



Windsor Academy Trust

Tenterfields Primary Academy

## **Complaints Policy and Procedure**

<b>Responsible Committee:</b>	Windsor Academy Trust, Board of Directors
<b>Date revised by Board of Directors:</b>	September 2020
<b>Next review date:</b>	September 2022

# 1. Policy statement and principles

## 1.1 Policy aims and principles

We are committed to dealing effectively with any concerns or complaints you may have about the provision of facilities and /or the services we offer. This policy relates to complaints about Windsor Academy Trust (WAT) and any of the academies.

We need to know as soon as possible if there is any cause for dissatisfaction. We aim to clarify any issues about which you are not sure and if possible, we will put right any mistakes we may have made. We also aim to learn from our mistakes and use the information we gain to improve our services. Should you become unhappy with WAT and/or a WAT academy we will try to address your concerns quickly and effectively. We will also try to find resolutions that are reasonable and acceptable to everyone concerned.

If possible, we believe it's best to deal with things straight away rather than try to sort them out later. If you have a concern, raise it with the person you're dealing with. They will try to informally resolve it for you there and then. If there are any lessons to learn from addressing your concern then the member of staff will draw them to the attention of a member of the academy's senior management. If the complaint is not resolved when dealt with informally you can then ask for a formal investigation using the procedures detailed in this policy.

All concerns and complaints will be dealt with in a positive manner and taken seriously, no individual will be penalised or treated unfairly as a result of making a complaint. Through this policy, we aim to put right any matter which may have gone wrong and to review systems and procedures in the light of the relevant circumstances.

We will make reasonable adjustments for people with disabilities in accordance with the Equality Act 2010 and the Equality Policy. The policy can be found on the academy's website.

This policy is consistent with all other policies adopted by WAT and it's academies and is written in line with current legislation and guidance.

## 1.2 Scope

This policy covers all complaints about any provision of community facilities or services, other than complaints that are dealt with under other statutory procedures, including those listed as follows:

- **Admissions** - Concerns about admissions should be handled through a separate process, either through the appeals process or via the local authority.
- **Matters relating to Child Protection and Safeguarding** - Complaints about child protection matters are handled under our Child Protection and Safeguarding Policy and in accordance with relevant statutory guidance.
- **Exclusions** - Matters relating to a child's exclusion is handled under the Exclusion Policy and Procedure. Further information can be found here [www.gov.uk/school-discipline-exclusions/exclusions](http://www.gov.uk/school-discipline-exclusions/exclusions)

- **Whistleblowing** - We have an internal whistleblowing policy and procedure for all our employees, including temporary staff and contractors.
- **Staff grievances** - Complaints from staff will be dealt with under the WAT's internal grievance procedures.
- **Staff conducts** - Complaints about staff will be dealt with under WAT's internal disciplinary procedures, if appropriate.

### 1.3 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'*.

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. WAT takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

### 1.4 Timescales for making a complaint

Any complaint must be raised 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 not consider complaints made outside of this time frame unless exceptional circumstances apply.

We will consider complaints made outside of term time to have been received on the first school day after the school holiday period.

### 1.5 Complaints we will not consider

We will not consider complaints in the following circumstances:

- We receive the complaint more than three months after the incident occurred (see section 1.4)
- Where the complaint has been made previously to us about the same issue which has been fully investigated and /or resolved
- Anonymous complaints (unless there are exceptional circumstances)
- Frivolous, vexatious, abusive or malicious complaints
- The complaint is made by a third party on behalf of another person without prior authority

- If the complaint is about a third party provider of a service that is organised or facilitated by us – complaints of this nature should be directed to the service provider
- Where complaints are about services that are out of scope of this policy, see sections 1.2 and section 4 for details of where these complaints should be directed)\*:
- Examination results (this is subject to latest guidance on exams)
- A child or young person’s statement of educational need
- Matters that are the subject of legal action

*\* Although these complaints cannot be formally investigated they should be brought to the attention of the academy or WAT central, we may be able to resolve the complaint or provide additional information / support.*

## **1.6 Monitoring and review**

This policy will be reviewed every two years or earlier if required for example in the following circumstances:

- Changes in legislation and / or government guidance
- As a result of any other significant change or event
- In the event that the policy is determined not to be effective

If there are urgent concerns these should be raised with the Headteacher in the first instance for them to consider whether a review of the policy is required/recommended in advance of the review date. For WAT central staff concerns should be raised with a member of the Executive Team in the first instance.

## 1.7 Roles, responsibilities and Contact details

Designated Complaints Officer (academy) Stages 1 and 2		Mr D Simpson, Head Teacher
Contact Details	Email	info@tenter.windsoracademytrust.org.uk
	Telephone	01384 818560
Head Teacher		Mr D Simpson
Contact Details	Email	info@tenter.windsoracademytrust.org.uk
	Telephone	01384 818560
WAT Complaints Coordinator (Stages 3 and 4)		Compliance Officer
Contact Details	Email	info@windsoracademytrust.org.uk
	Telephone	0121 602 7594

## 2. Making a complaint

It may become obvious to a staff member that an individual is not happy about our actions or services we provide, the individual may not identify this as a concern or complaint at the time. The staff member should identify that a concern is being raised and should deal with this informally in the first instance.

