



WEST LAKES
MULTI ACADEMY
TRUST

**COMPLAINTS
PROCEDURE
POLICY**

DOCUMENT CONTROL

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INTRODUCTION

West Lakes Multi-Academy Trust endeavours to provide the best education possible for all of its students in an open and transparent environment. We welcome any feedback that we receive from parents, students and third parties, and we accept that not all of this will be positive. Where concerns are raised the Trust intends for these to be dealt with:

- Fairly
- Openly
- Promptly
- Without Prejudice

In order to do so, the Trust Board has approved the following procedure, for use by the Local Governing Body of each Academy, which explains what you should do if you have any concerns about that academy. All members of staff will be familiar with the procedure and will be able to assist you.

LEGAL FRAMEWORK

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

The Education Act 2002
The Data Protection Act 2018 (including the General Data Protection Regulation (GDPR))
The Freedom of Information Act 2000
The Immigration Act 2016
The Equality Act 2010
The Education (Independent School Standards) Regulations 2014

This policy also has due regard to guidance including, but not limited to, the following:

Education and Skills Funding Agency (ESFA) (2015) 'Creating an academy complaints procedure'
HM Government 'Code of practice on the English language requirement for public sector workers' 2016

Further it has been accredited as compliant with the relevant legislation by the Department for Education in October 2018.

DEFINITION

For the purpose of this policy, a "complaint" can be defined as 'an expression of dissatisfaction' which can be regarding actions taken or a perceived lack of action.

Complaints can be resolved formally or informally dependent on the complainant's choice.

A concern can be defined as 'an expression of worry or doubt' for which reassurance is sought.

Any complaint or concern will be taken seriously, whether formally or informally, and the appropriate procedures shall be taken.

NB. For the purpose of this policy, “concerns” will be classed and addressed as complaints. Any further references to “complaints” will include “concerns”.

WHICH PROCEDURE DO I NEED?

Sometimes, when concerns are more specific, there are alternative and more appropriate policies for dealing with them. The following list details specific topics of complaints, and the correct policy to refer to. You can access these policies on each academy website or ask for a copy from the academy reception.

Statutory assessments of SEND; please contact the local authority
<http://www.cumbria.gov.uk/childrensservices/schoolsandlearning/ils/specialeducationalneeds/>

Matters which require a child protection investigation; please contact the local authority
<https://www.cumbria.gov.uk/secure/LSCBContact/>

Student admissions; please see the relevant academy’s admission policy or contact admissions@westlakesacademy.org.uk.

Complaints about children being excluded from the academy should be dealt with by the process explained at: <https://www.gov.uk/school-discipline-exclusions/exclusions>.

Staff grievances, capability or disciplinary matters will be dealt with using the Trust’s internal grievance, disciplinary and capability procedures. In these cases, complainants will not be informed of the outcome of any investigations.

This complaints procedure is not to be used when addressing any complaints made about services provided by a third party who may use the Trust premises or facilities. All complaints concerning this should be direct to the service provider.

The Trust has an internal whistleblowing procedure for all employees and voluntary staff. Complaints of this nature should not be addressed using this complaints procedure. These concerns should be directed to Ofsted by telephone on: 0300 123 3155 or via email at whistleblowing@ofsted.gov.uk.

Accordingly this document does not apply to complaints about the above.

EXCEPTIONAL CIRCUMSTANCES

If the complaint suggests that a child has been at risk of significant harm through violence, emotional abuse, sexual harassment or neglect, it may be referred without further notice to Children’s Services at the local authority.

If a local authority decides to investigate a situation, the Head of Academy or Local Governing Body may postpone the complaints procedure.

Where a matter can be resolved through a legal appeal, it will not be considered as a formal complaint. The key areas are: admission decisions, certain decisions relating to a formal assessment of SEND and decisions to permanently exclude a child.

RAISING CONCERNS

The majority of concerns can be dealt with without resorting to the procedure. Where you have a concern about any aspect of an academy in the Trust or your child's education or wellbeing, these should be raised with either:

- In the case of a secondary academy, your child's head of year via the phone, email or in person.
- In the case of a primary academy, the Headteacher via the phone, e-mail or in person.

In either case, they should be able to address your concerns on the spot, or can arrange a meeting with you to discuss the issue.

