

Complaints Policy

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History of most recent Policy changes

Version	Date	Page document	Change	Origin of Change e.g. Change in legislation, Policy review
3.0	September 2022			
4.0	June 2024	2, 3, 4, 6, 12	Aims, nominated complaints officer, review of process, time constraints for informal stage, notes by request, flow chart added, complaints about the headteacher to go to the complaints officer.	Policy review, wording changed to enhance clarity and procedural changes to informal, stage 2 and stage 3.

Executive Summary

The White Horse Trust Complaints Policy outlines the procedures and guidelines for addressing and resolving complaints within the Trust. It aims to ensure transparency, fairness, and accountability in handling complaints from various stakeholders, including parents, students and staff. All academies and trusts must have a complaints procedure, which must meet the requirements in the standard at **the Education (Independent School Standards (England) Regulations 2014 Schedule 1, Part 7**. The policy defines the types of complaints accepted, the process for lodging a complaint, the investigation procedure, and the steps for resolution. By implementing this policy, the Trust ensures that the complaint is handled sympathetically, efficiently and at the appropriate level, and resolved as soon as possible.

Contents

1.	Aims	2
2.	Legislation and Guidance	2
3.	Definitions	2
4.	Making a Complaint: Procedures	3
5.	The Informal Stage	5
6.	Stage 2, The Formal Stage	5
7.	Stage 3, The Panel Hearing	6
7.1	The Panel Hearing Process	6
7.2	Possible Outcomes from a Stage 3 Hearing	7
8.	Complaints to the ESFA	7
9.	Record Management	8
9.5	Data Protection	8
10.	Interviewing Witnesses	8
11.	Managing Unreasonable Complaints or Vexatious Complaints	9
11.1	Resolving Complaints	9
11.2	Managing and Recording Complaints	10
	Appendix 1: Complaints Form	11
	Appendix 2: Complaint Process Map	12

1. Aims

The Trust needs to know as soon as possible if there is any cause for dissatisfaction. Parents, carers and third parties should never feel, or be made to feel, that a complaint, made in a reasonable and appropriate manner, will be taken amiss or will reflect adversely on any student or his/her their opportunities at any Academy within the Trust. The Trust / Academy will investigate and try to resolve every complaint in a positive manner and will treat every complaint as an opportunity:

- To put right any matter which may have gone wrong.
- To review systems and procedures considering the relevant circumstances.

2. Legislation and Guidance

This policy has due regard to all relevant legislation and guidance including, but not limited to, the following:

- Freedom of Information Act 2000
- Education Act 2002
- Equality Act 2010
- Part 7 of The Education (Independent School Standards) Regulations 2014
- Immigration Act 2016
- UK General Data Protection Regulation (UK GDPR)
- Data Protection Act 2018
- HM Government (2016) 'Code of Practice on the English language requirement for public sector workers'
- ESFA (2021) 'Best practice guidance for academies complaints procedures'
- ESFA (2023) 'Academy trust handbook 2023'
- The DofE template policy for complaints

This policy operates in conjunction with the Data Protection Policy.

3. Definitions

The Trust is clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the number that develop into formal complaints.

For the purpose of this policy, a “**complaint**” is defined as ‘an expression of dissatisfaction’ towards the actions taken or a perceived lack of action. Complaints can be resolved formally or informally.

A “**concern**” is be defined as ‘an expression of worry or doubt’ where reassurance is required. For the purpose of this policy, concerns will be classed and addressed as complaints.

4. Making a Complaint: Procedures

The Director of GDPR and Compliance Operations is the nominated Complaints Officer for the Trust and has responsibility for the implementation and management of the Trust's complaints procedure.

Any parent and/or carer of a pupil in a WHF school can make a complaint about the provision of facilities or services that the Trust provides. We will consider complaints from any other persons, and if appropriate, use this complaints procedure.

Complainants may make complaints in person, in writing or by telephone. Complaints should be made using the appropriate channels of communication. It is helpful if complainants use the complaints template within this policy.

