

Academy Complaints Procedure

Woodard Academies Trust

Adopted by Board of Trustees – Finance & General Purposes committee	3 December 2020
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Woodard Academies Trust Academy Complaints Procedure

1. Introduction

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

- Fairly
- Openly
- Promptly
- Without Prejudice

In order to do so, Woodard Academies Trust with Chairs of Academy Councils have approved the following procedure which explains what you should do if you have any concerns about the Academy. All members of staff will be familiar with the procedure and will be able to assist you.

Before making a formal complaint, parents and carers are urged to raise the concern informally with the Academy.

2. Which procedure do I need?

Sometimes, when concerns are more specific, there are alternative and more appropriate policies and procedures 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 the academy website or ask for a copy from the main academy reception. For staff members, policies and procedures can be accessed via the staff portal.

Student Admissions	See Academy Admissions Policy on academy website
Student Exclusions	See Academy Behaviour Policy on academy website
Staff employment matters	Relevant employment policies are available for staff through internal portal
Public interest disclosures	Woodard Academies Trust Whistleblowing Policy on academy website and Trust website
Subject Access Requests and Freedom of Information Requests	See Woodard Academies Trust Freedom of Information Policy on Trust and Academy websites

3. Raising Concerns

The majority of concerns can be dealt with without resorting to the procedure. Where you have a concern about any aspect of the Academy or your child's education or wellbeing, raise this with your child's:

Brunel: Mrs N Corrigan ncorrigan@srwa.woodard.co.uk **

Dickens: Mr H Scantlebury hscantlebury@srwa.woodard.co.uk

Lapper: Mr M Fox mfox@srwa.woodard.co.uk

Mandela: Mr E Kington ekington@srwa.woodard.co.uk

Nightingale: Mr S Davies sdavies@srwa.woodard.co.uk

**Between Sept 20 & Apr 21 please contact Miss M English menglish@srwa.co.uk

Contact can be made via the phone or in person. Ideally, the member of staff will be able to address your concerns on the spot, or they 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 the matter may need to be taken further or discussed with a more senior member of staff, or it is such that it may arise again in the future. Any such notes will be kept in accordance with the principles of the current General Data Protection Regulations. However, such notes would be able to be used as evidence if further investigation was required, or if the concern became a formal complaint.

4. Safeguarding

Wherever a complaint indicates that a child's wellbeing or safety is at risk, the academy is under a duty to report this immediately to the local authority. Any action taken will be in accordance with the Trust and Academy Child Protection and Safeguarding Policy, this can be found on the academy website.

5. Social Media

In order for complaints to be resolved as quickly and fairly as possible, Woodard Academies Trust requests the complainants do not discuss complaints publicly via social media such as Facebook and Twitter. Such postings are likely to have a negative impact on the school community and the students and do not allow the Trust the opportunity to respond. Complaints will be dealt with confidentially for those involved, and we expect complainants to observe confidentiality also.

The Trust has a duty to look after the well-being of its students and staff and to maintain the reputation of its academies. It is important therefore that any complaints or grievances are made via the Complaints Procedure so that the matter can be properly responded to in a consistent and confidential manner.

The Trust will take steps to investigate and report inappropriate comments made on a social media platform to the host. The Trust may also report comments to the police or take legal action in the event of any posting being malicious or potentially defamatory.