All concerns will be dealt with confidentially, although the staff member may need to take notes if they feel that the matter may need to be taken further or it may arise again in the future. Any such notes will be kept in accordance with the principles of the Data Protection Act 2018 (including the General Data Protection Regulation (GDPR)). However, such notes would be able to be used to as evidence if further investigation was required, or if the concern became a formal complaint.

SAFEGUARDING

Wherever a complaint indicates that a child's wellbeing or safety is at risk, that academy is under a duty to report this immediately to the local authority and the Trust. Any action taken will be in accordance with each academy's child protection policy which can be found on the academy's website at www.westlakesacademy.org.uk.

SOCIAL MEDIA

In order for complaints to be resolved as quickly and fairly as possible, West Lakes Multi-Academy Trust requests that complainants do not discuss complaints publically via social media, such as Facebook or Twitter. Complaints will be dealt with confidentially for those involved, and the Trust expects 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 are necessary in order to resolve the issue, the details of this action will remain confidential to the Chair of the Local Governing Body (in a complaint involving the Head of Academy), the Head of Academy and/or the individual's line manager. The complainant is not entitled to participate in the proceedings or receive any detail about them.

MAKING A COMPLAINT

West Lakes Multi-Academy Trust will ensure that all aspects of the complaints procedure are:

- Easily accessible and publicised.
- Simple to understand and put into practice.
- Impartial and fair to all parties involved.
- Respectful of confidentiality duties.

- Continuously under improvement, using information gathered during the procedure to inform each Academy Leadership Group.
- Fairly investigated, by an independent person when necessary. Used to address all issues in order to provide appropriate and effective responses where necessary.

Complaints are expected to be made as soon as possible after an incident arises in order to amend the issue in an appropriate timescale.

West Lakes Multi-Academy Trust upholds a six month time limit within which a complaint can be lodged regarding an incident in any academy in the Trust.

Complaints made outside this time limit will not be automatically refused and exceptions will be considered.

In the case of any timescales changing, all parties involved will be informed of the changes in a timely manner.

Complaints should be made using the appropriate channels of communication, including the use of the complaints form.

All complaints shall be considered whether made in person, by telephone, in writing or electronically via email.

A complaint can progress to the next stage of the procedure even if it is not viewed as “justified”. All complainants are given the opportunity to fully complete the complaints procedure.

Any complaint made against the Head of Academy shall be initially dealt with by the Chair of the Local Governing Body.

Any complaint made against the Chair of the Local Governing Body or any other member of the governing body should be made in writing to the clerk to the governing body.

A complaint made against the Chief Operating Officer or any other member of the Chief Executive Officer’s team should be made in writing to the Chief Executive Officer. Each member of the Chief Executive Officer’s team are not employed in any individual academy however complaints made against the team follow this same procedure, replacing Head of Academy with Chief Executive Officer.

A complaint made against the Chief Executive Officer should be made to the clerk to the Trustee Board. The Chief Executive Officer is not employed in any individual academy however complaints made against the Chief Executive Officer follow this same procedure, replacing Governor with Trustee and replacing academy with Trust.

COMPLAINTS PROCEDURE

Stage One – Complaint made to a member of staff

The member of staff can discuss the complaint with the Head of Academy or complaints coordinator in order to seek support.

If the complaint is about a member of staff this should be raised with the Head of Academy in the first instance.

If the complaint concerns the Head of Academy, the Clerk to the Governors/Trustees should be informed and will need to handle the complaint. The complainant can then be referred to the Chair of the Local Governing Body.

In case a complaint is made initially to a governor or Trustee, the complainant should be referred to the appropriate person. The governor or Trustee in question should not act alone on a complaint outside the procedure; if they do, they cannot be involved if the complaint is subject to a hearing at a later stage of the procedure.

The complainant and the relevant member of staff should discuss the issue in a respectful and informal manner to seek a mutual resolution.

If an appropriate resolution cannot be sought at this level, or if the complainant is dissatisfied with the outcome following the initial discussions, the complainant may wish to proceed to the next level of the procedure.

Stage Two – Complaint made to the Head of Academy

Stage two of the process will be completed within 15 school days of receipt of the complaint. Where the situation is recognised as complex, and it is deemed to be unable to be resolved within this timescale, the Head of Academy will contact the complainant to inform them of the revised target date via a written notification.