Individuals making complaints about issues relating to separate statutory procedures will be referred as follows:

- **Admissions** – referred to the appeals process outlined in the Admissions Policy.
- **Child protection** – referred to safeguarding procedures outlined in the Child Protection and Safeguarding Policy.
- **Exclusion** – referred to the procedures outlined in the Behaviour Policy and Suspension and Exclusion Policy.
- **Whistleblowing** – referred to the internal whistleblowing procedures outlined in the Whistleblowing Policy.
- **Staff grievances** – referred to the internal grievance procedures outlined in the Grievance Policy.
- **Staff conduct** – referred to the internal disciplinary procedures.

Complaints are expected to be made as soon as possible after an incident arises to amend the issue in an appropriate timescale. The Trust upholds a **three-month** time limit in which a complaint can be lodged regarding an incident. Complaints made outside this time limit will be considered in exceptional circumstances. In the case of any timescales changing, all parties involved will be informed of the changes in a timely manner. Complaints received outside of term time will be treated as **being received on the first school day after the holiday period.**

A complaint can progress to the next stage of the procedure even if it is not viewed as "justified." All complainants are given the opportunity to fully complete the complaints procedure. At each stage we are seeking to resolve the issue.

There may be occasions when it is necessary or reasonable to deviate from the published complaints procedure. In these cases, the complainant will be kept informed and reasons for the deviation given.

At each stage in the procedure, we keep in mind ways in which a complaint can be resolved, and mediation meetings might be suggested in between these stages. We work on the basis that all parties want to ensure the best resolution, therefore hope that everyone making a complaint is open to mediation.

The Trust will not normally investigate anonymous complaints.

A flow chart is included at Appendix 2.

4. Making a Complaint: Procedures continued ...

Where should I go first with my concern / complaint?		
Concerns should be raised with the class teacher/tutor. This should be done within 3 months of the concern or complaint.	If it remains unresolved you can escalate to Head of Year or Assistant Head Teacher.	If no resolution has been reached, you can raise the concern with the Head Teacher. If you are dissatisfied, you can raise a Stage 2 formal complaint with the Complaints Officer.
Complaints against staff.	Should be made in the first instance, to the Head Teacher.	Complaints about staff will be dealt with under the Trust's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.
Complaints about the Head Teacher.	Should be made in writing to the Complaints Officer.	Complaints about staff will be dealt with under the Trust's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.
Complaints about any member of the LGB.	Should be made in writing to the	Complaints Officer.
Complaints about the CEO or a trustee of the Trust.	Should be made in writing to the	Complaints Officer.
Complaints about a school.	Should be made in writing to the	Complaints Officer.
Complaints about the Trust.	Should be made in writing to the	Complaints Officer.

It is worth noting that complainant **should not** approach individual local governors to raise concerns or complaints, they have no power to act on an individual complaint and it may also prevent them from considering complaints at Stage 3 of the procedure. Complaints received outside of term time will be treated as a complaint **having been received on the first school day after the holiday period.**

5. The Informal Stage

The complainant should make the complaint as soon as possible, or within 3 months.

An informal complaint may be made in person, by telephone or in writing. The complaint should be acknowledged by the school as an informal complaint received.

The Trust is keen to resolve concerns and complaints quickly and informally. It is helpful when staff can resolve issues on the spot, including apologising where necessary and appropriate.

Concerns relating to individual schools should be raised with the school directly. The school will discuss the issue in person or via telephone.

To ensure alignment between the school and complainant, a confirmation email should be sent to confirm that the matters have been resolved.

Should the matter not be resolved informally within 30 days (or where the complainant is not satisfied with the response) they may proceed with Stage 2 of this procedure.

The person managing the response to the complaint will provide the complainant with the complaints policy and details about proceeding to the next level of the procedure.

Whilst it is our aspiration to resolve concerns informally, there will be occasions when complainants choose to invoke Stage 2. The Trust reserves the right to redirect concerns to the school, if felt appropriate and especially in the instance whereby the informal process has not already taken place.

