

## Westvale Park Primary Academy Complaints Policy

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### 1. Introduction

Westvale Park Primary Academy and Aurora Academies Trust (the Trust) is dedicated to providing the best possible education and support for all its pupils. This means having a clear, fair, and efficient procedure for dealing with any complaints so that any issues that arise can be dealt with as swiftly and effectively as possible.

This document explains the procedure, and the steps that it outlines, that should be referred to and followed by all pupils and their parents whenever an issue arises that causes them concern.

**This document does not apply to:**

- Pupil admissions
- Pupil exclusions
- Complaints about staff members by other staff members
- Complaints by staff about the Trust
- Safeguarding concerns

Each of these follows its own process of complaints and appeals which are outlined in the relevant policies.

## **2. The difference between a concern and a complaint**

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’.

*(Ref: DfE Model Complaints Procedure for Schools 2019)*

## **3. Accessibility**

In accordance with equality law, we will consider making reasonable adjustments to enable complainants to access and complete this complaints procedure, eg providing information in alternative formats, helping to put your complaint in writing or holding meetings in accessible locations. Please contact the school office if you require any assistance.

## **4. Who can make a complaint?**

This complaints procedure applies to parents or carers of children that are registered at the school. However, please check the list under section 1 first to ensure the complaint is not covered by a different procedure.

While this procedure primarily applies to parents or carers of registered pupils, the school will also consider complaints from other individuals, such as prospective parents or members of the community, where appropriate and in line with this policy’s principles of fairness and transparency.

## **5. Anonymous complaints**

We will not normally investigate anonymous complaints. The headteacher and/or Director of School Improvement will determine whether the complaint warrants an investigation. Please note that any complaints about child protection matters are handled under our child protection and safeguarding policy – see page 3.

## **6. Timescales**

You must raise the complaint 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 consider complaints made outside of this timeframe if exceptional circumstances apply.

If complaints are made outside of term time, after school hours, or over a weekend, we will record the day of receipt of the complaint as the first school day back after that time. This will apply to complaints made in relation to a school as well as to complaints made about/to the Trust.

If other public bodies are investigating aspects of the complaint (eg the police, safeguarding teams or a tribunal), 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 legal action has been taken against the school in relation to the complaint, we may suspend the complaints procedure until those legal proceedings have concluded.

## **7. Resolving complaints**

Westvale Park Primary Academy takes concerns seriously and will make every effort to resolve the matter as quickly as possible, by offering an empathetic response, an explanation of events or, if appropriate, a recognition that the situation could have been handled differently or better. If this is the case, we will explain any steps that will be taken to help ensure it will not happen again, with an indication of the timescales within which any changes will be made.

## **8. Duplicate complaints, group complaints and complaint campaigns**

If, after closing a complaint at the end of the complaints procedure, a duplicate complaint is received from someone connected to the original complaint (ie spouse, partner, grandparent or child), the new complainant will be informed that the complaint has been considered and that the local process is complete. The new complainant will be advised to contact the Department for Education (DfE) if they are dissatisfied with the handling of the original complaint.

Group complaints will not be addressed. Parents'/carers' right to complain rests on their position as the parent/carer of an individual pupil. Complainants cannot raise a complaint on behalf of other pupils or a group of pupils.

Where the school/trust receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school/trust may respond to these complaints by:

- Publishing a single response on the school/trust website
- Sending a template response to all of the complainants

Such response will advise complainants to contact the Department for education if they are dissatisfied with the handling of their complaint.

## **9. Vexatious complaints**

Whilst it is hoped that this document will reduce any dissatisfaction with the school, it is acknowledged that there may be rare occasions where a complainant continues to be dissatisfied with the school and the outcomes achieved under the complaints procedure.

Where a complainant attempts to re-open an issue which has already been dealt with under the complaints procedure, the Trust Governance Manager will contact them to inform them 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 considered vexatious, and the school/trust will be under no obligation to respond to that correspondence.

