



Warrington Primary Academy Trust

Complaints Procedure

Ratified: 11 April 24

Next Review Date: April 25

Procedure Responsibilities and Review

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| Policy type: | Trust Wide Procedure |
| Issue number: | V7 |
| Guidance: | ESFA Best Practice Guidance for Academies – Complaints Procedures (Part 7, Education Regulations) |
| Committee responsible: | Audit and Risk Committee |
| Related policies: | Whistleblowing Policy Grievance Policy |
| Chair of Audit and Risk signature: | |
| Changes in latest version: | Formatting, amendment to the process in formal stage 2 and addition of governance@wpat.uk as a point of contact regarding complaints. |
| Review frequency: | Annually |

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Scope of this Procedure

1. This complaints procedure is not limited to parents or carers of children that are registered at WPAT schools. Any person, including members of the public, may make a complaint about any facilities or services that the Trust or school provides. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), the Trust and schools will use this complaints procedure. Any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes of this will be confidential and will not be shared with the complainant. The scope of this complaints procedure is covered in more detail in Appendix A.

Timescales

2. Complaints 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. The Trust or school will consider complaints made outside of this time frame, only if the, chair of governors and Headteacher, having taken advice, are of the view that exceptional circumstances apply.
3. All time-scales in this procedure refer to school working days, for this school, excluding school holidays, In Service Training (Inset) days and bank holidays.
4. Any complaints made outside of term time will be considered to have been received on the first school day after the holiday period.

Anonymous Complaints

5. Anonymous complaints will not normally be investigated. However, the, Headteacher or chair of governors, if appropriate, will determine whether the complaint warrants an investigation.

Serial or Unreasonable Complaints

6. Where the Trust or school judges a complaint to be unreasonable or where a complainant is making serial complaints or raising issues again that have previously been addressed under the final formal stage of the school's complaints procedure, the procedure outlined at Appendix D may be invoked.

How to Raise a Complaint

7. An informal complaint can be made initially in person, in writing or by telephone. A flowchart of this process has been included as Appendix B to this procedure. It may also be made by a third party acting on someone else's behalf, as long as they have appropriate consent to do so.
8. In the first instance parental complaint should normally be raised with the class teacher or, if the complaint is about the class teacher, with a member of the senior leadership team or the Headteacher. If the issue remains unresolved, the next step is to make a formal complaint under Formal Stage 1 of this procedure.
9. Complainants should not approach individual governors to raise complaints. Governors have no power to act on an individual basis and this may also prevent them from considering a complaint if it reaches Stage 2 of this procedure.

10. A formal complaint against a member of school staff (except the Headteacher) should be made in the first instance to the Headteacher via the school office and should be marked as private and confidential.
11. A formal complaint that involves or is about the Headteacher should be addressed to the specific school's chair of governors, via the school office, and should be marked as private and confidential.
12. A formal complaint about the chair of governors, any individual governor or the whole governing committee should be addressed to the clerk to the governing committee via the school office and/or to governance@wpat.uk and should be marked as private and confidential. The clerk to the governing committee will also inform the Trust Finance and Operations Director. Complaints about the Chief Executive Officer (CEO) or a trustee of the Trust, should be addressed to the Chair of Trustees, via the trust office. Please mark them as Private and Confidential. Complaints about the Chair of Trust should be addressed to governance@wpat.uk (see para 29).
13. For ease of use, a template complaint form is included at the end of this procedure (Appendix C). Help in completing the form can be accessed via the school office.
14. In accordance with equalities law, the school will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. This may include providing information in alternative formats, assisting individuals in raising a formal complaint or holding meetings in accessible locations.

Resolving Complaints

15. At each stage in the procedure, the Trust or school will hope to be able to resolve the complaint. If appropriate, it will be acknowledged that the complaint is upheld in whole or in part. In addition, one or more of the following may be offered:
 - an explanation
 - an admission that the situation could have been handled differently or better
 - an assurance that the Trust or school will try to ensure the event complained of will not recur
 - an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
 - an undertaking to review Trust or school policies in light of the complaint
 - an apology

Withdrawal of a Complaint

16. If a complainant wishes to withdraw their complaint, they will be asked to confirm this in writing. Once a complaint has been withdrawn the same issue cannot be raised again. If written confirmation of withdrawal is not received by the school within seven school days, then the matter will be considered closed. The complainant will be informed by letter or email.