An appointment with the Head of Academy should be made, as soon as reasonably practical, in order to avoid any possible worsening of the situation.

If the complaint is against the Head of Academy, the complainant will initially need to write, in confidence, to the Chair of the local Governing Body. The chair will seek to resolve the issue informally before moving directly to stage three of the procedure.

In terms of a complaint being made against a member of staff, the Head of Academy will discuss the issue with the staff member in question. Where necessary, the Head of Academy will conduct interviews with any relevant parties, including witnesses and children, and take statements from those involved.

All discussions shall be recorded by the Head of Academy and findings and resolutions will be communicated to the complainant either verbally or in writing (and where relevant, to the person complained about).

Once all facts are established, the Head of Academy shall contact the complainant in writing with an explanation of the decision.

Any further action the academy plans to take to resolve the issue will be explained to the complainant in writing.

If the complainant is not satisfied with the outcome suggested, the procedure will progress to stage three.

Stage Three – Complaints appeal panel (CAP)

Following receipt of a stage two outcome, the complaint should be made in writing to the Chair of the local Governing Body within 10 school days. If no request for an appeals hearing is received within 10 school days, it will be deemed that the decision is accepted and the complaint will be closed.

Written acknowledgement of the complaint will be made within three school days. This will inform the complainant that a CAP will hear the complaint within 20 school days. Where it is not possible to find a mutually convenient date within that timescale, the school will take reasonable steps to agree a time and date mutually convenient to all parties. The panel will not normally sit during school holidays.

The Chair of the local Governing Body, or other nominated governor, will convene a CAP comprising:

Three people not involved in the complaint, one of whom is independent of the management and running of the academy. Governors are not eligible to be independent panel members.

Five days' notice will be given to all parties attending the CAP, including the complainant.

A parent who has complained is entitled to be accompanied to the appeals panel hearing, if they wish, and should notify the clerk in advance if they intend to bring anyone.

Prior to the hearing, the Chair of the local Governing Body will have written to the complainant informing them of how the review will be conducted. The Head of Academy will also have a copy of this letter.

At the hearing, all participants will be given the opportunity to put their case across and discuss any issues.

The CAP will consider issues raised in the original complaint and any issues which have been highlighted during the complaints procedure.

The meeting should allow for:

- The complainant and the Head of Academy to enter the hearing together.
- The complainant to explain their complaint and the Head of Academy to explain the reasons for their decision.
- The complainant to question the Head of Academy, and vice versa, about the complaint.
- Any evidence, including witnesses who have been prior approved by the Chair of the CAP, to be questioned.
- Members of the CAP to question both the complainant and the Head of Academy.
- Final statements to be made by both parties involved.
- Both parties will leave together while the panel decides.

Adjournment

The Chair may at his/her discretion adjourn the hearing for further investigation of any relevant issue. This may include an adjournment to take legal advice. If an adjournment is required the complainant will be notified in writing about any revised timeframes.

After the panel's final decision the complainant will receive a written response explaining the finding, recommendations and final outcome within 15 school days. There may be occasion where the 15 school days may be exceeded as result of consequences outside of the academy's control (e.g. a panel member is sick or unavailable) the complainant will be informed without delay and advised of the revised timescale. This letter will also explain whether there are any further rights of appeal and to whom they need to be addressed. If a complainant has exhausted the academy's complaints procedure, they will be advised that they can submit a complaint to the ESFA by completing the DfE's schools complaints form or in writing by post with the address provided.

The academy will provide a copy, where relevant, to the person complained about and will have copies available on academy premises for inspection which will detail how the complaint was resolved. A written record of all complaints made will be kept confidential.

A written record will be kept of all complaints that are made whether they are resolved following a formal procedure or proceed to a panel hearing and the action taken by the academy as a result of those complaints (regardless of whether they are upheld).

Correspondence, statements and records relating to individual complaints are to 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.

INTERVIEWING WITNESSES

When interviewing children in order to gather information regarding a complaint, the interview should be conducted in the presence of another member of staff or, in the case of serious complaints, e.g. where the possibility of criminal investigation exists, in the presence of their parents.

The academy will ensure that the conduction of interviews does not prejudice an LA designated officer's (LADO), or police, investigation.