## **10. Dealing with unreasonably persistent complainants and unreasonable complaint behaviour**

In rare circumstances, we may deviate from this complaints procedure. These circumstances include, but are not necessarily limited to:

- Where the complainant's behaviour or language towards staff, LAB members or Trustees is abusive, offensive, discriminatory or threatening
- Where the complainant's behaviour is hindering our consideration of complaints and/or the proper running of the school because of the frequency or nature of the complainant's contact, 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 complaint 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
  - seeks an unrealistic outcome, such as the inappropriate dismissal of staff
  - 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
  - knowingly provides falsified information
  - publishes unacceptable information on social media or other public forums
- Where the complainant's complaint is considered to be frivolous or vexatious. The office of the independent adjudicator defines the characteristics of a 'frivolous' or 'vexatious' complaint as:
  - complaints which are obsessive, persistent, harassing, prolific, repetitious
  - insistence upon pursuing meritorious complaints and/or unrealistic outcomes beyond all reason
  - insistence upon pursuing meritorious complaints in an unreasonable manner
  - complaints which are designed to cause disruption or annoyance
  - demands for redress that lack any serious purpose or value
- Where the complainant's complaint is the same, similar to or based on the same facts of a complaint which has already been considered in full.

In these circumstances, we may:

- inform the complainant that their behaviour is unacceptable or unreasonably persistent and ask them to change it;

- restrict the complainant's access to the school;
- conduct the complaints hearing based on the papers only i.e. not hold a hearing in person;
- refuse to consider the complaint and refer the complainant directly to the DfE. In all cases we will write to tell the complainant why we believe their behaviour is unacceptable or unreasonably persistent, what action we are taking and the duration of that action.

We may take the decision not to respond to any further correspondence where:

- we have taken every reasonable step to address the complainant's concerns
- the complainant has been given a clear statement of our position and their options, and
- the complainant contacts us repeatedly, making substantially the same points each time

The case for ceasing further correspondence is stronger where:

- letters, emails, or telephone calls are often or always abusive or aggressive or make insulting personal comments about or threats towards staff
- we have reason to believe the complainant is contacting us with the intention of causing disruption or inconvenience

Where the behaviour is so extreme that it threatens the immediate safety and welfare of staff or LAB members/Trustees, we will consider other options, for example reporting the matter to the police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

### **11. Withdrawal of a complaint**

If you wish to withdraw a complaint, please confirm this in writing to the headteacher, via email or letter to the school office.

### **12. How to raise a general concern**

If you have a general concern that you would like to take up with the school you should initially inform a member of staff either in person, over the telephone or in writing.

You may wish to approach your child's class teacher or form tutor first as they will be best placed to help you either directly or to identify the person most suitable to deal with your concern.

We encourage parents to approach staff with any concerns they may have and aim to resolve all issues with open dialogue and mutual understanding.

Wherever possible, a written explanation of your concern will need to be provided by you, so that it is easy to see, if the complaint is taken further, what the initial problem was.

### **13. Who to approach with a complaint/concern about a specific person**

**If your concern/complaint is about a member of staff**, you should first raise this with the headteacher either in person or in writing (by emailing – [westvalepark@westvaleppa.org.uk](mailto:westvalepark@westvaleppa.org.uk)), and a meeting can be arranged with the headteacher to discuss the issue. Alternatively, the headteacher may appoint another staff member to meet with you.

If your/complaint is about the Headteacher, a member of the Trust Central Team, one or more individual trustees/LAB members or the Board of Trustees or LAB as a whole, please complete this online form, and your complaint will be passed on to the relevant person: <https://forms.office.com/e/X4tvXhg3uY>

Complaints will be dealt with as follows:

Headteacher	Member of the Central Team
Member of the Central Team, other than the CEO	CEO
CEO	Chair of Trustees
One or more individual trustees, one or more members of a Local Academy Board (LAB) or the LAB as a whole, or the clerk to a LAB	Chair of Trustees
Chair of Trustees	Another trustee
Board of Trustees as a whole	Independent investigator

Members of staff, Local Academy Board members and trustees will refer complaints that are made directly to them to the appropriate member of staff listed above.

