



**EVERY CHILD MATTERS ACADEMY TRUST
WELLGATE PRIMARY SCHOOL
Complaints Policy**

The terms Trust and School (and levels within e.g. governors and trustees) are interchangeable and apply to all schools within the Trust

1 Availability of the Complaints Policy

- I. This policy will be used across each Academy within Every Child Matters Academy Trust for all complaints from Parent/Carers or other parties.
- II. A copy of the complaint's procedure is available from each Academy's Reception and on the school websites:
www.highviewprimary.co.uk/
www.wombwellparkstreetprimary.co.uk/
www.hoylandspringwood.org.uk/
www.kexborough-primary.co.uk/
www.wellgateprimaryblog.co.uk/

2 Introduction

- I. We believe that our Trust provides a good education for all our children, and that the Headteachers and other staff work very hard to build positive relationships with all Parent/Carers. However, the trust is obliged to have procedures in place in case there are complaints by Parent/Carers or other parties.
- II. If any Parent/Carer is unhappy with the education that their child is receiving, or has any concern relating to the trust, we encourage that person to talk to the child's class teacher immediately.
- III. This policy does not cover complaints relating to:
 - Admissions
 - Statutory assessments for special educational needs (SEN)
 - Safeguarding matters
 - Exclusions
- IV. We deal with all complaints in compliance with guidance/regulation set out by the Department for Education, The Education Funding Agency (EFA) and The Education (Independent School Standards) Regulations 2014.



We have adopted a three-stage process for dealing with complaints:

- Stage 1 – Complaint heard by member of staff
- Stage 2 – Complaint heard by Headteacher
- Stage 3 – Complaint heard by Complaints Panel

- V. It is in everyone’s interest that complaints are resolved as quickly as possible within a clearly defined procedure. The school website should contain an explanation of the procedure for Parent/Carers contacting the school to raise a complaint and the school must have available a copy of the complaints procedure to give to Parent/Carers who decide to make a formal complaint.
- VI. Where the complaint is not from a Parent/Carer e.g. a member of the public, the same procedure must be followed as that for a Parent/Carer. Therefore, in this document any reference to a Parent/Carer also includes any other person making a complaint.
- VII. All school staff should be aware of the school complaints procedure and should be able to give information and assistance to Parent/Carers on how to raise a concern or make a formal complaint.
- VIII. A school complaints procedure is not intended to apply to complaints of financial impropriety, criminal activity or disciplinary and grievance matters for which other procedures are in force.

3 Aims and Objectives

Our trust aims to be fair, open and honest when dealing with any complaint. When considering a complaint, we endeavor to deal with them as swiftly as possible. We aim to resolve any complaint through dialogue and mutual understanding and, in all cases, we put the interests of the child above all other issues. We provide sufficient opportunity for any complaint to be fully discussed, and then resolved.

4 Definitions

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.

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

5 The role of the Local Governing Body

The role of the Local Governing Body is to establish a procedure for dealing with complaints, to ensure that the procedure is published and to establish a complaints committee to hear appeals at the final stage of the complaint’s procedure.

There is a legal requirement for the School’s Complaints Procedure to be publicized and it is up to the Local Governing Body to decide how to fulfil this requirement.

Individual complaints must not be heard by the whole Local Governing Body at any stage as this would compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint, or for an appeal by a Parent/Carer with a complaint against the school.

Establishing the Complaints Committee will require three resolutions:

- (1) to establish the Complaints Committee in principle.
- (2) to approve the Constitution and Terms of Reference as described in Appendix 4.
- (3) to appoint Governors to the Committee as and when necessary.

Governors, other than the chairperson or vice-chairperson investigating a complaint, have no individual role in the complaints procedure.

Where a governor receives a complaint they must refer the complainant to the headteacher of the school (or if the complaint concerns the headteacher to the chairperson) and have no further involvement in the matter.

An example of the Constitution and Terms of Reference for a Complaints Committee is provided at Appendix 4 and the Committee Meeting procedure at Appendix 5.