A concern or complaint can be made in person, in writing or by telephone. A template complaint form is included at the end of this policy.

### 2.1 Records

Every concern or complaint notified to a member of staff must be recorded, detailing the action taken. A record of this will be retained with the complaint file which includes all of the documents relied upon when investigating the complaint. The complaint file will be confidential and any requests for disclosure of any or all sections of this file will be dealt with on a case by case basis and in line with data protection principles.

The academy will keep all records of a complaint for at least 12 months from the final correspondence/action on a particular complaint. In relation to a complaint from a student or employee the record will be kept for at least 12 months after the individual leaves the academy or employment, this is to ensure that the details are available should a future complaint arise.

All complaints will be recorded on a complaints log which details the date the complaint made, key complaints, what stage the complaint went to, whether the complaint was

resolved and any actions that occurred as a result of the complaint. This is done to spot any trends arising and can inform us of the need for general or targeted training.

## 2.2 Stages

All complaints will follow the stages outlined below and detailed further in this policy, unless there is the need to escalate them.

<b>Stages</b>	<b>How to make a complaint ( See section 2)</b>	<b>Where to address complaint to (See section 1.7)</b>
1. Informal	In person, telephone, writing (Section 2.3.1) - template attached	Academy Designated Complaints Officer
2. Formal	In writing - template attached (Section 2.3.2)	Academy Designated Complaints Officer
3. Review	In writing (Section 2.3.3)	WAT Complaints Coordinator
4. Panel	In writing Section 2.3.4)	WAT Complaints Coordinator

Complaints may need to be escalated where the complaint:

- Is time sensitive and the need for a final response is required by a specific date
- May involve media attention
- Is about the Headteacher or Chair of the Local Advisory Body (LAB) of an academy or a senior member, WAT Member, or Director Is made by a complainant who has a specific disability that will make the full process unreasonable

If it is considered that there is a need to skip a stage of the procedure in this policy then the complainant will be informed of what to expect in relation to their complaint. The decision to alter the complaints process will be done on a case by case basis and the rationale will be recorded on the complaints file and /or log.

Where the complainant's first approach with regards to the complaint skips stage one then, unless it is determined to be appropriate to continue at the later stage, the complainant will be informed of the process and referred to the correct person to contact.

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. If this happens, we will inform you of a proposed new timescale.

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

## **2.3 Complaints to an academy**

Complaints regarding an academy, including their actions, services, policies or procedures should be made in the first instance, to the designated complaints officer at the academy (See para 1.7) via the school office.

Complaints have a four stage process. With all stages of the complaint a satisfactory conclusion will end the complaints process and in effect close the complaint file, whereas an unsatisfactory conclusion will mean that the next stage of the process will be required until the whole process is exhausted.

### **2.3.1 Stage one – informal**

It is expected that most concerns can be expressed and resolved on an informal basis. Where a concern or complaint has been brought to the attention of / identified by a staff member in person then they will address the issue on the spot, where appropriate. If the complaint has been raised over the phone or in writing the complaint will be forwarded to the appropriate person to handle the complaint. It may be necessary for the academy to request for a complaint form to be completed to aid the understanding of the complaint.

If it is a minor complaint, then this will be dealt with by the complaints coordinator and /or another relevant member of staff. A full response will be provided within five academy working days. This may be a written response or can involve a meeting with the complainant and a staff member.

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

All documents relied upon for this stage of the complaint (including the complaint form and outcome) will be retained on the complaint file. If the complaint is closed at this stage the complaint log should be updated.

### **2.3.2 Stage two – formal**

All complaints at this stage must be received in writing (if not already done) within three months of the incident as outlined in section 1.4 unless reasonable adjustments are required. If reasonable adjustments require the complaint to be made verbally then a written record of what the complaint is regarding should be recorded during the phone call/ meeting and sent to the complainant.

The complaint will be investigated by a suitable person appointed by the Headteacher or the Chair of the Local Advisory Body (LAB). If the complaint is about the Headteacher and/or the Chair of the Local Advisory Body then the complaint will be escalated to stage three. This will be decided within five academy days and an acknowledgement will be sent to the complainant confirming who will be investigating the complaint and the timescales required to investigate and resolve the complaint.

If the complaint is jointly about the Chair and Vice Chair or the entire LAB or the majority of the LAB Stage 2 will be escalated to the CEO.

The investigator may delegate the task of collating the information to another staff member but not the decision on the action to be taken. The response should be received in writing within four academy weeks of the date of the acknowledgement letter for stage two. Any delay in the investigation will be communicated to the complainant at the earliest opportunity.

If the complainant remains dissatisfied with the academy's final response or does not receive a final response to the complaint within six academy weeks then they are able to progress the complaint to stage three.

All documents relied upon for this stage of the complaint will be retained on the complaint file.