#### **14. Stage 1 – Informal Meeting**

Once a concern has been raised you may be invited to attend an informal meeting to discuss your concerns.

You are welcome to bring a friend, partner or, in the case of a pupil who has raised a concern, a parent to this meeting. It may be appropriate for a pupil to attend the meeting if their parent has raised a concern, depending on the nature of the issue.

Staff have a responsibility to ensure that you understand any future points of action that have been agreed upon in this meeting and should make a record of what has been discussed, as well as any outcomes and a plan of action, if one has been agreed.

There is no suggested timescale for resolution at this stage given the importance of dialogue through informal discussion although it would be expected that most issues would be resolved within 15 school days.

All staff will do their best to ensure that your concerns are dealt with appropriately and efficiently but if you cannot come to an agreement, or are dissatisfied with the outcome of your meeting, you can make a formal complaint in writing to the Headteacher/Head of School.

#### **15. Stage 2 – Formal complaint**

If you do not feel that your concern has been dealt with as you would like, are unhappy with the outcome of your informal meeting or feel that the issue is serious enough that it warrants it, you can make a formal complaint in writing to the relevant person as outlined in section 11. If you are complaining about a member of staff at the school, please do so by completing the form in appendix 1, although this is not a requirement for us to investigate your complaint. Otherwise, please complete this online form, and your complaint will be referred to the relevant person: <https://forms.office.com/e/X4tvXhg3uY>. If a complaint is raised for the first time at Stage 2 the school or trust reserves the right to bring it back to Stage 1 if it considers it appropriate.

This person should acknowledge your complaint in writing within two school days and set a response date within 10 school days.

Your complaint will be investigated, and as part of this you may be called in for a meeting if clarification is needed about your complaint or the outcome required. During the investigation, interviews may also be held with others involved in the matter and/or those complained about (allowing them to be accompanied if they wish). If the complaint is an allegation of abuse, a formal investigation may be instigated by the school or external child welfare authorities to whom the school reports.

A record will be kept of all interactions with you and other staff, meetings and decisions made in reference to your complaint. This record will be kept confidentially by the school but may be inspected where appropriate by the Secretary of State or any inspection body.

You will receive a response in writing within 10 school days, as indicated above, outlining the response to your concern, and any action that has or will be taken. If it has been decided not to take any further action on the issue, the decision will be explained and how it has been reached, and the response will outline your right to take the matter further and the steps to be taken.

## **16. Stage 3 – Appeal to the Local Academy Board or Trust Board**

### 13.a If your complaint was about a staff member or the Headteacher

If you would like to lodge an appeal following the outcome of a formal complaint at stage 2, this will be taken to the Local Academy Board's Complaints Panel. You should write to the Trust Governance Manager by emailing [office@auroraacademies.org.uk](mailto:office@auroraacademies.org.uk) or complete this online form <https://forms.office.com/e/3R9gHv42gB> to exercise this right within 10 school days of the outcome at Stage 2. If no request for an appeals panel hearing is received within 10 school days, it will be deemed that the decision is accepted, and the complaint will be closed.

If an appeals panel is requested, the Governance Manager will acknowledge your appeal within three school days and make the necessary arrangements to convene the appeals panel within 20 school days from the acknowledgement being sent. 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 Governance Manager will act as clerk to the appeals panel and will ensure that all parties to the appeal have access to the same documentation and set out a timetable to support the collation and circulation of documents. Any supporting documentation relevant to the complaint must be submitted to the appeals panel by both parties at least five school days before the appeals panel hearing.

