



# West Stafford Multi-Academy Trust

## Complaints Policy and Procedure

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## Statement of intent

West Stafford Multi-Academy Trust (WSMAT) prides itself on the quality of teaching and care provided for its pupils. However, if parents have concerns they can expect any issues to be treated seriously by the individual Academy and by the MAT as a whole in accordance with this policy document. As a Church Of England Academy we seek to maintain strong and supportive relationship with all members of our schools' communities. The Complaints Policy and Procedure is intended to allow the Academy to retain the trust and support of the local school community in a spirit of honesty and integrity as befits a church school.

The Complaints Policy and Procedure has been created to deal with any complaint against a member of staff or the Academy as a whole, relating to any aspects of the Academy or the provision of facilities or services.

A complaint can be brought by a parent/carer/guardian of a registered child at the Academy or any person who has been provided with a service/facility at the Academy. This person is referred to as the complainant.

A complaint may also be brought by a member of the general public who feels that they have a grievance against the Academy, its actions, practices, or employees in the pursuance of their duties.

The nominated member of staff with responsibility for the operation and management of the Academy complaints procedure is the Headteacher.

For all parents/carers/guardians of a registered child at the Academy, the class teacher will be the first point of contact. For other complainants, the first point of contact will be the Headteacher.

A concern becomes a complaint only when the complainant asserts that the school has acted wrongly in some significant decision, action, or has failed to take action.

A complaint can be resolved or withdrawn at any stage.

## 1. Aims

In line with the Education Act 2002, Houghton St. Giles Primary Academy will:

- Encourage the resolution of problems by informal means wherever possible.
- Allow swift handling with established time-limits for action and keep people informed of any progress.
- Ensure a full and fair investigation by an independent person where necessary.
- Respect people's desire for confidentiality.
- Address all the points at issue and provide an effective response and appropriate redress where necessary.
- Provide information to the school's senior management team so that services can be improved.

### Dealing with concerns informally

- The school recognises that the vast majority of complaints and concerns can be resolved informally.
- The complainant may raise concerns and complaints with members of staff, either in person, by telephone, or in writing or by email. A preliminary discussion may be undertaken to help clarify if he or she is making a complaint or expressing an opinion, and whether they wish to take it further.
- The complainant may bring a friend to any discussion.
- The member of staff dealing with the concern should make sure that the complainant understands what action (if any) or monitoring of the situation has been agreed.
- The process will be completed quickly and concluded in writing with appropriate detail.
- Where no satisfactory solution has been found, the complainant will be informed that he or she will need to consider whether to make a formal complaint in writing to the Headteacher.
- To assist in this process, a complaint form will be provided. (See Appendix [1](#) or [2](#).)

### Monitoring and recording complaints

At all stages of the complaints procedure, the following information will be recorded:

- Name of the complainant
- Date and time at which the complaint was made
- Details of the nature of the complaint
- Desired outcome of the complainant
- How the complaint is being investigated (including written records of any interviews held)
- Results and conclusions of investigations
- Any action taken
- Further responses from the complainant
- Any subsequent action if required

### Special circumstances

- If the complaint suggests that a child has been at risk of significant harm through violence, emotional abuse, sexual harassment or neglect, it may be referred without further notice to the children's social care and/or to the social services authority for the area in which the child lives.
- If a social services authority decides to investigate a situation, this may postpone or supersede investigation by the Headteacher or governing body.

- Where a matter can be resolved through a legal appeal, it will not be considered as a formal complaint. The key areas are: admissions decisions; certain decisions relating to formal assessment of special educational needs; and decisions to permanently exclude a child.

## 2. Complaints procedure

NOTE: Complaints concerning Pre-School may be addressed directly to Ofsted via their website at: <https://contact.ofsted.gov.uk/onlinecomplaints>.

Stages 1 and 2 of this procedure are regarded as informal processes; the procedure becomes formal once Stage 3 is reached.

### Stage 1 - Complaint heard by staff member

- Parent/carer/guardian discusses their concern with the child's class teacher or, if they prefer, another member of the school's teaching staff.
- Where the complaint concerns the Headteacher, the complainant will be referred to the chair of the governing body.
- If the first approach is made to a governor, the next step would be to refer the complainant to the appropriate person and advise them on the complaints procedure.
- Governors should not act alone on an individual complaint outside the formal procedure or be involved at the early stages, in case they are needed to sit on a panel at a later stage of the procedure.
- If a resolution cannot be sought at this level, or the complainant is dissatisfied with the outcome of these initial discussions, then the parent/carer/guardian may wish to escalate the complaint to the next level of the procedure.

