



Wessex
Learning Trust
We Learn Together!

Concerns and Complaints Policy

Date approved by Trust Board: September 2023
Review Date: September 2026

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Wessex Learning Trust

Concerns and Complaints Policy

This policy will be reviewed by the Board of Trustees every three years, or sooner if changes are made to current legislation or guidance from the Department for Education.

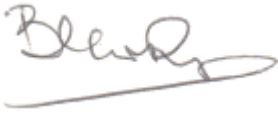
A handwritten signature in black ink that reads "Gavin Ball". The signature is written in a cursive style, with the first name "Gavin" and the last name "Ball" clearly legible.

Signature:

Name: Mr Gavin Ball

Position: Chief Executive

Date: September 2023

A handwritten signature in black ink that reads "Brian Kirkup". The signature is written in a cursive style, with the first name "Brian" and the last name "Kirkup" clearly legible.

Signature:

Name: Mr Brian Kirkup

Position: Chair of the Board

Date: September 2023

1. Introduction

1.1 This policy sets out the Wessex Learning Trust's ("the Trust's") principles and procedures when responding to concerns and complaints.

It applies to concerns and complaints concerning schools within the Wessex Learning Trust and aims to resolve issues with fairness and understanding.

The policy does not apply to anonymous complaints, late complaints, vexatious complaints (see section 5), staff complaints (see Grievance Policy) or learner suspension or exclusion complaints (see Exclusion Policy).

1.2 Our Values:

The Wessex Learning Trust and its schools are focused entirely on developing our young people to the best of our abilities, ensuring that our staff receive excellent professional development and motivation to support our young people in their journey. Our School Leaders receive training and guidance to ensure that we are a listening organisation and that we clearly understand that we are privileged to have your child in our school. We are transparent, honest and determined to be the best we can. Parent voice is a critical part of our self-improvement strategy. We, as a local Trust, believe strongly that we respond to the needs of our communities and value what we can bring to each other. Together we are stronger.

1.3 Before a Concern or Complaint is made to the Headteacher (Pre-Complaint Stage):

From the outset we aim to work constructively with parents and carers in educating and developing your child / young person. As a 'people-organisation' we do recognise that there may be occasions when we do not get things right; human beings fall out with each other, people have 'off-days', we haven't communicated something well enough, or we just get it wrong. If you are concerned, please talk to someone in your child's school about the issue in the first circumstance.

It may be more useful to speak with the class teacher, pastoral leader or relevant person before escalating it. We are a friendly Trust; we value strong positive relationships and we won't be defensive. We are all about getting the best for our young people and we will want to know if you have a concern before it becomes a major worry. We can often solve issues or answer questions before the issue gets bigger. Please just ask if you can have a word with the relevant person about an issue you are concerned about. If this isn't productive, please take your concern further through this process.

2. Principles

Our Complaints Policy is designed to:

- Provide an available, accessible and coherent guide for all concerned
- Prioritise resolution of issues through informal processes whenever possible
- Establish clear escalation steps to Stages 2 and 3 if/when it is unfortunately necessary
- Ensure there is a rational, courteous and professional approach throughout
- Comply with the need for a fair investigation and respect for confidentiality among all parties
- Conclude by addressing the points at issue and making an appropriate response
- Expect reflection on the outcome and apply any lessons to be learned in the school and Trust
- Review the experience of 'due process' and amend the Complaints Policy accordingly
- Encourage a resolution of issues by informal means wherever possible

3. The difference between a *concern* and a *complaint*

3.1 A concern may be defined as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*. Our 'Wessex Way' is to listen to parent / carer concerns and have a positive supportive relationship with our parent / carer body. It may seem daunting to share a concern with a school, with a teacher or other member of staff, but Wessex staff are approachable, friendly and want to do their best for you. Please talk with the teacher or member of staff concerned in the first circumstances.

3.2 A complaint may be defined as *'an expression of dissatisfaction however made, about actions taken or a lack of action'*.

3.3 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. The Wessex Learning Trust takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

3.4 If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Headteacher of the school will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Headteacher will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important. In all cases the school will attempt to resolve the issue through the stages outlined within this procedure.