6. Stage 2, The Formal Stage

Formal complaints should be made to the Complaints Officer, L.Rouse@twhf.org.uk, and should provide details such as relevant dates, times and the names of witnesses of events, alongside copies of any relevant documents and including why they feel it was not resolved at The Informal Stage.

The complainant should also mention their proposed resolution for the complaint. There is a template available in the complaints policy to aid this.

The Complaints Officer will arrange for a Stage 2 investigation to commence. The written conclusion of this investigation will be sent to the complainant within 15 school days. There is a WHF investigation template for this process.

If the investigator is unable to meet this deadline, (if the situation is complex, and it is deemed unlikely to be resolved within this timescale), they can provide the Complaints Officer and the complainant with an update and revised response date.

If the complainant is not satisfied with the response, they can proceed to Stage 3 of this procedure, they should inform the Complaints Officer in writing within 5 working days following the response. It's worth noting that Stage 3 is a review of the Stage 2 investigation and not a revisit of the original complaint.

At each stage in the procedure, we keep in mind ways in which a complaint can be resolved, and mediation meetings might be suggested in between these stages.

We work on the basis that all parties want to ensure the best resolution, therefore hope that everyone making a complaint is open to mediation.

7. Stage 3, The Panel Hearing

Where the complaint has progressed to Stage 3, a panel will be constituted to review the Stage 2 investigation. The panel will be appointed by the Complaints Officer and will not have been involved in the dealing with the complaint in the previous stages or have any detailed prior knowledge of the complaint. One complaint panel member will be independent of the management and running of the Academy Trust. This means that the independent Complaint Panel member will not be a Trustee or an employee of the Trust. However, for MATs this can be a governor from another school that has no prior knowledge or conflict of interest.

A member of the WHF senior leadership team will be a panel member.

The panel will have access to existing documentation in relation to the complaint.

The panel hearing will be convened **within 15 days** of the receipt of the escalation request, where this is not possible, the Complaints Officer will provide an anticipated date and ensure the complainant is kept up to date.

The panel will not review any new complaints or consider evidence unrelated to the initial complaint to be included.

7.1 The Panel Hearing Process

Prior to the hearing, the Complaints Officer will have written to the complainant informing them of how the review will be conducted. Panel members will also be given a copy of this letter.

At the hearing, the complainant will be given 20 minutes to put their case across and to answer any questions from the panel. The investigator or school representative will also have 20 minutes to present their case. The meeting will allow for:

- The complainant to be present and accompanied at the hearing if they wish.
- The complainant to explain their complaint and the individual handling the complaint to explain the reasons for their decision.
- The complainant to question the individual handling the complaint, and vice versa, about the complaint.
- Any evidence, including witnesses who have been prior approved by the chair of the panel, to be questioned.
- Review evidence and outcomes from previous stages and evaluate whether the school / Trust has followed its policies and procedures.
- Consider ways to achieve reconciliation between the school / Trust and the complainant.
- The panel meeting is to review how the school has managed the complaint and why you considered the outcome of stage two to be unsatisfactory, **not to reinvestigate the complaint itself**.
- The panel will provide the findings and recommendations to the complainant. If requested, the notes can be provided to the complainant.

- Neither the complainant nor the Trust will bring legal representation to this hearing.
- We will endeavour to host the hearing at a convenient time to all, however, the priority will be to the panel members, if a complainant is unable to attend the hearing will continue.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

7.2 Possible Outcomes from a Stage 3 Hearing

The panel must put together its findings and recommendations from the case.

The panel will consider the complaint and all the evidence presented. The panel 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 schools' systems or procedures to prevent similar issues in the future.

The complainant will receive a written response explaining the panel's findings and recommendations within 15 school days.

8. Complaints to the ESFA

If a complainant has exhausted the Trust's complaints procedure, they will be advised that they can submit a complaint to the ESFA via their webpage or by writing to:

Complaints Team
Education and Skills Funding Agency
Cheylesmore House
Quinton Road
Coventry
CV1 2WT

The ESFA will not normally reinvestigate the substance of complaints or overturn any decision made by the WHF. They will consider whether the school 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 ESFA expects complainants to have completed the complaints procedure before directing a complaint to them.