### Stage 2 - Complaint heard by Headteacher

- The parent/carer/guardian should request an appointment to see the Headteacher. This should be as soon as reasonably practical to avoid any possible worsening of the issue.
- The Headteacher may delegate the task of collating the information to another staff member but not the decision on the action to be taken.
- If the complaint is against a member of staff, the Headteacher should talk to the staff member against whom the complaint has been made. If necessary, the Headteacher should interview witnesses and take statements from those involved.
- The Headteacher should keep reasonable written records of meetings, telephone conversations and other documentation.
- The Headteacher will investigate fully and communicate findings and/or resolutions to the complainant verbally or in writing depending on the nature of the issue.
- Once all the relevant facts have been established, the Headteacher should produce a written response to the complainant. The written response should include a full explanation of the decision and the reasons for it. Where appropriate, it should include what action the school will take to resolve the complaint.
- Stage 2 should be completed within 15 school days. However, it is recognised that where the case is complex, it may prove difficult to meet this time constraint. In such cases, the Headteacher should write to the complainant giving a revised target date.
- If the parent/carer/guardian is not satisfied with the outcome at this stage, the complaint will progress to the next level for an independent review by the governing body panel.
- If the concern or complaint is against the Headteacher, in the first instance the complainant will need to write in confidence to the chair of the governing body at the school. The chair will seek to resolve the issue informally before, if necessary, moving to Stage 3.

### **Stage 3 - Complaint heard by Local Governing Bodies' complaints appeal panel (LGCAP)**

- Complaints at this stage must be made in writing and addressed to the chair of Academy governors no later than 10 school days following receipt of a Stage 2 outcome. The chair of governors, or a nominated governor, will convene a LGCAP.
- Written acknowledgement of the complaint will be made, within three school days, informing the complainant that their complaint will be heard within 20 school days.
- A LGCAP will be arranged with three members of the governing body and the complainant. Five days' notice will be given to all attending. The chair of the LGCAP will write to the complainant to explain how the review will be conducted. The letter will be copied to the Headteacher.
- At the meeting everyone's case will be put across and discussed. The LGCAP will reconsider the issues raised in the original complaint and not be confined to consideration of procedural issues.
- The meeting will allow for:
  - The complainant to explain his or her complaint and the Headteacher to explain the reasons for his/her decision.
  - The Headteacher to question the complainant about the complaint and the complainant to question the Headteacher.
  - The GCAP to have an opportunity to question both the complainant and the Headteacher.
  - Any party to have the right to bring witnesses (subject to the approval of the chair of LGCAP) and all parties to have the right to question all the witnesses.
  - A final statement by the Headteacher and complainant.
- A written response to the complainant will be made within 15 school days. The letter will explain if there are any further rights of appeal and, if so, to whom they need to be addressed.
- If the complainant is not satisfied with the outcome at this stage, the complaint will progress to the next level for an independent review by a panel of the Directors of the Multi-Academy Trust (MAT) Board.

### **Stage 4 - Complaint heard by MAT Director's complaints appeal panel (DCAP)**

- Complaints at this stage must be made in writing and addressed to the chair of MAT Directors no later than 10 school days following receipt of a Stage 3 outcome. The chair of Directors, or a nominated Director, will convene a DCAP.
- Written acknowledgement of the complaint will be made, within three school days, informing the complainant that their complaint will be heard within 20 school days.
- A DCAP will be arranged with three members of the governing body and the complainant. Five days' notice will be given to all attending. The chair of the DCAP will write to the complainant to explain how the review will be conducted. The letter will be copied to the Headteacher and the Chair of Governors of the Academy.
- At the meeting everyone's case will be put across and discussed. The DCAP will reconsider the issues raised in the original complaint and not be confined to consideration of procedural issues.
- The meeting should allow for:
  - The complainant to explain his or her complaint and the Headteacher to explain the reasons for his/her decision.
  - The Headteacher to question the complainant about the complaint and the complainant to question the Headteacher.

