



WATERTON  
ACADEMY TRUST®



# Complaints Policy (Apprenticeship delivery)

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## **1. Introduction**

This policy sets out our approach to dealing with learner/employer concerns and complaints. Further details in relation to how we handle these are contained in our procedures section.

## **2. Aims/Responsibilities**

We always aim to maintain positive relationships with both learners and employers and do our best to address any concerns as soon as they arise. However we are aware that in some instances a learner/employer may wish to make a complaint.

**2.1** We value good relations between all stakeholders 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 learners/employers feel we do well, or not so well, as a provider. 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 learners/employers of Waterton Academy Trust's procedures for dealing with their concerns. In return, we expect complainants to behave respectfully towards all members of the Trust community. In particular, any disagreement should not be expressed inappropriately such as on social media or in front of other learners.

**2.4** All staff and governance representatives 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 governance representatives of Waterton Academy Trust will receive training in handling 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, take up our right to close a complaint before all the stages of the Trust's procedures have been exhausted, if this appears to be appropriate.

## **3. Complaints procedure**

The difference between a concern and a complaint:

A concern may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'.

A complaint may be defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

Our team will firstly work with the complainant to determine whether the issues raised are a concern or a complaint. In the event of a concern being identified, this will be dealt with under the informal stage only.

3.1. Overview of complaints procedure stages;

a. **The informal stage** aims to resolve the complaint through informal contact at the appropriate level in the training team.

b. **Stage 1** is the first formal stage at which written complaints are considered by the Chief Executive Officer, who has special responsibility for dealing with complaints. The CEO reserves the right to delegate this responsibility to a relevant senior team member should this be deemed appropriate.

c. **Stage 2** if the complaint is not resolved through stage 1 the next stage would be to involve a complaints appeal panel made up of independent governance representatives.

## 4. Detailed explanation of complaints procedure stages

### 4.1. The informal stage –initial contact with the training team

- In the first instance concerns should be raised informally through the Business Support and Learning Management Officer, who will liaise with other team members as appropriate.
- 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.

### 4.2. Formal consideration of the complaint

- If the complaint cannot be resolved informally then the complaint can be escalated to Stage 1. All formal complaints must be submitted in writing to the CEO.
- The CEO should first establish that an attempt at informal resolution has been made and that this avenue has been exhausted.
- 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, if it is felt to be necessary, 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 CEO may also be accompanied by a suitable person.
- Dependent on the nature of the complaint, the CEO will, where necessary, talk to witnesses and take statements from others involved.

- If the complaint is against a member of staff, it will be dealt with under Waterton Academy Trust's internal HR procedures.
- The CEO will keep 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.
- 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.

#### 4.3. Consideration by an appeal panel

- If the complainant is not satisfied with the outcome of Stage 1 they can choose to take the matter to **Stage 2**. Appeals can be referred to an appeal panel through Stage 2 of the complaints procedure. This is a formal process, and is the final stage of review. In all cases the appeal panel will be a panel of 3 or more independent governance representatives.
- The purpose of this arrangement is to give the complainant the opportunity to present in front of a panel who have no prior knowledge of the details of the case and who can, therefore, consider it without prejudice. Panel members will be selected from WAT academies and will not currently hold the position of Trustee.
- At Stage 2, the panel will review the complaint from an independent perspective and will review the procedure taken. The aim of the panel is to establish that the right decision was made initially/appropriate actions taken following the complaint, and to determine whether the established procedure was correctly followed.
- The panel meeting at Stage 2 will be clerked, with minutes to be held by the Trust.

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

1. A panel of 3 independent representatives will be convened. Where possible, this meeting will take place within **20 working days** of the request for escalation to Stage 2.
2. Further written documentation may be submitted by the complainant in support of the appeal. New complaints/concerns will not be reviewed, only additional information pertaining to the initial complaint.
3. The CEO 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.
5. Any relevant correspondence or reports regarding Stage 1 will be enclosed with the letter.

6. The letter will explain what will happen at the panel meeting. The complainant does not have an automatic right to attend the appeal hearing; the panel will be responsible for determining in advance of the meeting whether attendance of the complainant/Trust representatives would be beneficial. If invited to attend, the complainant may be accompanied to the meeting. The person accompanying the complainant should provide support and witness the proceedings.

7. If it is deemed to be necessary by the investigator and the panel relevant witnesses directly involved in the matters raised may be asked to attend the meeting.

8. The chair of the panel should ensure that any invited attendees are at ease, and that all have an appropriate opportunity to speak.

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 Trust. 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 if in attendance;
- 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 CEO to make a final statement.
- in cases where the school representative/complainant are not in attendance, questions, statements and reports can be submitted by all parties in advance of the meeting via the Clerk.

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 **within three working 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, any changes to systems or procedures to ensure that similar problems do not happen again.

16. The Clerk will send the complainant and the CEO a letter outlining the decision of the panel. The letter will also explain that there is no further right of appeal.

17. A copy of all correspondence and notes will be kept on file in the Trust's records.

#### 4.4 The Role of the Education and Skills Funding Agency (ESFA)

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

### 5. 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 Trust 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 CEO it can be extremely time-consuming and can detract from our responsibility to support the learners on programmes.
- 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.
- 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. It may be decided 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.

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