



Windsor Academy Trust
Rivers Primary Academy

Policy: Complaints Policy

| | |
|---|------------------------------|
| Policy: Complaints Policy | |
| Responsible Committee: | People and Culture Committee |
| Date approved by the Board of Directors: | 08 December 2022 |
| Implementation date: | December 2022 |
| Next review date: | December 2024 |

| Contents | Page |
|---|-------------|
| 1. Roles and Responsibilities | 1 |
| 2. Policy Aims and Principles | 1 |
| 3. Making a Complaint (Process Stages) | 5 |
| 4. Next Steps | 11 |
| 5. Other Routes of Complaint | 11 |
| 6. Policy Monitoring & Review | 12 |
| Appendices | |
| Appendix 1: Complaint Form Template | 13 |
| Appendix 2: Complaint Policy & Procedure: Exceptions Contact information | 15 |
| Appendix 3: Complaints Procedure Flowchart | 16 |

1. Roles and responsibilities

Complainant: The person holding a concern or complaint against the academy or Windsor Academy Trust (WAT) centrally.

Complaints Officer/Coordinator: The nominated person in the academy or at WAT central for coordinating responses and keeping the complainant informed and updated with the process.

Investigator: The nominated person in the academy or at WAT central for investigating the concern or complaint, charged with establishing and presenting the relevant facts.

Chair of the Local Advisory Board: The contact point for the complainant, should the complaint be about the Headteacher/Executive Headteacher of the academy.

WAT Complaints Officer: The contact point for the complainant, should the complaint be about the trust or for stage three or four complaints.

WAT Governance Professional: The contact point for the complainant, should the complaint be about the Chair of the academy Local Advisory Board.

Complaints Panel Chair: The individual nominated in advance of the complaint meeting, who will ensure that the meeting is conducted in an informal manner, is not adversarial and that if all parties are invited to attend, everyone is treated with respect and courtesy.

2. Policy aims and principles

Windsor Academy Trust (WAT) is committed to dealing effectively with any complaints you have about Windsor Academy Trust and its academies. This policy relates to concerns and complaints about WAT and its academies.

WAT is committed to listening and will deal with all concerns and complaints seriously and in a positive way. No one will be penalised or treated unfairly as a result of making a complaint. We aim to put things right when they go wrong and to review our systems and procedures when we need to.

Where possible, WAT and our academies believe it is best to deal with issues immediately, rather than trying to resolve them later. If there is a concern, please raise it with the person you are dealing with and they will try to informally resolve it immediately. Where lessons can be learned from addressing the concern, the member of staff will ensure they inform a member of WAT or the academy's senior management team.

If you have a complaint, please share it with the relevant academy or WAT as soon as possible. Often, through talking with you about your concerns or complaints, these can be addressed and resolved quickly. WAT and our academies will try to find reasonable resolutions that are acceptable to everyone involved.

WAT is committed to dealing effectively with any concerns or complaints parents/carers may have about the provision of facilities and/or services WAT and/or our academies provide. Exceptions to this may be where complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions). Unless complaints fall into any excluded categories, this complaints policy and procedure will be used.

WAT and our academies will make reasonable adjustments for people with disabilities in accordance with the Equality Act 2010 and the Trust's Equality Policy. This equality policy can be found on our website.

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

2.1 The difference between a concern and a complaint

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:

- | 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*'.

2.2 How to raise a concern or make a complaint?

A concern or complaint can be made in person, in writing or by telephone. For ease of use, a template complaint form is provided at the end of this policy.

If there's a difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the academy Complaints Officer will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Headteacher/ Executive Headteacher will refer the concern to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

Complaints against school staff (except the Headteacher/Executive) should be made in the first instance to the designated Complaints Officer at the academy, via the school office or by email. Please mark as Private and Confidential.

Complaints that involve or are about the Headteacher/Executive Headteacher should be addressed to the Chair of the Local Advisory Board (LAB), via the school office. Please mark as Private and Confidential.

Complaints about the Chair of the LAB, any individual governor or the whole governing body should be addressed to the WAT Governance Professional via the trust office. Please mark as Private and Confidential.

Complaints about the trust central team should be addressed to the WAT Complaints Officer, via the trust office. Please mark as Private and Confidential.

Complaints about the Chief Executive Officer (CEO) or a trustee of the trust, should be addressed to the Chair of the Board of Directors, via the trust office. Please mark as Private and Confidential.

If you require help in completing the complaint form, please contact the academy office. You can also ask a third-party organisation, for example, Citizens Advice, to help you.

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.

2.3 Anonymous complaints

WAT and our academies will not normally investigate anonymous complaints. However, the Headteacher, the Chair of the LAB or the CEO (if appropriate), will determine whether an anonymous complaint warrants further investigation.

2.4 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 timeframe unless there are exceptional circumstances.

2.5 Complaints received outside of term time

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

2.6 Scope: What does this policy cover?

This policy covers all complaints about the trust and any of its academies. However, some complaints are covered by other statutory procedures or WAT policies, including those listed below.

- | Admissions to schools
- | Statutory assessments of special educational needs
- | Matters relating to child protection and safeguarding
- | Exclusions
- | Whistleblowing
- | Staff grievances
- | Staff conduct (*WAT is unable to give details of any disciplinary action taken against a staff member as a result of a complaint (due to confidentiality and employment law). However, the complainant will be notified that the matter is being addressed.*)

For further information of who should be contacted in where a complaint relates to any of these matters please see the table at appendix 2.

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 a complainant commences legal action against WAT, or one of its academies in relation to their complaint, the trust will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

2.7 Resolving Complaints

At each stage in the procedure, WAT and our academies want 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 matter relating to the complaint 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

2.8 Withdrawal of a Complaint

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

2.9 Complaints WAT cannot normally consider

WAT cannot normally consider complaints in the following circumstances:

| |
|--|
| If the complaint is received more than three months after the incident occurred (see section 2.4). |
| If the complaint has been made previously to WAT or the academy about the same issue which has been fully investigated and/or resolved. |
| Where the complaint is anonymous. However, the Headteacher/Executive Headteacher, the Chair of the LAB or the CEO (if appropriate), will determine whether an anonymous complaint warrants further investigation. |
| Where complaints are frivolous, vexatious, abusive or malicious. |
| Where a complaint is made by a third party on behalf of another person without their authority. |
| Where the complaint is about examination results (this is subject to latest guidance on exams). |
| Where the complaint is about a student's education, health and care plan (EHCP). |
| Matters that are the subject of legal action. |
| 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 things that are out of scope of this policy (see sections 2.6 and section 4 for details of where these complaints should be directed).* |

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

3. Making a complaint

As identified in paragraph 2.2 a concern or complaint can be made in person, in writing or by telephone. For ease of use a template complaint form is provided at the end of this policy.

3.1 Who should I contact to make a complaint?

| | |
|--|---|
| School Designated Complaints Officer(academy) Stages 1 and 2: | Name: Lauren Bennett PA to Headteacher and HR Lead |
| Contact Details (including telephone number and designated email address): | email: lbennett@rivers.windsoracademytrust.org.uk Tel: 01922 710164 |
| Executive Headteacher | Name: Leanne Bridgwood |
| Contact details (including telephone number and designated email address): | email: lbridgwood@rivers.windsoracademytrust.org.uk Tel: 01922 710164 |
| WAT Complaints Officer (for stage 3 and 4 complaints, as well as complaints about WAT): | Windsor Academy Trust Complaints Coordinator |
| Contact details (including telephone number and designated email address): | email: info@windosracademytrust.org.uk Tel: 0121 602 7594 |

3.2 Records

Every complaint notified to a member of staff must be recorded, detailing the action taken. A record of this will be kept in a complaint file which includes all of the evidence considered. The complaint file will remain confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to it.

Any requests for disclosure of any or all sections of the file will be dealt with on a case-by-case basis and in line with data protection principles. The Trust will keep all complaints records for at least 12 months from the final communication or action.

All complaints will be recorded on a complaints log which details the date the complaint was made, what stage the complaint went to, whether the complaint was resolved and any actions that occurred as a result of the complaint. WAT does this so that it can identify any trends arising and can be informed of the need for general or targeted training.

3.3 Complaints procedure

Complaints will normally follow the stages outlined below. WAT has a four-stage process when dealing with complaints. Each stage is followed until the complaint is resolved. If a complaint is resolved informally at stage one, for example, stage two will not commence and the matter is closed.

| Stage: | How to make a complaint: | Where to address complaint to: (See section 3.1) |
|--------------------|---|---|
| 1. Informal | In person, telephone, writing (Section 3.4.1) - template attached at appendix 1 | Academy Designated Complaints Officer |
| 2. Formal | In writing (Section 3.4.2) - template attached at appendix 1 | Academy Designated Complaints Officer |
| 3. Review | In writing (Section 3.4.3) | WAT Complaints Officer |
| 4. Panel | In writing (Section 3.4.4) | WAT Complaints Officer |

If it is considered that a complaint needs to progress to a later stage of the process without being heard as per the identified process in this policy, then the complainant will be informed of what to expect in relation to the complaint by letter or email within five working days. The decision to alter the complaints process will be done on a case-by-case basis and the rationale will be recorded on the complaint file.

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 policy or result in the complaints procedure being suspended until other bodies have completed their investigations. If this happens, we will inform the complainant at the earliest opportunity of a proposed new timescale.

A flow chart outlining the different stages of the Trust complaints procedure, can be found at appendix 3.

3.4 Complaints about a WAT academy

Complaints regarding an academy should be made to the designated Complaints Officer at the academy (See para 3.1) via the school office.

3.4.1 Stage one – Informal

Most concerns can be resolved informally and you can raise these by bringing them to the attention of a member of staff. Often they can address your concerns on the spot.

3.4.2 Stage two – Formal

All complaints at this stage must normally be received in writing within three months of the incident as outlined in section 2.4.

- | The complaint will be investigated by a suitable person appointed by the Headteacher/Executive Headteacher or the Chair of the Local Advisory Body (LAB)
- | If the complaint is about the Headteacher/Executive Headteacher and/or the Chair of the Local Advisory Body, the complaint will be reviewed centrally by a member of the trust's Executive Team and the complaint may be escalated to stage three
- | This will be determined within five working days and an acknowledgement will be sent to the complainant
- | The acknowledgement will confirm the arrangements for investigating the complaint and the timescales
- | 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 academy or WAT appointed Complaints Officer will normally respond to the complaint in writing, within four working weeks of the date of the acknowledgement letter for stage two. Any delay in the investigation will be communicated in writing or by email to the complainant at the earliest opportunity with an update to the revised response date.

If the complainant remains dissatisfied with the academy's final response, or has not received a final response to the complaint within six working weeks, the complainant is able to request the complaint progress to stage three.

3.4.3 Stage three – WAT Review

For a complaint to be investigated at stage three, the complaint must have been considered under stages one and two of this policy. The complaint (in writing) must then be sent to Windsor Academy Trust's Complaints Officer. This must be done within four working weeks of the stage-two response.

Once WAT has received the complaint, the complainant will receive an acknowledgement from WAT's Complaints Officer within five academy working days. At this stage WAT may require further information from the complainant or the academy.

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 within four academy working weeks, from when all information regarding the complaint is received. Any delay in the investigation will be communicated to you at the earliest opportunity.

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

3.4.4 Stage four – Complaints Panel

Stage four is the final stage of the complaints process where the complainant can request a complaints panel. The complainant should contact WAT's Complaints Officer within three weeks of the date of the complaint outcome letter from stage three being issued, if a request for a complaints panel being convened is made. This should include the reasons why the outcome of the complaint is not satisfactory.

The panel will be arranged by WAT's Complaints Officer at a location and time convenient to all parties. This meeting will not normally take place longer than three academy working weeks from the date the panel was requested. Any delay in timescales will be communicated to the complainant as soon as possible in writing.

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 panel member

The panel is independent and impartial. No member of the panel will have prior involvement in the complaint or in the circumstances surrounding it. The complaints panel will be chaired by a member of staff from WAT and a clerk will attend 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.

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

The Complaints Officer will write to the complainant to inform them of the meeting date. If the offer of three proposed meeting dates is rejected without good reason, the Complaints Officer will coordinate with the Panel to decide when to hold the meeting. It will then proceed in the absence of the complainant on the basis of written submissions from both parties.

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

The panel can take the following action:

- | dismiss the complaint whole or in part, or;
- | uphold the complaint in whole or in part

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

- | decide 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 complaints panel, including the findings and recommendations will be communicated to all parties i.e. the complainant and where relevant, the person complained about on the day, or a letter will be sent (by email or otherwise) confirming the outcome within two academy working days. Furthermore, they will be available for inspection on trust premises. 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.

3.5 Complaints about Windsor Academy Trust

All complaints at this stage must normally be received in writing within three months of the incident as outlined in section 2.4.

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 four stages.

3.5.1 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.

3.5.2 Stage two – Formal

A complaint should be made in writing to WAT's Complaints Officer. 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 Officer. 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 Officer will acknowledge the complaint within five academy working days, confirming that the complaint will be dealt with at stage three of the procedure and requesting that the complaint be made in writing unless already done so.

If the complaint is about the CEO, the complaint should be addressed to the WAT Governance Professional. The complaint will be reviewed by the Chair of the Board of Directors and the complaint may be escalated to stage three.

3.5.3 Stage three – Review

Stage 3 of the procedure is for the complaint to be reviewed by a member of the Executive Team unless relating to the CEO. It is the responsibility of the complainant to request a review.

To request a review, the complainant should write to WAT's Complaints Officer within four weeks of being notified of the outcome of stage two, detailing why you remain

unhappy with the stage two response. This request will be acknowledged within five academy working days. The Complaints Officer 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 the complaint will be communicated in writing within four academy working weeks of the complaint being allocated to a member of the Executive Team. Any delays will be communicated to the complainant in writing.

3.5.4 Stage four – Complaints Panel

Stage four is the final stage of the complaints process where the complainant can request a complaints panel. The complainant should contact WAT's Complaints Officer within three weeks of the date of the complaint outcome letter of stage three being issued, if a request for a complaints panel being convened is made. This should include the reasons why the outcome of the complaint is not satisfactory.

The panel will be arranged by WAT's Complaints Officer at a location and time convenient to all parties. This meeting will not normally take place longer than three academy working weeks from the date the panel was requested. Any delay in timescales will be communicated to the complainant as soon as possible in writing.

The makeup and procedures of the complaints panel will follow the same process and composition as detailed in paragraph 3.4.4.

4. Next Steps

If the complainant believes WAT did not handle their complaint in accordance with the published Complaints Policy and 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 Education and Skills Funding Agency (ESFA) will not normally reinvestigate the substance of complaints or overturn any decisions made by the trust. They will consider whether WAT 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

5. 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).

| Complaint | Who to Contact |
|---|--|
| 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 and Skills Funding Agency (ESFA) |
| 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 leadership and management) | Ofsted |

6.0 How WAT will monitor and review this policy

This policy will be reviewed every two years or earlier if required, for example:

- | where there are 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 about this policy, please raise these with the academy Headteacher/Executive Headteacher in the first instance. This will enable them to consider whether a review of the policy is required/recommended, in advance of the review date. Any concerns raised with a WAT Central staff member should be directed to a member of the Executive Team in the first instance.

Complaint Form*Rivers Primary Academy*

Please complete this form and return it to: Lauren Bennett PA to Headteacher/HR Lead
 lbennett@rivers.windsoracademytrust.org.uk

| | | | |
|---|--|------------------------------|--|
| Your name: | | | |
| Name of student: | | | |
| Your relationship to the student: | | | |
| Address: | | | |
| Daytime telephone number: | | Evening Phone Number: | |
| email address: | | | |
| Preferred contact method: | | | |
| Please give details of your complaint. (please use a separate sheet if required) | | | |
| What Action, if any, have you already taken to try and resolve your complaint? (Who did you speak to and what was the response?) | | | |
| What action do you feel might resolve the problem at this stage? | | | |
| Signature: | | | |
| Date: | | | |

For Academy/WAT internal use

| |
|-----------------------------------|
| Date acknowledgement sent: |
| By who: |
| Complaint referred to: |
| Action taken: |
| Date: |

Appendix 2

Complaints Policy and Procedure: Exceptions Contact Details

Contact details for organisations relating to complaints that are covered by other statutory procedures or WAT policies (outside of this policy), including those listed below.

| Exceptions | Who to Contact |
|---|---|
| <ul style="list-style-type: none"> • Admissions to schools • Statutory assessments of special educational needs | <p>Concerns about admissions or statutory assessments of special educational needs should be raised with the Local Authority that the academy is located within.</p> <ul style="list-style-type: none"> • Dudley Council - Windsor High School & Sixth Form, Kingswinford Academy, Colley Lane Primary Academy, Tenterfields Primary Academy and Manor Way Primary Academy • Staffordshire County Council - Cheslyn Hay Academy and Great Wyrley Academy • Walsall Council - Goldsmith Primary Academy and Rivers Primary Academy |
| <ul style="list-style-type: none"> • Matters relating to child protection and safeguarding | <p>Complaints about child protection matters are handled under our Child Protection and Safeguarding Policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the Local Authority Designated Officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).</p> |
| <ul style="list-style-type: none"> • Exclusions | <p>Matters relating to a child's exclusion are handled under the Exclusion Policy and Procedure. Further information can be found at:</p> <p>www.gov.uk/school-discipline-exclusions/exclusions.</p> |
| <ul style="list-style-type: none"> • Whistleblowing | <p>WAT has an internal Confidential Reporting/Whistleblowing Policy and Procedure for all our employees, including temporary staff and contractors.</p> |
| <ul style="list-style-type: none"> • Staff grievances | <p>Complaints from staff will be dealt with under WAT's internal grievance procedures.</p> |
| <ul style="list-style-type: none"> • Staff conduct | <p>Complaints about staff will be dealt with under WAT's internal disciplinary procedures, if appropriate.</p> <p>WAT is unable to give details of any disciplinary action taken against a staff member as a result of a complaint (due to confidentiality and employment law). However, the complainant will be notified that the matter is being addressed.</p> |

Flowchart of Complaints Procedure