4. How to raise a concern or make a complaint

4.1 Every concern and complaint *starts* in the **informal stage** to allow resolution. A concern or complaint can be made in person, in writing or by telephone in the informal stage. Complaints may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so. Complaints against school staff (except the Headteacher) should be made in the first instance, to the Headteacher via the school office. Please mark them as Private and Confidential.

4.2 Complaints that involve or are about the Headteacher or any Central Trust staff should be addressed to Chief Executive via the Trust Office email at office@wessexlearningtrust.co.uk.

4.3 Complaints about the Chief Executive should be addressed to the Chair of the Wessex Learning Trust via the Trust Office email at office@wessexlearningtrust.co.uk. Please mark them as Private and Confidential.

4.4 Complaints about a Chair of Governors, any individual governor, a whole governing body or a Trustee should be addressed to the Chair of the Wessex Learning Trust via the Trust Office email at office@wessexlearningtrust.co.uk. Please mark them as Private and Confidential.

4.5 Complaints about the Chair of the Wessex Learning Trust should be addressed to the Vice Chair of the Wessex Learning Trust via the Trust Office email at office@wessexlearningtrust.co.uk. Please mark them as Private and Confidential.

4.6 Complaints about the whole Trust Board should be addressed to the Executive Assistant who will forward to the 'Members' of the Wessex Learning Trust, via the Trust Office email at office@wessexlearningtrust.co.uk. Please mark them as Private and Confidential. Trust governance structures can be found on the Wessex Learning Trust website.

4.7 For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the Trust Office email at office@wessexlearningtrust.co.uk. You can also ask a third-party organisation, for example the Citizens Advice to help you. In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete

this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations. As stated above, all complaints are treated as informal in the first stage of this complaints process.

5. Anonymous complaints

We will not normally investigate anonymous complaints. However, the Headteacher, the Chair of Governors, Chief Executive or Chair of the Trust, if appropriate, will determine whether an anonymous complaint warrants an investigation.

6. Time scales

6.1 You must raise the complaint ***within three months*** of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame only if exceptional circumstances apply.

6.2 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.

6.3 If a complainant commences legal action against the Trust or Trust School in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

7. 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.

8. Scope of this complaints procedure

This procedure covers all complaints about any provision of community facilities or services by the Wessex Learning Trust and its schools other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
Admissions to schools	Concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority.
Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding
Exclusion of children from school*	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions. <i>*complaints about the application of the behaviour policy can be made through the complaints procedure.</i>
Whistleblowing	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. Referrals can be made at: www.education.gov.uk/contactus. 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 LA or the Department for Education (see link above), depending on the substance of your complaint.
Covid-era related examination grades and teacher assessments	Complaints about Centre and Teacher Assessed Grades will be dealt with under government regulations. The Trust will issue a separate appeals process for 2021.
Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.
Staff conduct	Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate. 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.

9. Resolving complaints

At each stage in the procedure, the school and Trust 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

10. Withdrawal of a complaint

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

11. Procedure

11.1 The Wessex Learning Trust's complaints procedure consists of three stages:

Stage 1 – Informal Complaint

Stage 2 – Formal Complaint to Executive / Headteacher (or designate)

Stage 3 – Formal Complaint to Local Governing Body

11.2 The Wessex Learning Trust aims to resolve concerns, difficulties and complaints in a timely manner. Time limits for each stage of the procedure are set out under each individual stage. For the purposes of this Complaints Policy, a "school day" is defined as a weekday during term time, when each school is open to children. The definition of "school day" excludes weekends, school holidays and Bank Holidays. For the avoidance of doubt, term dates are published on each school's website, and information about term dates is made available to parents and students periodically.

11.3 Although every effort will be made by the Wessex Learning Trust and its schools to comply with the time limits specified under each stage of the procedure, it may not always be possible to do so; for example, due to the complexity, the number of matters raised, or due to the unavailability of the complainant to attend a meeting, if offered. In all cases, where a time limit cannot be complied with, the relevant school will write to the complainant within the specified time limit, setting out the reasons why the time limit cannot be complied with, and confirming the new time limit which will apply.

12. Stage 1: Informal Complaint (to a class teacher, pastoral leader, head of subject)

12.1 **All** concerns and complaints start with the informal stage (Stage 1). It is to be hoped that most concerns can be expressed and resolved on an informal basis. We want to get things as right as we can, as do parents and carers. We are a people organisation working with lots of other people and sometimes things don't go right, because we are all human. So, let's talk together.

