



Whitburn Church of England Academy

Complaints Policy

Preface

The Academy Vision and Values can be found here:

<https://www.whitburncofeacademy.org/about-us/academy-ethos.html>

This policy and its associated procedures are based on these key principles and values.

Introduction

Whitburn Church of England Academy prides itself on the quality of education provided for its student. We endeavour to always provide “Excellence for all” in an open and transparent environment. We welcome any feedback that we receive from parents/carers, students and others, and we accept that not all of this will be positive. However this feedback provides valuable information for the Academy’s Senior Management Team so that services can be improved.

Where concerns are raised the school intends for these to be dealt with:

- Fairly
- Openly
- Promptly
- Without Prejudice

Which procedure do I need?

The Complaints Policy has been created to deal with any complaint against a member of staff or the school as a whole, relating to aspects of the Academy or its provision of facilities or services.

A complaint can be brought by a parent or carer of a registered child at the Academy or any person who has been provided with a service/facility by the Academy. This person is referred to as the complainant. A complainant is able to raise concerns and complaints with the Academy, either in person, by telephone or in writing (including electronic communications).

All concerns will be dealt with confidentially, although the staff member recording or responding to the complaint may need to take notes if they feel that the matter may need to be taken further or it may arise again in the future. Any such notes will be kept in accordance with the principles of the Data Protection Act 1998. However, such notes would be able to be used to as evidence if further investigation was required, or if the concern became a formal complaint.

It is expected that all concerns or complaints will be expressed reasonably and in moderate language.

A concern becomes a complaint only when the complainant asserts the Academy has acted wrongly in some significant decision, action or failure to take action. Even when a complaint has been made it can be resolved or withdrawn at any stage.

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

- Student admissions; please see the Academy's **Admissions Policy**
- Student exclusions; please see the Academy's **Exclusion Policy**
- Where the complaint concerns a third party used by the Academy; please complain directly to the third party themselves.
- Anonymous complaints – please refer to the **Whistleblowing Policy**.
- Subject Access requests and Freedom of Information Requests – please see the Academy's **Data Protection and Publication Scheme**.

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

Raising concerns

The majority of concerns can be dealt with informally prior to Stage 1 of the complaints procedure. Schools may have a nominated member of staff with responsibility for the operation and management of the school complaints procedure. Where you have a concern about any aspect of the Academy or your child's education or wellbeing, **please contact the Principal's PA, who is the designated first point of contact**. In liaison with the Principal or Senior Deputy Headteacher, the Principal's PA will direct the concern to the most appropriate member of staff to respond.

Safeguarding

Wherever a complaint indicates that a child's wellbeing or safety is at risk, the Academy will act in accord with the Child Protection Policy is under a duty to report this immediately to the relevant Contacts and Referral Team, Children's Safeguarding or the police. Any action taken will be in accordance with the Academy's Child Protection Policy which can be found on the Academy website. If a social services authority decides to investigate a situation, this may postpone or supersede investigation by the Principal or Governing Body.

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.

Social Media

In order for complaints to be resolved as quickly and fairly as possible, the Academy requests the complainants do not discuss complaints publically via social media such as Facebook and Twitter. Complaints will be dealt with confidentially for those involved, and we expect complainants to observe confidentiality also.

Our aims when dealing with concerns or complaints

Whitburn Church of England Academy will:

- Encourage the resolution of problems by informal means wherever possible.
- Allow swift handling with established time-limits for action and keeping people informed of any progress.
- Ensure a full and fair investigation by an independent person where necessary.
- Respect people's desire for confidentiality.
- Address all the points at issue and provide an effective response and appropriate redress where necessary.

Monitoring and recording complaints

At all stages of the complaints procedure the following information should be recorded:

- Name of the complainant.
- Date and time at which complaint was made.
- Details of the nature of the complaint.
- Desired outcome of the complainant.
- How the complaint is being investigated (including written records of any interviews held)
- Results and conclusions of investigations.
- Any action taken.
- The complainant's response.
- Record of any subsequent action if required.

Procedure

This procedure applies to any complaint about provision in the Academy by a parent or carer of a registered child at the Academy or any person who has been provided with a service/facility at the Academy.

