# Complaints Policy and Procedure

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| **Formally adopted by the Trustees of:-** | **West Norfolk Academies Trust** |
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## 1. Aims

Our school aims to meet its statutory obligations when responding to complaints from parents of pupils at the school.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect
- Ensure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law.
- Keep complainants informed of the progress of the complaints process.
- Consider how the complaint can feed into school improvement evaluation processes.

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The school will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will ensure we publicise the existence of this policy and make it available on the school website.

Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

## 2. Legislation and Guidance

This document meets the requirements set out in part 7 of the schedule to the Education (Independent School Standards) Regulations 2014, which states that we must have and make available a written procedure to deal with complaints from parents of pupils at the school.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on creating a complaints procedure that complies with the above regulations, and refers to good practice guidance on setting up complaints procedures from the Department for Education (DfE).

This policy complies with our funding agreement and articles of association.

In addition, it addresses duties set out in the Early Years Foundation Stage statutory framework with regards to dealing with complaints about the school's fulfilment of Early Years Foundation Stage requirements.

## 3. Definitions and Scope

The DfE guidance explains the difference between a concern and a complaint.

A concern is defined as "an expression of worry or doubt over an issue considered to be important for which reassurances are sought".

The school will resolve concerns through day-to-day communication as far as possible.

A complaint is defined as "an expression of dissatisfaction however made, about actions taken or a lack of action".

The school intends to resolve complaints informally where possible, at the earliest possible stage.

For the avoidance of doubt this policy does not apply to those who are not parents/carers of pupils at a school within West Norfolk Academies Trust. Complaints that fall in to this category will be dealt with as follows:

Complainants should firstly address their complaint to the relevant school informally. If this fails to resolve the situation, the complaint may be submitted using the Stage 2 Complaint Form to the Headteacher who will acknowledge receipt of the complaint and thereafter issue a final written response within 15 school days.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does not cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

Please see our separate policies for procedures relating to these types of complaint.

Arrangements for handling complaints from parents of children with SEN about the school's support are within the scope of this policy. Such complaints should first be made to the special educational needs coordinator (SENCO)/Headteacher; they will then be referred to this complaints policy. Our SEN policy and information report includes information about the rights of parents of pupils with disabilities who believe that our school has discriminated against their child.

Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

If you require help in submitting a complaint, please contact the school office. You can also ask a third-party organisation, for example like the Citizens Advice, to help you. In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure.

## 4. Roles and Responsibilities

### The Complainant

The complainant will get a more effective and timely response to their complaint if they:

- Follow these procedures
- Co-operate with the school throughout the process and respond to deadlines and communications promptly
- Ask for assistance as needed
- Treat all those involved with respect
- Not publish details about the complaint on social media

### The Investigator

An individual will be appointed to look into the complaint and establish the facts. They will:

- Interview all relevant parties, keeping notes
- Consider records and any written evidence and keep these securely

- Prepare a comprehensive report to the Headteacher/Executive Leadership which includes the facts and potential solutions

**Clerk**

- Be the contact point for the complainant and the complaints panel, including circulating the relevant papers and evidence before complaints hearing.
- Arrange the complaints hearing
- Record and circulate the minutes and outcome of the hearing

**Committee Chair**

- Chair the meeting, ensuring everyone is treated with respect throughout
- Make sure all parties see the relevant information, understand the purpose of the hearing and are allowed to present their case

## 5. Artificial Intelligence (AI) generated or AI assisted complaints

We want to work constructively with all complainants and resolve issues at the earliest possible opportunity. AI generated complaints can result in submissions that are often lengthy and may contain inaccuracies or assumptions that do not reflect the circumstances within the school. Responding to such complaints can place a significant and unnecessary burden on staff time. As such, we request that AI should only be used as a drafting aid, not the final author. A complaint should always be in the complainants' own voice, using their own words. Complaints should also be concise, proportionate and focused on the matters being raised.