You will be entitled to be accompanied to the appeals panel hearing and should notify the clerk in advance if you intend to bring anyone. For the avoidance of doubt, the companion will be present for moral support only and will not play any part in the proceedings, unless invited to do so by the Panel. The Panel Hearing is **not** a legal hearing and it is not appropriate for either the complainant or the school to be legally represented.

### **The appeals panel**

The appeals panel will be made up of at least three people, which will include at least one person independent of the management and running of the school.

No person can sit on the appeals panel if they have had any former knowledge or involvement in the case that is being dealt with at that time. The chair of the panel will be nominated from within the group of panel members. All panel members will be familiar with and have access to the complaints policy.

The panel will give careful consideration to how the complainant can be made to feel most comfortable presenting to the panel, especially in the case of a young child having to present or explain information.

### **Appeals procedure**

The Appeals Panel will determine the procedure to be followed to ensure that it is best placed to deal with the issues arising from the complaint. The procedure for an appeal is usually as follows:

1. The complainant and the person who dealt with the complaint at stage 2 will enter the hearing together.
2. The panel chair will introduce the panel members and outline the process.
3. The complainant will explain the complaint.
4. The panel will question the complainant.
5. The person who dealt with the complaint at stage 2 will explain the school's / trust's actions
6. The panel will question the person who dealt with the complaint at stage 2
7. The complainant will sum up their complaint.
8. The person who dealt with the complaint at stage 2 will sum up the school's / trust's actions.
9. The chair will explain that both parties will hear from the panel within 5 school days.
10. Both parties will leave together while the panel deliberates.
11. The clerk will stay to assist the panel with their deliberations.

The clerk to the appeals panel will notify the complainant of the panel's decision in writing within 5 school days of the appeal hearing. The letter will set out the decision of the panel together with the reasons underpinning that decision. The letter may set out recommendations to the school. A copy of the decision will be provided to the headteacher.

#### **The appeals panel may:**

- dismiss all or part of the complaint
- uphold all or part of the complaint
- decide on the appropriate action to be taken to resolve the complaint
- evaluate all the evidence available and recommend changes to the school's systems or procedures as a preventative step against similar problems arising in the future.

*13.b If your complaint was about a member of the Central Team, one or more individual trustees, the clerk to or a member of a Local Academy Board or the Chief Executive Officer*

If you would like to lodge an appeal following the outcome of a formal complaint at stage 2, this will be taken to the Academy Trust's Complaints Panel. You should write to the Trust's Governance Manager to exercise this right within 10 school days of the outcome at Stage 2. If no request for an appeals panel hearing is received within 10 school days, it will be deemed that the decision is accepted and the complaint will be closed.

The remainder of the procedure is the same as under 13.a, except that the actions will be carried out by the relevant individuals outlined in section 10 and the Governance Manager.

## **17. Appeal to the Department for Education**

The panel's decision is final. If you are unhappy with the outcome, you may wish to put your complaint to the Secretary of State. Complaints can be submitted online at <https://www.gov.uk/complain-about-school>.

Such complaints will only be considered if you feel that the Trust has acted unreasonably or has failed to meet its duties under the Education Act 1996.

## **18. Review and monitoring of complaints and record keeping**

The Headteacher will review and evaluate all complaints no matter how far they are taken or what the outcome to ensure that similar problems are avoided in the future or to see if they could have been managed any more effectively.

