



# Whitburn Church of England Academy

## Complaints Policy

### Preface

The Academy Vision and Values can be found here:

<https://www.whitburncofeacademy.org/about-us/academy-vision-and-values/>

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

### Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to Whitburn Church of England Academy about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure. Once a complaint has been made, it can be resolved or withdrawn at any stage.

In response to the rise in parental complaints, Parentkind have published guidance in collaboration with the DfE and Ofsted:

<https://www.parentkind.org.uk/assets/parents-resources/Parent-Guide-to-School-Complaints.pdf>

Whilst the guide helps parents navigate the process, it also discourages aggressive behaviour, personal accusations, unnecessary escalation and the use of AI to generate complaints.

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

- **A Stage 1 – Informal concern** may be defined as ‘an expression of worry or doubt over an issue considered to be important for which reassurances are sought’.
- **A Stage 2 – Formal complaint** may be defined as ‘an expression of dissatisfaction however made, about actions taken or a lack of action’.

It is in everyone’s interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the Complaints procedure. Whitburn Church of England Academy takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, Mrs Lennox, Principal’s PA, will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, a member of the Senior Management team will refer you to another staff member. The ability to consider the concern objectively and impartially is more important. This will be done via appointment. Parents/Carers who come to school in person will have their issue noted by office staff but will not be seen at that time. A follow up appointment with the appropriate member of staff will be made in due course.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, Whitburn Church of England Academy will attempt to resolve the issue internally, through the stages outlined within this procedure.

For the purpose of this policy, “duplicate complaints” are identical complaints received from a complainant’s spouse, partner or child. These complaints will not be addressed again and the individual making the second complaint will be informed that the complaint has been dealt with on a local level. If the individual is dissatisfied with the result, they can contact the Department for Education, as outlined in Next Steps. Any new details provided by a complainant’s spouse, partner or child, however, will be investigated and managed in line with the procedure.

## **How to raise a Stage 1 – Informal Concern or make a Stage 2 – Formal Complaint**

**A Stage 1 – Informal concern OR a Stage 2 – Formal complaint** can be made in accordance with the procedures listed on page 5 of this policy.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

## **Anonymous complaints OR complaints from a person who is not recognised as a ‘contact’ of the student in our system**

We will not normally investigate anonymous complaints OR complaints from a person who is not recognised as a ‘contact’ of the student in our system. However, the Principal or Chair of Governing Body, if appropriate, will determine whether the complaint warrants an investigation.

## Time scales

- You must raise the complaint within **one month** of the incident.
- We will consider complaints made outside of this time frame if exceptional circumstances apply (such as terminal illness or hospitalisation).

## Complaints received outside of term time

- We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

## Scope of this procedure

This procedure covers all complaints about any provision of community facilities or services by Whitburn Church of England Academy, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>• Admissions to school</li> <li>• School re-organisation proposals</li> <li>• Statutory assessments of Special Educational Needs</li> </ul>	<p>Concerns about Admissions should be handled through the Admissions Appeals process.</p> <p>School re-organisation proposals or statutory assessments of Special Educational Needs should be handled via the Local Authority.</p>
<p>Matters likely to require a Child Protection Investigation</p>	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the Local Authority Designated Officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).</p> <p>South Tyneside Local Authority Designated Officer is Angela Nolan, Tel 0191 424 4701.</p>

<p>Exclusion of children from school*</p>	<p>Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>.</p> <p>*Complaints about the application of the behaviour policy can be made through the school’s complaints procedure. School policies can be found on the school website</p> <p><a href="https://www.whitburncofeacademy.org/about-us/statutory-information/policies/">https://www.whitburncofeacademy.org/about-us/statutory-information/policies/</a></p>
<p>Whistleblowing</p>	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer.</p> <p>Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a></p> <p>Volunteer staff who have concerns about our school should complain through the school’s complaints procedure. You may also be able to complain direct to the Local Authority or the Department for Education (see link above), depending on the substance of your complaint.</p>
<p>Staff grievances</p>	<p>Complaints from staff will be dealt with under the school’s internal procedures.</p>
<p>Staff conduct</p>	<p>Complaints about staff will be dealt with under the school’s internal procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>

If other bodies are investigating aspects of the complaint, for example the Police, Local Authority (LA) Safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations. If this happens, we will inform you of a proposed new timescale.