The academy understands the importance of ensuring a friendly and relaxed area which is free from intimidation.

All children interviewed will be made fully aware of what the interview concerns and their right to have someone with them.

Staff are allowed a colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager.

The interviewer will not express opinions in words or attitude, so as to not influence the interviewee.

The interviewee will sign a copy of the transcription of the interview.

RECORDING A COMPLAINT

A record shall be kept of any complaint made, whether via phone, in person or in writing, detailing the main issues raised, ready to discuss at a later date.

The academy holds the right to use recording devices, where appropriate, to ensure all parties involved are able to review the discussions at a later date.

Where there are communication difficulties or disabilities, the academy may provide recording devices to ensure the complainant is able to access and review the discussions at a later point

Details of any complaint made shall not be shared with the entire governing board unless completely necessary, in case an independent panel is needed to hear the complaint.

The progress and the final outcome of a complaint will be recorded and kept up-to-date by the Head of Academy.

The academy will hold all records of complaints centrally.

Complainants have a right to access copies of these records under the Data Protection Act 2018 (including GDPR).

SERIAL AND PERSISTENT COMPLAINANTS

The academy will act in a manner they believe to be appropriate when dealing with an individual who consistently makes the same complaints or who continuously asks the academy to reconsider their position.

If a complainant attempts to re-open an issue which has previously fully completed the complaints procedure, the Chair of the local Governing Body will inform the complainant that the matter has already been dealt with and that either that stage of the policy has been exhausted or that the complaints procedure has been exhausted and the matter is considered closed. Where further correspondence is received on the same matter, this may be classed as 'serial' or 'persistent' and the academy does not have an obligation to respond.

The academy must ensure that a complaint is not classed as 'serial' before they have fully completed the complaints procedure.

The academy will not take the decision to stop responding to an individual lightly. The academy will ensure that:

- They have previously taken every reasonable step to address the problem.
- They have provided the complainant with a statement of their position.
- The complainant is contacting the academy repeatedly with the same complaint.
- If the academy believes that the complainant is continuously contacting the academy to cause disruption or inconvenience, or if the complainant is being abusive or threatening, the academy has the right to not respond to the correspondent.
- Once the academy decides to no longer respond to a complainant, the individual will be informed of this decision in writing.
- The complainant has the right to a third-party representative, such as the Citizens' Advice Bureau, throughout the complaints procedure.
- Any new complaint made by a 'serial' complainant will be responded to.
- Complainants hold the right to refer their complaint to their local MP. This would not make the individual a 'serial' or 'persistent' complainant.

Once the Academy has decided that it is appropriate to stop responding, the complainant will be informed in writing.

BARRING FROM THE PREMISES

All Academy premises in the Trust are private property and therefore any individual can be barred from entering the premises.

If an individual's behaviour is cause for concern, a school can ask the individual to leave the premises.

The Head of Academy will notify the parties involved via writing, explaining that their implied licence for access to the premises has been temporarily revoked subject to any representations that the individual may wish to make.

The individual involved will be given the opportunity to formally express their views regarding the decision to bar them.

This decision to bar will be reviewed, taking into account any discussions following the incident.

If the decision is made to continue the bar, the individual will be contacted in writing, informing them of how long the bar will be in place.

Anyone wishing to make a complaint regarding a barring order can do so in writing, including email, to the Head of Academy or Chair of the local Governing Body.

Once the academy's complaints procedure is completed, the only remaining avenue of appeal is through the Courts.

STANDARD OF FLUENCY COMPLAINTS

As members of a public authority, all staff are subject to the fluency duty imposed by the Immigration Act 2016, which requires staff members to have an appropriate level of fluency in English in order to teach students.

The academy is free to determine the level of spoken communication necessary in order for staff members to develop effective performance, but it will be matched to the demands of the role in question.

The academy will be satisfied that an individual has the necessary level of fluency appropriate for the role they will be undertaking, whether this is an existing or potential new member of staff.

If a member of the academy community feels that a staff member has insufficient proficiency in spoken English for the performance of their role, they are required to follow the complaints procedure outlined in this policy.

For the purpose of this policy, a **“legitimate complaint”** is one which is about the standard of spoken English of a member of staff; complaints regarding an individual’s accent, dialect, manner or tone of communication are not considered legitimate complaints.