When we receive any complaint in writing (e.g. email or letter), the investigator reserves the right to request the complainant completes a school complaint form (see Complaint Form links at the end of this policy) and / or directly meets with us to seek clarification before the investigation proceeds. This will help us to clearly establish the substance of the complaint so that we can respond appropriately and in line with this policy and ensure the "Rules of Natural Justice" are upheld, allowing for a balanced and considered assessment of the information. The timescales within this policy may be paused by the investigator until such time that clarification of the complaint has been gained.

While we acknowledge that AI can be a helpful tool for organising thoughts and improving communication, we will take steps to ensure that all complaints are genuine, proportionate, and pursued in good faith.

Complaints that are identified as being generated by AI without sufficient factual oversight or personal context from the complainant and / or results in lengthy, speculative, repetitive, unrealistic, unmeritorious demands or irrelevant material - may lead the school to apply its 'Persistent and Unreasonable Complaints' procedure.

## 6. Principles for investigation

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage. When complaints are made out of term time, we will consider them to have been received on the next school day.

Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

The school expects that complaints will be made as soon as possible after an incident arises and no later than 3 months afterwards. We will consider 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.

**Complaints about our fulfilment of early year's requirements**

We will investigate all written complaints relating to the school's fulfilment of the Early Years Foundation Stage requirements, and notify the complainant of the outcome within 28 days of receiving the complaint. The school will keep a record of the complaint (see section 10) and make this available to Ofsted on request.

Our Complaints Policy is issued to all families as part of the registration process. It is also available on the school's website and at www.westnorfolkacademiestrust.co.uk.

Where parents/carers are not satisfied that their child is receiving the free entitlement in the correct way (as set out in the funding agreement and in Early Education and Childcare Statutory guidance for local authorities), a complaint can be submitted directly to the Headteacher.

Parents and carers can notify Ofsted if they believe that the school is not meeting Early Years Foundation Stage requirements, by calling 0300 123 4234 or 0300 123 4666, or by emailing enquiries@ofsted.gov.uk. An online contact form is also available at https://www.gov.uk/government/organisations/ofsted#org-contacts.

We will notify parents and carers if we become aware that the school is to be inspected by Ofsted. We will also supply a copy of the inspection report to parents and carers of children attending the setting on a regular basis.

## 7. Stages of complaint (not complaints against the Headteacher or a governor)

### Stage 1: Informal

The school will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The complainant should raise the complaint as soon as possible with the relevant member of staff or the Headteacher, either in person, letter, telephone, email or using the Stage 1 Complaint form. If the complainant is unclear who to contact or how to contact them, they should contact the relevant school office.

It is important for the complainant to explain clearly and succinctly what the complaint refers to and what they would like to happen in order to resolve the complaint.

The school will acknowledge informal complaints within 5 school days, and investigate and provide a response within 15 school days.

The informal stage may involve a meeting or telephone conversation between the complainant and the Headteacher or member of the senior leadership team, as appropriate.

Individuals should not approach academy governors/Trustees to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering a formal complaint at stage 3 of the procedure.

If the complaint is not resolved informally, it will be escalated to a formal complaint.

### Stage 2: Formal

The formal stage involves the complainant putting the complaint into writing using the Stage 2 Complaint Form. This should be emailed to confidentialcomplaints@wnat.co.uk

Acknowledgement of the complaint will be sent in writing to the complainant within 5 school days.

Incomplete forms will be returned to the sender for completion before any investigation can proceed. Timescales within this policy will be paused until the form is fully completed and resubmitted.

The Headteacher (or other person appointed by the Headteacher for this purpose) will then conduct their own investigation. If a meeting is convened the complainant may be accompanied to this meeting by one person, and should inform the school of the identity of their companion in advance. In certain circumstances, the school may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the school will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative companion.

The written conclusion of this investigation will be sent to the complainant within 15 school days.

If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should email confidentialcomplaints@wnat.co.uk within 10 school days.

Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at the second, formal, stage.

