concerns to be resolved by informal means, without the need to use the formal stages of the Complaints Policy.
11. To ensure all complaints are thoroughly investigated as quickly as possible and at an appropriate level.
12. To ensure that complaints are, wherever possible, resolved and that relationships are repaired.
13. To gather information which helps us to improve what we do.
14. To support the mission, values & vision of the Academy.

Who is responsible for this policy?

15. The Complaints Committee and Headteacher have overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework.
16. The Complaints Committee & Senior Leadership Team have a specific responsibility to ensure the fair application of this policy and all members of staff are responsible for supporting colleagues and ensuring its success.

Complaint resolution through this policy

17. An overview of the stages within our Complaints Policy can be found within the flowchart at Appendix 1.
18. There are three stages to the Complaints Policy.
 - Stage One: Informal Resolution
 - Stage Two: Formal Procedure
 - Stage Three: Complaint Panel Hearing
19. The aim of each stage is to ensure that the complaint is fully considered, and a clear finding is communicated to the complainant, which either resolves the matter to their satisfaction or explains why this is not possible.
20. New issues or complaints raised at Stage Two should be given the opportunity to go through Stage One in order to seek an efficient resolution for all parties involved. Complainants will be encouraged to seek resolution to the new issues or complaints through Stage One of the complaints process.
21. Complainants will be given the opportunity to complete the complaints procedure in line with policy, unless there is clear evidence that the complainant meets the unreasonably persistent or vexatious criteria defined with this Policy.
22. For complaints which reach Stage Four of the process, the Complaint Panel Hearing applies to parents and carers only.
23. Although every effort will be made to comply with the timescales within each stage of this policy, this may not always be possible; for example, due to the complexity of the investigation required or the unavailability of a witness to attend the meeting. Where a timescale cannot be complied with, the complainant will be written to within the specified timescale to inform them of the reasons for the delay and the new timescale that will apply.
24. Where the Policy refers to 'school days', this references term time and does not include school holidays or inset days.

25. Complaints about staff will be dealt with under the school'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 at any stage of the complaints process. However, the complainant will be notified the matter is being addressed.

Stage One – informal resolution

26. The Academy recognises that from time to time there may be normal and legitimate concerns about decisions within their establishments. For example, concerns from parents/carers regarding the progress, achievement, behaviour, or welfare of their child; and they are encouraged to make their concerns known at the earliest opportunity so they can be addressed.
27. Concerns can often be resolved quickly and informally, through discussion, clarification, explanation, provision of further information, or sometimes simply by acknowledgement of the issue and an apology.
28. Concerns should be raised in the first instance with the relevant class teacher or an appropriate member of staff according to the matter concerned. This may be by letter, email, telephone or requesting a meeting via the school office.
29. If the member of staff is unable to deal with the concern immediately, a note will be taken of the details and the individual will be contacted as soon as the matter has been looked into. If a concern is raised with a member of staff who feels that he/she is not the best person to deal with it, the matter will be referred to another member of staff as appropriate (still at Stage One of the policy). The school will aim to resolve the concern within 10 school days.

Stage Two – formal procedure

30. The Headteacher shall have a discretion, which will be exercised reasonably, not to allow a formal complaint to be pursued where an informal resolution has not been sought.
31. If the complainant feels that their concern has not been resolved during informal discussions within Stage One, they may raise a formal complaint under Stage Two of the policy.
32. The complainant must put the complaint in writing using the Academy's Complaint Reporting Form, which can be found on the website (copy at Appendix 2), unless the complainant has a disability, learning difficulty or difficulties with the English language which prevents this, in which case the complainant may contact the school for assistance and consideration will be given for a reasonable adjustment. The complaint should be addressed to the Headteacher.
33. When completing the Complaint Reporting Form, the complainant should provide as much detail as possible about the matter, including dates and times of events, potential witnesses, copies of any relevant documents, and a clear indication of the action(s) they are seeking to resolve their complaint.
34. The Headteacher will acknowledge receipt of the complaint within 5 school days and an investigation of the complaint will be carried out. The investigation should include contacting the complainant and seeking any clarification, if required, to support an effective and thorough investigation. The investigation should involve gathering all relevant information to establish the facts of the matter. This may include interviewing and taking statements from any pupil or staff member who is the subject of the complaint and from any witnesses or others involved in the matter.
35. The investigation should aim to be concluded within 15 school days of the complaint being received