Where the Local Governing Body did not wish to establish a separate committee to deal with complaints appeals, then an option would be to amend the Terms of Reference of an existing committee to include:

- To hear appeals from Parent/Carers together with representations from the Headteacher and/or chairperson
- To notify in writing, to the Parent/Carer, the outcome of the appeal.



There are areas of school management which involve professional decisions which only the Headteacher is qualified to make. Such matters would not fall to the Local Governing Body to overturn. However, it would be a reasonable expectation that the headteacher would brief governors on their decisions.

The Local Governing Body should monitor the level and nature of complaints and review their outcomes on a regular basis to ensure the effectiveness of the school complaints procedure and make changes where necessary. Underlying issues that need to be addressed may be identified. Complaints information shared with the whole Local Governing Body should not name individuals.

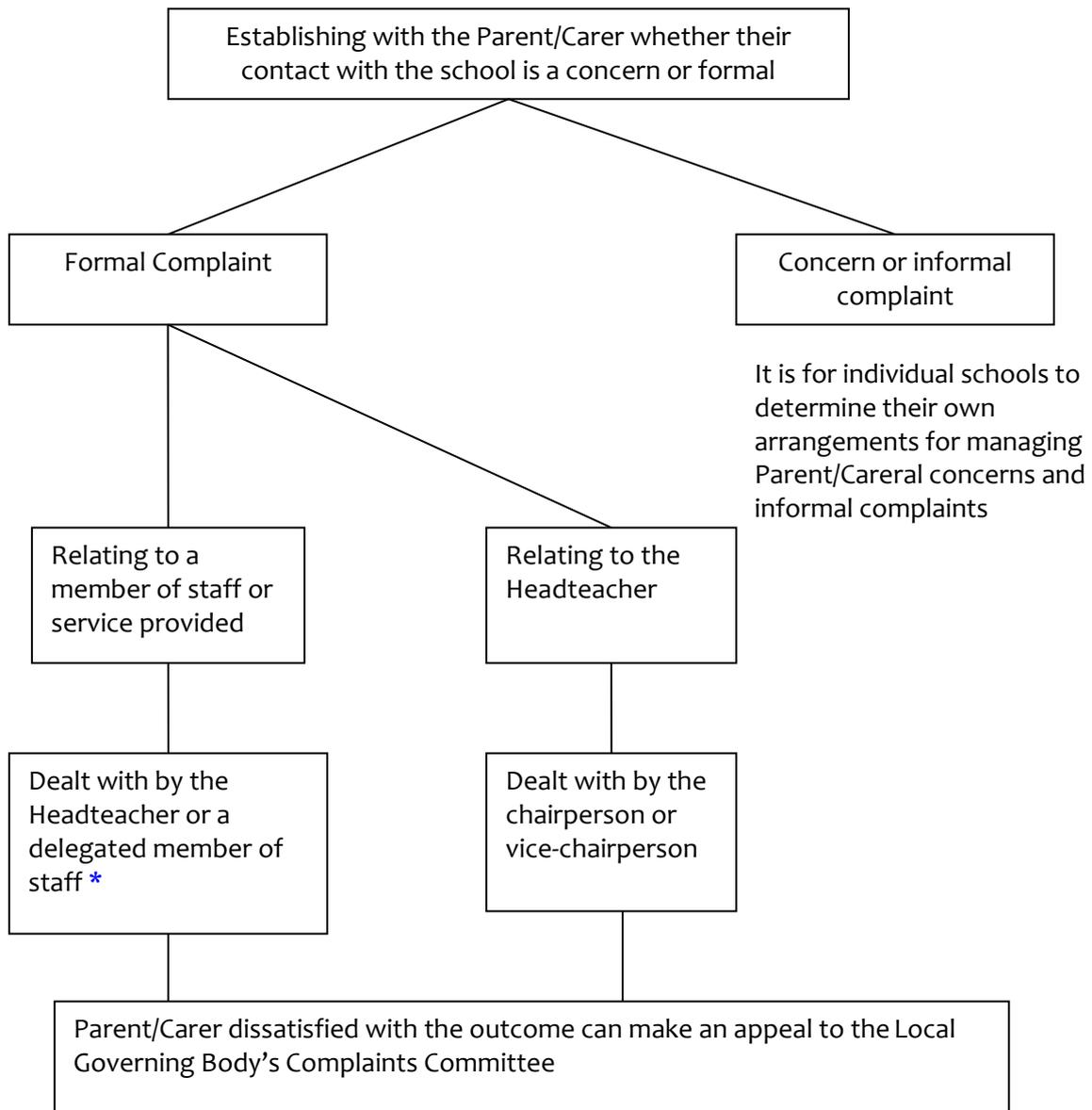
6 Complaints Procedure

- a. Our Complaints Procedure will:
 - i. Encourage resolution of problems by informal means wherever possible;
 - ii. Be easily accessible and publicized;
 - iii. Be simple to understand and use;
 - iv. Be impartial;
 - v. Be non-adversarial;
 - vi. Allow swift handling with established time limits for action and keeping people informed of the progress;
 - vii. Ensure a full and fair investigation by an independent person where necessary;
 - viii. Respect people's desire for confidentiality;
 - ix. Address all the points at issue and provide effective response and appropriate redress, where necessary;
 - x. Provide information to the Academy's senior management team to enable services to be improved.

- b. The Academy will be clear about the difference between a concern and a complaint. We will take concerns seriously at the earliest stage to reduce the numbers that develop into complaints.



7 Structure for a complaints procedure



8 Who deals with complaints

Parent/Carers should be encouraged to speak informally with the appropriate member of staff as soon as they have a concern in accordance with the school's procedure.

The Parent/Carer should be advised to raise more serious concerns with the Headteacher.

Most concerns are dealt with informally to everyone's satisfaction. But failing this, complainants need to know about the formal stages of the process.

All formal complaints relating to the school must be referred to the