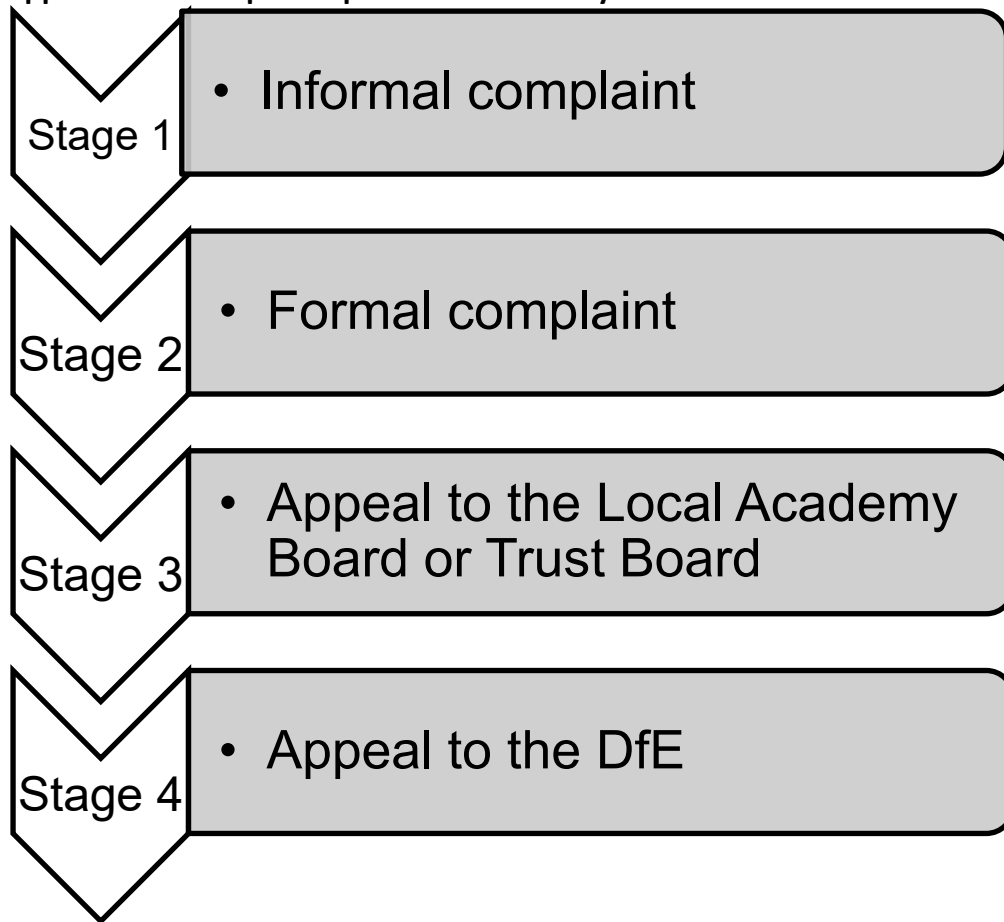
A record of all complaints, whether they are resolved following a formal procedure, or proceed to a panel hearing, shall be maintained by the school. The record shall include details of action taken by the school as a result of those complaints (regardless of whether they are upheld). The Governance Manager will keep a record and provide trustees with an annual summary of all formal complaints (stage 2 and stage 3).

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 2008 Act requests access to them.

