



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 across all its Academies. 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 individual Academies 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, the Academy or the Academy Trust 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 one of the Academies or any person who has been provided with a service/facility at an 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 each Academy complaints procedure is the Headteacher. The nominated member of staff with responsibility for the operation and management of the Academy Trust is the Chief Executive Officer.

For all parents/carers/guardians of a registered child at an 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 Academy has acted wrongly in some significant decision, action, or has failed to take action.

A complaint can be resolved or withdrawn at any stage.

A written record will be kept of all complaints that are made at a formal complaints stage. All correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State for Education or a body conducting an inspection requests access to them.

1. Aims

In line with the Education Act 2002, all Academies within West Stafford Multi Academy Trust 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 Academy Trust 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 of an Academy, the complainant will be referred to the Chair of the Local Academy Governing Body.
- Where the complaint concerns the Chief Executive Officer of the Academy Trust, the complainant will be referred to the Chair of the Trustees.
- 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.
- Where the complainant is a Parent, Carer or Guardian of a child within an Academy, they will have the right to be accompanied should they wish for this to be the case.
- 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 LGCAP 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 Trustee's complaints appeal panel (TCAP)

- Complaints at this stage must be made in writing and addressed to the chair of the Academy Trust Trustees no later than 10 school days following receipt of a Stage 3 outcome. The Chair of Trustees, or a nominated Trustee, will convene a TCAP.
- 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 TCAP will be arranged with three members of the Trust Board and the complainant. At least one member of the TCAP will be independent of the management and running of a School. Five days' notice will be given to all attending. The chair of the TCAP 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 TCAP will reconsider the issues raised in the original complaint and not be confined to consideration of procedural issues.

- Where the complainant is a Parent, Carer or Guardian of a child within an Academy, they will have the right to be accompanied should they wish for this to be the case.
- 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 TCAP 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 TCAP) 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.
- Where relevant, the findings and recommendations of the TCAP will be given to the person complained about.

3. Unreasonable Complainants

All Schools within West Stafford Multi Academy Trust are committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

West Stafford Multi Academy Trust defines unreasonable complainants as *'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'*.

You may remain dissatisfied despite all the procedures having been followed and reasonable responses being provided. It may be the case that it is not possible to resolve all your concerns and meet all your wishes. Sometimes it is preferable to 'agree to disagree' and move on.

Occasionally however there may be situations where the Headteacher and/or governing body have done all they can to resolve matters, and it is therefore appropriate to consider closing a complaint as it has been on-going for some time. Alternatively, there may be some circumstances in which there will be a valid reason for not following the full complaints process. Closing complaints may be appropriate in particular where responding to continual communications from a complainant is detracting from the school's responsibility to look after the interests of all the children in its care.

If you continue to make representations to the school or continue correspondence into the same issues, the Governing Body reserves the right to inform you, in writing, that the appropriate procedures have all been followed, that all reasonable actions have been taken to try to resolve the issue and that the matter is now closed.

A complaint may be regarded as unreasonable when the person making the complaint:-

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:-

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Headteacher of the School concerned will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact a School within West Stafford Multi Academy Trust causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the School.

4. Roles and responsibilities

The remit of the LGCAP/TCAP

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 (LGCAP) or Trustee (TCAP) 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/Trustees should ensure that it is a cross-section of the categories of Governor/Trustee 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/Trustees 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/TCAP. 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/Trustee

The nominated Governor/Trustee 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

All correspondence, statements and records relating to individual complaints are to be kept confidential except where the Secretary of State for Education or a body conducting an inspection requests access to them.