headteacher who can decide:

- (i) to deal with it themselves; or
- (ii) delegate to a member of staff.

Where a complaint involves or relates to the headteacher, it must be referred to the chairperson of the Local Governing Body. In the absence of the chairperson then the vice-chairperson would be expected to deal with the complaint.

Where the Parent/Carer makes a formal complaint regarding a school policy the matter should be referred to the chairperson for the Local Governing Body to deal with.

Schools may wish to nominate a member of staff to have responsibility for the operation and management of the school complaints procedure. In smaller schools however, this role is likely to be undertaken directly by the headteacher.

Where a complaint is delegated to a member of staff this must be made known to the complainant. The member of staff must be independent and possess the appropriate skills and authority to deal with other colleagues as part of the complaints process.

9 Investigating and resolving complaints

The following points are an example of good practice for investigating a complaint.

1. Record all information.
2. Establish exactly the nature of the complaint; what happened, who was involved, when it happened and where.
3. Check out the complaint with a view to finding witnesses/evidence.
4. Interview where necessary those complained of, allowing them to be accompanied if they wish.
5. Produce a report containing findings on the complaint.

Any report is produced in the name of the headteacher (or chairperson) and it is up to them to determine whether the complaint is upheld, wholly or in part, or whether there is no substance to the complaint.

The report must be sent to the complainant with the headteacher's (or chairperson's) finding with an offer to meet to discuss the outcome.

The purpose of such a meeting is to explain what has been found out not to amend the report and hopefully to resolve the issue.

Where a complaint has been upheld, the intention should be to put the



complainant in the position they would have been in if things had not gone wrong. This will be dependent on the individual circumstances of the case but will usually be achieved by the following:

- offering an apology and full explanation for what went wrong;
- an admission that the situation could have been handled differently or better;
- taking steps to remedy the situation if appropriate;
- taking action to ensure that the problem is not repeated, including amending a school policy if this is appropriate.