36. The Headteacher may discuss the findings of the investigation with the complainant where appropriate. This may be during a meeting or over the telephone. The complainant will be expected to verbally discuss the findings of the investigation with the Headteacher, (if the complainant has a disability, learning difficulty or difficulties with the English Language the Academy will provide appropriate assistance). Whenever reasonably possible, such discussion will take place within 20 school days of the complaint being received. This discussion provides an opportunity to ensure clarity of the issues discussed and any misunderstandings will be avoided.
37. The Headteacher will put their findings in writing and indicate what steps, if any, should be taken in order to resolve the matter. Whenever reasonably possible, this will be done within 5 school days of any feedback discussion with the complainant.
38. Where a complaint is against the Headteacher, in that they were directly involved in the initial concern that has given cause for the complaint, a member of the Complaints Committee will take over this role under Stage Two. The Headteacher is not defined as being directly involved in a complaint through undertaking their management overview role.

Stage Three – Complaint Panel Hearing

39. Complaints from parents/legal guardians of pupils within our Academy, under this Stage will have a Complaint Panel Hearing which will comprise of two members from the Complaints Committee who have no prior knowledge of the complaint, and one person independent of the management and running of the Academy.
40. New allegations that have not been raised at Stage Two may not be brought before the Hearing.
41. New evidence which was not provided before the completion of the Stage Two investigation will not normally be considered, however the Chair shall have absolute discretion to permit new evidence if it's relevant to the matters to be considered as part of the Hearing.
42. The role of the Hearing is not to conduct a further investigation of the complaint. The Hearing's role is to consider the procedural fairness of the investigation undertaken at Stage Two and the determinations made.
43. Governor services will provide a clerk who will convene the Hearing. The Hearing will be held as quickly as practicable given the need to find a date that is reasonably convenient for the complainant, the Academy and the members of the Panel. Whenever possible, the Hearing will be held within 30 school days of receipt of the Hearing request.
44. The complainant must engage with the clerk in providing details of convenient days for attendance. If the complainant rejects the offer of three reasonably proposed dates, the clerk will decide when to hold the Hearing. If the complainant cannot attend the date it will proceed in the complainant's absence on the basis of the evidence available to the Panel.
45. In the event that the complainant fails to engage with the clerk to arrange the Hearing the Stage Three complaint may not be progressed and the file closed. The Complaints Committee may consider allowing the Stage Three complaint to proceed if there are exceptional circumstances for the failure to engage.
46. All parties will be provided with a minimum of 8 school days' notice of the date of the Hearing.
47. The following are entitled to attend the Hearing, submit written representations and relevant documentation, and address the Panel:
 - The complainant (s) and/or one representative
 - The Headteacher/school representative and/or one other

48. Any written representations/relevant documentation for consideration by the Panel and the names of any representatives attending the Hearing, should be sent to the clerk at least 6 days prior to the Hearing. Any submissions or documents not submitted in accordance with this timescale will not be considered.
49. All parties will be issued with papers 5 school days prior to the Hearing.
50. The Panel may request to speak to witnesses and this decision will be at the discretion of the Chair.
51. After the Hearing the Panel will formulate its response as quickly as reasonably possible, aiming to do so within 10 school days, and the Clerk will notify all parties.

Completion of Procedure

52. The findings and recommendations from the Complaint Hearing Panel will be sent in writing to the complainant within a 'Completion of Procedure' letter. They will also be sent, where relevant, to the person complained about; and be available for inspection on the Academy's premises.

Written Records

53. A written record will be kept of all Stage Two and above complaints by the Academy. The Academy will record at what Stage they have been resolved or progressed to. All recommended actions arising from the complaint investigations will be monitored.
54. Records will be held and disposed of in line with the Academy's Records Management Policy.