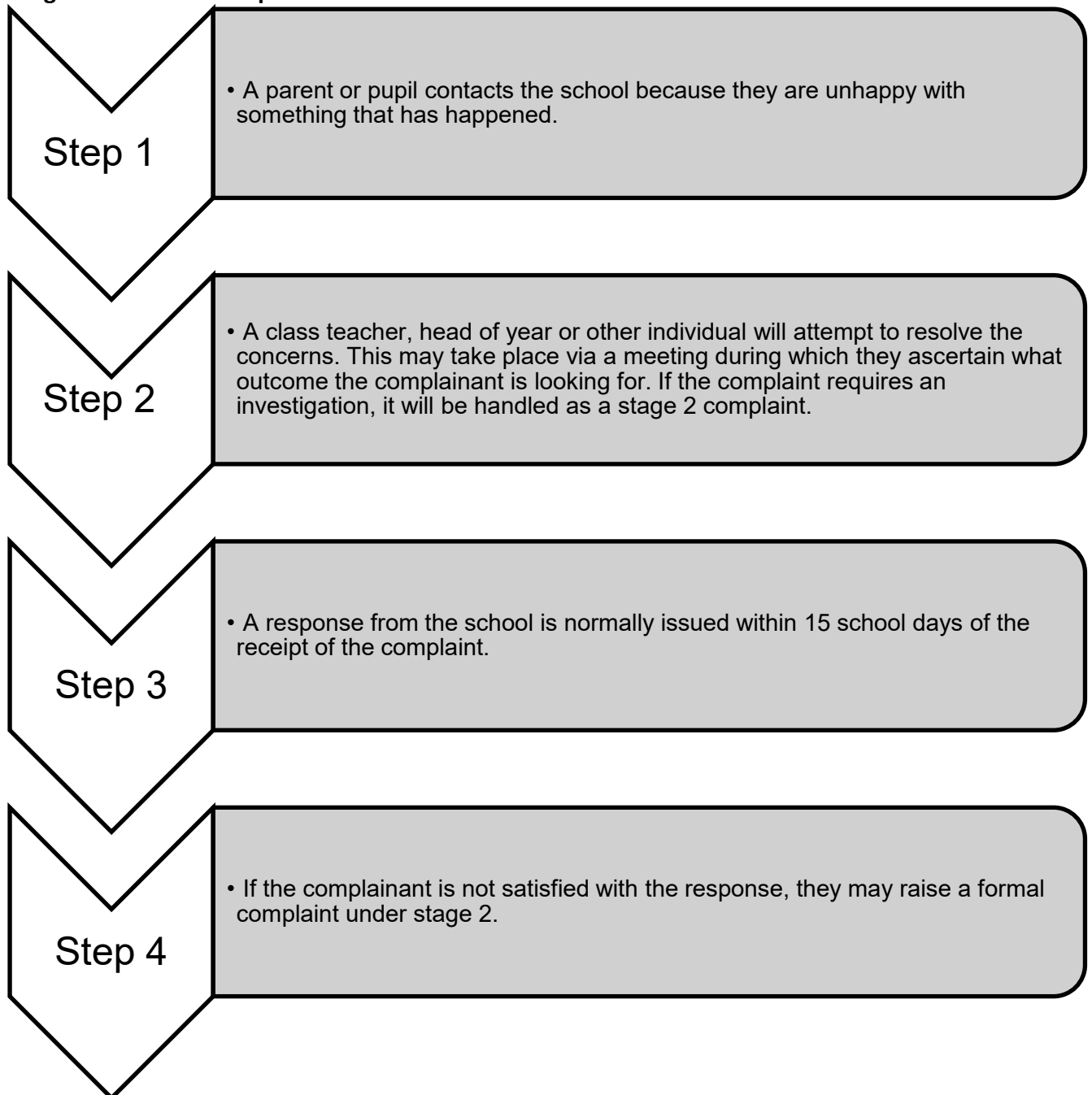
The Trust will review the complaints procedure every 2 years.