**Stage 3: Review Panel**

A request to escalate to Stage 3 must be sent to confidentialcomplaints@wnat.co.uk within 10 school days using the Stage 3 Review Panel Complaint Form. Acknowledgement of the complaint will be sent in writing to the complainant within 5 school days.

Please ensure all parts of the form are fully completed. Incomplete forms will be returned to the sender for completion before any investigation can proceed. Timescales within this policy will be paused until the form is fully completed and resubmitted.

The clerk will aim to convene a meeting within 20 school days of receipt of the stage 3 request. If this is not possible, the complainant will be kept informed and provided an anticipated date.

If the complainant rejects the offer of a proposed date, an alternative will be sought. If this date is rejected without good reason, the chair of the panel 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.

A complainant may bring one person along to the panel meeting to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the panel meeting.

Representatives from the media are not permitted to attend.

The complaints panel will comprise of three people with no prior connection with the complaint. At least one member of the panel will be completely independent of the Trust.

The aim of the panel meeting is to consider the complaint with the aim of resolving the complaint and achieving reconciliation between the school and the complainant.

The panel will not consider any new complaints at this stage or consider evidence unrelated to the initial complaint. New complaints must be submitted separately.

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.

The panel meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before recording of meetings or conversations take place. Consent will be recorded in any minutes taken.

The panel must then put together its findings and recommendations from the case. The panel will also provide a copy of the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint, and make a copy available for inspection by the proprietor and Headteacher.

The committee can:

- Uphold the complaint, in whole or in part
- Dismiss the complaint, in whole or in part. If the complaint is upheld, the committee will:
    - Decide the appropriate action to resolve the complaint
    - Where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future

The school will inform those involved of the decision in writing within 10 school days.

## 8. Complaints against the Headteacher/Executive Headteacher/Member of Local Governing Body, or the Trustees

Executive Headteacher in this instance refers to Mr Johnson, Executive Headteacher of Springwood High School and CEO of the Trust.

**Stage 1: Informal**

Complaints made against the above should be directed to the confidentialcomplaints@wnat.co.uk using the Stage 1 Informal Complaints Form. If the complaint is about the Headteacher, Executive Headteacher or one member of the board, the Chair of Trustees will appoint an investigator under Stage 1 (as per section 6).

**Stage 2: Formal**

Complaints made against a Headteacher, Executive Headteacher, member of the governing body or a Trustee, the Stage 2 Complaint Form will be passed to the Chair of Trustees who will identify an appropriate member of staff to investigate the complaint. This should be sent to confidentialcomplaints@wnat.co.uk

If the concern or complaint is jointly about the chair, vice-chair and/or entire board, an independent investigator will carry out the steps in Stage 2 (Section 6). They will be appointed by the board and will write a formal response at the end of their investigation.

**Stage 3: Review Panel**

Where a complaint is escalated to stage 3, a Stage 3 Complaint Form must be sent to confidentialcomplaints@wnat.co.uk. An independent review panel will hear the complaint with at least one member of the panel being independent of the Trust.

If the complaint is jointly about the chair, vice chair, the board or the majority of the board then a committee of independent trustees will hear the complaint. They will carry out the steps at stage 3 (as per section 6).

## 9. Referring Complaints on Completion of the School's Procedure

If the complainant is dissatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the ESFA. The ESFA will check whether the complaint has been dealt with properly by the school. The ESFA will not overturn a school's decision about a complaint. However, it will look into:

- Whether there was undue delay, or the school did not comply with its own complaints procedure
- Whether the school was in breach of its funding agreement with the secretary of state
- Whether the school has failed to comply with any other legal obligation

If the school did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the school's complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage:

https://www.gov.uk/complain-about-school

This information will be included in the outcome letter to complainants.

