



**Wellfield Academy**

COMPLAINTS PROCEDURE  
INCLUDING APPENDIX  
DURING THE CORONAVIRUS  
(COVID-19) PANDEMIC

## **1. INTRODUCTION**

All schools are required, by Section 29 of the 2002 Education Act, to establish a complaints procedure and to publicise that procedure. It is anticipated that this will include clear signposting to the procedure in any appropriate school publications, which should indicate that a copy of the full procedure is available on the school website and in the school office.

The intention of this procedure is to provide schools with a clear and transparent process that will enable all complaints to be dealt with as quickly and efficiently as possible. The length of time that this takes will vary with the gravity and complexity of the complaint and the urgency with which it needs to be settled. However, all complaints should be settled within a period which is reasonable in the circumstances.

The procedure takes into account the principles laid down in the DfE guidance on school complaints procedures.

**All references to working days refer to days on which the school is open to students.**

## **2. SCOPE OF THE PROCEDURE**

This procedure covers all complaints against the school by external persons/parties which do not have an alternative statutory avenue of appeal or complaint, i.e. admissions, exclusions, delivery of National Curriculum, some safeguarding children issues, provision of collective worship and religious education and SEN assessments. Where complaints make allegations of misconduct against members of staff this procedure may be superseded by use of the staff disciplinary procedure or other appropriate staffing procedure.

Complaints about services offered by other providers who use the school premises and facilities will be dealt with by the provider directly, not through the school.

Employees of the school cannot use this procedure but, where necessary, should raise concerns via the appropriate staffing procedure, full details of which are available from the school.

## **3. GENERAL PRINCIPLES**

All complaints should be dealt with in a transparent way and as quickly as is reasonably practicable. Complainants should be kept informed during the investigation of their complaint and of the outcome, except where this is confidential, e.g. in the case of a staff disciplinary process. Every effort should be made to resolve complaints in a non-confrontational and informal way.

At any stage of the complaints procedure it is expected that the complainant will behave in a reasonable manner. If at any stage this is not adhered to the school, or the chair of the meeting, reserves the right to stop proceedings. In situations such as these the complaint may subsequently be deemed as vexatious (see below).

## COMPLAINTS PROCEDURE INCLUDING APPENDIX DURING THE CORONAVIRUS (COVID-19) PANDEMIC

Where the timescales within this procedure cannot be adhered to, the complainant should be informed as to why this is the case, and given a revised timescale for dealing with the complaint. This should be done within the specified timescale.

The school accepts its responsibility to ensure that staff who are likely to be involved in the handling of a complaint are suitably equipped to do so. The suitability of the staff is at the discretion of the school and the Executive Headteacher.

Correspondence, statements, CCTV recordings, social media, pupil and staff reports and records relating to individual complaints are kept confidential, except where the Secretary of State (or someone acting on his/her behalf) requests access to them.

### **Media/ Social Media**

In order for complaints to be resolved as quickly and fairly as possible we expect that complainants do not discuss complaints publicly at any stage, for example via social media such as Facebook and Twitter. Complaints will be dealt with confidentially for those involved, and we expect complainants to observe confidentiality also.

### **Complaints that result in staff capability or disciplinary**

If at any formal stage of the complaint it is determined that staff disciplinary or capability proceedings may be necessary, the details of this action will remain confidential to the Executive Headteacher and/or the individual's line manager. If the school takes disciplinary or capability action directly because of the complaint, the complainant is entitled to be informed that action is being taken. They are not entitled to participate in the proceedings or receive any detail about them in their role as the person who made the complaint. These issues will be dealt with under the relevant HR policies of the school.

**The Governing Body will ensure that they report, at least annually, in writing, all complaints and the way in which they are resolved. This will include complaints resolved following a formal procedure and those which proceed to a panel hearing. This report will also include the actions taken by the school as a result of the complaints, whether or not the complaint was upheld.**

#### **4. RESOLVING COMPLAINTS**

At each stage in the procedure the school will consider the ways in which a complaint can be resolved. 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 assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review school policies in light of the complaint.

Complainants should be encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence.

#### **5. SERIAL AND PERSISTENT COMPLAINTS**

On very rare occasions complaints are made that are vexatious, in that an individual persists unreasonably with his/her complaints, or makes complaints in order to make difficulties for the school rather than genuinely to resolve a concern. This may involve making serial complaints about different matters, or continuing to raise the same or similar matters repeatedly. The frequency of contact with the school in such situations may hinder the consideration of the complaint and impede the ability of the Head of School and school to meet the needs of all pupils equitably.

Where the Executive Headteacher, and/or Chair of Governors, judges this to be the case s/he should seek advice from the manager of the school governance service in the first instance. Action taken may include restricting the contact between the complainant and the school.

Where a complainant seeks to reopen a matter the same as, or similar to, a matter previously considered under the procedure the Chair of Governors has the right to inform him/her that the procedure has been exhausted and the matter is closed.

#### **6. STAGES OF THE PROCEDURE**

Many concerns and minor complaints can be resolved quickly and informally. There are many occasions where issues are resolved immediately through the class teacher or another member of staff, depending upon the nature of the complaint. Unless there are exceptional circumstances every effort will be made by the school to have a full discussion with the complainant before moving into the stages of this procedure.

### **Informal Stage**

If the concern/complaint is not resolved through such discussion, the complainant should contact the Executive Headteacher. The complaint should be made by the complainant in writing, or by another person on their behalf, with their signed consent.

The Executive Headteacher, or other member of staff nominated by him/her, will meet with the complainant to discuss his/her concerns within ten working days of receiving the complaint. Where necessary the Executive Headteacher, or other nominated member of staff, will carry out a full investigation into the issues raised. At the end of the meeting all parties should agree on the status of the complaint and any actions going forward. This should be recorded by a note taker. Where the complainant is dissatisfied with this response, the complaint should move to the first formal stage of the procedure. It should be made clear to the complainant at this stage that the option to take the complaint further is available to them as long as this is done within five working days of the informal meeting.

Where the complaint is against the Executive Headteacher the informal stage should be conducted by the Chair of Governors. If the complaint progresses to the formal stage this will be conducted by the Vice Chair or other nominated governor.

Where the complaint is against the Chair of Governors the informal stage should be conducted by the Vice Chair of Governors, or another governor nominated by him/her. If the complaint progresses to the formal stage this will be conducted by another nominated governor.

Complaints against the Chair of Governors or any individual Governor should be made by writing to the Clerk of the governing body.

### **Formal Stage**

If the complaint cannot satisfactorily be resolved informally, the complainant should put their complaint in writing by letter to the Chair of Governors (or Vice Chair/ nominated governor where the complaint is against the Executive Headteacher/Chair of Governors). The Chair/Vice Chair/nominated governor will meet with the complainant to discuss his/her concerns within twenty working days of receiving the complaint, or as soon as is reasonably practicable after this.

The Chair/Vice Chair/nominated governor will review the investigation and Executive Headteacher's decision and may confirm this decision or reach a different decision.

The Chair/Vice Chair will communicate his/her response in writing to the complainant as soon as possible but, in any case, within thirty working days of receiving the written complaint.

Where the complainant is dissatisfied with this response the complaint should move to the appeal stage of the procedure.

### **Appeal Stage**

If the complainant wishes to appeal against the decision made at the formal stage s/he must indicate his/her intention to do so within five working days of receipt of the outcome of the formal stage.

The complainant should do this by sending a written appeal to the Chair of Governors, either by letter or email, or, where the complaint is against the Chair, to the Vice-Chair or other nominated governor. This should state the original complaint and the reasons for on-going dissatisfaction.

An appeal panel should be convened, consisting of three governors who have had no direct involvement in consideration of the complaint and one panel member who is independent of the management and running of the school. Where the complainant is a parent, governors will consider the possible advantages of this panel including a parent governor. A complaints appeal meeting will be held in accordance with the procedure attached as Appendix A.

At this meeting the complainant (or complainants, if this is two parents from the same family) will have the right to be accompanied. The person accompanying the complainant should not contribute to the meeting and cannot be called as a witness. If the person accompanying the complainant is attending in order to represent the complainant, then the complainants themselves should not speak.

The meeting of the appeal panel should take place as soon as possible, but in any case, a date should be set and communicated to the complainant within twenty school days of receipt of the appeal. The governor's findings and recommendations will be communicated in writing to the complainant as soon as possible but, in any case, within five school days of the meeting. The complainant will have no further right to appeal this decision. Where relevant, the findings and recommendations will also be made provided to the person complained about and will be made available for inspection on the school premises by the proprietor and the Executive Headteacher.

**The Local Governing Board will ensure that they report at least annually in writing all complaints and the way in which they are resolved. This will include complaints resolved following a formal procedure and those which proceed to a panel hearing. This report will also include the actions taken by the school as a result of the complaints, whether or not the complaint was upheld.**

## **7. OPPORTUNITIES TO REQUEST A REVIEW**

### **Complaining to the Secretary of State**

The appeal panel's decision is the final stage in the complaints procedure. If you feel the school has not followed the correct procedures in relation to your complaint, you may write to the Secretary of State using the following contact details:

School Complaints Unit, Department for Education,  
2nd Floor, Piccadilly Gate, Store Street, Manchester, M1 2WD

Before complaining to the Secretary of State, it would usually be expected that all stages of this procedure had been exhausted. The role of the Secretary of State is to review that the school has followed their published procedures. It does not facilitate a rehearing of a complaint.

### **Complaining to Ofsted**

In extreme circumstances Ofsted has powers to investigate certain types of complaint from parents to help them to decide whether to inspect a school.

Before complaining to the Secretary of State or Ofsted, it would usually be expected that all stages of this procedure had been exhausted.

## **APPENDIX A**

### **Conduct of Complaints Appeal Meetings**

1. Although this procedure may appear formal, the hearing should be conducted in as informal as way as possible, and the Chair of the panel should make every effort to make all parties feel comfortable.
2. The date of the meeting must be agreed with all parties and witnesses and all relevant documentation must be circulated to all parties at least five working days in advance
3. of the meeting.
4. The meeting should be minuted.
  - The meeting will be attended by:
  - the complainant, with a companion if desired;
  - the Executive Headteacher and/or Chair of Governors, as appropriate;
  - the members of the Governors' Complaints Panel;
  - a minute taker, appointed by the governors;

Members of staff who have been involved in the issue, or other witnesses, may be called upon by either side to attend part of the meeting to provide information to the governors.

5. The governors will select a Chair from amongst their number.
6. The Chair of the panel will introduce all the parties present and explain the procedure to be followed, and that every effort will be made to keep the process as informal as possible.
7. The complainant (or his/her companion) will outline his/her complaint and explain why s/he is dissatisfied with the school's response to date. The complainant may call any witnesses in support of his/her complaint who will attend the meeting only for the time that they are providing information, and may be questioned by all parties.
8. The Executive Headteacher and the governors will have the opportunity to ask questions of the complainant.
9. The Executive Headteacher and/or the Chair of Governors will explain their involvement in the complaint and the reasons for their decisions at the informal and first formal stage. The Executive Headteacher and/or Chair of Governors may call any witnesses in support of his/her statement who will attend the meeting only for the time that they are providing information, and may be questioned by all parties.
10. The complainant and the governors will have the opportunity to ask questions of the Executive Headteacher and/or Chair of Governors.



COMPLAINTS PROCEDURE INCLUDING APPENDIX DURING THE CORONAVIRUS (COVID-19)  
PANDEMIC

11. The governors may decide to adjourn the hearing pending further investigation at any stage, if this seems necessary. The panel will inform complainants how long they anticipate that the adjournment will last within a school day of the adjournment taking place and will make every effort to complete the process in a timely fashion.
12. Both parties will leave the meeting and the governors will consider the information that has been put to them.
13. The appeal panel must reach a unanimous or majority decision as to whether or not to uphold the complaint wholly or in part, and what action (if any) the school needs to take to resolve the complaint. This may include referring the matter to another formal process, whether in relation to a complaint against a governor or a member of the school staff. Normally the governors will reach a decision at this point but they may feel the need to take further advice. Where this is the case they should endeavour to reach a decision as soon as possible.
14. The governors will communicate their response to both parties in writing as soon as possible but, in any case, within five working days of reaching their decision. The governors' response should detail whether the complaint is upheld wholly or in part and briefly summarise the basis on which governors arrived at this conclusion. The response should also include any lessons learnt and specify any action to be taken by the school as a result of the complaint and within what timescales.

## Appendix B

### Appendix to the Endeavour Learning Trust Complaints Procedure during the Coronavirus (Covid-19) Pandemic

**Please note:** In line with current government guidance, the school is not expected to handle new or existing concerns while it is temporarily closed due to the coronavirus pandemic; however, the school maintains open communication channels for complainants to contact the school with a concern.

#### Statement of intent

We understand the necessity to adapt our complaints procedure during the school's temporary closure and to ensure members of our school community can continue to voice any concerns they may have.

This appendix outlines how the school manages concerns and complaints during the coronavirus pandemic, in line with the government's guidance and this policy. The information in this section is under constant review and kept updated to reflect any changes to national or local guidance.

It is important to note, however, that the DfE **does not** expect the school to address new or existing concerns or complaints during the period of temporary closure.

#### 1. Key definitions

For the purpose of this policy, the following definitions are used:

##### Children of key workers

Children of parents who work in the following industries:

- Health and social care, e.g. doctors and nurses
- Education and childcare, e.g. teachers and DSLs
- Local and national government, e.g. administrative occupations
- Food and essential goods retail, e.g. supermarket workers and grocers
- Public safety and national security, e.g. police and Ministry of Defence workers
- Transport, e.g. freight transport workers and train drivers
- Utilities, communication and financial services, e.g. bankers, oil workers, and telecommunications (999 and 111 critical services)

##### Vulnerable children

- Children who have a social worker and children with EHC plans.
- Those who have a social worker include children who have a child protection plan and those who are looked after by the LA. A child may also be deemed as vulnerable if they have been assessed as being in need, are a young carer, or otherwise meet the definition in Section 17 of the Children Act 1989.

**Social distancing:** measures put in place in line with government advice to reduce social interaction between people. This aims to reduce the transmission of coronavirus by preventing gatherings occurring in public spaces, such as schools, where possible.

## **2. Making a complaint**

Concerns are not restricted to the parents of pupils. The school considers all concerns. Complainants may express concerns to the school via:

- Email
- The school website
- Telephone
- Letter

Raising a concern in person is avoided while social distancing measures are in place, where possible.

The normal complaints procedure resumes once the school reopens; until this point, formal complaints cannot be dealt with by the school. Complaints should be raised to the LA or the DfE.

Any updates that influence this policy are communicated to all parties involved via email or telephone in a timely manner.

Where necessary, a concern can progress to a complaint; however, these are in exceptional circumstances. In such a circumstance, the complaint will be dealt with in accordance with the Wellfield High School Complaints Procedure.

Any concern made against a member of staff will be initially dealt with by the Head of School, as soon as it is deemed possible, and then any further escalation of the complaint to the formal stage of the procedure when the school reopens.

Any concern made against the Head of School will be initially dealt with by the Executive Headteacher as soon as it is deemed possible.

Any concern made against the Executive Headteacher will be initially dealt with by a suitably experienced member of the Wellfield High School Governing Body or suitably experienced Trustee of Endeavour Learning Trust as soon as it is deemed possible.

Should any of these complaints be escalated to the Formal Stage of the procedure, this will be completed, in line with the Wellfield High School Complaints Procedure, once school reopens.

Complainants are encouraged to call the DfE for more information regarding complaints at this time.

### **3. Concerns with regards to school closures**

Concerns raised about the school's closure, including school places for the children of keyworkers and vulnerable pupils during closure, and remote learning resources, are handled as soon as it is deemed possible; however, the school is not expected to address new concerns during the period of closures.

The school addresses concerns about the school's closure, including school places and remote learning resources, in line with governmental advice, the relevant school policies, and local arrangements.

If parents have concerns over the school's conduct, they inform the Executive Headteacher or Head of School.

If parents have any complaints that relate to the school's temporary closure, they direct their complaints to the LA or the DfE.

If a complaint relates to any safeguarding concerns, the complainant contacts the LA or, where appropriate, the police.

### **4. Recording a concern**

A written record is kept of any concern made, where deemed necessary, and includes:

- The main issues raised and any recommendations.
- Whether the concern was resolved and how this was achieved.
- Actions taken by the school as a result of the concern raised.

The school keeps the Governing Body up-to-date with any concerns raised and actions that are taken to resolve them, where necessary.

Any record of concerns made are held in line with the guidance given in the Information Management Toolkit for Schools (IRMS) and the Information Management Toolkit for Academies.

### **5. Monitoring and review**

The Executive Headteacher and Head of School are responsible for continually monitoring government updates and updating this appendix in line with any changes and guidance on both national and local levels.

Any changes to this appendix are communicated to all staff, parents and relevant stakeholders.

This appendix is considered redundant once the school reopens – the school resumes its regular complaints procedures outlined in this policy.