### **2.3.3 Stage three –WAT review**

For stage three to be entered into, the complaint must have been considered under stages 1 and 2 of this policy before submitting a complaint in writing to the Windsor Academy Trust's Complaints Coordinator. This must be done within four weeks of the response from stage two.

Once WAT has received the complaint you will receive an acknowledgement from WAT's Complaints Coordinator within five working days. This letter will identify the person(s) responsible for investigating your complaint. At this stage WAT may require further information from the complainant or the academy, if this is requested then the information should be provided by the deadline given. If information is not provided on time then WAT may decide to continue the investigation without the additional evidence.

WAT's investigating officer will review all of the information provided and write a recommendation report for WAT in order to resolve the complaint. The complainant will receive the written response from WAT within four academy weeks from when all information regarding the complaint is received. Any delay in the investigation will be communicated to the complainant at the earliest opportunity.

If the complainant remains dissatisfied with the outcome of the WAT review then they are able to progress the complaint to stage four.

WAT will keep a complaint file containing all information and communications relied upon for the complaint investigation. If the complaint is closed at this stage the academy will be informed so that they can update their complaint log.

### **2.3.4 Stage four – complaints panel**

Stage four is the final stage of the complaints process where the complainant can request a complaint panel. The complainant should contact WAT's Complaints Coordinator within three weeks of the date of the complaint outcome letter of stage 3 if they would like for a



complaint panel to be convened. This should include the reasons why they are not satisfied with the outcome of the complaint.

The panel will be arranged by WAT's Complaints Coordinator at a location and time convenient to all parties. This will not exceed three weeks from the date the panel was requested by the complainant. Any delay in timescales will be communicated to the complainant.

The panel will consist of three people and one other person who is independent of the management and running of the Trust/academy. The composition of the panel will include:

- A LAB member from the academy being complained about
- A Director from Windsor Academy Trust Board of Directors
- A senior executive from Windsor Academy Trust
- An independent member

The panel is independent and impartial. All members of the panel will have no prior involvement in the complaint or in the circumstances surrounding it. The complaints panel will be chaired by the member of staff from WAT and a clerk will be attending to oversee the running of the panel and to take minutes.

The panel will be held in private and its aim is to resolve the complaint and achieve reconciliation between the academy and the complainant. However, it is recognised that this might not always be possible and it may only be possible to establish the facts and make recommendations.

A complainant may bring a relative or friend to the panel meeting with prior notification.

The complaints panel will only be arranged if the complainant and / or their representative attend, if the complainant rejects the offer of three proposed dates, without good reason, does not confirm attendance or turn up, the panel will not go ahead and the complainant will lose their right to the complaint being heard.

The panel will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint. New complaints must be dealt with from Stage 1 of the procedure.

The panel can:

- Dismiss the complaint whole or in part
- Uphold the complaint in whole or in part

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

- Decided on the appropriate action to be taken to resolve the complaint
- Recommend changes to systems or procedures to ensure that problems of a similar nature do not recur

The outcome of the panel will either be communicated to all parties on the day or a letter will be sent (by electronic mail or otherwise) confirming the outcome within 48 hours. The complaints log will be updated.

The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled.

## **2.4 Complaints about Windsor Academy Trust**

There may be a time when a complaint is received that is regarding the actions of WAT and/or a WAT central team staff member. In these instances the procedures for dealing with such complaints differ from those regarding academies.

The process for complaining about WAT follows three stages. Complaints to WAT are likely to be in relation to the services that WAT provides or the actions of its employees.

### **2.4.1 Stage one – informal**

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.

### **2.4.2 Stage two – formal**

A complaint should be made in writing to WAT's Complaints Coordinator.

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 WAT's Complaints Coordinator. Where the complaint cannot be resolved immediately, a full response will be provided within five working days.

If the complaint is considered to be complex or falls under one of the categories detailing where complaints can be escalated then WAT's Complaints Coordinator 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.

### **2.4.3 Stage three – review**

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.

To request a review you should write to WAT's Complaints Coordinator within four weeks of being notified of the outcome of stage 2, detailing why you remain unhappy with the stage two responses. This request will be acknowledged within five working days. The Complaints Coordinator will pass this on for review. They will remain your main point of contact at this stage.

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. Any delays will be communicated to the complainant.

### **3. Next Steps**

If the complainant believes the academy / 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 all stages

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 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](http://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

### **4. Other routes of complaint**

Should the complainant be unsatisfied with the outcome of their complaint under this complaints policy and procedure 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).

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



## Complaint Form

*Tenterfields Primary Academy*

**Please complete and return to Mr D Simpson**

**Your name:**

**Pupil's/Student's name (if relevant):**

**Your relationship to the pupil (if relevant):**

**Address:**

**Day time telephone number:**

**Evening telephone number:**

**Email address:**

**Preferred method of contact: please state:**

**Please give details of your complaint, including whether you have spoken to anybody at the school about it. (Continue on separate page if necessary)**

**What actions do you feel might resolve the problem at this stage?**

**Are you attaching any paperwork? If so, please give details.**

**Signature:**

**Date:**

**Official use**

**Date acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Action taken:**

**Date:**