If you have a concern or worry, **in the first instance** please contact your child's tutor / teacher / pastoral leader to discuss any issue you may have. They will want to help and will be friendly and understanding.

If this doesn't resolve your worry or concern, **please raise your concern to a 'Stage 1'** with either the class teacher, Year Head / House Head, Subject / Faculty Head or relevant member of staff. Complainants should not approach individual governors 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. A concern or complaint can be made in person, in writing or by telephone in the informal stage.

12.2 The school will appoint a different person to investigate the concern / complaint if the complaint is about a specific member of staff.

12.3 At the conclusion of their investigation, the appropriate person investigating the complaint will provide an informal written response within fifteen school days of the date of receipt of the complaint.

12.4 The Wessex Learning Trust expects that most concerns and difficulties can be resolved informally. Examples might include dissatisfaction about some aspect of teaching or pastoral care, a timetable clash, an issue with a school's system or equipment, or a financial error. Having a conversation between the school and complainant will help both parties understand the key issues involved including issues that may involve emotional, physical and financial factors. The Trust will always advocate a verbal / face to face conversation between both parties over an e-mail conversation.

12.5 Where a concern or difficulty has not been resolved by informal means within this time limit from the date that it was raised, the complainant can submit the matters raised as a formal complaint under Stage 2 of this Complaints Policy.

13. Stage 2: Formal Complaint to the Headteacher (or designate)

13.1 Formal complaints must be made to the Headteacher (unless they are about the Headteacher), via the schools' main office in writing, preferably on the Complaint Form template. A complaint cannot start at Stage 2; all complaints start at Stage 1.

13.2 The Headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within five school days of receipt. The receipt will confirm the date that the formal complaint was received, the action to be taken and the specified time limit.

13.3 The complainant should clearly state that the complaint is Stage 2 (formal), set out the nature of the complaint, the relevant dates, the full names of the persons involved, what the complainant believes the school should do to resolve the complaint and the discussions undertaken in Stage 1. Any documentation relied upon by the complainant should be attached to the formal complaint.

13.4 The Headteacher (or designate) will then proceed to investigate the complaint. This will involve obtaining and considering all documentation held by the school which is relevant to the complaint. If further information is required from the complainant, this may be requested from them over the telephone or in writing. If the Headteacher (or designate) deems it to be appropriate in relation to the matters raised, the complainant will be offered a meeting to discuss the issues raised. This may take place at the beginning of the investigation to clarify any matters which are unclear, and / or after the investigation has taken place with the aim of reaching an amicable resolution.

13.5 During the investigation, the Headteacher or designated investigator will, if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish and also keep a written record of any meetings/interviews in relation to their investigation.

13.6 The Headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see.

13.7 The Executive / Headteacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.

13.8 At the conclusion of their investigation, the Headteacher will provide a formal written response within 20 school days of the date of receipt of the complaint. If the Headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

13.9 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 the school will take to resolve the complaint.

13.10 The Headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

13.11 Complaints about a Headteacher, Chair of Governors, a governor, Chief Executive, Central Team staff, Chair of the Trust Board or Trustee, should follow the process outlined in Section 16. In such cases the Informal Process will be invoked before a formal stage.

13.12 In the larger schools in Wessex (Secondaries/Middles), ***Stage 2 will be split (2a and 2b)***, enabling concerns to be heard quicker. **Stage 2a:** The Head will delegate a Senior Leader to investigate and meet the complainant, following process as above. The SLT person will thus act as the 'Headteacher'. **Stage 2b:** If the complainant feels that the matter has not been resolved after due consideration, they can write within five school days of receiving the letter and ask for it to be escalated to the Headteacher. The process is escalated but repeats above from section 13.2 and not involve the Senior Leader from Stage 2a. It is recommended to all parties that a resolution is found in Stage 2a and not assume an automatic escalation to Stage 2b.

14. Stage 3: Final Stage - Formal Complaint to the Local Governing Body (LGB)

14.1 Where a concern or difficulty has not been resolved by the Formal Stage 2 Complaints process the complainant *can* submit the matters raised as a *Formal* complaint to the Local Governing Body as a Stage 3 Complaint under this Complaints Policy.