Right to be accompanied

55. The complainant has a right to be accompanied by a friend, relative or other third party to any meetings or Hearings held under the formal stages of the Complaints Policy (Stage Two onwards)
56. These meeting or Hearings are not legal proceedings and so legal representation is not usually necessary. However, if a complainant does wish to be accompanied by someone who's legally qualified this needs to be specifically mentioned, and they must notify the Headteacher as appropriate at least 5 school days prior to the meeting.
57. Any member of staff interviewed as part of the investigation process into a complaint has a right to be accompanied to the meeting, which includes representation by a recognised trade union.
58. Any pupil interviewed as part of the investigation process must be accompanied to the meeting/Hearing, either by a teacher who they feel comfortable with or a parent/carer.

Confidentiality and data protection

59. All complaints will be handled in the strictest confidence by the Academy and Data Protection principles will be applied in line the Academy's Data Protection Policy.
60. All correspondence, statements and records relating to individual complaints will be kept confidential except where the secretary of state or body conducting an investigation under section 109 of the 2008 Act requests access to them; and to fulfil data protection legislation.
61. It is expected that complainants will also keep their complaint private and confidential. In particular, complainants are not expected to discuss complaints publicly via any form of social media or with third parties. The posting of any defamatory, offensive, or derogatory

comments by parents on social media sites by parents/carers will be dealt with under the Parent Code of Conduct.

62. Electronic recordings of meetings must not be made either by the Academy or the complainant. A meeting to discuss a complaint may not go ahead if the complainant is insistent on recording the meeting unless a complainant's own disability or special needs require it, and is agreed in advance. The Academy will take notes of any meetings to discuss a complaint, which may be shared afterwards, and complainants may do likewise.
63. Due to privacy rights under data protection legislation, information disclosed relating to an outcome if it relates to a third party individual, ie disciplinary action of a member of staff or another pupil, may be limited.

Complaint campaigns

64. If the Academy is subject to a complaint campaign, they will be responded to under the Vexatious Policy separately.
65. For the purpose of this policy a complaint campaign is defined as large volumes of complaints from multiple parties all based on the same subject matter. This could include from parents/carers as from complainants unconnected with the Academy.
66. In these circumstances, the Academy may respond by:
 - Sending a template consolidated response to all complainants with the same message; or
 - Publishing a single response on the Academy's website.

Complaints to ESFA

75. If the complainant is not satisfied with the way their complaint has been handled, they may escalate their complaint to the Education and Skills Funding Agency (ESFA) who will have expected the complainant to have first exhausted the Academy's Complaints Policy.
76. The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions. However, if they find that the Academy did not comply with its own Complaints Policy, in line with 7 of the Education (Independent School Standards) Regulations 2014, when considering the complaint, they may request that the complaint is looked at again by the Academy. The ESFA can be contacted via the Department for Education's online schools complaint form www.gov.uk/complain-about-school or in writing to the following address: Ministerial and Public Communications Division, Department for Education, Piccadilly Gate, Store Street, Manchester, M1 2WD.

Adopted & Agreed by the Governing Body – July 2023

Signed John Leigh Chair of Governors

Date



Wensley Fold CE Primary Academy

Complaint Reporting Form

Please complete in BLOCK CAPITALS and return to the Headteacher, who will acknowledge receipt and explain what action will be taken.

Your name:	
Pupil's name (if applicable)	
Your relationship to the pupil (if applicable)	

Address, incl. Postcode	
Daytime telephone number	
Evening telephone number	
Email address	

Please give details of your complaint:

(provide as much detail as possible about the matter, including dates and times of events, potential witnesses. You may also attach copies of any relevant documents)

What action, if any have you already taken to try & resolve your complaint?

To who did you speak to and what was the response? (An informal resolution should have been sought)

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

[illegible]

Are you attaching any paperwork? If so, please give details.

[illegible]

Signature:

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Date:

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For official use only

Date acknowledgement sent		Complaint referred to	
Acknowledgement sent by		Complaint referred on (date)	

Appendix 1: Stages within our Complaints Policy