If a complainant commences legal action against Whitburn Church of England Academy in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

## **Resolving complaints**

At each stage in the procedure, Whitburn Church of England Academy wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- An explanation
- An admission that the situation could have been handled differently or better
- An assurance that we will try to ensure the event complained of will not recur
- An explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- An undertaking to review school policies in light of the complaint
- An apology

## **Withdrawal of a complaint**

- If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

## **Stage 1 – Informal concerns**

In our experience most concerns can be expressed and resolved on an informal basis.

- Informal concerns should be raised with either the Pastoral Lead or Head of Subject in the first instance. If the concern is regarding a member of the Senior Leadership Team, it should be raised via the Principal's PA Mrs Lennox.
- Those raising a concern should not approach individual Directors to raise concerns or complaints. They have no power to act on an individual basis, and it may also prevent them from considering complaints at Stage 3 of the procedure.
- If the issue remains unresolved, the next step is to make a Stage 2 - formal complaint.

## Stage 2 – Formal complaints

A Stage 2 - Formal Complaint must be made to the Principal (**unless they are about the Principal**) and this should be done via Mrs Lennox, Principal's PA [tlennox@whitburncofeacademy.org](mailto:tlennox@whitburncofeacademy.org)

- A Stage 2 - Formal Complaint form **must** be completed (this can be found on page 21).
- On the Stage 2 – Formal Complaint form, the complainant must outline the nature of the complaint using only bullet points, the details of any members of staff you have liaised with regarding this matter and what actions you feel might resolve the problem at this stage.
- The Principal's PA, Mrs Lennox will record the date that the Stage 2 – Formal Complaint form was received and will acknowledge receipt of this Complaint form in writing (either by letter or email) within 5 school days (excluding those that fall in the school holidays). Please note if you have not listed the actions, you feel may resolve the problem then Mrs Lennox or another member of senior staff may contact you to clarify this in order to enable the complaint to be progressed in line with the timescales set out below.
- Stage 2 – Formal Complaints will generally be processed within the 15 working day timescale (excluding those that fall in the school holidays) of the Stage 2 – Formal Complaint form being received. Please do not contact the school on the matter of the complaint during this period. If further clarification is required, the school will make the required contact.
- Complainants should not approach individual Directors to raise concerns or complaints. They have no power to act on an individual basis, and it may also prevent them from considering complaints at Stage 3 of the procedure.

### **During the investigation, the Principal (or nominated investigator) will:**

- If necessary, seek clarification on the precise nature of the complaint from the complainant
- Keep a written record of any meetings/interviews in relation to their investigation.

### **At the conclusion of their investigation, the Principal will:**

- Provide a formal written response generally within 15 working days (excluding those that fall in the school holidays) of the date of receipt of the Stage 2 – Formal Complaint form.
- Where the situation is complex or the complaint is unable to be resolved in this timescale and the Principal is unable to meet this deadline, the complainant will be provided with an update and revised response date.

**The formal written response will:**

- Detail any actions taken to investigate the complaint, the findings and any relevant outcomes.
- The Principal will advise the complainant to refer to the Complaints Policy should they remain dissatisfied with the outcome of Stage 2.

**If the Complaint is about the Principal or a member of the Governing Body:**

- A Stage 2 - Formal Complaint form **must** be completed (this can be found on page 21).

Complaints about the Principal or member of the Governing Body must be made to the Governance Professional and Secretary to the Board, via the Principal's PA, Mrs Lennox at Whitburn Church of England Academy, this can be done via email [tlennox@whitburncofeacademy.org](mailto:tlennox@whitburncofeacademy.org) or contacting Mrs Lennox via the school office on 0191 5293712.

Where a complaint is made about the Principal, the complaint will be referred directly to the Chair of Governing Body. The Principal will not have any involvement in the handling or investigation of the complaint.

**The Chair of Governing Body may:**

- Investigate the complaint personally; or
- Appoint another suitably independent Director or an external investigator to carry out the investigation.