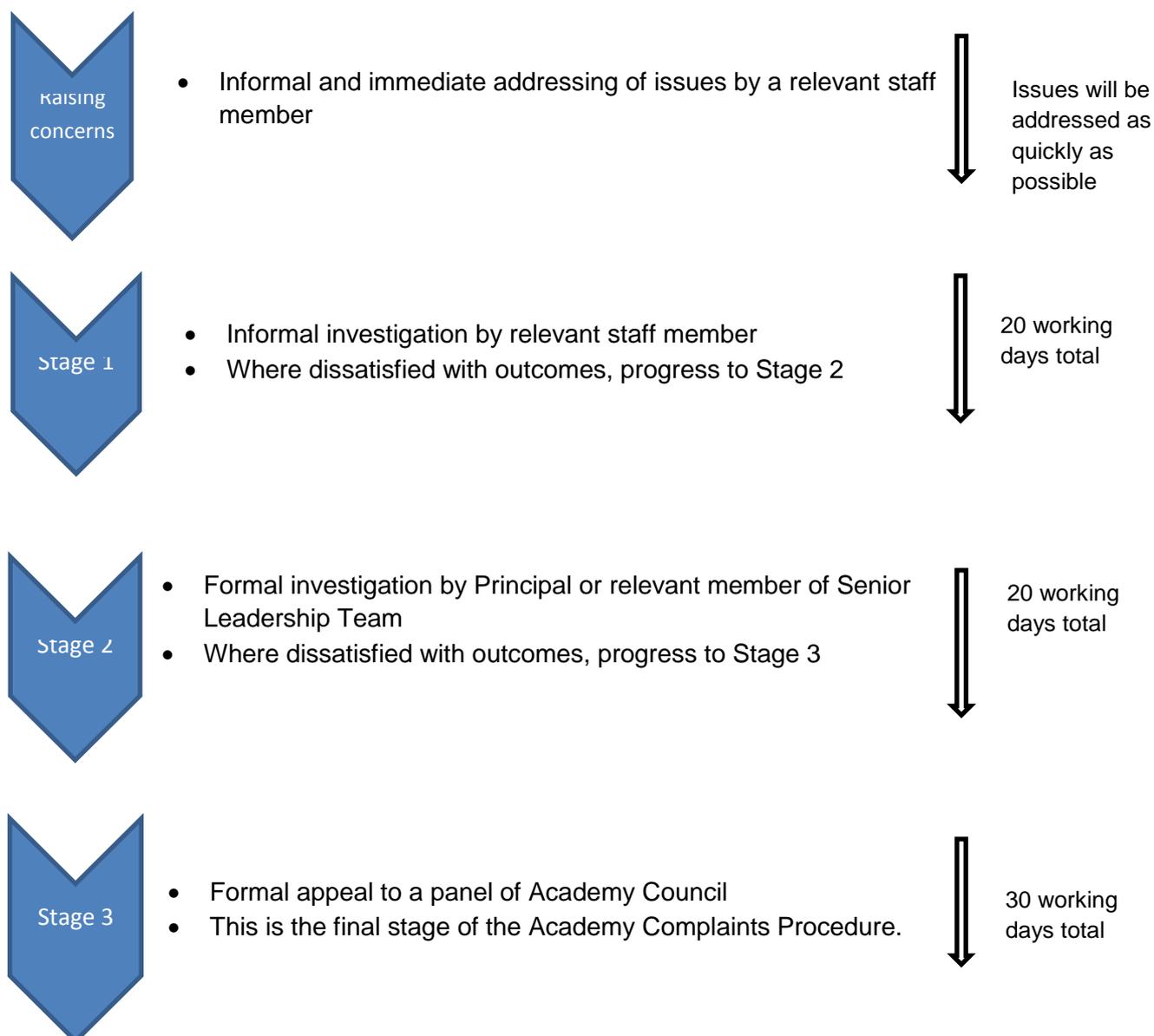
6. Complaints that result in staff capability or disciplinary

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 Principal and / or the individual's line manager. The complainant is entitled to be informed that action is being taken and the eventual outcome of any such action, but they are not entitled to participate in the proceedings or receive any detail about them.

7. Procedure

If you need to raise an issue in the first instance, please do so with the relevant member of staff who will be happy to talk to you and seek to establish a solution. If you are not satisfied with this response and believe the issue has not been resolved, please use the following procedure as detailed below. Please note that reference to working days refers to school days within the academy or school term.

8. Timeline



9. Timeframes

Woodard Academies Trust will endeavour to abide by timeframes stated under each stage but acknowledges that in some circumstances, this is not always possible due to the complexity of information needed to review a complaint or difficulties regarding the individual's availability to deal with the complaint. For example, if it becomes apparent that it is not possible to complete any stage of the complaints procedure within a given timeframe, the individual responsible for handling the complaint will contact the complainant as soon as possible and come to an agreed timeframe that works for all parties involved.

