



W A T E R T O N
ACADEMY TRUST®



Complaints Policy and Procedure

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1. Introduction

This policy sets out the Trust-wide approach to dealing with concerns and complaints, and as such is applied to all Waterton schools and pre-schools.

2. Aims and Responsibilities

We always aim to maintain positive relationships with parents and carers and do our best to address any concerns as soon as they arise. We would always aim for all parents and children to have a positive experience in their school, however we are aware that in some instances a parent/carer may wish to make a complaint. We additionally acknowledge that other stakeholders may wish to raise a concern or complaint with Waterton Academy Trust.

We value good relations with parents and the community 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.

We welcome feedback on what stakeholders feel we do well, or not so well, as an organisation. We will consider carefully all feedback, whether positive or negative, and will review our policies and practices accordingly. We acknowledge that complaints are in a way which schools can learn and improve.

We will treat all concerns and complaints seriously and courteously and will advise the complainant of Waterton Academy Trust's procedures for dealing with their concerns. In return, we expect parents/carers and other 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 pupils.

All staff and governance representatives of Waterton Academy Trust will be made aware of this policy and will be familiar with procedures for dealing with concerns and complaints, to which they will have access as required.

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. In exceptional circumstances we may, therefore, exercise 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. Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at a Waterton academy. Any person, including members of the public, may make a complaint about a school or about any provision of facilities or services that we provide. Unless complaints are

dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

4. 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'*.

4.1 Safeguarding concerns

Any safeguarding concerns or allegations raised with the school will be managed under separate procedures and as such will not be considered under the complaints policy.

This includes allegations that any person working in a school may have:

- Behaved in a way that has harmed a child or may have harmed a child,
- Possibly committed a criminal offence against or relating to a child,
- Behaved towards a child or children in a way that indicates they may pose a risk of harm to children
- Behaved or may have behaved in a way that indicated they may not be suitable to work with children

5. Resolution

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. Our aim will always be to resolve the matter as quickly as possible.

If a complainant has difficulty discussing a concern/complaint with a particular member of staff, we will respect these views and will refer to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, this will be referred to another staff member.

5.1 Concerns

All concerns will be dealt with informally, by an appropriate member of the school staff team.

A concern may be raised in person, in writing or by telephone, and should be brought to the attention of the class teacher or Headteacher. It may be that this is referred to another staff member. This will be reviewed, and reassurances provided in a manner appropriate to the nature of the concern.

If a parent, carer or other stakeholder continues to have a concern after reassurances have been provided they may wish to consider submitting a complaint.

5.2 Complaints

It is expected that all parties seek to initially resolve a complaint under the **Informal Stage**. If this stage has been attempted, the next stage would be formal **Stage 1**, where the complaint will be considered by the Headteacher. If the complainant is not satisfied with the outcome of

Stage 1, then they can request that this be reviewed by a panel of independent governance representatives under **Stage 2**.

6. Detailed Explanation of Complaints Procedure Stages

6.1 The informal stage –initial contact with the academy

- In the first instance complaints should be raised informally through the child's class teacher (or school office if the complainant is a non-parent).
- If the issue is not resolved through this initial contact, or if the complaint concerns the class teacher then it may be raised with the Headteacher. The Headteacher may delegate review of this complaint to another appropriate leader in school.
- 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 the issue.
- An update on the progress of our enquiries will normally be made within ten working days. Once we have responded to a complaint, the complainant will have the opportunity to ask for the matter to be considered further.
- If the complaint concerns the Headteacher or Head of School specifically, the above informal procedure will still apply, however concerns should be raised informally with the CEO. The CEO may delegate review of this concern to an appropriate senior leader.

6.2 Formal consideration of the complaint

- If the complaint cannot be resolved informally then the complaint can be escalated to Stage 1. It would usually be expected that all complaints are submitted in writing. In cases where a complainant feels unable to articulate their concerns in writing, this may be submitted verbally and a team member will take detailed notes of the complaint.
- With the exception of complaints which are specifically about the Headteacher or CEO, complaints should be addressed to the Headteacher. The school office team will provide appropriate contact details.
- In the case of a complaint about the Headteacher, the complaint must be directed to the CEO, reachable via admin@watertonacademytrust.org or 01924 240767.
- In the case of a complaint about the CEO, the complaint must be directed to the Chair of Trustees, reachable via admin@watertonacademytrust.org or 01924 240767.
- The Headteacher/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 3 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 Headteacher or CEO may also be accompanied by a suitable person.
- Dependent on the nature of the complaint, the Headteacher, or CEO will, where necessary, talk to witnesses and take statements from others involved. If the complaint centres on a pupil, we will talk to the pupil concerned and, where appropriate, others present at the time of the incident in question.
- We will normally talk to pupils with a parent or carer present, unless this would delay the investigation of a serious or urgent complaint, or where a pupil has specifically said that he or she would prefer the parent or carer not to be involved. In such circumstances, we will ensure that another member of staff, with whom the pupil feels comfortable, is present.
- If the complaint is against a member of staff, it will be dealt with under Waterton Academy Trust's internal HR procedures.
- The Headteacher or 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.
- If the complaint has not been resolved to full satisfaction it should be referred to **Stage 2**, as described below.