**Complaints about a member of the Governing Body**

- Where a complaint is made about a member of the Governing Body, it will be referred to the Chair of Governing Body for consideration and investigation.
- Where the complaint concerns the Chair of Governing Body, the matter will be referred to the Vice-Chair or another independent Director, who will fulfil the role of the Chair for the purposes of the complaint.

Any individual who is the subject of a complaint, or who has had prior involvement in the matter, will not take part in the investigation, consideration, or decision-making process.

**Stage 3 – Panel Hearing**

If the complainant believes that the school has not addressed the issues raised in the Formal Complaint at Stage 2, they must complete the Stage 3 – Panel Hearing request form (on page 22) the completed form must then be returned to the Principal's PA, Mrs Lennox within 5 school days of the Stage 2 response being issued.

- **A Stage 3 – Panel Hearing will only be organised** if the Stage 3 – Panel Hearing request form is returned to Mrs Lennox within 5 school days of the Stage 2 response being issued.

- Requests received outside of this timeframe will only be considered if exceptional circumstances (such as terminal illness or hospitalisation) apply.
- Once the Stage 3 - Panel Hearing request form has been received, Mrs Lennox, will then liaise with the Governance Professional and Secretary to the Board to convene a Stage 3 Panel Hearing.

The complainant must have a reasonable basis for escalating their complaint beyond Stage 2 (for example, the school not following the Complaints Policy). Simply disagreeing with the outcome of the Stage 2 is not deemed to be a reasonable basis for escalation.

Requests written by AI, taken off the internet or otherwise written by third parties, will not be considered.

- A panel hearing will consist of two Directors and one independent member.
- All three panel members will have no prior knowledge of the content of the complaint.
- This is the final stage of the complaints procedure.

### **The Governance Professional and Secretary to the Board will**

- Record the date the request for Stage 3 – Panel Hearing Request form is received and acknowledge receipt of this in writing (either by letter or email) within 5 school days (excluding those that fall in the school holidays).
- The Governance Professional and Secretary to the Board will write to the complainant to inform them of the date of the meeting. They will convene a meeting within 20 school days of receipt of the Stage 3 Panel Hearing request. If this is not possible, the Governance Professional and Secretary to the Board will provide an anticipated date and keep the complainant informed.
- If the complainant rejects the offer of the proposed date, without good reason (such as terminal illness or hospitalisation), the Governance Professional and Secretary to the Board 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.
- Only in exceptional circumstances (such as terminal illness or hospitalisation) will an alternative date be offered, up to a maximum of 3 proposed dates in total.
- A complainant may bring someone along to the panel meeting only to provide support (this can be a relative or friend). The identity of the companion must be agreed by the Chair in advance, and they will only be able to act in a supportive role but not speak on your behalf (unless agreed in exceptional circumstances before the meeting.) Neither party will bring legal representatives to the committee meeting except in exceptional circumstances where this must be agreed beforehand. If a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation, and this will be agreed before the meeting.

**Note:** Complaints about staff conduct will not be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

Representatives from the media are not permitted to attend.

**If the complaint is**

- Jointly about the Chair and Vice Chair or
- The entire Governing Body or
- The majority of the Governing Body
- Then Stage 3 – Panel Hearing will be heard by a completely independent committee panel

**At least 5 school days before the meeting, the Governance Professional and Secretary to the Board will:**

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the committee at least 5 school days before the meeting.
- Any written material will be circulated to all parties at least 5 school days before the date of the meeting. The committee will not accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.
- The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

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

The purpose of the meeting will be reconciliation.

**The committee will consider the complaint and all the evidence presented and can:**

- Uphold the complaint in whole or in part.
- Dismiss the complaint in whole or in part.

**If the complaint is upheld in whole or in part, the committee will**

- Decide on the appropriate action to be taken to resolve the complaint.

- Where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

### **The Chair of the Committee will provide the complainant and Whitburn Church of England Academy**

- With a full explanation of their decision and the reason(s) for it, in writing, within 5 working days (except those that fall within the school holidays).
- The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled by Whitburn Church of England Academy. The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Whitburn Church of England Academy will take to resolve the complaint.

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about.

A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.

All correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

### **Next Steps**

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 3.