Woodard Academies Trust reserves the right not to investigate complaints that have been made more than three months after the subject of the complaint took place, except in exceptional circumstances or where the complaint relates to safeguarding.

What is meant by exceptional circumstances is where new evidence has come to light, where the complaint is of an especially serious matter or where there is reasonable justification for why the complainant has been unable to raise the complaint before this time. The Principal will review the situation and decide whether or not to enact the complaints procedure, informing the Chair of the Academy Council of the decision.

10. Who should I approach in the first instance?

In the first instance and prior to Stage 1, those who wish to make a complaint are advised to raise the matter as follows:

Concern about educational matters	In the first instance contact Tutor or subject teacher
Pastoral Care	In the first instance contact the relevant Head of Chapter or Head of Year
Student Disciplinary Matters	The member of staff who initiated the sanction
Financial or Administration Matters	Academy Business Manager

11. Complaints about the Principal or an Academy Council Member

Where a complaint regards the Principal, where possible, the complainant should first directly approach the Principal in an attempt to resolve the issue. If the complainant is not satisfied with this outcome, they should notify the Clerk to the Academy Council (see contact details on Academy website).

The Clerk will acknowledge receipt of the complaint and notify the Chair of the Academy Council of the complaint.

The **Stage 2** process will then commence, but with the Chair of the Academy Council as the individual responsible for the investigation.

The Trust will make the designated WAT Central Office director (copied to the Chief Executive Officer) aware by emailing to explain that a complaint has been received about the Principal and that it is with the Academy Chair for investigation. This will enable the Central team to provide appropriate professional advice and guidance.

12. Stages of the Complaints Process

12.1 Stage 1

Stage One – Informal Investigation by a member of staff (*Teacher/Tutor/Faculty Leader/ Head of Chapter*)

Where as a result of raising an initial concern the complainant still feels that the issue has not been addressed, they may progress by making a Stage One complaint. In doing so, the following steps will be followed:

- a) Complainant contacts the Principal regarding the complaint. The substance of the complaint is set out in writing (See paragraph b below). This enables the complaint to be logged and to ensure that a relevant member of staff is investigating the complaint under Stage One of the procedure.
- b) The complainant must explain in writing (letter or e-mail)
 - **An overview of the complaint so far**
 - **Who has been involved**
 - **Why the complaint remains unsolved**
 - **Action they would like to be taken to put things right**
- c) The Principal will arrange for the staff member handling the complaint to respond within 5 working days (excluding those which fall in the academy holidays) of having received the written complaint. They will explain what action they intend to take.
- d) Where the complaint is about a member of staff or an Academy Council Member, the Principal will arrange an informal mediation meeting between the two parties to see if a resolution can be achieved.
- e) The staff member will provide a written confirmation of the outcome of their investigation within 15 working days (excluding those which fall in the academy holidays) of having sent confirmation of the intended action. Where the complainant is not satisfied with the outcome, they are able to progress to Stage Two of the complaints process.
- f) The staff member will make a record of the complaint and the outcomes of the discussion which will be held by the Academy for twelve months, in line with the principles of the General Data Protection Regulations.

12.2 Stage Two

Stage 2 Formal Investigation by the Principal

(This may be delegated to a senior leader)

The complainant should submit a written formal complaint to the Principal. The complainant should ensure that their letter or e-mail indicates that they believe that the complaint has reached Stage Two of the Complaints Procedure. The written formal complaint must set out

- **An overview of the complaint so far**
- **Who has been involved**

- **Why the complaint remains unsolved**
- **That the complainant is using Stage 2 of the Complaints Procedure**
- **The action they would like to be taken to put things right**

The Formal Investigation will be conducted by the Principal or, he/she may elect to delegate the investigation to a member of his/her Senior Leadership Team who, has had no previous dealings with the particular complaint. The complaint will be logged in accordance with academy procedures.

The Principal, or a member of the Senior Leadership Team will respond to the complainant. They will respond in writing within 10 working days (excluding those that fall in the academy holidays) of the date of receipt of the complaint to acknowledge receipt of the complaint and explain what action will be taken, giving clear timeframes.