The complainant after due consideration should write within five school days of receiving the letter (confirming the outcome following Stage 2) to the Clerk to the Local Governing Body *requesting* a Formal Stage 3 Complaint Stage. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

14.2 The Complainant should not repeat the matters raised in their original letter or attach documentation already provided, but should clearly set out how and why the complainant does not accept the findings made under Stage 2.

14.3 The Complainant's letter will be acknowledged within five school days of receipt. The acknowledgement letter will confirm the date that the formal complaint was received, the action to be taken and the specified time limit.

14.4 A **Complaint Panel** will be appointed, consisting of three Local Governors appointed by the Clerk to the Local Governing Body (LGB). None of the three Complaint Panel members will have been involved in the matters which gave rise to the complaint, have been involved in dealing with the complaint previously, or have any detailed prior knowledge of the complaint.

If the clerk cannot secure local governors, Trustees may be approached. In some cases it may be more appropriate to secure a Trustee with a particular skill set needed for the panel.

14.5 The Complaint Panel will elect one of the three as the Chair of the Complaint Panel. The Chair will take responsibility for keeping to timescales and procedures, taking procedural advice from the LGB Clerk **and** the Trust.

14.6 The panel will review the written evidence presented and evaluate their next steps. **If the Panel judge** that the complaint needs further investigation a Stage 3 Panel Hearing will be called.

An amicable resolution is always sought before a more formal process is entered into, which may be a course of action taken by the panel before a Hearing is decided upon.

14.5 Should a **Complaint Panel Hearing** be the required course of action, the Clerk to the Local Governing Body will liaise with the Complaint Panel, the complainant and the Headteacher to agree a 'mutually convenient' date for the Complaint Panel Hearing, which will usually take place within twenty school days of receipt of the Complainant's Stage 3 request, unless there are exceptional circumstances.

The Clerk will usually initially offer two dates for the complainant to choose from, with an understanding that it can be difficult to get all parties involved in the same place at the same time.

14.6 The LGB Clerk may seek *points of order* from the Trust, including ensuring that the complaint is within the scope of this Complaints Policy and checking other procedural items ensuring that process is duly followed correctly.

If the complaint is not within the scope of this Complaints Policy the LGB Clerk must inform the three LGB governors of this fact. The Chair of the Complaints Panel must then advise the complainant of this fact.

14.7 The Clerk to the Local Governing Body will provide members of the LGB Complaint Panel with all documentation relating to the complaint including:

- the original letter of complaint or Complaint Form
- any documentation provided by the complainant with their complaint
- the record of the Stage 1 informal procedure
- the complainants Stage 2 letter or Complaint Form
- all investigation records under Stage 2
- the letter of outcome under Stage 2. The names of individuals other than the complainant, the complainant's family, members of the schools' staff and governors, will be redacted.
- the complainants Stage 3 letter or Complaint Form

14.8 If the complainant wishes the Complaint Panel to consider any additional / new information (please refer to 14.2), they should forward this documentation to the Clerk to the Local Governing Body to arrive at least five school days before the Complaint Panel Hearing, to enable the Clerk to the Local Governing Body to forward it to the Complaint Panel members and the Headteacher.

14.9 Any written material will thus be circulated to all parties at least five school days before the date of the meeting. The Complaint Panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

14.10 The Complaint Panel 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.

14.11 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.

14.12 The complainant may attend the Complaint Panel Hearing and may be accompanied by another person. For the avoidance of doubt, the complainant's supporter will be present for moral support only and will not play any part in the proceedings, unless invited to do so by the Chair of the Complaint Panel, entirely at his or her discretion and for a good reason.

14.13 The Complaint Panel Hearing will be held in private, is not a legal hearing and it is not appropriate for either the Complainant or the school to be legally represented. The school will be represented at the Complaint Panel Hearing by the Headteacher or his/her representative (schools' representatives) and may be accompanied by another member of staff.