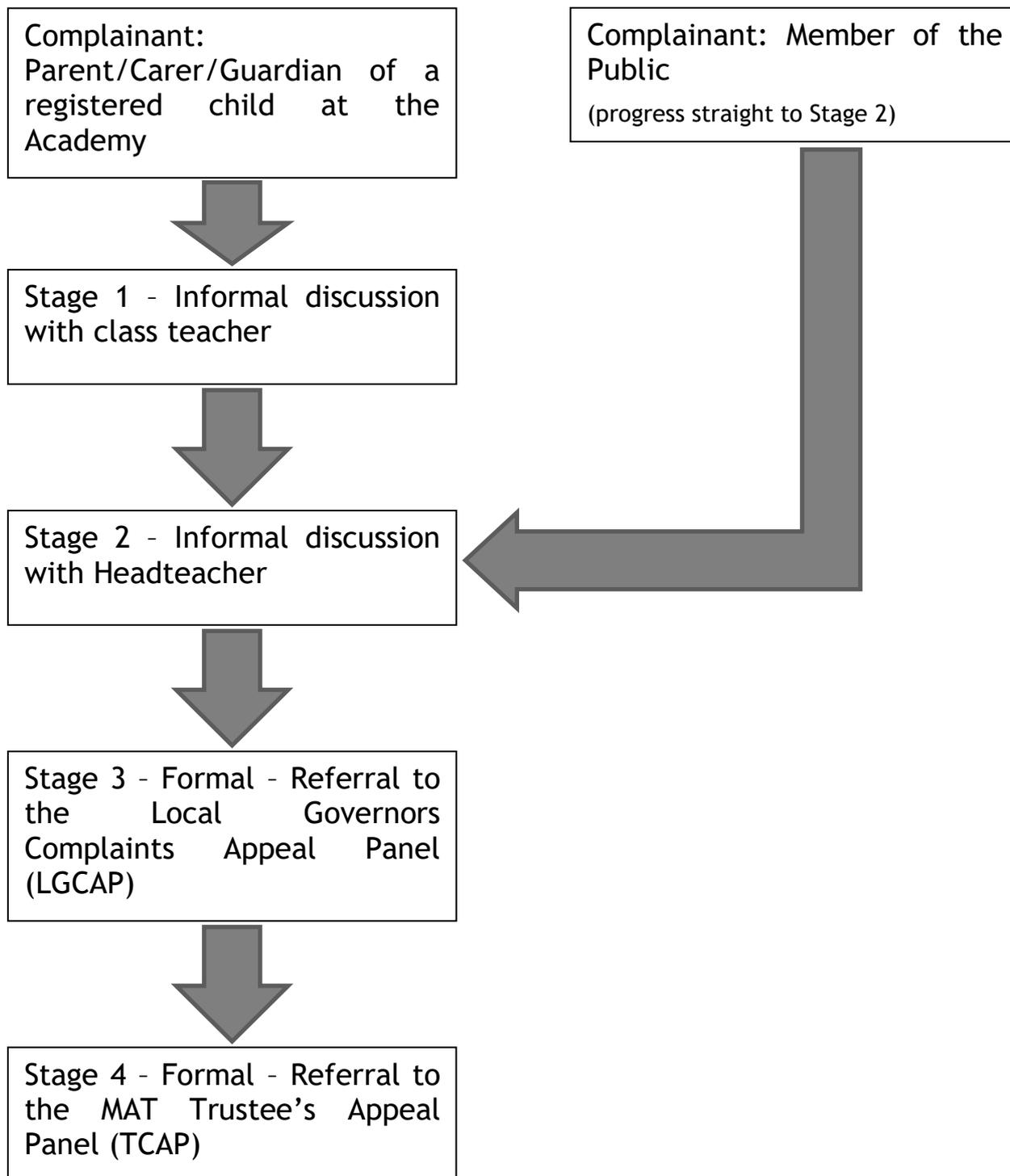
If the complainant is unhappy with the way in which the Academy has dealt with the complaint, they may be able to approach the Secretary of State for Education to intervene.

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:	
Office use only	
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 (LGCAP) to consider your complaint, in accordance with our school's complaints procedure.

As explained in the procedure, the [clerk/chair] of the LGCAP will advise, in writing, how the LGCAP 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 Gnosall St Lawrence 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 (LGCAP) to consider your complaint in accordance with stage 2 of the attached complaints procedure.

As explained in the procedure, the Clerk of the LGCAP 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

Panel hearing checklist	✓
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.	