- a) A log of all correspondence in relation to the complaint will be kept in line with the principles of the General Data Protection Regulations.
- b) The Principal or senior leader will consider all relevant evidence; this may include but is not limited to:
 - A statement from the complainant
 - Where relevant, a statement from an individual who is the subject of the complaint
 - Any previous correspondence regarding the complaint
 - Any supporting documents in either case
 - Interview with anyone related to the complaint.
- c) The Principal or senior leader may decide to have a meeting with the complainant (and where relevant, the subject of the complaint) if they feel that it would be appropriate for the investigation.
- d) After considering the available evidence, the Principal or senior leader can:
 - Uphold the complaint and direct that certain action be taken to resolve it
 - Reject the complaint and provide the complainant with details of the Stage Three Complaints Procedure.
 - Uphold the complaint in part: in other words, the Principal or Senior Leader may find one aspect of the complaint to be valid, but not another aspect. They may direct for certain further action to be taken to resolve the aspect that they find in favour of the complainant.
- e) The Principal or Senior Leader must inform the complainant of their decision in writing within 20 working days (excluding those that fall within the academy holidays) of having issued written acknowledgement of the receipt of the complaint. They must explain clearly why they have come to the decision that they made. They must detail any agreed actions as a result of the complaint.
- f) Finally, they must provide the complainant with details of how to progress the complaint to Stage Three if they are not satisfied, providing them with the contact details of the clerk to the Academy Council.

12.3 Stage Three

Appeal – review by a panel of Academy Councillors and Independent member

If the complainant wishes to appeal a decision at Stage Two of the procedure, or they are not satisfied with the action that the Principal or Senior Leader took in relation to the complaint, the complainant is able to appeal this decision.

They must write to the clerk of the Academy Council as soon as possible after receiving notice of the Principal's decision, briefly outlining the content of the complaint, setting out the resolution they are seeking and requesting that a complaints appeal panel is convened.

The clerk will fulfil the role of organising the time and date of the appeal hearing, inviting all the attendees, collating all the relevant documentation and distributing this 5 days in advance of the meeting, recording the proceedings in the form of minutes, and circulating these and the outcome of the meeting.

The complainant must request an Appeal Panel within 4 weeks of receiving the Principal's or Senior Leader's Stage Two decision or it will not be considered, except in exceptional circumstances. On receipt of this written notification, the following steps will be followed;

- a) The Academy Clerk will write to the complainant within five working days (not including the academy holidays) to confirm receipt of the appeal request and detail further action to be taken.
- b) The Academy Clerk will convene a panel of three people. Two members of the panel will be Academy Councillors and the third member will be independent of the management and running of the academy. All three panel members will have no prior knowledge of the content of the complaint.
- c) The Appeal Hearing will take place within 20 working days (excluding those which fall in the academy holidays) of receipt of the date of the confirmation letter from the Clerk to the complainant, confirming the appeal. The Clerk will attend to take notes of the hearing.
- d) In addition to the panel, the following parties will be invited, where applicable;
 - The complainant
 - The Principal or Senior Leader who dealt with the complaint at Stage Two of the Complaints Procedure
 - Where the complaint regards a member of staff, the staff member who is the subject of the complaint.
- e) The complainant is also able to bring a companion with them to the hearing if they wish. Where the subject of the complaint is a member of staff, that staff member is also able to bring a companion with them.
- f) The companion will be a friend or colleague. Neither party is able to bring legal representation with them. If after the hearing any party feels that legal action is necessary, please see the contact details at the end of the procedure.
- g) If the attendance of any students is required at the hearing, parental permission will be sought if they are under the age of 18. Extra care will be taken to consider the vulnerability of children where they are present at a complaints hearing.

