



Complaints Procedure

Introduction and General Principles

We **value our good relationships** with parents, carers and our wider community and work hard to establish and maintain them. We **welcome feedback** on our work and will consider it carefully, whether positive or negative **to inform our policies and practices**.

We are committed to meeting the needs of all pupils and parents. However, there may be times when you may have a concern or complaint about the School. Most concerns and complaints can be dealt with informally, and without the need to use a formal procedure, just by speaking to the relevant person in School. The intention of this policy and procedure is to provide a clear and transparent process that will enable concerns and complaints to be dealt with promptly, fairly and proportionately. The procedure has been developed in accordance with guidance issued by the Department for Education and the Education Funding Agency and satisfies the requirements of The Education (Independent School Standards) (England) Regulations 2010.

The procedure covers complaints received from individuals who have parental responsibility for pupils of the School.

The difference between a concern and a complaint

Our definition of a concern is defined as ‘an expression of worry or doubt over an issue in school considered to be important for which reassurances are sought’.

Our definition of a complaint is defined as ‘an expression of dissatisfaction in relation to the School, or a member of its staff, that the complainant feels requires a response from the School’

We will consider all complaints in an open and fair way. At all times the School will respect the rights and feelings of those involved and make every effort to protect confidential information. There may be occasions when the person dealing with your complaint will need to consider whether anyone else within the School needs to know about your complaint or whether the consent of another individual (for example, a pupil) is required, so as to address it appropriately.

Some types of complaint may raise issues that have to be dealt with in another way (other than under this complaints policy); in which case we will explain why this is so, and will tell you what steps will be taken. For example, where complaints are raised regarding members of staff, this procedure may be put on hold pending consideration of the issues under appropriate staff procedures. In addition, the procedure will not apply where there is an alternative School policy or procedure relevant to the

issues raised. For example, it will not apply to complaints regarding admissions and exclusions, some safeguarding issues and SEN assessments.

Anonymous complaints

We will not normally investigate anonymous complaints and they will be handled at the discretion of the School and in line with our statutory responsibilities.

Timescales

We are committed to trying to resolve any concerns or complaints promptly, and to the satisfaction of all concerned.

Please tell us about any concerns as soon as possible and within 10 school days of the incident/s. It is more difficult for us to investigate an incident or problem properly that took place some time ago. The Chair of Governors and Principal would have to be satisfied that exceptional circumstances applied with regard to a complaint outside this time frame.

All time scales in this complaints procedure refer to working term time school days. Any complaints received during school holidays will be deemed to have been received on the first day of the next school term. Timescales for dealing with complaints may need to be extended. Where this is the case, you will be advised of the extension which is necessary and any reason(s) for this.

The School will keep a written record of all complaints and details of any findings, decisions and recommendations.

At the end of each stage the complainant has 10 working term time school days to confirm in writing their intention to continue to the next stage. Failure to notify the Principal (for Stages One and Two) or the Chair of Governors and Principal (for Stage Three) within the 10 working term time school days notice period will be deemed as an acceptance of the earlier outcome.

Any complaint which falls outside this time period will return to Stage One.

A copy of this complaints policy may be obtained from the school office or downloaded from the school website www.wellacre.org.

Withdrawal of a complaint

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

Resolving complaints

At each stage in the procedure, Wellacre Academy wants to resolve the complaint. 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 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
- an undertaking to review school policies in light of the complaint
- an apology.

The Complaints Procedure

Informal Procedure - Stage 1

In most cases, complaints can be resolved informally.

If you have a complaint, you should raise it with the appropriate teacher (for example, FormTutor, classroom teacher or Head of House). You should raise your complaint as soon as you can and in line with the time scales above.

In some situations, it may not be appropriate for the person with whom the complaint is raised to deal with your complaint under the informal procedure. Where this is the case, an alternative member of staff will be asked to deal with your complaint under the informal procedure. All staff will make every effort to resolve your problem informally. They will make sure that they understand what you feel went wrong, and explain actions to you. They will ask what you would like the school to do to put things right. Of course, this does not mean that in every case they will come round to your point of view but it will help both you and the school to understand both sides of the problem. It may also help to prevent a similar problem arising again.

Depending upon the nature of the issues raised in the complaint, it may be appropriate for your complaint to be considered by the Principal, or a member of staff appointed by the Principal. **You will be advised where this is the case and in these circumstances your complaint will be dealt with under Stage 1 of the formal procedure.**

The member of staff dealing with your complaint under the informal procedure will keep you informed of the progress being made in relation to your complaint. We will normally respond to your complaint within 10 working school term days of it being raised with the School, but if this is not possible, we will advise you of the revised timescale and any reason(s) for this.

Formal Procedure – Stage 2

If your complaint under the informal procedure has not been resolved to your satisfaction you should put your complaint in writing to the Principal. Your complaint will be dealt with by the Principal, or by a member of staff appointed by the Principal, at this stage.

Normally, you would be expected to do this within five working term time School days of you receiving a response to your complaint under the informal procedure.

If your complaint is about the Principal, you should put your complaint in writing to the Chair of Governors, addressed to the School.

Where it is considered necessary and appropriate, the Principal (or the member of staff appointed by the Principal) will invite you to a meeting to discuss your complaint. In such circumstances, we will aim to have a meeting with you, normally within 10 working term time school days of receiving your complaint. You will not have the right to be accompanied during any such meeting, save where required by law.