10 Stage 1 – Informal Resolution

- I. It is in everyone's interest that complaints/concerns are resolved at the earliest possible stage. Most concerns will be dealt with informally and parents/carers are encouraged to speak to a member of staff to discuss your concerns, in an attempt to resolve on an informal basis at that time.
- II. Where a parent/carer raises an issue with a school it is important to establish whether the parent/carer has a concern regarding a particular issue which they are seeking to have resolved or whether the parent/carer has a complaint which they want investigating and responded to formally. If the complaint needs to be responded to formally the procedure is set out below. If in fact the Parent/Carer has a concern this will be dealt with in a less formal manner.
- III. Concerns ought to be handled, if at all possible, without the need for formal procedures. Taking concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.
- IV. Resolving parental concerns swiftly can prevent concerns becoming formal complaints. However, it is recognized that, irrespective of the school's reasonableness in responding to the parent's/carers concerns, sometimes they will be dissatisfied with the outcome and wish to make a formal complaint.
- V. The formal procedures set out below will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.
- VI. If a parent/carer is concerned about anything to do with the education that we are providing within our trust, they should, in the first instance, discuss the matter with their child's class teacher. Most matters of concern can be dealt with in this way. All teachers work very hard to ensure that each child is happy at school, and are making good progress; they always want to know if there is a problem, so that they can take action before the problem seriously affects the child's progress.
- VII. Our Academies operate an open-door policy and, as such, parents/carers may wish to book in some time to talk to the Headteacher if this would be



beneficial in resolving your concern informally. Such a procedure will be informal in its style and reflect the relationship between the school and Parent/Carers.

- VIII. Should the complaint be about the Head teacher, the chair of governors will do all (s) he can to resolve the issue informally through a dialogue with the persons concerned.

11 Stage 2 – Formal Resolution

- I. If the complaint cannot be resolved on an informal basis (as set out in the above paragraphs), then parents/carers should put their complaint in writing (using Appendix 1 attached) and hand this in to the Academy for the attention of the Headteacher. Where a Parent/Carer makes a complaint by telephone or in person, they must be advised to submit the complaint in writing in order for it to be considered.
- II. Where a person comes onto the school premises and makes a complaint in a threatening manner, the headteacher must deal with that person in accordance with the Local Authority's procedure.
- III. The Headteacher considers any such complaint very seriously. The complaint will be investigated thoroughly (by the Headteacher or a person delegated to undertake the investigation).
- IV. Complaints need to be considered and resolved as quickly and efficiently as possible. The timescales are set out in appendix 3. As such, complaints made under this procedure must only relate to incidents or concerns occurring within the last 12 months. A complaint will not usually be able to be considered if the child no longer goes to the school.
- V. The Headteacher will decide, after considering the complaint, the appropriate course of action to take.
- VI. Realistic time limits for each action within each stage have been set. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.
- VII. In most cases, the Headteacher will meet or speak with the parents/carers concerned to discuss the matter. If possible, a resolution will be reached at this stage.
- VIII. The Headteacher will use reasonable endeavors to speak to or meet parents/carers within 10 working days of the formal complaint being received.



- IX. Once the Headteacher is satisfied that, so far is practicable, all of the relevant facts have been established, a decision will be made which will be communicated to parents/carers in writing giving the reasons for the decision. The written decision should be provided no later than 10 working days after speaking with or meeting with parents/carers to discuss the matter.
- X. The Academy will hold a written record of all formal complaints, including records of meetings and interviews held in relation to the complaint, and the Academy's decision. The record will be retained for 1 year after the pupil leaves the Academy.
- XI. Should the complaint be about the Headteacher, it will then be considered by the Chair of Governors who will follow the above steps.
- XII. Only if Stage 2 proceedings fail to resolve the matter should a complaint progress to Stage 3.