Please note that the DfE will only consider complaints that fall into the following areas; where an academy (extract from DfE website <https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy#exclusions%20guidance>)

- does not have a complaints procedure
- did not provide a copy of its complaints procedure when requested
- does not have a procedure that complies with statutory regulations
- has not followed its published complaints procedure
- has not allowed its complaints procedure to be completed

### **The DfE are not able to:**

- overturn the governing body's decision
- re-investigate your original complaint
- review the accuracy of minutes taken or documents provided
- order the academy to pay you compensation
- direct the academy to discipline / exclude pupils
- force the academy to discipline / dismiss staff
- instruct the academy to apologise to you"

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Whitburn Church of England Academy. They will consider whether Whitburn Church of England Academy has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), by telephone on: 0370 000 2288 or by writing to: Department for Education Piccadilly Gate Store Street Manchester M1 2WD.

The DfE expects complainants to have completed the trust's complaints procedure before directing a complaint to them. The exceptions to this include when:

- Pupils are at risk of harm.
- Pupils are missing education.
- A complainant is being prevented from having their complaint progressed through the trust's complaints procedure.
- The DfE has evidence that the trust is proposing to act or is acting unlawfully or unreasonably.

If a social services authority decides to investigate a situation, the board of trustees may postpone the complaints procedure.

### **Unreasonable complaints**

Whitburn Church of England Academy is committed to dealing with all complaints fairly and impartially. However, we do not expect staff to have to tolerate unacceptable behaviour, including that which is abusive, offensive or threatening.

- If the complainant tries to reopen the same issue, the Academy can inform them in writing that the procedure has been exhausted and that the matter is now closed.
- If the complainant writes again on the same issue, then the correspondence may be recognised as vexatious and there will be no obligation on the part of the Academy to respond.

Please see Appendix A for further details of how Unreasonable Complaints and Unreasonable Behaviour will be dealt with and examples of complaints and behaviour which will not be tolerated.

## Appendix A

Most Stage 2 – Formal complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- Refuses to articulate their complaint using the required Stage 2 – Formal Complaints form 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 complaints investigation process.
- Refuses to accept that certain issues are not within the scope of the complaints procedure.
- Insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice.
- Introduces trivial or irrelevant information that they expect to be taken into account and commented on.
- Raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales.
- Makes unjustified complaints about staff who are trying to deal with the issues and seeks to have them replaced.
- Changes the basis of the complaint as the investigation proceeds.
- Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed).
- Refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed, including referral to the Department for Education.
- Seeks an unrealistic outcome.

### **Vexatious Complaints and Harassment**

The term vexatious is recognised in law and means ‘denoting an action or the bringer of an action that is brought without sufficient grounds for winning, purely to cause annoyance to the defendant’. The term is used in this policy to clarify that we are attempting to deal with persons who seek to be disruptive, or whose requests cause disproportionate difficulties to the resolution efforts of the school staff and governors, by pursuing an unreasonable course of conduct.

### **Under the Protection from Harassment Act 1997:**

“A person must not pursue a course of conduct

- "(a) which amounts to harassment of another, and

- "(b) which he knows or ought to know amounts to harassment of the other."

**For the purpose of this policy, harassment is categorised as behaviour that is unwelcome, unwarranted and causes a detrimental effect**

### **Examples of vexatious behaviour**

- a) actions which are obsessive, persistent, harassing, prolific, repetitious;
- b) prolific correspondence or excessive e-mail or telephone contact about a concern or complaint which make excessive demands upon staff time and resources
- c) uses Freedom of Information or Subject Access Requests excessively and unreasonably
- d) an insistence upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes
- e) an insistence upon pursuing complaints in an unreasonable manner
- f) an insistence on only dealing with the Principal on all occasions irrespective of the issue and the level of delegation in the school to deal with such matters
- g) an insistence upon repeatedly pursuing a complaint when the outcome is not satisfactory to the complainant but cannot be changed, for example, if the desired outcome is beyond the remit of the school because it is unlawful
- h) Making what appears to be groundless complaints about staff dealing with the complaint and seeking to have them replaced
- i) Abusive, offensive, discriminatory or threatening behaviour or language towards school staff
- j) Failing to specify grounds of the complaint, despite offers of assistance from the school
- k) Knowingly provides falsified information
- l) Publishes unacceptable information on social media or other public forums

**For the purpose of this policy, harassment is the unreasonable pursuit of such actions as in (a) to (l) above in such a way that they:**

- appear to be targeted over a significant period of time on one or more members of school staff
- and/or**
- cause ongoing distress to individual member(s) of school staff and/or
  - have a significant adverse effect on the whole/parts of the school community and/or
  - are pursued in a manner which can be perceived as intimidating and oppressive by the recipient.