Policy Owner: Governance Manager

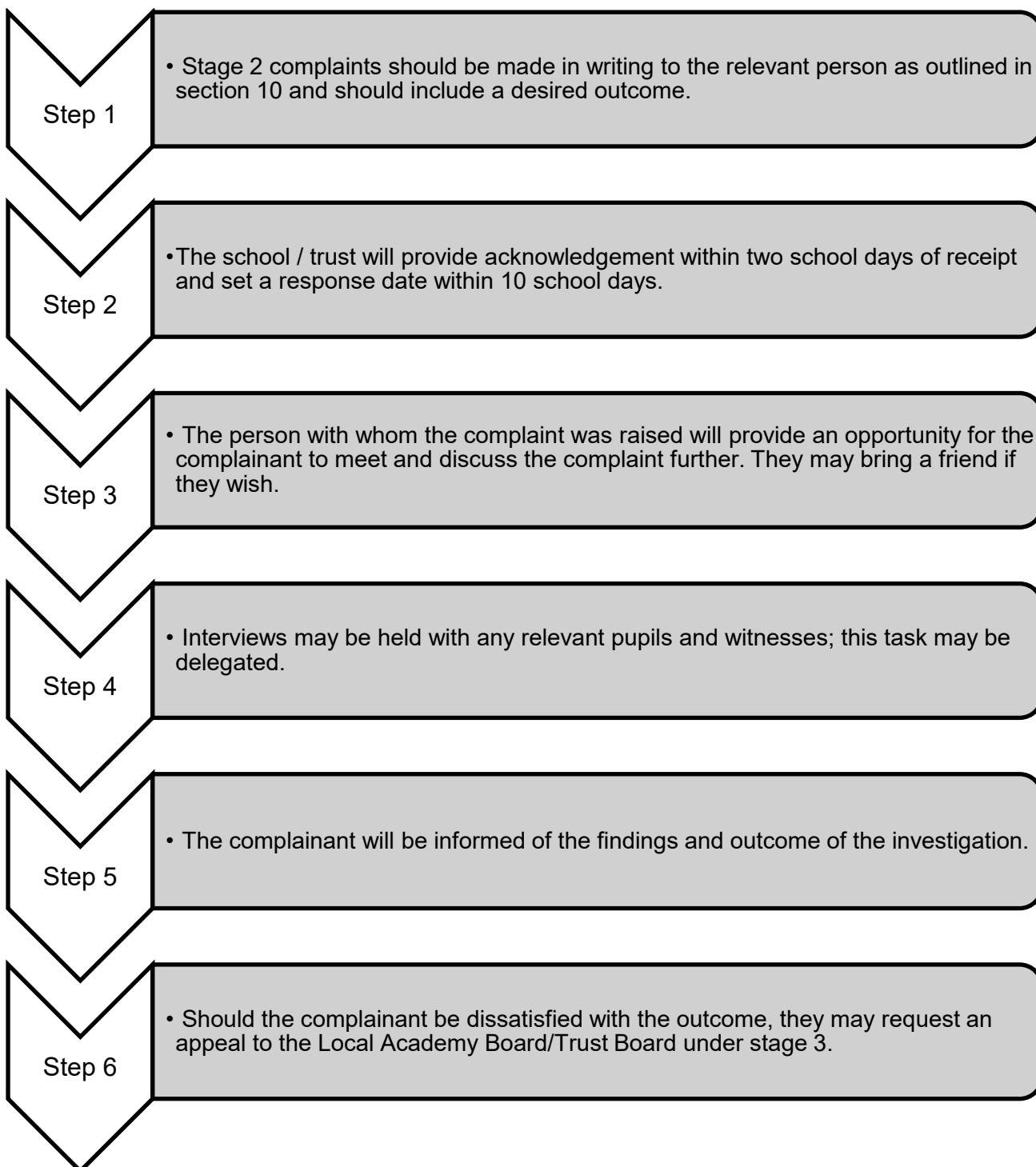
Appendix 1 – Complaints procedure summary