12 Stage 3 – Complaints Panel

- I. If parents/carers seek to invoke Stage 3, following failure to reach an earlier resolution with the Headteacher decision, in respect of their formal complaint. They may request their complaint is considered by the Complaints Panel. Such a request must be made in writing addressed to the Chair of The Board of Trustees, Every Child Matters Academy Trust, care of High View Primary Learning Centre, Newsome Avenue, Wombwell, Barnsley S73 8QS.
- II. This request for further assessment of the complaint will, for the purposes of this procedure, be known as an 'appeal'.
- III. Parents/carers must lodge their appeal in writing within 10 working days of the date of the Academy's decision made in accordance with the Stage 2 procedure. The parents/carers should provide, in writing, a list of the complaints made against the Academy and which they believe to have been resolved unsatisfactorily by the Stage 2 procedure, along with the remedies sought in respect of each. (using the form attached in appendix 2)
- IV. The Complaints Panel is only obliged to consider the complaint lodged in this 'initial submission' although they may use their discretion to consider other relevant and related matters that may subsequently arise.
- V. Where an appeal is received by the Academy, the Academy will, within 5 working days, refer the matter to the Clerk to the Local Governing Body who will act as Clerk for the Complaints Panel. Where the appeal is received by the Academy during Academy holidays, or within 2 working days of their commencement, the Academy has 5 working days upon commencement of the school term to refer



the matter to the Clerk.

- VI. The Clerk provides an independent source of advice on procedure for all parties.
- VII. On receipt of an appeal, the Clerk will then endeavor to convene an independent Complaints Panel hearing as soon as possible, usually no later than 20 school days after receipt of the notification from the Parent/Carers/guardian that they wish to invoke Stage 3. The Panel date will be dependent upon the availability of the Panel members.
- VIII. The Independent Complaints Panel will consist of two governors from the Local Governing Body who have not previously been involved in the complaint, and one person independent of the management and running of the school who will be selected from the Local Governing Body of another school/academy.
- IX. The following are entitled to attend a hearing and/or, submit written representations and address the Panel:
 - The parent(s)/carer(s);
 - The Headteacher of the Academy
 - Any other interested person whom the Complaints Panel considers to have a reasonable and just interest in the appeal and whose contribution would assist the Panel in their decision-making.
- X. Where required, the Complaints Panel may request any reports, documents, chronology or other useful information in advance of the hearing. Evidence will be sent to and collated by the Clerk who will distribute the information to the relevant parties in advance of the hearing.
- XI. After due consideration of the facts considered relevant, the Panel will reach a decision, and make recommendations, which it shall complete within 10 working days of the hearing. The decision reached by the Complaints Panel is final. Any decision reached that may have financial implications for the Academy will need the appropriate approval from the Trust, although any such approval must be compatible with the decision of the Complaints Panel.
- XII. There is no further right of appeal to the Local Governing Body or Trust. All complainants have the right, as a last resort, to contact the Education Funding Agency if they are not satisfied with the way in which their complaint has been considered. You can contact the EFA via their complaints form on the following link

https://form.education.gov.uk/fillform.php?self=1&form_id=cCCNJ1xSfBE&type=form&ShowMsg=1&form_name=Contact+the+Department+for+Education&noRegister=false&ret=%2Fmodule%2Fservices&noLoginPrompt=1



13 Decisions of the Complaints Committee

The decision of the Complaints Committee will depend upon the nature of the complaint and generally be in two parts.

Part A

- (i) That the complaint was managed and investigated correctly;
- or
- (ii) That the complaint was not managed and investigated correctly.

The Committee would then proceed to make a decision upon the outcome of the complaint under point (i) above.

Part B

That the Committee:

- uphold the decision on the complaint; or
- uphold the decision on the complaint in part; or
- dismiss the complaint.

Following the Committee's two part decision they will need to consider the appropriate action to be taken to resolve the complaint and what response to make to the Parent/Carer. The following are examples:

- (i) an explanation as to why they consider the complaint has been dealt with properly and fairly;
- (ii) acknowledge the school is at fault and offer an apology;
- (iii) an admission that the situation could have been handled differently but this would not have affected the outcome;
- (iv) an assurance that the event complained of will not happen again and what actions are being undertaken by the school;
- (v) a review of the policy/procedure in light of the complaint.