9. Record Management

A record will be kept of all Stage 2 complaints that are formally made, including action taken by the Trust and whether they were upheld or not.

All correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or an inspector requests access to them.

Academies are data controllers in their own right and must decide for themselves how long to keep records, unless statutory regulations apply, e.g., attendance records must be kept for 6 years. The Trust will retain records of complaints and related documents in line with the Data Protection Policy and Records Management Policy. Personal data will only be kept for as long as necessary.

An Equalities Impact Assessment has been completed and can be obtained from the Complaints Officer.

There is a legal requirement for the Complaints Procedure to be published. The Complaints Policy will be published on the WHF website and that of all WHF academies.

9.5 Data Protection

The Trust will keep records of complaints in line with the Record Retention Policy. Complaints will be shared with Ofsted on request. Anonymised data will be shared with the Senior Executive Team and Board.

10. Interviewing Witnesses

When interviewing pupils to gather information regarding a complaint, the interview should be conducted in the presence of another member of staff or, in the case of serious complaints, e.g., where the possibility of criminal investigation exists, in the presence of their parents. All pupils interviewed will be made fully aware of what the interview concerns and their right to have someone with them.

The Trust will ensure that the conduction of interviews does not prejudice an investigation by the Local Authority Designated Officer (LADO) or the police.

The Trust understands the importance of ensuring a friendly and relaxed area which is free from intimidation. Staff are allowed a colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager. The interviewer will not express opinions in words or attitude, to not influence the interviewee. The interviewee will sign a copy of the transcription of the interview.

11. Managing Unreasonable Complaints or Vexatious Complaints

The WHF are fully committed to dealing with all complaints fairly and impartially, in a friendly, respectful and professional manner. Complainants are asked to understand the need to behave in a similar way as it is in everyone's best interest to help ensure the matter can be resolved as quickly and informally as possible. However, the WHF does not expect its staff, members of the Board or Academy Governors to tolerate behaviour by complainants which is unacceptable, for example, which is abusive, offensive or threatening, and we will take action to protect staff, from any such behaviour if it occurs.

It is anticipated that such behaviour will be a very rare occurrence, but if it is considered that a complainant's behaviour is unacceptable or unreasonably persistent, they will be told why and ask them to change it. If the behaviour continues, action may be taken to restrict the complainants contact with the academy.

When a complaint is considered closed and the complainant persists in communicating with the Trust, the Trust may decide to terminate contact with the complainant. In such cases the Trust will read correspondence from the complainant and place it on file with no acknowledgement.

11.1 Resolving Complaints

At each stage in the procedure, we keep in mind ways in which a complaint can be resolved, and mediation meetings might be suggested in between these stages. We work on the basis that all parties want to ensure the best resolution, therefore hope that everyone making a complaint is open to mediation. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- An apology.
- An explanation.
- An admission that the situation could have been handled differently or better.
- An explanation of what steps have been taken to ensure that the situation will not recur.
- An undertaking to review policies considering the complaint.

An admission the situation could have been handled better is not an admission of negligence.

11.2 Managing and Recording Complaints

The Trust and its Academies will keep a written record of all formal complaints. This will include:

- Basic information about each complaint including the date on which they were received.
- The status of the complaint and whether is proceeded to Stage 3.
- All documents relating to investigations.
- Findings and recommendations from any Stage 2 investigations.
- Lessons learnt from the Trust.

The Trust Risk and Audit Committee should monitor the level and nature of the complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure.

The Complaints Policy will be published on the WHF website and on the website of all WHF academies.