Informal Complaints

17. It is in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved without the need to use the formal stages of the complaints procedure. The Trust and school aims to take all complaints seriously and will make every effort to resolve issues raised as quickly as possible.
18. If an individual has difficulty discussing a complaint with a particular member of staff, the Trust or school will respect this. In this case the complainant will be referred to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a complaint, the complainant will be referred to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is more important.
19. The Trust or school would hope and expect to be able to deal with most complaints raised on an informal basis within 10 school days, and a complainant should not raise a formal complaint before discussing their complaint informally with an appropriate member of staff. It is understood, however, that there are occasions when people remain dissatisfied and would like to raise their complaint formally. In this case every attempt will be made to resolve the issue through formal stage 1 outlined within this complaints procedure.

Formal Stage 1

20. Formal complaints must be in writing, preferably on the complaints form provided at Appendix C, to info@wpat.uk or to the specific school Headteacher, other than in the circumstances referred to in paragraphs 11 and 12.
21. The Trust or Headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within five school days.
22. Within this response, the Trust or Headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Trust or Headteacher can consider whether a face to face meeting is the most appropriate way of doing this.
23. The Headteacher may delegate any investigation to another member of the school's senior leadership team but will not delegate the decision about the merits of the complaint.
24. During an investigation, the Headteacher (or designated member of staff) will, if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish, and will keep a written record of any meetings/interviews in relation to the investigation. Staff members may be accompanied at these meetings by a colleague or trade union representative if they wish.
25. At the conclusion of the investigation, the Trust or Headteacher will provide a formal written response, within twenty school days of the date of receipt of the complaint.
26. If the Trust or Headteacher is unable to meet this deadline, s/he/ they will provide the complainant with an update and revised response date.
27. The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the Trust or school will take to resolve the complaint.
28. The Trust or Headteacher will advise the complainant of how to escalate their complaint should

they remain dissatisfied with the outcome of Formal Stage 1.

29. If the complaint is about the CEO or Headteacher, or a member or members of the governing committee or Trust (including the chair and/or vice-chair), a suitably skilled governor or Trustee will be appointed to complete all the actions at Formal Stage 1.
30. Complaints about the Headteacher or member(s) of the governing committee must be made to the clerk to the governing committee, via the school office.
31. If the complaint is about the entire governing committee or Trust Board Formal Stage 1 will be considered by an independent investigator appointed by the Chair of Trust or governing committee. At the conclusion of their investigation, the independent investigator will provide a formal written response.

Formal Stage 2

32. If the complainant is dissatisfied with the outcome at Formal Stage 1 and wishes to take the matter further, they can escalate the complaint to Formal Stage 2. All formal Stage 2 complaints are dealt with by a panel of suitably experienced and impartial WPAT staff and governance. Stage 2 panels comprise of three members selected to suit the circumstances described in paragraph 11 and 12. To that end WPAT can call on Governors, Trustees or Trust members as required so as to avoid any conflict of interest and ensure the independence of the panel. The complainant will be informed in advance of the meeting of the membership of the panel and ask if they wish to raise any obligations to individual members. If objections are raised the panel will give them reasonable consideration. If the ability of the panel member to give the case a fair hearing is called into question the reason given will be considered and that panel member may be replaced.

Next Steps

33. If the complainant believes the Trust or school did not handle their complaint in accordance with this complaints procedure or it acted unlawfully or unreasonably in the exercise of its duties under education law, they can, in the first instance; request a hearing by Trustees, requests should be made through governance@wpat.uk within 3 school weeks of Stage 2 being concluded. Please note: complaints about the Trust can be raised using the same contact. Complaints can also be made to the Department for Education if there are issues outstanding after they have completed Formal Stage 2.
34. The ESFA / Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by the school. 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](#).

35. The complainant can refer their complaint to the ESFA / Department for Education online at: www.education.gov.uk/contact-us by telephone on: [0370 000 2288](tel:03700002288) or by writing to:

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

Appendix A: Statutory exceptions to this Complaints Procedure

This procedure covers all complaints other than those that are dealt with under other statutory procedures, including those listed below. As noted below, school employees may not use this procedure to raise complaints relating to their employment.