Timeline

Raising concerns	Informal and immediate addressing of issues by relevant staff member	5 working days
Stage 1	Informal investigation by member of staff <i>Where dissatisfied with outcomes, progress to Stage 2</i>	10 working days
Stage 2	Formal investigation by Principal <i>Where dissatisfied with the outcome progress to Stage 3</i>	15 working days
Stage 3	Formal appeal to panel of governors <i>This is the final stage of the school's complaints procedure. Where dissatisfied with outcomes, contact the Education and Skills Funding Agency (EFA)</i>	20 working days

Timeframes

The Academy 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 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.

The Academy reserves the right not to investigate complaints that have been made three months after the subject of the complaint took place, except in exceptional circumstances. 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 Governors of the decision.

Complaints about the Principal or the Governors

Where a complaint regards the Principal, the complainant should first directly approach the Principal in an attempt to resolve the issue informally. If the complainant is not satisfied with this outcome they should contact the Chair of Governors through the Clerk to the Governors (*see contact details at the end of the document*). The Stage 2 process will then commence, but with the Chair of Governors as the individual responsible for the investigation rather than the Principal.

Where a complaint regards a governor, the same process applies as for the Principal. Where a complaint concerns the Chair of Governors, the individual should contact the Clerk to the Governors. Informal resolution will be sought, but where this fails, the complaints procedure at Stage 3 will take immediate effect. The Vice Chair or an independent investigator will mediate any proceedings.

Stages of the Complaint

Stage 1: Informal investigation by a member of staff

Where as a result of raising a concern the complainant still feels that the issue has not been addressed, or where the outcome has been that the complaint needs further investigation than can be resolved briefly, they may progress by making an informal complaint. In doing so, the following steps will be followed:

1. Complainant contacts the Principal's PA.
2. The complainant must explain in writing:
 - an overview of the complaint so far
 - who has been involved
 - why the complaint remains unresolved
 - action they would like to be taken to put things right.
3. The Principal's PA will discuss the complaint with the Principal, who will appoint an appropriate senior member of staff, usually a Deputy or Assistant Headteacher to investigate the complaint. The member of staff appointed will respond within 5 working days (*excluding those which fall in the school holidays*) of having received the written complaint. They will explain what action they intend to take.
4. Where the complaint is about a member of staff or a governor / academy trustee, the senior member of staff may arrange an informal mediation meeting between the two parties to see if a resolution can be reached.
5. The senior member of staff will provide a written confirmation of the outcome of their investigation within 10 working days (*excluding those which fall in the school 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 2 of the complaints process, and launch a formal written complaint.

Stage 2: Formal investigation by the Principal or Head of School

1. The complainant may submit a formal complaints form to the Principal. *See the end of the procedure for the Principal contact details and for a copy of this form.* The Senior Deputy Headteacher may deputise for the Principal at Stage 2 of the Complaint process.
2. The Principal will respond in writing within 5 working days (*excluding those that fall in the school 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.
3. A log of all correspondence in relation to the complaint will be kept in accordance with the Data Protection Principles.

4. The Principal will consider all relevant evidence; this may include but is not limited to:
 - a. a statement from the complainant,
 - b. where relevant a statement from an individual who is the subject of the complaint
 - c. any previous correspondence regarding the complaint
 - d. any supporting documents in either case
 - e. interview with anyone related to the complaint.

5. The Principal 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.

6. After considering the available evidence, the Principal 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 appeals process
 - Uphold the complaint in part: in other words, the Principal may find one aspect of the complaint to be valid, but not another aspect. They may direct for certain action to be taken to resolve the aspect that they find in favour of the complainant.

7. The Principal must inform the complainant of their decision in writing within 15 working days (excluding those that fall in the school 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. 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 governors (see the end of the procedure for these).

Stage 3 – Appeal – Review by a Panel of the Governing Body

1. If the complainant wishes to appeal a decision by the Principal at Stage 2 of the procedure, or they are not satisfied with the action that the Principal took in relation to the complaint, the complainant is able to appeal this decision.

2. They must write to the Clerk (*see the contact details at the end of the procedure*) as soon as possible after receiving notice of the Principal's decision, briefly outlining the content of the complaint and requesting that a complaints appeal panel is convened.

3. 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.

4. The complainant must request an appeal panel within 4 weeks of receiving the Principal's decision or it will not be considered, except for in exceptional circumstances. On receipt of this written notification, the following steps will be followed:

5. The Clerk will write to the complainant within five working days (not including the school holidays) to confirm receipt of the appeal request and detail further action to be taken.

6. The Clerk will convene a panel of two governors/academy trustees and one independent member (academies must have one independent member on the panel). All three panel members will have no prior knowledge of the content of the complaint.