Appendix 1

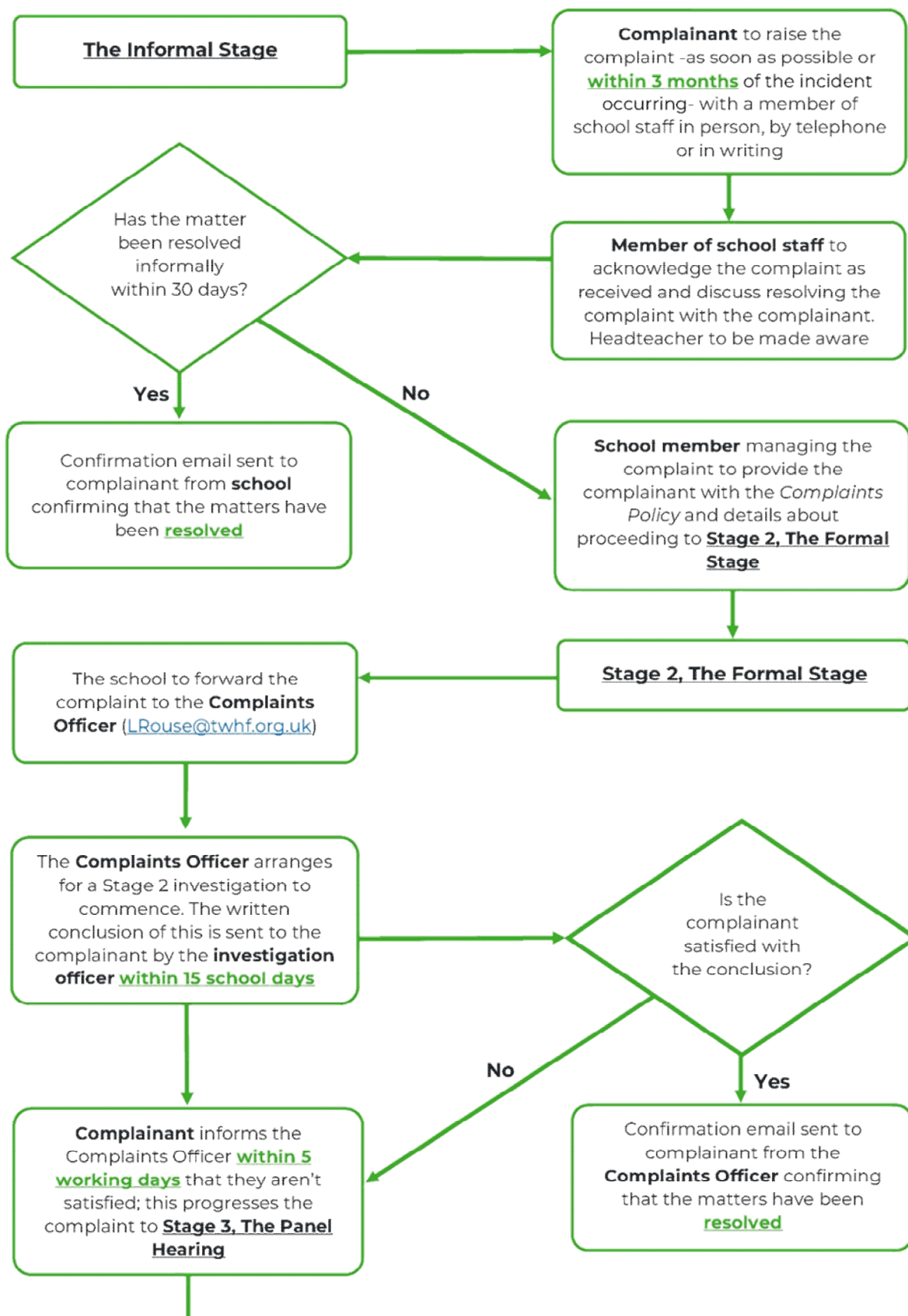
Complaints Form

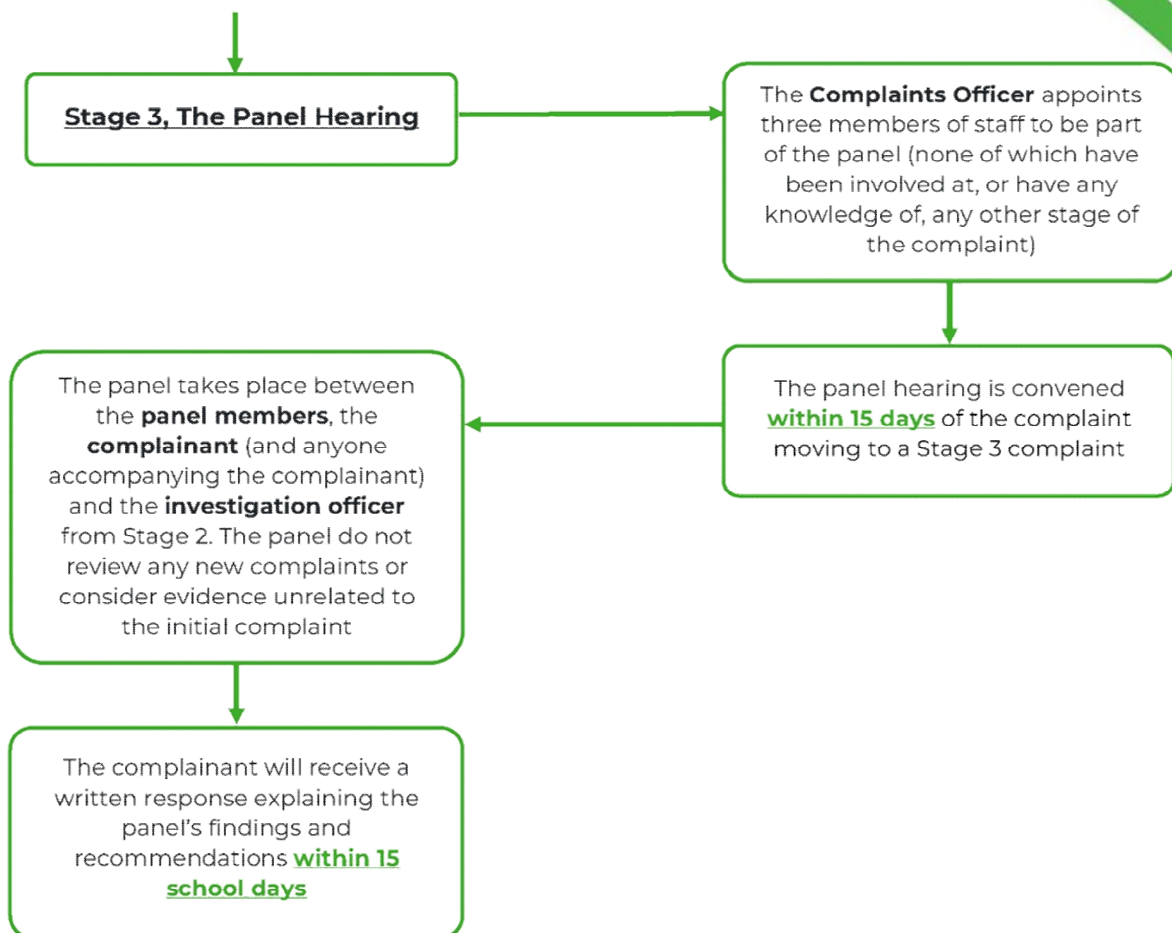
Your Details:	
Your Name:	
Pupils Name:	
Your relationship to Pupil:	
Address:	
Postcode:	
Day time number:	
Evening telephone:	
Please give details of your complaint (adding extra pages if necessary)	
Details of Issue	What action has been taken to resolve the matter, by whom and when?
What actions have been taken so far to resolve the issue?	
What actions do you feel might resolve the problem at this stage?	

Appendix 2

Complaints Process Map

Complaints must be raised and addressed using the below process map.





If the complainant has exhausted the Federation's complaints procedure, they will be advised to submit a complaint to the **ESFA (Education and Skills Funding Agency)** via their webpage or by writing to:

Complaints Team
Education and Skills Funding Agency
Cheylesmore House
Quinton Road
Coventry
CV1 2WT