14.14 The Complaint Panel Hearing will be conducted as follows:

- The Clerk to the Complaint Panel will greet the complainant, the complainant's supporter, the school's representatives and welcome them into the room where the LGB Complaint Panel has convened
- The Chair of the LGB Complaints Panel will chair proceedings. The Clerk will minute the meeting
- The complainant will be invited by the Complaint Panel to give an account of their complaint and call any witnesses, if any
- The school's representatives will be invited to ask the complainant and their witnesses questions, if any
- The Complaint Panel will ask the complainant and their witnesses questions, if any
- The school's representatives will be invited by the Complaint Panel to respond to the complaint and make representations on behalf of the school including calling any witnesses, if any
- The complainant will be invited to ask the school's representative and their witnesses questions, if any
- The Complaint Panel will ask the school's representative and their witnesses questions, if any
- The Complaint Panel Hearing will conclude and the complainant, the complainant's supporter and the school's representatives will be asked to leave

14.15 The Complaint Panel will convene in private, either immediately after the Complaint Panel Hearing or on a subsequent date and will consider all of the documentation and everything that they have heard at the Complainant Panel Hearing and decide the outcome of the complaint.

14.16 The Complaint panel will ensure that the complaint is being heard within the scope of this Complaints Policy.

14.17 The Chair of the Complaint Panel will write to the complainant confirming the outcome of the Stage 3 Complaints process within five school days from the date that the hearing or Panel Meeting was held, with a full explanation of their decision and the reason(s) for it, in writing.

The letter will set out whether the LGB Complaints Panel agrees with the findings and conclusion under Stage 2, and give reasons, as well as responding to any criticisms of the Stage 2 investigation. The Panel 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 Panel 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.

14.18 The panel will ensure that those findings and recommendations are sent by electronic mail and by post or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the school premises by the proprietor and the Headteacher. 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.

14.19 In the very rare situation that the Trust Board or Trust Executive Leadership Team believe that the Complaints procedure has not been followed correctly at Stage 3 it reserves the right to review the process.

15. Exceptional Circumstances

15.1 *In the very rare situation* that the Trust Board or Executive Leadership Team feel that procedure has not been followed according to the Trust's set of values, ethos and procedures, they **uphold the right to review** the concern or complaint. This may be either if the complaint is upheld **or** dismissed in a Stage 3.

15.2 It must be noted that this is not an appeals panel and a complainant does not have the right to make representation. The Concerns and Complaints procedure is a 3 Stage process.

15.3 The Trust will be mindful at this stage of the Complaints Process with the balance of transparency and resolution against that of expenditure of the public purse on public sector educator's time and the opportunity cost of being away from leading the learning of children.

15.4 In the very rare situation that the Chair of the Trust Board or the Chief Executive decide to review a complaints procedure, they will appoint an investigator to review the process and the evidence.

15.5 If the Trust investigator presents substantial evidence that process and procedure has not been followed as it should, the Chair of the Board or the Chief Executive *may* ask for a new Stage 3 Process (Exceptional).

15.6 If a new Stage 3 Process (Exceptional) is instigated an 'Exceptional Complaint Panel' will be constituted, consisting of three persons appointed by or on behalf of the Trust by the Clerk to the Wessex Learning Trust. None of the three Complaint Panel members will have been involved in the matters which gave rise to the complaint, have been involved in dealing with the complaint previously or have any detailed prior knowledge of the complaint. Two of the Complaint Panel members will be Trustees of the Wessex Learning Trust. The third Complaint Panel member will be independent of the management and governance of the Trust, i.e. they will not be a member of staff or a Trustee, and will not be linked to the Wessex Learning Trust or the complainant in another way, for example as a parent of a learner. The third person ideally will bring relevant independent knowledge and expertise in a way to be of value to the Panel.

15.7 The Trust Clerk will convene the Exceptional Complaint Panel. The Panel will elect a Chair. The Panel will then read the submissions from the Trust investigator and the complainant and evaluate the evidence and procedure from Stage 3. This is not a hearing at this stage, nor may there be one.

15.8 If the Panel *judge* that it is worthwhile to proceed to an Exceptional Hearing they will ask the Trust Clerk to agree a mutually convenient date for a Stage 3 (Exceptional) Hearing, which will usually take place within twenty school days, unless there are mitigating circumstances that prevent this. The panel may decide not to re-hold the Stage 3 Hearing but make recommendations for process improvement. The Panel may decide to do nothing and uphold the verdict from the Stage 3 Hearing.

15.9 If the Stage 3 (Exceptional) Hearing is instigated exactly the same process applies regarding a Stage 3 Hearing, this time with the appointed Trust panel members.

