



## Complaints Policy

Relates To:

Wade Deacon High School  
Hillside High School  
Widnes Academy



Date of Board of Directors' Review: 11<sup>th</sup> February 2016

Next Review Due: February 2017

Trust Link: Mr I. Kirkham

Revision Number: v1

### **Purpose:**

This policy sets out how the Wade Deacon Innovation Enterprise Academy Trust will deal with any complaints to or against a school, so that any issues that arise can be dealt with as swiftly and effectively as possible.

### **Application of the policy:**

This policy applies to all Academies/Schools within the Wade Deacon Innovation Enterprise Academy Trust: *Wade Deacon High School, Hillside High School, and Widnes Academy*

### **Contact Details:**

Trust Complaints Co-ordinator: Ian Kirkham

Trust Complaints Officer Contact Details: [admin@wadedeacon.co.uk](mailto:admin@wadedeacon.co.uk)

Address: Ian Kirkham, Company Secretary, Wade Deacon Trust, Birchfield Road, Widnes, WA8 7TD

## **I. Introduction**

- 1.1. The Trust is dedicated to providing the best possible education and support for all pupils within its schools. This means having a clear, fair, and efficient procedure for dealing with any complaints to or against a school, so that any issues that arise can be dealt with as swiftly and effectively as possible.
- 1.2. The Trust welcomes feedback on the services it provides. Should anyone be unhappy with any aspect of a school within the Trust, it is important that the Trust and relevant school learns about this. The Trust recognises there is a difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage reduces the numbers that develop into formal complaints. The Trust aims to ensure that concerns are handled, if at all possible, without the need for formal procedures. The Trust's formal complaints procedure is only necessary if efforts to resolve the concern informally are unsuccessful. Where an individual may feel that an issue has not been dealt with appropriately it is important, for all involved, that there is a clear and transparent process for a complaint to be looked into and followed up.
- 1.3. This policy is consistent with all other policies adopted by Wade Deacon IEA Trust and its academies, and is written in line with current legislation and guidance.
- 1.4. This policy will be followed in respect of all complaints by parents/carers and other stakeholders against the Trust except in the following areas (where separate policies exist):
  - child protection allegations;
  - exclusions;
  - admissions;
  - complaints about statements of SEN/ EHC Plans;
  - disciplinary issues relating to members of staff;
  - staff grievances; and

- allegations of abuse.

- 1.5. Please note that anonymous complaints will not be examined under this or any complaints procedure.
- 1.6. All complaints should be addressed to the Trust complaints Officer in the first instance whose details are recorded above.
- 1.7. Please note that should a complaint, informal or formal, reveal an issue for which other procedures exist (for example, child protection) then it will be dealt with under those procedures rather than as a complaint.
- 1.8. All Trust staff will be made aware of the Trust's complaints procedures and expected to review this policy regularly in order that they are familiar with our process of dealing with complaints and can be of the most assistance when an issue is brought to their attention.

### **2. Stage 1 - Informal Resolution**

- 2.1. Many enquiries and concerns can be dealt with satisfactorily by the class teacher, the Head of School, Principal or Lead Principal or other members of staff without the need to resort to a formal procedure. The Trust values informal meetings and discussions and encourages parents and stakeholders to approach staff at each Academy/School with any concerns they may have, and aims to resolve all issues with open dialogue and mutual understanding. If an individual has a concern that they would like to take up with the school they should initially inform a member of staff either in person, over the telephone or in writing. The individual will then be invited to an informal meeting with the member of staff most appropriate for dealing with that concern.
- 2.2. There is no suggested time-scale for resolution at this stage given the importance of dialogue through informal discussion although it would be expected that most issues would be resolved within 15 school days.
- 2.3. Should face to face discussions appear unlikely to resolve matters, either party may initiate a move to the formal procedure at stage 2 onwards.

### **3. Stage 2 - Formal Written Complaints**

- 3.1. If a complainant does not feel that their concern has been dealt with as they would like, are unhappy with the outcome of the informal meeting or feel that the issue is serious enough that it warrants it, the complainant should set out the precise nature of the complaint on the form at the end of this policy and return this to the Trust Complaints Officer (or the Chair of Directors if the complaint is about the Complaints Officer). The complainant should keep a copy of this form and all other relevant correspondence.
- 3.2. The Trust Complaints Officer will pass the complaint on to the Head of School/Principal of the relevant school (or the Chair of the local governing body if the complaint is about the

## Wade Deacon Trust

Head of School) or the Lead Principal if the complaint does not relate to an individual school (or the Chair of Directors if the complaint is about the Lead Principal) who should acknowledge the complaint in writing within 5 school days of receipt of the form. The Head of School/Principal/Lead Principal (or the Chair of Directors/local governing body) will investigate the concerns and outline their decision if there is one to be made, and any action to be taken as a result of the complaint.