Following the meeting of the Complaints Committee the Clerk must write to the complainant setting out the decision of the Committee and giving reasons for their decision.

The Committee may also recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again.

Vexatious complaints

When all the stages of the complaints procedure have been followed there may be an occasion when the complainant remains dissatisfied and attempts to continue the complaint. In such a case the chairperson should write to the



complainant and inform them the matter has been to appeal and therefore is now closed.

14 **Role of Ofsted**

Ofsted have the power to consider some complaints made in writing about schools. Such complaints can be made by parents or carers of children registered at a school.

Ofsted will not usually consider a complaint if the parent/carer has not first followed the School's and Trust's complaints procedure.

Ofsted can consider complaints where it affects the school as a whole e.g.

- the school not providing a good enough education
- the pupils are not achieving as much as they should, or their differing needs are not being met
- the school is not well led and managed, or is wasting money
- the pupils' personal development and well-being are being neglected.

Ofsted will not normally investigate cases to do with individual pupils.

Ofsted cannot consider complaints when there are other statutory ways of pursuing them.

Examples include complaints relating to:

- admissions procedures
- exclusion of individual pupils
- provision for individual pupils with special educational needs
- religious education or the religious character of a school
- temporary changes to the curriculum

Ofsted are not in a position to:

- investigate incidents that are alleged to have taken place
- judge how well a school investigated or responded to a complaint
- mediate between a Parent/Carer and a school to resolve a dispute.

Where a complaint is made to Ofsted, which falls within their power to investigate, it may decide to bring forward an inspection or conduct an immediate inspection.

Complaints about childcare and social care provision

Ofsted can take more extensive action on receiving a complaint about childcare and social care providers should the information they receive suggest that providers are not meeting minimum standards, are putting children at risk or are providing services without appropriate registration. This will apply to schools



where they are registered with Ofsted for the provision of these services.

15 Monitoring, Evaluation and review

- I. The Trust Board will review this policy at least every three years and assess its implementation and effectiveness. The policy will be promoted and implemented throughout each Academy in the Trust.
- II. The governors monitor the complaints procedure, in order to ensure that all complaints are handled properly.
- III. Governors take into account any local or national decisions that affect the complaints process, and make any modifications necessary to this policy. This policy is made available to all Parent/Carers, so that they can be properly informed about the complaints process.

Approved by the Board of Trustees on _____

Chair of Trustees _____ CEO _____

Date:

Reviewed By	V.Rich	Date	26/02/20
Endorsed By	C.Egginton	Date	23/04/20
Approved By	C.Egginton	Date	23/04/20

Next Review Date: April 2021



2. What action, if any, have you already taken to try and resolve your complaint? (Who did you speak to and what was their response?). Continue on a separate sheet if necessary.

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3. How do you feel the problem could be resolved at this stage? Continue on a separate sheet if necessary.

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4. Are you attaching any paperwork? If so, please provide details. Continue on a separate sheet if necessary.

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Signed:

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Date:	
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Thank you for completing the form and providing us with details of your complaint.

Please send in your completed form to the Headteacher, care of the school reception or via the following email address:

High View Primary Learning Centre – highview@ecmtrust.co.uk

Hoyland Springwood Primary School – springwood@ecmtrust.co.uk

Kexborough Primary School – kexboroughprimary@ecmtrust.co.uk

Wellgate Primary School – wellgateprimaryt@ecmtrust.co.uk

Wombwell Park Street Primary School – parkstreet@ecmtrust.co.uk

All paperwork will be held on file securely by the school.



18 Appendix Three

COMPLAINTS PROCEDURE

Our school values its relationship with pupils and Parent/Carers and encourages those with concerns regarding their child's education or the service we provide to contact the school with aim of resolving the issue or concern.

However, where a Parent/Carer wishes to make a complaint it will be treated seriously and managed in a formal procedure.