- This could include situations where persistent demands and criticisms, whilst not particularly taxing or serious when viewed in isolation, have a cumulative effect over time of undermining confidence, well-being and health.

**Please note:** the above list is not intended to be exhaustive and is for guidance purposes only. It is at the discretion of the school what is deemed to be unreasonable or vexatious.

### **Steps we will take**

We will take every reasonable step to address the complainant's comments and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal.

If the complainant's behaviour is deemed unreasonable and/or vexatious the Principal will write to the complainant referring them to this policy and reminding them to act in accordance with it.

### **For complainants who excessively contact the school causing a significant level of disruption, 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

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 school premises and ensuring appropriate measures of support are provided to staff where they are the subject of aggression and/or violence.

### **Serial/persistent complaints**

If the complainant contacts the school again on the same issue, the correspondence may then be viewed as 'serial' or 'persistent'.

### **We may stop responding to the complainant when the following conditions are met**

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

### **The case to stop responding is stronger if**

- The complainant's communications are often or always abusive or aggressive.
- The complainant makes insulting personal comments about or threats towards staff.

- We have reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience

Where we decide to stop responding, we will inform the individual that we intend to do so. We will also explain that we will consider any new complaints they make provided the concerns raised are materially different to those raised previously and/or are unconnected to the previous concern

### **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 the complainants

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

## **Roles and Responsibilities**

### **Complainant**

**The complainant will receive a more effective response to the complaint if they**

- Explain the complaint as early as possible.
- Co-operate with the school in seeking a solution to the complaint.
- Respond promptly to requests for information or meetings or in agreeing the details of the complaint.
- Ask for assistance as needed.
- Treat all those involved in the complaint with respect.
- Refrain from publicising the details of their complaint on social media and respect confidentiality.
- Do not approach individual Directors to raise concerns or complaints. They have no power to act on an individual basis, and it may also prevent them from considering complaints at Stage 3 of the procedure.
- Limit communication with the school that relates to their complaint, while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.

### **Investigator**

**The investigator's role is to establish the facts relevant to the complaint by:**

Providing a comprehensive, open, transparent and fair consideration of the complaint through:

- Sensitive and thorough interviewing of the complaint to establish what has happened and who has been involved.
- Interviewing staff, students and other people relevant to the complaint.
- Consideration of records and other relevant information.
- Analysing information.

### **The investigator should**

- Conduct interviews with an open mind and be prepared to persist in the questioning.
- Ensure that any papers produced during the investigation are kept securely pending any appeal.
- Be mindful of the timescales to respond.

The Principal or Complaints Committee will determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details

### **Complaints Co-ordinator should**

- Ensure that the complainant is fully updated at each stage of the procedure.
- Liaise with staff members, Principal, Chair of Governing Body or the Governance Professional and Secretary to the Board and to ensure the smooth running of the Complaints procedure.

#### **be aware of issues regarding**

- Sharing third party information.
- Additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person.
- Keep records.

### **Governance Professional and Secretary to the Board / Trust Board is the contact point for the complainant and the committee and should**

- Ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- Set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible.
- Collate any written material relevant to the complaint (for example: stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale.
- Record the proceedings.
- Circulate the minutes of the meeting.
- Notify all parties of the committee's decision.