- h) Where the complaint is about a member of the Academy Council, the complainant may request that the Appeal is heard by an entirely independent panel. The decision regarding agreeing to this request is at the discretion of the Academy Council Chairman who will notify the clerk of his/her decision. See paragraph (i) below.
- i) Where an entire independent panel is required, timescales may be affected while the Academy Clerk sources appropriate individuals for the review. The Clerk should seek the advice of Woodard Academies Trust regarding the identification of an independent panel. An option which the Trust will consider is identifying Academy Councillors from another Woodard academy.
- j) The panel may make the following decisions:
 - Dismiss the complaint in whole or in part
 - Uphold the complaint in whole or in part
 - Decide on the appropriate action to be taken to resolve the complaint
 - Recommend changes to the academy's systems or procedures to ensure that problems of similar nature do not recur.
- k) All parties who attended the meeting will be informed in writing of the outcome of the appeal within 5 working days (excluding those which fall in the academy holidays), as will the person complained about if he/she is not a party to the meeting. A copy of the decision will be kept on the school premises for inspection by the Academy Trust or the Headteacher.

This is the final stage at which the academy will consider the complaint. If the complainant remains dissatisfied and wishes to take the complaint further, please see the contact details at the end of this document. The academy will not consider the complaint beyond this.

All complaints and correspondence/hearings under the complaints policy are treated as confidential and will not be disclosed other than to the parties involved and their [professional] advisors, unless required to do so by law. The Academy Trust will review on an annual basis the operation of the complaints policy, the number of complaints received (both informal and formal) and the stage at which these complaints were resolved. A record will also be kept regarding the action taken as a result of any complaint received.

13. Unreasonable Complaints

Where a complainant raises an issue that has already been dealt with via the academy complaints procedure, and that procedure has been exhausted, the academy will not reinvestigate the complaint except in exceptional circumstances, for example where new evidence has come to light.

If a complainant persists in raising the same issue, the Unreasonable Complaints process should be followed (attached as an annex).

14. Contact details for external organisations if not satisfied with the outcome of the complaints procedure in full

- If you have any queries regarding any aspect of the complaints procedure, please direct these to the clerk of the Academy Council. The contact details of the Academy Clerk are available on the Academy website.

- If the complainant feels that the Academy Council acted “unreasonably” in the handling of the complaint, they can complain to the Department for Education after the complaints procedure has been exhausted. Please note that unreasonable is used in a legal sense and means acting in a way that no reasonable academy or authority would act in the same circumstances.
- <https://www.gov.uk/complain-about-school/state-schools> - this includes state funded academies.

15. Relevant legislation and guidance

The Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/contents>

The Data Protection Act 2018 – GDPR Regulations.

The Education (Independent School Standards) Regulations 2014

<http://www.legislation.gov.uk/uksi/2014/3283/contents/made>

Department of Education: The Independent School Standards Guidance for Independent Schools 2019

The Education (Pupil Information) (England) Regulations 2005

Department of Education: Best practice guidance for school complaints procedures 2020

Information Commissioner’s Office Dealing with Vexatious Requests (section 14)

<https://ico.org.uk/media/fororganisations/documents/1198/dealing-with-vexatious-requests.pdf>

The Freedom of Information Act 2014

ANNEX: Process for managing unreasonable complaints

1. Introduction and Purpose

This process provides guidance for academies to fairly, honestly, openly and transparently manage persistent complaints, or complaints which are judged to be unreasonable.

The Sir Robert Woodard Academy is committed to dealing with all complaints, concerns, and requests for information fairly and impartially, in accordance with the Woodard Academy Trust's ("the Trust") Complaints Procedure. However, there are occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. Alternatively, the complainant's behaviour may hinder the academy's ability to manage complaints, because of the frequency or nature of the complainant's contact with the academy.

NOTE: raising legitimate concerns or criticisms of a complaints investigation process as it progresses (for example, in relation to timescales) does not make a complaint unreasonable. Most complaints, even those which are not upheld by the academy, will not normally be considered as unreasonable.

2. What is an unreasonable complaint?

The frequency and/or nature of the complainant's contact with the academy may be considered as 'unreasonable' 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;
 - Knowingly provides falsified information;
 - Publishes unacceptable information on social media or other public forums.
- Other examples of 'unreasonable' complaints include:
- Complaints that are obsessive, persistent, harassing, prolific, repetitious;
 - Insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason;
 - Insistence upon pursuing meritorious complaints in an unreasonable manner;
 - Complaints that are designed to cause disruption, distress or annoyance;
 - Demands for redress that lack any serious purpose or value.