- 3.3. The Head of School/Principal/Lead Principal (or the Chair of Directors/local governing body) may call the complainant in for a meeting to discuss the issue outcome, possible solutions, or to explain what has or will happen as a result of the complaint.
- 3.4. The Head of School/Principal/Lead Principal (or the Chair of Directors/local governing body) will keep a record of all interactions with the complainant and other staff, meetings and decisions made in reference to the complaint.
- 3.5. If the complaint is an allegation of abuse, a formal investigation may be instigated by the Trust or external child welfare authorities to whom the school reports. Please refer to our allegations of abuse against staff policy for an outline of this procedure.
- 3.6. The Head of School/Principal/Lead Principal (or the Chair of Directors/local governing body) will respond to the complainant in writing within 15 school days from acknowledgement of the complaint, outlining their response to the complaint, and any action that has or will be taken. If the Head of School/Principal/Lead Principal (or the Chair of Directors/local governing body) 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.
- 3.7. If in the early stages of the investigation, the Head of School/Principal/Lead Principal or the Chair of Directors/local governing body (as applicable) considers that the complaint is best dealt with at Stage 3, it will be passed to the Chair of Directors via the company secretary (the Vice Chair where the complaint has been reviewed by the Chair of Directors) and the complainant informed of this action without delay.
- 3.8. The complainant has 15 school days to consider the outcome of their complaint at stage 2 and instigate stage 3. If no request for a complaints panel hearing is received within 15 school days it will be deemed that the decision is accepted and the complaint will be closed.

### **4. Stage 3 - Complaints Panel**

- 4.1. If the complainant is dissatisfied with the outcome of their complaint at stage 2, they may lodge their complaint with the Chair of Directors (or to the company secretary) in writing, explaining their concern and the steps that have lead up to them taking this course of action.
- 4.2. If the Chair of Directors is the subject of a complaint, or has reviewed the complaint under stage 2, the complainant should send the form directly to the Vice Chair of Directors (or to

## Wade Deacon Trust

the company secretary to the Directors for the Vice Chair's attention) c/o the Trust marking the envelope 'private and confidential'.

- 4.3. The Chair of Directors will convene a panel of at least three people who were not directly involved in the matters detailed in the complaint. This will comprise of at least one person independent of the management and running of the school/Trust. The panel will hear the complaint within 15 school days of the request for a panel hearing.
- 4.4. The Trust shall take reasonable steps to convene a panel hearing at a time and date mutually convenient to all parties.
- 4.5. The complainant is entitled to attend the panel hearing, and be accompanied. The complainant should notify the company secretary in advance if they intend to bring anyone to the hearing.
- 4.6. The procedure for an appeal is as follows:
  1. The complainant and Head of School/Principal/Lead Principal will enter the hearing together.
  2. The Chair will introduce the panel members and outline the process.
  3. The complainant will explain the complaint.
  4. The Head of School/Principal/Lead Principal and panel will question the complainant.
  5. The Head of School/Principal/Lead Principal Head will explain the school/Trust's actions.
  6. The complainant and panel will question the Head of School/Principal/Lead Principal.
  7. The complainant will sum up their complaint.
  8. The Head of School/Principal/Lead Principal will sum up the school/Trust's actions.
  9. The Chair will explain that both parties will hear from the panel within 5 school days.
  10. Both parties will leave together while the panel decides.
  11. The clerk will stay to assist the panel with its decision making.
- 4.7. The Chair of the panel/company secretary will notify the complainant of the panel's decision in writing within 5 school days of the panel hearing. The letter will set out the decision of the panel together with the reasons underpinning that decision. The letter may set out recommendations which will be made to the governing body and will set out any further rights of appeal

### **5. Stage 4 - Complaint to Secretary of State**

- 5.1. If the complainant is dissatisfied with how the complaint has been handled after exhausting stages 1-3 of this policy, the complainant can write to the Secretary of State for Education via the Education Funding Agency (EFA).
- 5.2. The EFA will consider complaints that fall into any of the following three categories:
  1. where there is undue delay or the school/Trust did not comply with its own complaints procedures when considering a complaint
  2. where the school/Trust is in breach of its funding agreement with the Secretary of State

3. where the school/Trust has failed to comply with any other legal obligation.
- 5.3. The EFA will normally only consider complaints when every stage of the above process has been completed.
- 5.4. Further details can be found at: <https://www.gov.uk/complain-about-school>

### **6. Record of complaints**

- 6.1. A written record of all complaints and documentation relating to the handling of the complaint will be kept confidentially by the Trust but may be inspected where appropriate by the Secretary of State or any inspection body.