**Committee Chair, who is nominated in advance of the complaint meeting, should ensure that**

- Both parties are asked (via the Governance Professional and Secretary to the Board) to provide any additional information relating to the complaint by a specified date in advance of the meeting.
- The meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy.
- Complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person.
- The remit of the committee is explained to the complainant.
- Written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.
- If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting.
- Both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself.
- The issues are addressed.
- Key findings of fact are made.
- The committee is open-minded and acts independently.
- No member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure.
- The meeting is minuted.
- They liaise with the Governance Professional and Secretary to the Board (and Complaints Co-ordinator, if the school has one).

### **Committee members should be aware that**

- The meeting must be independent and impartial and should be seen to be so.
- No Director may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant.
- Recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- Many complainants will feel nervous and inhibited in a formal setting.
- Parents/carers often feel emotional when discussing an issue that affects their child.
- Extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting.
- Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.
- The Committee should respect the views of the child/young person and give them equal consideration to those of adults
- If the child/young person is the complainant, the Committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the Committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.
- However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the Committee considers is not in the child/young person's best interests.
- The welfare of the child/young person is paramount.

<b>Complaints Policy</b>		
<b>Linked to</b>		
<ul style="list-style-type: none"> <li>• <b>Data Protection Policy (GDPR)</b></li> <li>• <b>Safeguarding and Child Protection Policy</b></li> </ul>		
<p>This Policy is on a 3-year review cycle (unless any changes are required prior to this date). The last approved policy date is shown on the table below.</p>		
<b>Creation Date</b>	<b>Version</b>	<b>Status</b>
1 <sup>st</sup> February 2022	1	Governing Body approved re-written policy
<b>Revision Date</b>		
23 <sup>rd</sup> March 2022	2	Governing Body requested further tweaks
17 <sup>th</sup> May 2022	2	Approved by the Governing Body
28 <sup>th</sup> January 2025	3	Approved by the Governing Body
17 <sup>th</sup> March 2026	4	Approved by the Governing Body



## Whitburn Church of England Academy Stage 2 – Formal Complaint Form

### **This form must be completed for any Stage 2 – Formal Complaint**

Please complete and return the Stage 2 - Complaint Form to the Principal's PA via [tlennox@whitburncofeacademy.org](mailto:tlennox@whitburncofeacademy.org) or addressed to Mrs Lennox via the Main School Office. Mrs Lennox will acknowledge receipt and explain what action will be taken.

<b>Your name:</b>	
<b>Student's name (if relevant):</b>	
<b>Your relationship to the student (if relevant):</b>	
<b>Address &amp; Postcode:</b>	
<b>Telephone number:</b>	<b>Email address:</b>
<b>Please outline the nature of your complaint using bullet points below</b>	
<ul style="list-style-type: none"><li>•</li><li>•</li><li>•</li><li>•</li></ul>	
<b>Which members of staff have you already spoken to regarding this complaint?</b>	
<b>What actions do you feel might resolve the problem at this stage?</b>	
<b>Signature:</b>	<b>Date:</b>
<b><u>Office Use:</u> Date acknowledgement of Stage 2 letter issued:</b>	
<b><u>Office Use:</u> Complaint referred to:</b>	
<b><u>Office Use:</u> Date Stage 2 response issued:</b>	



## Whitburn Church of England Academy Stage 3 – Panel Hearing Request

### **This form must be completed for any Stage 3 – Panel Hearing Request**

Please complete and return the Stage 3 – Panel Hearing Form to the Principal's PA via [tlennox@whitburncofeacademy.org](mailto:tlennox@whitburncofeacademy.org) or addressed to Mrs Lennox via the Main School Office. Once this form has been received (completed fully), it will be passed to the Clerk to the Governing Body to arrange a Panel Hearing.

**A Stage 3 – Panel Hearing will not be arranged unless the form is fully completed and returned to Mrs Lennox.**

<b>Your name:</b>	
<b>Student's name (if relevant):</b>	
<b>Your relationship to the student (if relevant):</b>	
<b>Address &amp; Postcode:</b>	
<b>Telephone number:</b>	<b>Email address:</b>
<b>Please outline what areas were not addressed in the Outcome of Stage 2</b>	
<ul style="list-style-type: none"><li>•</li><li>•</li><li>•</li><li>•</li></ul>	
<b>What outcome are you seeking from a Stage 3 Panel Hearing</b>	
<b>Signature:</b>	<b>Date:</b>