All legitimate complaints regarding the fluency duty will be handled in line with the processes outlined in this policy.

In addition to the processes outlined in this policy, the academy will assess the merits of a legitimate complaint against the necessary standard of spoken English fluency required for the role in question.

To assess the merits, the academy will undertake an objective assessment against clear criteria set out in the role specification or, against the level of fluency descriptors relevant to the role in question.

If the complaint is upheld, the academy will consider what action is necessary to meet the fluency duty; this may include:

- Specific training
- Assessment
- Re-deployment
- Dismissal

Appropriate support will be provided to staff to ensure that they are protected from vexatious complains and are not subjected to unnecessary fluency testing.

Records of complaints regarding fluency will be kept in accordance with the processes outlined in this policy.

ROLE OF THE ESFA

A complainant may refer the complaint to the ESFA – who may only be able to help if the complainant has not been able to complain or is not satisfied at how the academy handled the complaint because the academy:

- does not have a complaints procedure
- did not provide a copy of its complaints procedure when requested
- does not have a procedure that complies with statutory regulations
- has not followed its published complaints procedure
- has not allowed its complaints procedure to be completed

The ESFA will not be able to change the Academy's decision about a complaint but can make sure the Academy handles your complaint properly by following a published procedure.

The ESFA is unable to assist with the following:

- a child or young person's Education Health and Care Plan.
- the quality of education or leadership, or concerns affecting the school as a whole, which are addressed through OFSTED inspections.
- discrimination.
- data protection.
- exam malpractice or maladministration.
- child protection (safeguarding).
- criminal cases.

AVAILABILITY

A copy of this Complaints Procedure Policy will be made available on request. It will also be published on the Multi Academy Trust website and each individual academy website, as recommended by the ESFA.

REVIEWING THE PROCEDURE

The complaints procedure will be reviewed every two years, taking into account the latest guidance issued by the DfE.

Responsibility for reviewing the procedure belongs to the governing board.

All projected review dates will be adhered to.

Information gathered through reviewing the complaints procedure will be used to continuously improve and develop the process.

The monitoring and reviewing of complaints will be used to help evaluate the academy's performance.

All records of any complaints will be kept confidential but may be inspected where appropriate by the Secretary of State or any inspection body.

Formal Complaints Form

If you have tried unsuccessfully to resolve your complaint and wish to take the matter further, please complete this form and send it to the Head of Academy. (If your complaint is against the Head of Academy, you will need to send the form to the Chair of the local Governing Body.)

Name	
Name of pupil, year group and your relationship to them (where applicable)	
Contact address	
Contact telephone day	
Contact telephone mobile	
Contact email address	
Details of the complaint	
Action taken so far (including staff member who has dealt with it so far) or solutions offered	
The reason that this was not a satisfactory resolution for you	
What action would you like to be taken to resolve the problem?	

Signed:	
Dated:	

Example Letter to Complainant for a Stage Two Complaint

An example of a letter that the Chair of the local Governing Body may send to the complainant, upon receipt of a complaint at stage two.

Official use
Date received:
Signed:

Dear addressee's name,

Thank you for your letter dated date setting out the reasons why you are not satisfied with the Head of Academy's response to your complaint about details of the complaint.

I am writing to let you know that I will be arranging for a complaints appeal panel (CAP) to consider your complaint, in accordance with our academy's complaints procedure.

As explained in the procedure, the Chair of the CAP will advise, in writing, how the CAP intends to consider your complaint.

Yours sincerely

Chair of the Academy Local Governing Body

Example Letter for Complaints Against the Head of Academy

Dear addressee's name,

I have received your complaint against the **Head of Academy** of West Lakes Academy.

I write to let you know that I have forwarded a copy of your complaint to the Head of Academy, with a request that they respond to the issues raised in the complaint within 10 school days.

A copy of the **Head of Academy's** response will be sent to you as soon as possible.

If you are not satisfied with the **Head of Academy's** response, I will arrange for a complaints appeal panel (CAP) to consider your complaint in accordance with stage two of the attached complaints procedure.

As explained in the procedure, the Chair of the CAP will advise you, in writing, how the complaint will proceed.

Yours sincerely,

Chair of the Academy Local Governing Body