3. What is a persistent complaint?

A complaint may be persistent or serial if, following the conclusion of a complaint process, the complainant tries to re-open the same issue despite being informed that the Complaints Procedure has been completed and that the matter is now closed. Complaints should **not** be treated as 'serial' until the Trust's Complaints Procedure has concluded.

Under no circumstances should a complaint or complainant be categorised as 'serial' for exercising their right to refer their complaint to their MP, regardless of which stage the complaint has reached.

4. Who determines whether a complaint is unreasonable or persistent?

The decision to mark a complaint as unreasonable or persistent should be made by an independent party who has had no prior involvement with that complaint. To this end, the Principal or Academy Council chair should refer the matter to the chair of the trust's Finance and General Purposes committee who will consider the complaint and decide if it is unreasonable or persistent.

Wherever possible, the Principal or Academy Council chair should discuss the matter informally with the complainant first before referring the complaint.

The Finance & General Purposes committee chair may be contacted through the following email: governance@woodard.co.uk.

Where the Principal decides to take such a course of action, they must inform the Chair of the Academy Council that they have done so, explaining the nature of the complaint and their decision to refer it.

If the chair of the Finance & General Purposes committee deems it appropriate to, they can redirect the Principal to investigate the complaint. The full complaints procedure will commence from Stage One, on this direction.

5. Management of unreasonable or persistent complaints

If the chair of the Finance & General Purposes committee has determined that a complaint is unreasonable or persistent, the Principal will write to the complainant explaining that:

- Their behaviour is unreasonable and ask them to change it, and;
- The matter has been dealt with fully in line with the academy Complaints Procedure therefore the complaint is now closed.

The complainant will be provided with the contact details of the Department for Education (provided in the Trust's Complaints Procedure) if they wish to take the matter further.

For complainants who excessively contact The Sir Robert Woodard Academy causing a significant level of disruption, the Principal may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after a set period of time.

Parents and carers must be provided with the information to which they are entitled under The Education (Pupil Information) (England) Regulations 2005, within the statutory time frame. This must be done regardless of whether a communication plan is in use or not.

The Principal may, following consultation with the Academy Council Chair, decide to stop responding to the complainant. However, this decision must not be taken lightly, as the academy must demonstrate that it has acted reasonably, and:

- Taken every reasonable step to address the complainant's concerns;
- Given the complainant a clear statement of the academy's position and their options;
- The complainant continues to contact the academy repeatedly, making substantially the same points each time.

The case to stop responding becomes stronger in the following situations:

- The complainant's letters, emails, or telephone calls are often or always abusive or aggressive;

- They make insulting personal comments about or threats towards staff;
- There are reasonable grounds to conclude that the individual is contacting the academy with the intention of causing disruption or inconvenience.

If a decision is made to stop responding, the complainant must be informed.

Generally, the Trust will not limit the contact which complainants have with the academies. However, unacceptable behaviour to the Trust's staff will not be tolerated, and the Trust will take action to protect staff from such behaviour, including that which is abusive, offensive or threatening.

NOTE: in dealing with persistent and unreasonable complaints, it is the **subject or complaint**, not the individual, that is so labelled. Academies should not fail to respond to a complaint on the grounds that an individual has a track record of such behaviour.

6. Requests for Information

Complaints are sometimes accompanied by requests for information relating to the circumstances underpinning the complaint. Principals should consult the guidance issued by the Information Commissioners Office in the first instance and seek advice from the Trust's provider of legal services.

7. Physical or Verbal Aggression

The Sir Robert Woodard Academy will not tolerate any form of physical or verbal aggression or personal harassment against academy staff. If staff are subject to this type of aggression the academy may:

- Prohibit the individual from entering the academy site, with immediate effect;
- Inform the individual that communication with them will cease other than in an emergency;
- In response to any serious incident of aggression or violence, the academy will immediately inform the police and communicate its actions in writing.