- The DCAP to have an opportunity to question both the complainant and the Headteacher.
- Any party to have the right to bring witnesses (subject to the approval of the chair of DCAP) and all parties to have the right to question all the witnesses.
- A final statement by the Headteacher and complainant.
- A written response to the complainant will be made within 15 school days. The letter will explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

### 3. Roles and responsibilities

#### The remit of the GCAP/DCAP

The panel can:

- Dismiss the complaint in whole or in part.
- Uphold the complaint in whole or in part.
- Decide on the appropriate action to be taken to resolve the complaint.
- Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

There are several points which any governor (GCAP) or Director (DCAP) sitting on a complaints panel needs to remember:

- It is important that the appeal hearing is independent and impartial and that it is seen to be so. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, governors/Directors should ensure that it is a cross-section of the categories of governor/Director and sensitive to the issues of race, gender and religious affiliation.
- The aim of the hearing, which must be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that the complainant might not be satisfied with the outcome if the hearing does not conclude in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his/her complaint has been taken seriously.
- An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone of the hearing and care is needed to ensure the setting is informal and not adversarial.
- Extra care must be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
- The governors/Directors sitting on the panel need to be aware of the complaints procedure.

#### The role of the clerk

The Academy has a nominated Clerk for the LGCAP/DCAP. The clerk is the contact point for the complainant and is required to:

- Set the date, time and venue of hearings, 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 decision.

### **The role of the chair of the local governing body/MAT Board or the nominated governor/Director**

The nominated governor/Director should:

- Check that the correct procedure has been followed.
- Notify the clerk to arrange the panel if a hearing is appropriate.

### **The role of the chair of the panel**

The chair of the panel has a key role. They must ensure that:

- The remit of the panel is explained to all parties and each party has the opportunity to put their case forward without undue interruption.
- The issues are addressed.
- Key findings of fact are made.
- Parents and 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 party 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.

### **The role of the Secretary of State for Education**

If the complainant is unhappy with the way in which the Academy has dealt with the complaint, they may be able to approach the Secretary of State for Education to intervene.

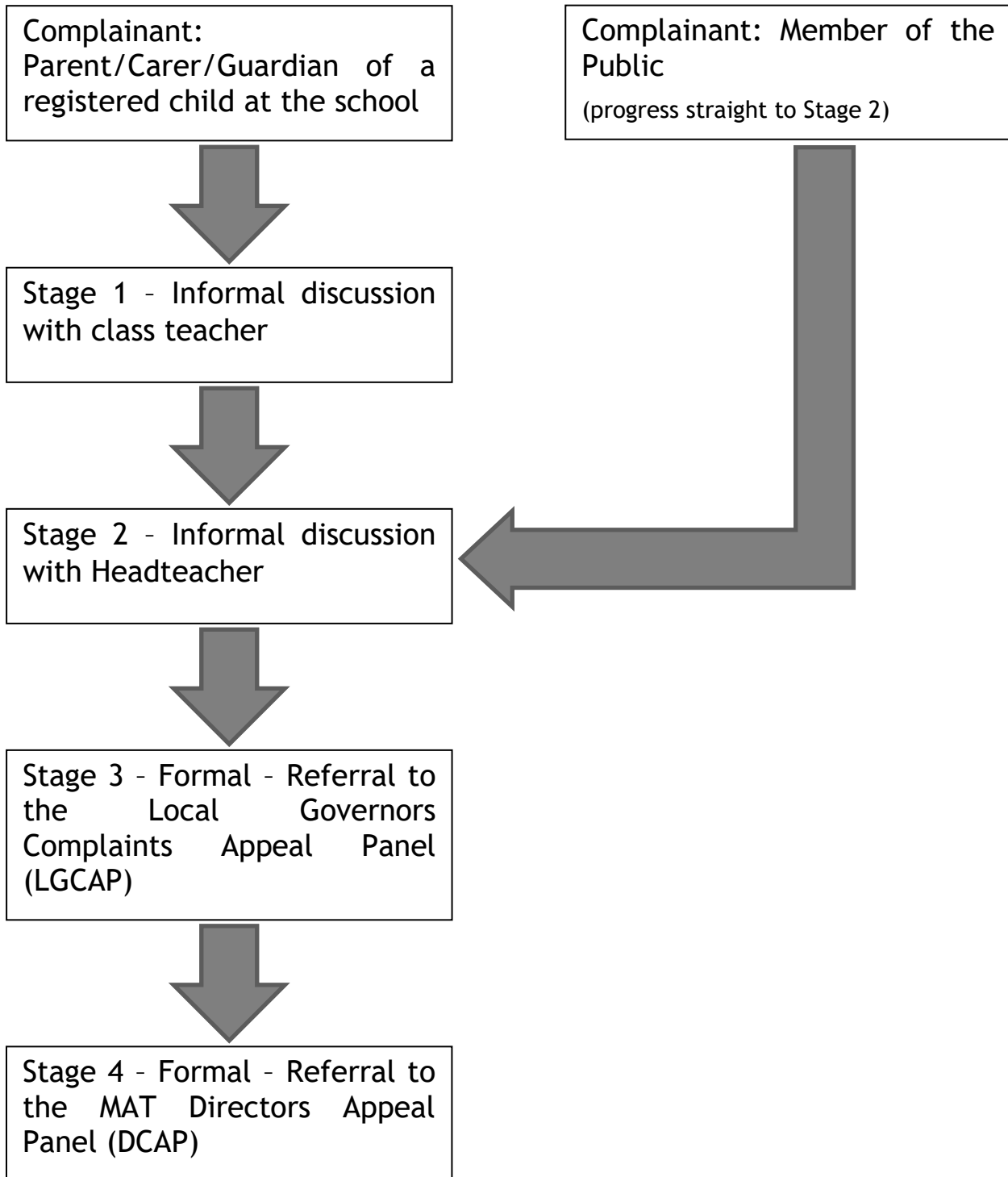
For the Secretary of State to intervene following a complaint, they need to be sure that either:

- The school has acted or is proposing to act unreasonably in the exercise or performance of its functions imposed by or under the Education Act 1996.
- The school has failed to discharge any duty imposed by or for the purposes of the Education Act 1996.

## **Appendix 1: Flowchart of process**



## West Stafford Multi-Academy Trust complaints procedure -at a glance



## Appendix 2: stage 2 example complaints form

Please complete and return to the Headteacher of the Academy who will acknowledge receipt and explain what action will be taken.

Your name:	
Pupil's name:	
Your relationship to the pupil:	
Address:	
Postcode:	
Daytime telephone number:	
Evening telephone number:	
Details of your complaint:	
What action, if any, have you already taken to try and resolve your complaint?	
What action do you feel might resolve the problem at this stage?	
Are you attaching any paperwork? If so, please give details.	
Signature:	
Date:	
<b>Office use only</b>	
Date acknowledgement sent:	
Acknowledgement sent by:	
Complaint referred to:	
Date:	

## Appendix 2: stage 2 example complaints form

If you have tried unsuccessfully to resolve your complaint and wish to take the matter further, please complete this form and send it to the Headteacher. If your complaint is against the Headteacher you will need to send the form to the chair of the governing body.

Name:	Address:
Pupil's name:	
Pupil's date of birth:	
Daytime telephone number:	
Evening telephone number:	
Email:	Postcode:
What is your complaint concerning, and what action would you like the Headteacher to take?	
When did you discuss your concern/complaint with the appropriate member of staff?	
What was the result of the discussion?	
Signed:	Date:

### Appendix 3: Standard letter to complainant for a stage 2 complaint

This letter is to be sent by the chair of the local governing body to the complainant, upon receipt of a complaint at stage 2.

Dear (insert addressee's name),

Thank you for your letter dated (insert date) setting out the reasons why you are not satisfied with the Headteacher's response to your complaint about (insert details of complaint).

I am writing to let you know that I will be arranging for a complaints appeal panel (CAP) to consider your complaint, in accordance with our school's complaints procedure.

As explained in the procedure, the [clerk/chair] of the CAP will advise, in writing, how the CAP intends to consider your complaint.

Yours sincerely,

**Chair of the Local Governing Body**

## Appendix 4: Standard letter for complaints against the Headteacher

Dear (insert addressee's name),

I have received your complaint against the Headteacher of Haughton St Giles Primary Academy.

I have forwarded a copy of your complaint to the Headteacher with a request that she responds to the issues raised in the complaint within 10 school days.

A copy of the Headteacher's response will be sent to you as soon as possible.

If you are not satisfied with the Headteacher's response, I will arrange for a complaints appeal panel (GCAP) to consider your complaint in accordance with stage 2 of the attached complaints procedure.

As explained in the procedure, the Clerk of the GCAP will advise you, in writing, how the complaint will proceed.

Yours sincerely,

**Chair of the Local Governing Body**

## Appendix 5: checklist for a panel hearing

<b>Panel hearing checklist</b>	✓
The panel hearing is as informal as possible.	
Witnesses are only required to attend for the part of the hearing in which they give their evidence.	
After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.	
The Headteacher may question both the complainant and the witnesses after each has spoken.	
The Headteacher is then invited to explain the school's actions and be followed by the school's witnesses.	
The complainant may question both the Headteacher and the witnesses after each has spoken.	
The panel may ask questions at any point.	
The complainant is then invited to sum up their complaint.	
The Headteacher is then invited to sum up the school's actions and response to the complaint.	
Both parties leave together while the panel decides on the issues.	
The chair of the complaints appeal panel explains that both parties will hear from the panel within a set time scale.	