7. The appeal hearing will take place within 20 working days (excluding those which fall in the school holidays) of receipt of the date of the confirmation letter from the Clerk to the complainant, confirming the appeal.
8. In addition to the panel, the following parties will be invited, where applicable:
 - the complainant
 - the Principal who dealt with the complaint at Stage 2
 - where the complaint regards a member of staff, the staff member who is the subject of the complaint.
9. 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.
10. The companion will be a friend or a 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.
11. If the attendance of any student 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.
12. Where the complaint is about a governor/trustee, the complainant may request that the appeal is heard by an entirely independent panel. It is at the discretion of the academy trust who will notify the clerk of their decision. Where an entirely independent panel is required, timescales may be affected while the school source appropriate individuals for the review.
13. The panel can 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 a similar nature do not recur.
14. 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 school holidays).

This is the final stage at which the school 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 the document. The Academy will not consider the complaint beyond this.

Unreasonable complaints

Where a complainant raises an issue that has already been dealt with via the Academy's 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 Principal will write to them explaining that the matter has been dealt with fully in line with the Academy's complaints procedure, and therefore the case is now closed. The complainant will be provided with the contact details of the Department for Education (see the end of this document) if they wish to take the matter further.

Unreasonable complaints include the following scenarios:

- The complainant refuses to co-operate with the Academy's relevant procedures.
- The complainant changes the basis of the complaint as the complaint progresses.
- The complainant seeks an unrealistic outcome
- Excessive demands are made on the time of staff and school governors and it is clearly intended to aggravate.
- The complainant acts in a way that is abusive or offensive.

The Principal will use their discretion to choose not to investigate these complaints. Where they decide to take this course of action, they must inform the Chair of Governors that they have done so, explaining the nature of the complaint and why they have chosen not to investigate. If the chair 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.

If the Chair upholds the Principal's decision not to look into the complaint and the complainant deems this decision to be so unreasonable that no other rational body in the same position would have made that decision, then the complainant may write to the Department for Education.

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

- If the complainant feels that the governing board acted 'unreasonably' in the handling of the complaint, they can complain to the Education and Skills Funding Agency 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 school or authority would act in the same circumstances.
- Ofsted will also consider some types of complaints about schools.

Malicious or vexatious complaints

Where complaints are deemed after investigations to be malicious or unnecessarily time wasting they may be referred by the Principal to the Governing Body and further action will be considered.

Role of the Local Authority

Please note that as an Academy (state funded independent school); the Local Authority has no powers to investigate a complaint against the Academy on behalf of a complainant.

Contact Details

Mr J Crowe (Principal)
Whitburn Church of England Academy
Whitburn
Sunderland
SR6 7EF

Clerk to the Governing Body – Whitburn Church of England Academy
Governor Support Service
Town Hall
South Shields
Tyne and Wear
NE33 2RL

Ministerial and Public Communication Division (Education and Skills Funding Agency)
Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD

Via the Department for Education's school complaints form - www.gov.uk/complain-about-school/state-schools

Relevant legislation and guidance

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

The Data Protection Act 1998 <http://www.legislation.gov.uk/ukpga/1998/29/contents>

The Education (Independent School Standards) Regulations 2014
<http://www.legislation.gov.uk/uksi/2014/3283/contents/made>

Education Act 2002 <http://www.legislation.gov.uk/ukpga/2002/32/contents>

The Department for Education *Best Practice advice for school complaints procedures*
<https://www.gov.uk/government/publications/school-complaints-procedures>

Complaints Policy		
Linked to		
<ul style="list-style-type: none"> • Data Protection Policy (GDPR) • Child Protection Policy 		
Creation Date	Version	Status
September 2005	1.0	Approved by the Governing Body
Revision Date		
14 th September 2006	2.0	Approved by the Governing Body
24 th June 2008	3.0	Approved by the Governing Body
27 th January 2010	4.0	Approved by the Governing Body
1 st February 2011	5.0	Approved by the Governing Body
10 th July 2012	6.0	Approved by the Governing Body
12 th May 2015	7.0	Approved by the Governing Body
6 th October 2015	8.0	Flowchart added
21 st March 2017	9.0	Approved by the Governing Body
24 th March 2020	10.0	Approved by the Governing Body
23 rd March 2021	11.0	Approved by the Governing Body

Flowchart Summary

[Sept 2020 - July 2021\21-03-23 Complaints Policy Process Summary \(flowchart\).docx](#)