6.3 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**. Requests for escalation should usually be submitted within 15 working days, however in exceptional circumstances later requests may be considered. Appeals will be referred to a panel of independent governance representatives 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 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.
- 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 academy.

7. Third Parties

Complainants can request that a complaint be submitted by and discussed with a third party. However, note that consent will be sought from the complainant before any discussions can take place.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

8. Anonymous Complaints

We will not normally investigate anonymous complaints. However, the Headteacher or CEO, if appropriate, will determine whether the complaint warrants investigation.

9. Time Scales

Complainants should raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

10. Scope of the Complaints Policy

This policy covers all complaints about Waterton schools or pre-schools, with the exception of those listed below. School office teams can direct stakeholders to appropriate contacts if their complaint concerns any of the below:

- Admissions
- Statutory assessments of SEND
- School re-organisation proposals
- Safeguarding allegations
- Exclusions
- Whistleblowing
- Staff grievances
- Staff conduct
- Services provided by other users of the school facilities
- National curriculum

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

11. Legal Action

If a complainant commences legal action against a school within the Trust in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

12. Resolving complaints

At each stage in the procedure, our aim will always be to resolve a complaint to the satisfaction of all parties. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- An explanation
- An admission that the situation could have been handled differently or better
- An assurance that we will try to ensure the event complained of will not recur
- An undertaking to review policies in light of the complaint
- An apology
- An explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made

13. Withdrawal of a Complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

14. Closure of Complaints

Very occasionally and regretfully 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 academy 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".

If a complainant persists in making representations to the academy (the Headteacher, CEO or another interested party) it can be extremely time-consuming and can detract from our responsibility to look after the interests of all the children in our care.

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. Waterton Academy Trust will support this position, especially where the complainant's action is causing undue distress to staff and/or pupils.

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.

15. Complaints Campaigns

There can be occasions where the Trust or any school or pre-school within the Trust receives large volumes of complaints from multiple sources. In these cases, we reserve our right to treat this as a complaints campaign and as such we may choose to manage these complaints as a whole and produce a single statement which is shared with all complainants. Although the subject matter of the complaint will be taken seriously and fully investigated, the issue will not be investigated repeatedly without good reason.

In the event of a complaint which is identified as a part of a series of near identical complaints, the following process will be followed:

- The complainant begins the complaints process as usual.
- School or Trust staff identify that this complaint is one of many very similar complaints.
- A single letter of response is prepared.
- This letter of response is shared with each complainant.
- Complainants will have an opportunity to appeal the outcome of the complaint. As there may be a high volume of complainants and therefore a high number of appeals received, appeals may also be managed as a whole and as such the procedure will be varied. It will not be possible for all complainants to attend an appeal panel meeting, however an opportunity to submit additional information will be provided.

16. Next Steps

If the complainant believes the Trust did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the ESFA after they have completed Stage 2.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by the Trust. They will consider whether the Trust has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Education and Standards Board online at: [ESFA](#), or by writing to:

ESFA Complaints
Chief Executive's Office
Cheylesmore House
Quinton Road
Coventry
CV1 2WT

Appendix 1 – Appeal Panels

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 Headteacher, 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/academy representatives would be beneficial.
If invited to attend, the complainant may be accompanied to the meeting. The person accompanying the complainant should not normally be directly connected to the academy. They are to provide support and to 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 academy and ASC. 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 Headteacher 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.

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 and the Headteacher **within three working days**. All participants other than the panel and the Clerk will then leave.

14. 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 the school's systems or procedures to ensure that similar problems do not happen again.

15. The clerk will send the complainant and the Headteacher a letter outlining the decision of the panel. The letter will also explain that there is no further right of appeal to the Trust.

16. A copy of all correspondence and notes will be kept on file in the academy's records but separate from pupils' personal records.

Document Detail			
Document Name	Complaints Policy and Procedure		
Version	4		
Effective from:	July 2021		
Chief Officer Signature:	 D Dickinson, CEO		
Approved by:	Trust Board		
Approval meeting reference:	July 2021		
Next Review Date:	July 2023		
Version Control			
Version	Date	Author	Change /Reference
4	June 2021	ED	<p>Procedures remain broadly the same, but with a clarified role of the appeal panel, and an informal stage for complaints about headteachers added.</p> <p>Policy has been updated to clarify that non-parents can complain and that verbal complaints are permissible if a complainant is unable to put into writing.</p> <p>Policy now reflects our right to pause investigations if legal action is taken, and our right to deal with complaints campaigns as a whole.</p> <p>Policy reflects that we will not usually investigate anonymous complaints, and now explicitly states that particular issues such as staff conduct are outside the scope of the policy.</p> <p>An explicit statement added to cover complaints about the CEO (addressed to Chair of Trustees).</p>
3	Oct 20	WAT	Formatting changes