Having investigated your complaint, the Principal (or the member of staff appointed by the Principal) will respond to the complaint in writing, normally within 10 working term time school days of completing the investigation.

Formal Procedure – Stage 3

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3 – a panel hearing. You should write to the Chair of the Governing Board, setting out your reasons for asking the School to consider your complaint under

Stage 3. We would normally expect you to do this within five working term time school days of you receiving the School's response to your complaint under Stage 2, the formal procedure.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

Parents inevitably see many complaints as being 'against' a particular member of staff. However, complaints reaching this stage will have done so because the complainant has not been satisfied by the School's response at the earlier stage of the procedure. **It may be appropriate for the Governing Body to consider that the complaint is against the School, rather than against the member of staff whose actions led to the original complaint.**

Upon receipt of a written request by the complainant for the complaint to proceed to Stage 3, the procedures outlined below should be followed.

1. **The Chair should arrange to convene a Complaints Panel.** It may be necessary for the Governing Body to appoint reserves to this Committee to ensure that three members are available to carry out their task within the set time.
2. The Committee of three members should be made up of **two Governors who have had no prior involvement with the complaint and one representative who has no management connection to Wellacre Academy or who has any involvement in the running of the school.** A Chair should be elected.
3. The Chair of the Committee will ensure that the complaint is heard by the Committee **within 20 working term time school days of receiving the letter.** All relevant correspondence regarding the complaint should be given to each member as soon as the composition of the Committee is confirmed.
4. The Chair of the Committee will write and inform the complainant, Principal, any relevant witnesses and members of the Committee at least **five working term time school days in advance of the date, time and place of the meeting.** The notification to the complainant should also inform them of the right to be accompanied to the meeting by a friend. The letter will also explain how the meeting will be conducted and the complainant's right to submit further written evidence to the Committee
5. The Chair of the Committee should **invite the Principal to attend the Committee meeting and to prepare a written report for the Committee in response to the complainant.** The Principal may also invite members of staff directly involved in matters raised by the complainant to respond in writing or in person to the complaint. **Any relevant documents, including the Principal's report, should be received by all concerned including the complainant - at least five working term time school days prior to the meeting.**
6. It is the responsibility of the Chair of the Committee to ensure that the **meeting is properly minuted.**
7. The **aim of the meeting should be to resolve the complaint and achieve reconciliation between the School and the complainant.** However, it has to be recognised that sometimes it may only be possible to establish the facts and make recommendations that will satisfy the complainant that their complaint has at least been taken seriously.
8. The Committee should remember that many parents are unused to dealing with groups of people in formal situations and may feel inhibited when speaking to the Panel. It is therefore recommended that the Chair of the Committee ensures that the proceedings are as informal as possible

Procedure for Complaint Appeal Meeting

- 1) Chair to open the meeting and explain the procedure.
- 2) The parent will explain the events which have brought about the complaint.
- 3) The Principal will then be given the opportunity to question the parent.
- 4) The Committee will then be given the opportunity to question the parent.
- 5) The Principal will then put his/her case to the Committee.
- 6) The parent will then be given the opportunity to question the Principal.
- 7) The Committee will then be given the opportunity to question the Principal.
- 8) The parent and Principal will then be asked to sum up their respective cases.
- 9) The Principal and parent will be asked to withdraw.
- 10) The Committee will deliberate in private and the parties will be advised as to the timescale for a response, which will be in writing.

If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interests of natural justice to **adjourn the meeting** so that the other side has time to consider and respond to the new evidence.

9. The meeting should allow for:

- ◆ The complainant to explain their complaint and the Principal to explain the school's response;
- ◆ The Principal to question the complainant about the complaint;
- ◆ The complainant to question the Principal and/or other members of staff about the school's response;
- ◆ Committee members have the right to ask questions at any time;
- ◆ Either party to have the right to call witnesses (subject to the approval of the Chair of the Committee) and to have the right to question witnesses;
- ◆ Final statements by both the complainant and the Principal.
- ◆ The Chair of the Committee will explain to the complainant and the Principal that the Committee will now consider the evidence presented, and a written decision will be sent to both parties within **fifteen working term time school days**. The complainant, Principal, other members of staff and witnesses will then leave.

The committee will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

11. A written statement outlining the decision of the Committee must be sent to the complainant and Principal. The letter to the complainant should explain how a further appeal can be made, and if so, to whom. The School should ensure that a copy of all correspondence and notes are kept on file in the records. These records should be kept separately from the student's personal records.

Next Steps

If the complainant believes the school 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 3.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by Wellacre Academy. They will consider whether Wellacre Academy has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed Part 7 of the Education (Independent School Standards) Regulations 2014.

The complainant can refer their complaint to the ESFA online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Academy Complaints and Customer Insight Unit
Education and Skills Funding Agency
Cheylesmore House
5 Quinton Road
Coventry
CV1 2WT

Closure of Complaints

Very occasionally the school will feel that it has done all it can to resolve an issue but the complainant is still dissatisfied. **In these situations, regrettably, the school will close the complaint as it is simply not possible to meet all the complainant's wishes.**

If a complainant persists in making representations to the school, the Principal, Chair of Governors or anyone else, we are entitled to close correspondence on a complaint where we feel we have taken every reasonable step and action to resolve the complaint and all official processes of the complaints procedure have been exhausted and where the actions of the complainant are causing distress to staff and/or students or detracting from the work of staff in the discharge of their duties.