- 1 The Parent/Carer must submit their complaint in writing or by using the School Complaint Form. Anonymous complaints will not be dealt with.

The letter/form should contain as much detail as possible
- 2 The complaint will be acknowledged in writing within 5 school days stating which member of staff will be managing the complaint.
- 3 Within a further 20 school days and investigation of the complaint will be undertaken.
- 4 Within 5 school days of completing the investigation the Parent/Carer will receive a copy of the report and the head teacher's decision, or notification that the headteacher will investigate further. If the headteacher decides to undertake a further investigation the Parent/Carer will be notified of this and be given a date by which it will be completed (normally a further 10/15 school days)
- 5 The Parent/Carer will be invited to attend a meeting to discuss the report, if they wish, at a time convenient to them. There is no time limit to this.
- 6 Irrespective of whether the Parent/Carer attends a meeting they have the right of appeal to the Local Governing Body Complaints Committee if they are dissatisfied with the outcome of the complaint.
- 7 A Complaints Committee meeting will be held within 15 school days of the Parent/Carer informing the school they wish to appeal.
A copy of the Complaints Committee Procedure is attached.
- 8 The decision of the Complaints Committee will be sent to the Parent/Carer, in writing the school day following the meeting.

The decision of the Complaints Committee is final.

The Parent/Carer can submit a complaint to the Local Authority only on the grounds that the school did not follow its published procedure. The Local Authority will not investigate the Parent/Carer's original complaint against the School; however the Local Authority may check that the school followed its published procedures.

Where the complaint refers to the headteacher the chairperson of the Local Governing Body will investigate the complaint.



19 Appendix Four

CONSTITUTION

1. The Committee shall consist of 5 Governors appointed by the Local Governing Body excluding the Headteacher and Staff Governors
2. Where the Chairperson of the Local Governing Body is a member of the Committee, they shall not attend any meeting where they have participated in the management of the complaint.
3. The Chairperson of the Committee shall be elected by the Committee.
4. The quorum shall consist of 3 members of the Committee. *
5. The Local Governing Body shall appoint a Clerk to the Committee
6. The Clerk will ensure:
 - (i) a minimum of 7 clear days' notice of a meeting is given in writing to each committee member along with the agenda;
 - (ii) the minutes and decisions of the committee are recorded and made available for inclusion in the agenda papers of the next Committee meeting and/or Local Governing Body meeting.
7. The Committee is authorised to make decisions on behalf of the Local Governing Body only in respect of those powers specifically within the Terms of Reference.

TERMS OF REFERENCE

1. To hear appeals from Parent/Carers together with representations from the Headteacher or Chairperson.
2. To notify in writing, to the Parent/Carer, the outcome of the appeal.

** It is recommended that only 3 governors attend the meeting as 5 governors present could be rather daunting for a Parent/Carer*

20 Appendix Five

PROCEDURE FOR THE COMPLAINTS COMMITTEE OF THE LOCAL GOVERNING BODY

1. The Headteacher (or Chairperson*) and parent/carer will be invited into the meeting.
2. Those present will introduce themselves
3. The Clerk will explain the procedure for hearing the Parent/Carer's complaint.
4. The Parent/Carer will present their complaint.
5. The Governors may if they wish ask the Parent/Carer questions.
6. The Headteacher/Chairperson may ask questions of the Parent/Carer.



7. The Headteacher/Chairperson will be invited to explain how the complaint was
8. managed and what decisions were taken on the complaint.
9. The Governors, may if they wish, ask the Headteacher/Chairperson questions.
10. The Parent/Carer may ask the Headteacher/Chairperson questions.
11. Following summaries by the parent/carers and Headteacher/Chairperson they will leave the meeting.
12. The Committee will then come to a decision on the complaint.
13. Following the meeting the Clerk will write to the Parent/Carer and the Headteacher/Chairperson informing them of the Committee's decision.

Witnesses may be questioned on any statement made or evidence given.