### **7. Vexatious, Unreasonable and Persistent Complaints**

- 7.1. 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.
- 7.2. Where a complainant attempts to re-open an issue which has already been dealt with under the complaints policy, the Chair of Directors/local governing body 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.
- 7.3. We expect anyone who wishes to raise concerns to:
  - Treat all members of the Trust and academy community with courtesy and respect
  - Avoid the use of violence, or threats of violence, towards people or property
  - Allow us a reasonable time to respond to a complaint and follow the complaints procedure
- 7.4. 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.
- 7.5. 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.
- 7.6. 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. We regard harassment as the unreasonable pursuit of issues or complaints,

## Wade Deacon Trust

particularly if the matter appears to be pursued in a way intended to cause personal distress rather than to seek a resolution.

7.7. 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:

- Inform the complainant informally or formally that their behaviour is now considered to be unreasonable or unacceptable, and request a changed approach
- Require any personal contact to take place in the presence of an appropriate witness
- Restrict contact to certain methods, such as in writing or through a third party
- Not reply to or acknowledge any further contact from them on the specific topic of that complaint and / or
- Ban the individual from entering the premises
- Report the matter to the police or take legal action

7.8. 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.

7.9. Legitimate new complaints will always be considered and treated on their merits.

### **8. Complaints about Wade Deacon Innovation Enterprise Academies Trust (WDT)**

8.1. There may be times when a complaint is received regarding the actions of WDT and / or an WDT staff member. In these instances the procedures for dealing with such complaints differ from those regarding academies.

8.2. The process for complaining about WDT follows three stages. Complaints to WDT are likely to be in relation to the services that WDT provides or the actions of its employees. Again, it is a precondition of the complaints procedure that reasonable attempts should be made to resolve issues on an informal basis (at stage 1) and the Chair of WDT shall have the discretion, to be exercised reasonably, not to allow a complaint to be pursued where this precondition has not been met.

#### **8.3. Stage one – informal**

8.3.1. Informal concerns can be made over the phone, by email or post. Concerns should be raised directly with the staff member that they involve. If your concerns are not able to be resolved directly with the staff member involved then you should follow the process detailed in stage two.

#### **8.4. Stage two – formal**

8.4.1. A complaint should be made in writing to WDT's Complaints Officer.

8.4.2. If it is a minor complaint, then this will be dealt with by the line manager of the person who the complaint involves and / or WDT's Complaints Officer. Where the complaint cannot be resolved immediately, a full response will be provided within five working days.

8.4.3. If the complaint is considered to be complex or falls under one of the categories detailing where complaints can be escalated then WDT's Complaints Officer will acknowledge the complaint within five academy days, confirming that the complaint will be dealt with at stage three of the process and requesting that the complaint be made in writing unless already done so.

### 8.5. Stage three – review

8.5.1. The final stage is for the complaint to be reviewed by a member of the Executive Team. It is the responsibility of the complainant to request a review.

8.5.2. To request a review you should write to WDT's Complaints Officer detailing why you remain unhappy with the stage two response. This request will be acknowledged within five working days. The Complaints Officer will pass this on for review. They will remain your main point of contact at this stage.

8.5.3. The task of collating the information may be delegated to another staff member but not the decision on the action to be taken. A full and final response to your complaint will be communicated in writing within two weeks of the complaint being allocated to a member of the Executive Team.

## 9. Other routes of complaint

Should the complainant be dissatisfied with the outcome of this complaints policy or wish to complain about a complaint that we are unable to investigate the complainant can contact the following organisations (depending on the nature of the complaint).

Complaint	Who to contact
Examination results or curriculum content	Ofqual and the awarding body
Undue delay / not complying with the complaints policy when considering complaint, where there is a breach in the academies funding agreement or it fails to comply with any other legal obligation	Education Funding Agency (EFA)
Safeguarding or child protection matters	Local Safeguarding Children's Board
Discrimination	Equality Advisory and Support Service
A child or young person's Statement of Special Education Need	SEN and Disability Tribunal



## Wade Deacon Trust

Employment matters	Employment Tribunal
Data protection or freedom of information	Information Commissioner's Office
For complaints that affect the whole academy (i.e. problems with the quality of education or poor management)	Ofsted



## Complaints Form

<b>Your name:</b>
<b>Pupil's name:</b>
<b>Academy/School pupil/student attends:</b>
<b>Your relationship to pupil/student:</b>
<b>Your address and postcode:</b>
<b>Your daytime telephone number:</b> <b>Your evening telephone number:</b>
<b>Your email address:</b>
<b>Your complaint is...</b> (Include details of actions already taken by the school/Trust to try to resolve the situation)
<b>What action have you already taken to try and resolve your complaint?</b> (Who did you speak to and what was the response?)
<b>What would you like as an outcome from your complaint?</b>

## Wade Deacon Trust

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, Chair of Directors or Company Secretary (as appropriate).

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Office use

Date received .....

Date acknowledgement sent .....

Responsible member of staff .....