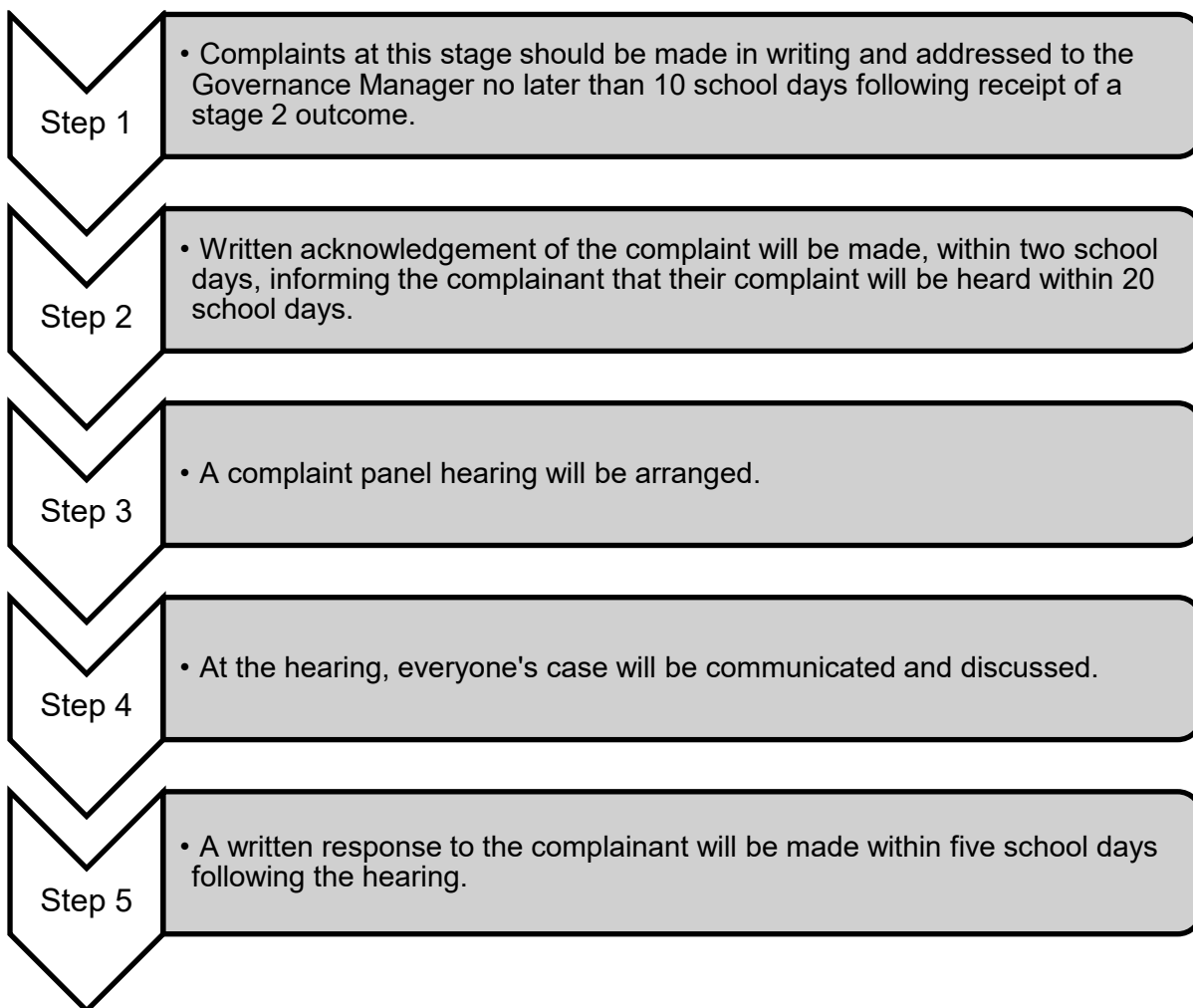
## Stage 1 – Informal complaint



## Stage 2 – Formal complaint



### Stage 3 – Appeal to the Local Academy Board or Trust Board



**AURORA ACADEMIES TRUST**

**Stage 2 Complaint Form**

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address:
Telephone number:
e-mail:
Preferred method of contact:
Please give details of your complaint:
What action, if any, have you already taken to try and resolve your complaint? Who did you speak to, and what was the response?

Please explain your desired outcome. What do you suggest would solve the problem at this stage?

Are you attaching any paperwork? If so, please give details.

**I consent to this information being shared with relevant parties, including those who are the subject of the complaint.**

**Signature:**

**Date:**

**OFFICE USE**

Date acknowledgement sent:

By who:

Complaint referred to:

Sent to Governance Manager for the Trust Register:

Date: