



WELLSPRING

We Make A Difference

Complaints Policy

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Page Number

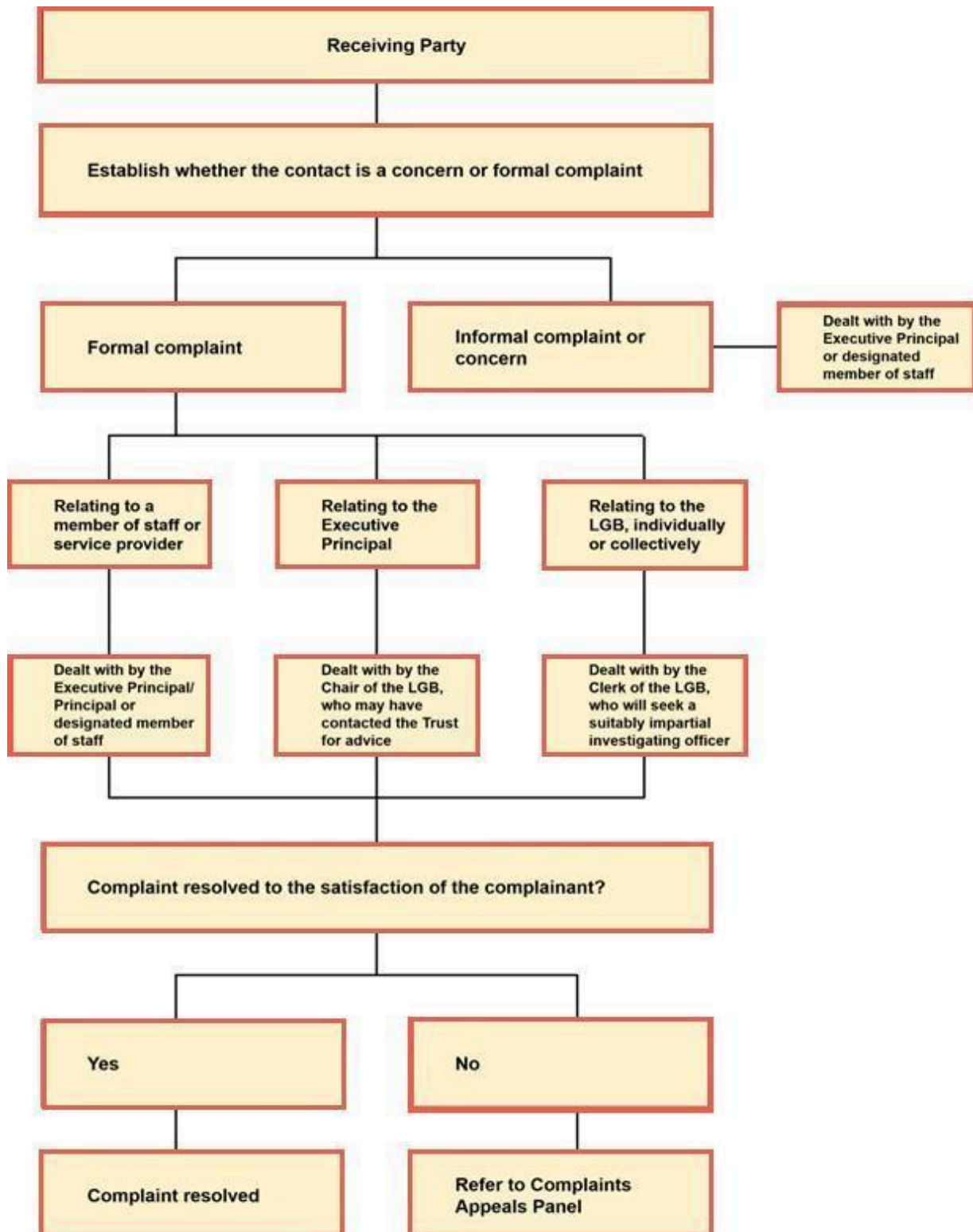
1. Scope & Purpose of Policy	3
2. Complaints Procedure Flow Chart	4
3. Receipt of complaints or concerns	5
4. Role of the Trust	5
5. Who deals with formal complaints?	5
6. Formal complaints procedure	6
7. Investigating and resolving complaints at Stage 1	7
8. Investigating complaints objectively and impartially	7
9. Roles of the Local Governing Body / Trust Board	8
10. Investigating and resolving complaints at Stage 2 (Appeals Panel)	8
11. Procedure for the Appeals Panel	8
12. Decisions of the Appeals Panel	9
13. Further pursuit of a complaint	9
14. Unreasonable Complaints	9
15. Vexatious Complaints	10
16. Complaints Campaigns	10
17. Record Keeping and information sharing	10
18. Link to Mission, Values, Strategic Aims	10
19. Communications	10
20. Equality Impact Statement	10
Appendix 1 – Terms of Reference relating to Appeal Panels	13
Appendix 2 - Procedure for the Appeals Panel	14

1. Scope and Purpose of Policy

- 1.1. This policy relates to complaints relating to Academies or to the Trust itself, with the exception of those relating to Admissions to Schools, statutory assessments of Special Educational Needs, school reorganisation proposals, matters likely to require a Child Protection Investigation, exclusion of children from school and whistleblowing (for which there are separate policies).
- 1.2. Complaints relating to the processing of personal data or any other aspects of UK GDPR should be directed to the Trust Data Protection Officer in line with the Trust Data Protection Policy and the Trust Data Security & Breach Management Policy.
- 1.3. It is in everyone's interest that complaints are resolved as quickly as possible within a clearly defined procedure.
- 1.4. All staff should be aware of the complaints procedure and should be able to give information and assistance on how to raise a concern or make a formal complaint.
- 1.5. Anonymous complaints will be risk assessed by the receiving party before a decision is made whether or not to progress them.
- 1.6. The Trust's Governance Working Group were consulted when developing this policy.
- 1.7. Within this policy, the term 'school days' is defined as days in which the academy to which the complaint relates, is open for pupil attendance as per that academy's term.



2. Complaints Procedure Flow Chart





3. Receipt of Complaints / Concerns

- 3.1. It is in everyone's interest that complaints or concerns 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.
- 3.2. 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*'.
- 3.3. Concerns should, where possible, be resolved within 15 school days as they are being dealt with on an informal basis.
- 3.4. Where a complainant raises an issue, it is important to establish whether the complainant has a concern regarding a particular issue or has a complaint which they want investigating and responding to formally.
- 3.5. Irrespective of the reasonableness in responding to concerns, the complainant may be dissatisfied with the outcome and wish to make a formal complaint.
- 3.6. Formal complaints procedures will need to be invoked when initial attempts to resolve issues informally are unsuccessful and the person concerned remains dissatisfied and wishes to take the matter further.
- 3.7. Complainants need to be advised that all matters are treated seriously and managed by a process involving evidence and investigation.
- 3.8. A formal complaint should be made in writing or by e-mail. If complainants need assistance in complying with this requirement, they can contact the Clerk to the Governing Body, who can make arrangements for appropriate support.
- 3.9. Where a person makes a complaint by telephone or in person, they should be advised to submit the complaint in writing in order for it to be considered.

4. Role of the Trust

- 4.1. Where a complainant contacts the Trust regarding a complaint against an Academy they will be advised to either raise their concerns informally or submit a written complaint to the Principal of the Academy. If there are possible safeguarding issues, the academy's Safeguarding and Child Protection Policy will be followed.
- 4.2. Where appropriate, details of any concern/complaint may also be passed to appropriate officers within the Trust who may provide assistance regarding the matter.

5. Who deals with formal complaints?

5.1. Stage 1

All formal complaints should be submitted to the relevant Principal, who can decide:

- To deal with it themselves; or
- To delegate the complaint to a member of staff.

Exceptions apply as below:

- Where a complaint involves or relates to the Executive Principal, it must be referred to the Clerk to the LGB in the first instance. The Clerk will arrange for the Chair of the LGB to investigate. In the absence of the Chair, the Chair/Clerk will appoint another member of the Governing Body.
- Where a complaint relates to the Local Governing Body (LGB), individually or collectively, it should be referred to the Clerk to the LGB in the first instance. The Clerk will arrange, in consultation with the Trust Board, a suitably impartial Investigating Officer.

- Where the complainant makes a formal complaint regarding a policy (rather than regarding the implementation or interpretation of the policy) the matter should be referred to the Chair of the Local Governing Body (or Board, as appropriate) to deal with.
- If the complaint concerns the CEO or a Trustee, the complaint should be investigated by the Chair of the Trust Board. It must be referred to the Governance Professional to the Board in the first instance. If a formal complaint is received about the Chair of the Board, the complaint will be referred to the Vice Chair for investigation.
- Where the Chair of the Trust Board has investigated the complaint, they will write the letter of outcome to the Complainant and provide a copy to the CEO.

5.2. **Stage 2**

- Where the complainant remains dissatisfied after following the first stage, they must be advised that they can make an appeal by writing to the Clerk to the Governing Body. The Clerk will organise a panel of at least three members, one of whom is independent of the management and running of the relevant Academy.

6. **Formal Complaints Procedure**

- 6.1. Where a person wishes to make a formal complaint it will be treated seriously and managed in accordance with a defined procedure, i.e.:
 - 6.1.1. The complainant should write a letter (or email) to the Academy Principal, which should contain:
 - As much details as possible
 - Contact details
 - A brief description of how the complaint could be resolved.
 - 6.1.2. The initial complaint should usually be submitted within a month of the event occurring. Exceptions to this time-frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.
 - 6.1.3. The complaint will be acknowledged by the academy in writing within 5 school days, stating who will be investigating the complaint (i.e., the Investigating Officer).
 - 6.1.4. Within a further 20 school days an investigation will be undertaken and completed.
 - 6.1.5. The complainant will be notified of the decision of the Investigating Officer.
 - 6.1.6. Alternatively, they may be informed that further investigation is required. If the Investigating Officer decides to undertake a further investigation the complainant will be notified of this and be given a date by which it will be completed (normally a further 10/15 school days).
 - 6.1.7. The complainant has the right of appeal to an Appeals Panel if they are dissatisfied with the outcome of the complaint (Stage 2)
 - 6.1.8. In such instances an Appeals Panel hearing will be organised by the Clerk and held within 15 school days of the complainant indicating they wish to appeal.
 - 6.1.9. If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.
 - 6.1.10. The decision of the Panel will be sent to the complainant in writing within two school days following the meeting. The decision of the Appeals Panel is final.

- 6.2. Variations to this procedure may occur in exceptional circumstances which will be explained to the complainant.

7. Investigating and resolving complaints at Stage 1

- 7.1. The person investigating the complaint should:

- Record all information
- Establish the exact nature of the complaint, i.e.: what happened, who was involved, when it happened and where.
- Investigate it, with a view to finding witnesses/evidence.
- Interview, where necessary, those complained about, allowing them to be accompanied if they wish.
- Produce a report containing findings regarding the complaint.

- 7.2. Any report is produced in the name of the person who completed the investigation and it is up to them to determine whether the complaint is upheld, wholly or in part, or whether there is no substance to the complaint.

- 7.3. The report must be sent to the complainant and where relevant, the person complained about detailing the findings of the investigation.

- 7.4. Where a complaint has been upheld, the intention should be to put the complainant in the position they would have been in if things had not gone wrong. This will be dependent on the individual circumstances of the case but will usually be achieved by the following:

- Offering an apology and full explanation of what went wrong.
- An admission that the situation could have been handled differently or better.
- Taking steps to remedy the situation if appropriate.
- Taking action to ensure that the problem is not repeated, including amending an Academy policy if this is appropriate.

8. Investigating complaints objectively and impartially

- 8.1. In keeping with the requirements of The Education (Independent School Standards) Regulations 2014, the following will apply in respect of Appeals Panels relating to complaints received from parents of pupils:

- Panels will comprise at least three people who were not directly involved in the matters detailed in the complaint, one of whom is independent of the management and running of the relevant Academy.
- Complainants may be accompanied to the Panel meeting if they so wish. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the appeal hearing. However, there may be occasions when legal representation is appropriate though this would need to be agreed prior to the hearing. For instance, if a trust employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.
- Correspondence, statements and records relating to complaints will be kept confidential, except where the Secretary of State or a body conducting an inspection under section 109 of the Education and Skills Act 2008 requests access to them.

9. Roles of the Local Governing Body / Trust Board

- 9.1. As indicated, the relevant Chair will investigate any complaints which relate to the Executive Principal and/or their conduct or actions. They may seek the support of the Clerk to the Governing Body in respect of the investigation.
- 9.2. There is a legal requirement for an Academy's Complaints Procedure to be publicised. The role of the Local Governing Body / Trust Board is to ensure that the procedure is published and that the Complaints Procedure is complied with.
- 9.3. The Terms of Reference relating to Appeal Panels will be adhered to (see Appendix 1).
- 9.4. Where a Governor Director receives a complaint they should refer the complainant to the relevant person as detailed earlier in this policy.
- 9.5. The Local Governing Body will receive regular reports to meetings in respect of formal complaints so they can analyse and discuss any themes.
- 9.6. The LGB will ensure that findings and recommendations of complaints are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about.
- 9.7. The LGB will ensure that all records will be available for inspection on the premises.

10. Investigating and solving complaints at Stage 2

- 10.1. Where the complainant remains dissatisfied after following the first stage, they must be advised by the academy that they can make an appeal to the Academy's Appeals Panel by writing to the Clerk.
The letter (or email) to the Clerk, should contain:
 - The reason for progressing to Stage 2
 - Contact details.
 - A description of how the complaint could be resolved.
- 10.2. It is envisaged that an appeal is lodged within 28 days of the outcome of the initial complaint.
- 10.3. The purpose of the appeal is to resolve the complaint and achieve reconciliation between the Academy / Trust and the complainant. However, it has to be recognised that the complainant might not be satisfied with the outcome. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- 10.4. The Terms of Reference of Hearings and Appeals Panels outline details of the composition of the Panels and other constitutional matters (please refer to Appendix 1).
- 10.5. The Clerk will ensure:
 - That a minimum of 5 school days' notice of a Panel meeting is given in writing to each participant, along with the agenda for the meeting and any supporting information.
 - That the business of the meeting is recorded, including details of the decision taken by the Panel.
 - That the Panel is authorised to make decisions only in respect of those powers specifically within its Terms of Reference.
 - That the outcomes are reported to the complainant in writing within 2 school days.

11. Procedure for the Appeals Panel

- 11.1. The Appeals Panel procedure is shown on Appendix 2.

12. Decision of the Appeals Panel

- 12.1. The decision of the Appeals Panel will be to:
- Uphold the decision on the complain
 - Uphold the decision on the complaint in part.
 - Judge that the initial decision was incorrect.
- 12.2. Following the Panel's decision they will need to consider the appropriate action to be taken to resolve the complaint and what response to make to the complainant. The following are examples:
- An explanation as to why they consider the complaint has been dealt with properly and fairly.
 - Acknowledge that the Academy is at fault and offer an apology.
 - An admission that the situation could have been handled differently but that this would not have affected the outcome.
 - An assurance that the event complained of will not happen again and details of the actions being taken by the Academy.
 - A review of the policy/procedure in light of the complaint.
- 12.3. Following the meeting of the Appeals Panel, they must write to the complainant and where relevant, the person complained about setting out the decision of the Panel and giving reasons for their decision.
- 12.4. The Panel may also recommend changes to systems or procedures to ensure that problems of a similar nature do not happen again.

13. Further pursuit of a complaint

- 13.1. If the complainant believes the Academy / Trust did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the ESFA after they have completed Stage 2.
- 13.2. The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by the Academy. They will consider whether the academy 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

14. Unreasonable Complaints

- 14.1. A complaint may be regarded as unreasonable where a complainant refuses to support the investigation process, changes the basis of the complaint as the investigation proceeds, or provides falsified information.



- 14.2. A complainant may be considered unreasonable if they make ongoing or unjustified complaints, seek unrealistic outcomes or use threatening, intimidating or offensive language or behaviour towards staff.
- 14.3. A complainant may also be considered unreasonable where details that pertain to the complaint or to members of staff are published or shared using social media. This list is not exhaustive.
- 14.4. Where a complaint or complainant is deemed to be unreasonable, the Principal or Chair, if appropriate, will write to the complainant outlining the reason and explaining why the complaint will not be investigated. Complainants may appeal this decision by writing to the Clerk to the Local Governing Body within 10 school days of receiving this letter, responding to the concerns outlined in the correspondence they have received.

15. Vexatious Complaints

- 15.1. When all the stages of the complaints procedure have been followed there may be an occasion when the complainant remains dissatisfied and attempts to continue the complaint. In such a case the Chair should write to the complainant and inform them the matter has been to appeal and therefore is now closed.

16. Complaints Campaigns

- 16.1. For the purpose of this policy, complaints campaigns are where the Academy or Trust receives large volumes of complaints that are all based on the same subject from complainants unconnected with the Academy or Trust.
- 16.2. Where an academy becomes the subject of a complaints campaign, a standard, single response will be published.
- 16.3. If the complainants remain dissatisfied with the response, they will be directed to the DfE.

17. Record Keeping and Information Sharing

- 17.1. A written record will be kept by the academy of all formal complaints, and of whether they are resolved at the stage 1 or proceed to a panel hearing, along with what actions have been taken, regardless of the decision
- 17.2. All correspondence statements and records relating to individual complaints will be kept confidential, except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.
- 17.3. Records of complaints will be kept for a minimum of 6 years.

18. Link to Mission, Values & Strategic Aims

- 18.1. This policy links specifically to our aim of providing clear governance for our Academies.

19. Communications

- 19.1. This policy will be placed on the Trust and Individual Academy web pages.