## 10. Persistent or Unreasonable Complaints

Most complaints raised will be valid and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- Has made the complaint before and it's already been resolved by following the school's complaints procedure
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- Knowingly provides false information
- Insists on pursuing a complaint that is unfounded, or out of scope of the complaint's procedure
- Pursues a valid complaint, but in an unreasonable manner e.g. refused to articulate the complaint, refuses to co-operate with this complaints procedure or insists that the complaint is dealt with in ways that are incompatible with this procedure and the time frames it sets out.
- Changes the basis of the complaint as the investigation goes on
- Makes a complaint designed to cause disruption, annoyance or excessive demands on school time, seeks unrealistic outcomes or a solution that lacks any serious purpose or value.
- Uses threats to intimidate
- Uses abusive, offensive or discriminatory language or violence
- Publishes unacceptable information on social media or other public forums
- Insistent upon pursuing unrealistic outcomes and / or demands redress that lack any serious purpose or value.

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 as it could delay the outcome being reached.

We will take every reasonable step to address the complainant's concerns and give them a clear statement of our position and their options.

Should the complainant continue with the behaviour, they will be written to explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact the school or Trust we may specify methods of communication and limit the number of contacts in a communication plan. We may:

- Give the complainant a single point of contact via an email address.
- Limit the number of times the complainant can make contact, such as a fixed number per term
- Ask the complainant to engage a third party to act on their behalf
- Put any other strategy in place as necessary.

**Stopping Responding**

We may stop responding to the complainant when all of these factors are met:

- We believe we have taken all reasonable steps to help address their concerns
- We have provided a clear statement of our position and their options
- The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience

Where we stop responding we will inform the individual that we intend to do so on this issue or a closely related issue. We will also explain that we will still consider any new complaints they make.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from a school site.

**Social Media**

In order for complaints to be resolved as quickly and fairly as possible, the trust requests the complainants do not discuss complaints publicly via social media such as Facebook and Twitter.

Should unacceptable information be published on social media or other public forums we will follow the persistent or unreasonable complaints procedure.

Complaints will be dealt with discreetly for those involved, and we expect complainants to exercise discretion also.

**Anonymous Complaints**

The school will not normally investigate anonymous complaints. However, the Headteacher, in consultation with the Trust, will determine whether the seriousness of the complaint warrants an exceptional investigation under this policy or another applicable Trust policy, such as safeguarding and whistleblowing.

In making this determination, leadership will consider, in particular:

- the seriousness and potential impact of the issues raised;
- the inherent credibility and specificity of the concerns; and
- the practical likelihood that the allegations can be substantiated through verifiable and independent sources.

A brief written record will be maintained setting out the reasons for the decision either to dismiss the complaint or to proceed with an investigation.

### Duplicate Complaints

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account. If we are satisfied that there are no new aspects we will:

- Tell the new complainant that we have already investigated and responded to this issue, and the local process is complete
- Direct them to the DfE if they are dissatisfied with our original handling of the complaint. If there are new aspects, we will follow this procedure again.

### Complaint Campaigns

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

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

If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the normal procedures will apply.

## 11. Record-Keeping

The school will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and records management policy.

The details of the complaint, including the names of individuals involved, will not be shared with the whole Board of Trustees in case a review panel needs to be organised at a later point.

Where the Trustees are aware of the substance of the complaint before the review panel stage, the school will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the Trustees, who will not unreasonably withhold consent.

## 12. Learning Lessons

The Trustees will review any underlying issues raised by complaints with the CEO/Executive Headteacher/Headteacher, where appropriate, and respecting confidentiality, determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

## 13. Monitoring Arrangements

The complaints records are logged and reported to the risk committee on a full-term basis by the CEO.

At each review, the policy will be approved by the Trustees.

## 14. Complaint Forms

Links to downloadable forms;

Stage 1 Informal Complaint Form
Stage 2 Formal Complaint Form
Stage 3 Review Panel Complaint Form

Please download and email the relevant completed form to confidentialcomplaints@wnat.co.uk. Please ensure all parts of the form are fully completed. Incomplete forms will be returned to the sender for completion before any investigation can proceed. Timescales within this policy will be paused until the form is fully completed and resubmitted.

## 15. Links with Other Policies

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Exclusions policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEN policy and information report
- Privacy notices
- Whistleblowing policy