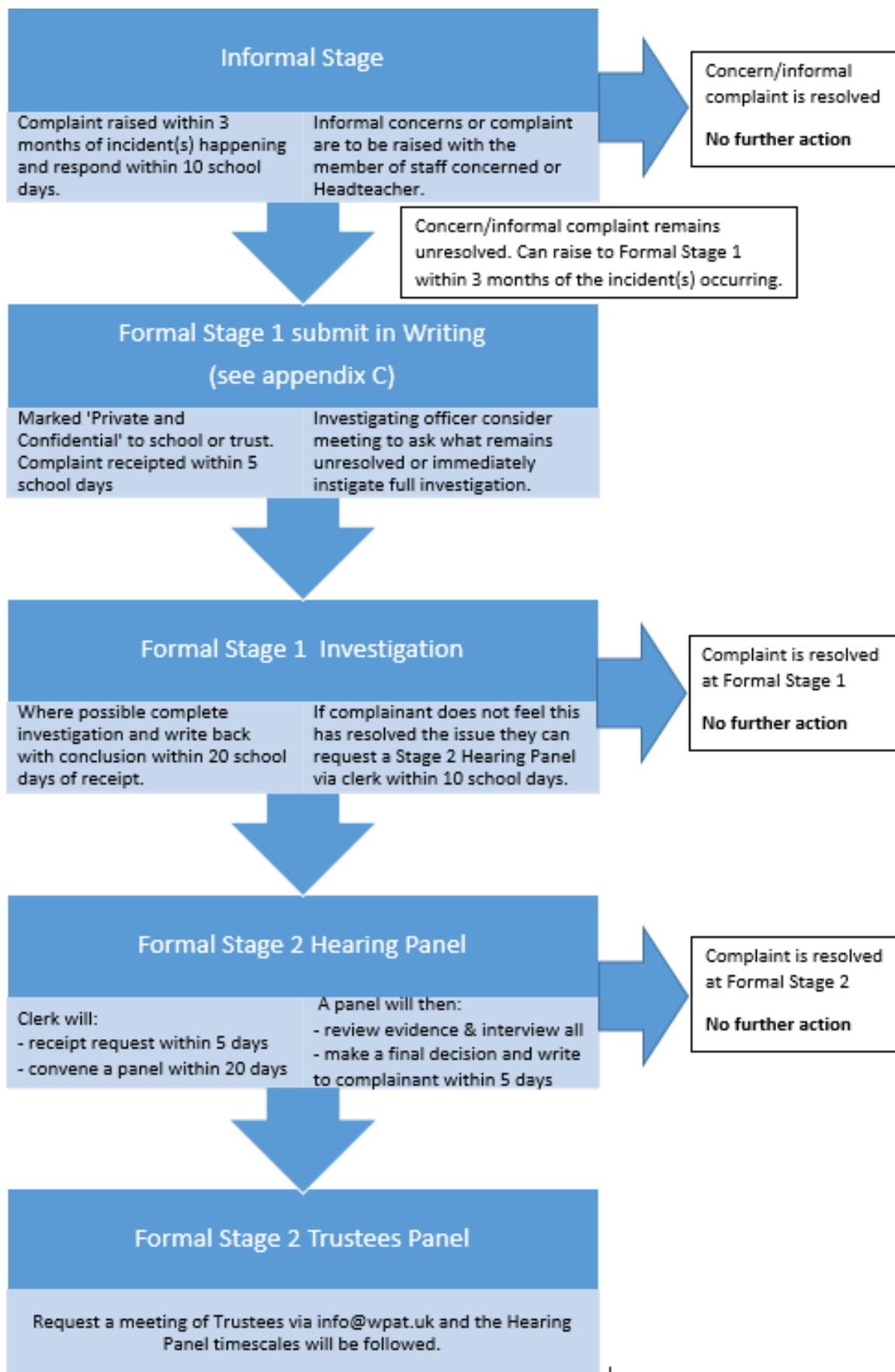
| Exceptions | Who to contact |
|---|---|
| <ul style="list-style-type: none"> • Admissions to schools • Statutory assessments of Special Educational Needs • School re-organisation proposals | <p>Complaints about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Warrington Borough Council, Halton Borough Council or Cheshire West and Chester Borough Council depending on the schools location.</p> |
| <ul style="list-style-type: none"> • Matters likely to require a Child Protection Investigation | <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 Children's Safeguarding/Social Work Team on: Warrington 01925 443322, Halton 0151 907 8305 or Cheshire West 0300 123 7047</p> |
| <ul style="list-style-type: none"> • Exclusion of children from school* | <p>Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.</p> <p><i>*complaints about the application of the behaviour policy can be made through this procedure.</i></p> |
| <ul style="list-style-type: none"> • Whistleblowing | <p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p> |
| <ul style="list-style-type: none"> • Staff grievances | <p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p> |

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| <ul style="list-style-type: none"> • Staff conduct | <p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>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.</p> |
| <ul style="list-style-type: none"> • Complaints about the scope of services provided by other providers who may use school premises or facilities | <p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.</p> |
| | |
| <ul style="list-style-type: none"> • National Curriculum - content | <p>Please contact the Department for Education at: www.education.gov.uk/contactus</p> |

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 the school, the complaints procedure may be suspended until those legal proceedings have concluded.

Appendix B: Complaints Procedure Flowchart



Appendix C: Complaints Form

Please complete and refer to paragraph 12 for specific recipients. Your complaint will be acknowledged with an explanation of action to be taken dependent upon the nature of your complaint

If your complaint is with regards to the school your email should go to infor@wpat.uk

If your complaint is with regards to the trust or trustees your email should go to governance@wpat.uk

Your name:

Pupil's name (if relevant):

Your relationship to the pupil (if relevant):

Address:

Postcode:

Day time telephone

number: Evening

telephone number:

Please give details of your complaint, including whether you have spoken to anybody at the school about it.

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:

Date:

Appendix D: Arrangements and Procedure for Governors or Trustees Panel Hearing

1. The governors' panel will agree a chair from amongst their number.
2. 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.
3. 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.
4. The complainant will outline his/her complaint and explain why s/he is dissatisfied with the school's response at Formal Stage 1. 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.
5. The panel/ investigator will have the opportunity to ask questions of the complainant through the chair.
6. The Investigator from Stage 1 will explain their involvement in the complaint and the reasons for their decisions at the first formal stage. Any witnesses called in support of his/her statement will attend the meeting only for the time that they are providing information, and may be questioned by all parties.
7. The complainant and the governors on the panel will have the opportunity to ask questions of the Investigator.
8. Both parties will be given the opportunity to sum up their statements, ending with the complainant. No new material may be introduced at this stage.
9. The Panel may decide to adjourn the hearing pending further investigation at any stage, if this seems necessary.
10. Both parties will leave the meeting and the Panel will consider the information that has been put to them. The clerk will remain for this part of the meeting in order to clarify anything if necessary, but the Panel deliberations will not be minuted.
11. The 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, including an offer of a hearing by three independent Trustees, whether in relation to a complaint against a governor or a member of the school staff. Normally the Panel will reach a decision at this point but they may feel the need to take further advice. Where this is the case they should endeavor to reach a decision as soon as possible.
12. The Panel will communicate their response to both parties in writing, via the Clerk as soon as possible but, in any case, within five working days of reaching their decision.

Appendix E: Policy for Managing Serial or Unreasonable Complaints

1. This school is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with our school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.
2. This school defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:
 - refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
 - refuses to co-operate with the complaints investigation process
 - refuses to accept that certain issues are not within the scope of the complaints procedure
 - insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
 - introduces trivial or irrelevant information which they expect to be taken into account and commented on
 - raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
 - makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
 - changes the basis of the complaint as the investigation proceeds
 - repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
 - refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education
 - seeks an unrealistic outcome
 - makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
 - uses threats to intimidate
 - uses abusive, offensive or discriminatory language or violence
 - knowingly provides falsified information
 - publishes unacceptable information on social media or other public forums.
3. Complainants should try to limit their communication with the school that relates to their complaint, while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.

4. Whenever possible, the Headteacher or chair of governors will discuss any complaint with the complainant informally before applying an 'unreasonable' marking.
5. If the behaviour continues, the Headteacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact the school causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.
6. In response to any incident of aggression or violence, we will immediately inform the police, where appropriate, and communicate our actions in writing. This may include barring an individual from the school premises.