20. Equality Impact Statement

- 20.1. The Equality Act 2010 requires public bodies, in carrying out their functions, to have due regard to the need to:
 - Eliminate discrimination and other conduct that is prohibited by the Act
 - Advance equality of opportunity between people who share a protected characteristic and people who do not share it
 - Foster good relations across all characteristics - between people who share a protected

characteristic and people who do not share it.

In the development of this policy due regard has been given to achieving these objectives, further to which we will champion equality in all its forms, in keeping with our values.

Appendix 1 – Terms of Reference relating to Appeal Panels

1. Purpose

- 1.1. Appeal Panels may be convened from time to time to consider unresolved complaints

2. Constitution

- 2.1. Appeals Panels will be convened as and when required.
- 2.2. Membership of the panels will consist of three members.
- 2.3. One member of the panel must be independent of the management and running of the Academy (*as required by clause 33 (g) of The Education (Independent School Standards) Regulations 2014*).
- 2.4. The Panel can comprise of members of the Trust's Executive & Senior Management Team who have had no previous involvement in the matter and are not conflicted.
- 2.5. The Chair of an Appeal Panel will be appointed after discussion between the LGB Chair and the CEO.
- 2.6. It is the duty of the Principal to inform the LGB Chair of any forthcoming appeals and to also report high-level information to the LGB retrospectively.
- 2.7. Appeals must be heard within the time period specified in the policy wherever practical.
- 2.8. Minutes will be taken of all Appeal hearings. The Clerk to the LGB will usually clerk panel meetings.
- 2.9. Careful consideration of the atmosphere and proceedings should ensure that the complainant does not feel intimidated.
- 2.10. Parents should be advised that agreement might not always be possible if they wish a child/young person to attend a part of the meeting that the panel considers is not in the child/young person's best interests as the welfare of the child/young person is paramount.

3. Instances where the panel relates to the Executive Principal

- 3.1. In instances where an Appeal hearing relates to the Executive Principal, the constitutional arrangements will be consistent with the previous section (excluding clause 2.4), except that Panel members should comprise the Chair of the Governing Body (or another member of the LGB appointed by the Chair), along with up to one member of the Trust's Executive Team and one independent person appointed by the Board in accordance with clause 2.3.
- 3.2. The composition of the Panel will be agreed jointly between the Chair of the Governing Body and the Trust.

4. Instances where the panel related to the Local Governing Body

- 4.1. In instances where an Appeal hearing relates to the Local Governing Body the Panel will be arranged by the Clerk to the Governing Body, in consultation with the Trust Board.

5. Instances where the panel relates to the Trust Board

- 5.1. In instances where an Appeal hearing relates to:

- The Chair or Vice Chair of the Trust Board or
- the entire Trust Board or
- the majority of the Trust Board

A completely independent appeal panel will be arranged by the Governance Professional to the Board.



6. Duties of the Panel

- 6.1. The Panel will consider the detail of an appeal.
- 6.2. The decision of an Appeal Hearing Panel shall be considered final.
- 6.3. Representatives from the media are not permitted to attend.
- 6.4. Any written material will be circulated to all parties at least 5 school days before the date of the meeting. The panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded
- 6.5. The panel will generally not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. The panel will have access to the existing record of the complaint's progress. Any new complaints should be dealt with from Stage 1 of the procedure.
- 6.6. The meeting will be held in private though these can take place electronically if required. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it.
- 6.7. Prior knowledge of all parties attending must be sought before meetings or conversations take place.
- 6.8. Individual's consent to any recordings will be recorded in any Minutes taken.
- 6.9. Following the hearing, 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.
- 6.10. 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 academy will take to resolve matters.
- 6.11. The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the school premises by the proprietor and the Principal.



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Appendix 2 - Procedure for the Appeals Panel

The Principal (or Chair*) and the complainant will be invited into the meeting by the Clerk. (**In instances where the LGB Chair or another individual has investigated the complaint instead of the Principal*).

- Those present will introduce themselves.
- The procedure for hearing the appeal will be outlined by the Chair of the Panel.
- The complainant will present their complaint appeal.
- Panel members may, if they wish, ask questions of the complainant.
- The Principal/Chair may ask questions of the complainant.
- The Principal/Chair will be invited to explain how the complaint was managed and what decisions were taken on the complaint.
- The Panel may, if they wish, ask the Principal/Chair questions.
- The complainant may ask the Principal/Chair questions.
- Witnesses may be asked to provide information regarding any statements made.
- Following summaries by the complainant and Principal/Chair they will leave the meeting.
- The Panel will then come to a decision on the complaint appeal.
- The Clerk will write to the complainant and the Principal/Chair, informing them of the Panel's decision within 2 school days.