16. If the complaint is about a Headteacher, Chair of Governors, Local Governing Body Member, Chief Executive, Central Team Member, Chair of the Trust Board or a Trustee

16.1 Pre-Complaint Stage: The same principles apply here regarding concerns and complaints. All complaints start as informal. Any concerns should be discussed with the appropriate people if possible before any escalation. It is worth stating that people who are in more senior roles are in positions of responsibility that demand that they adhere to government policy, Trust policy or have to answer to a number of other regulatory authorities. It may be helpful to have a friendly discussion so that both sides can share their viewpoints.

16.2 If the Pre-Complaint Stage doesn't resolve the issue, concerns and complaints can be forwarded as outlined in Section 4:

16.2.1 Complaints that involve or are about the Headteacher or any Central Trust staff should be addressed to Chief Executive via the Trust Office email at office@wessexlearningtrust.co.uk.

16.2.2 Complaints about the Chief Executive should be addressed to the Chair of the Wessex Learning Trust via the Trust Office email at office@wessexlearningtrust.co.uk. Please mark them as Private and Confidential.

16.2.3 Complaints about a Chair of Governors, any individual governor, a whole governing body or a Trustee should be addressed to the Chair of the Wessex Learning Trust via the Trust Office email at office@wessexlearningtrust.co.uk. Please mark them as Private and Confidential.

16.2.4 Complaints about the Chair of the Wessex Learning Trust should be addressed to the Vice Chair of the Wessex Learning Trust via the Trust Office email at office@wessexlearningtrust.co.uk. Please mark them as Private and Confidential.

16.2.5 Complaints about the whole Trust Board should be addressed to the Executive Assistant who will forward to the 'Members' of the Wessex Learning Trust, via the Trust Office email at office@wessexlearningtrust.co.uk. Please mark them as Private and Confidential. Trust governance structures can be found on the Wessex Learning Trust web site.

16.3 The Informal Stage, Stage 1 process will be followed in **all cases** as a first process and may involve seeking further clarification from the complainant. An informal written response within fifteen school days of the date of receipt of the complaint will be issued to the complainant. It is anticipated that the majority of complaints are handled this way. The informal stage will involve resolution discussion.

16.4 Stage 2: Where a concern or difficulty has not been resolved by informal means within this time limit from the date that it was raised, the complainant *can* submit the matters raised as a *Formal* complaint under (this) Section 16 of the Complaints Policy. The complainant may write within five school days of receiving the informal letter (confirming the informal stage outcome) *requesting* that this goes to a *Formal* Stage. The complainant should follow the same protocol as stated in Section 4. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

16.5

16.5.1 If the *Formal complaint* (following the informal stage) is about an *Executive Head or Headteacher* or a *Central Team Member* or an *Executive Leadership Team Member*, the Executive Assistant to the Trust's Chief Executive will convene a Panel consisting of the Chief Executive (or Deputy CE) and two other Trust Executive Leaders to consider the complaint (if they are not the persons names in the complaint). In order to meet the time frames, if the CE and Deputy CE cannot make that time frame (illness, Ofsted etc) the next in line Senior Executive Leaders will Chair (Director of Operations or Director of Learning).

16.5.2 If the Panel *judge* that the complaint needs further investigation a Panel Hearing will be called. The Chief Executive / Deputy CE (or Director of Operations/Learning) will chair the panel, which will follow the same protocol *as in Stage 2* of this policy (Section 15). The Chair of the Complaint Panel will write to the complainant confirming the outcome of the review within five school days from the date that the hearing or the Panel meeting was held.

16.6 Stage 3:

16.6.1 If the complainant is unsatisfied with the outcome of this Section 16 Stage 2 Formal Hearing, the complainant may write within five school days of receiving the letter (which confirms the outcome of the *Formal Stage*) to the Executive Assistant *requesting* that it moves to a Stage 3 *Final Complaint Stage*. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

16.6.2 The Executive Assistant will convene a Panel consisting of two Trustees and a third independent person appointed by the Executive Assistant (if an Independent Person cannot be found in the time period a third Trustee will fill the role). This Panel will assess the complaint and evidence from the Section 16 Formal Hearing and **decide if** to progress to a Section 16 Final Complaint Panel Hearing. **If** the Hearing is called it will follow the same protocol as a Stage 3 Hearing in this policy (Section 15). The Chair of the Complaint Panel will write to the complainant confirming the outcome of the *Final Complaint Stage* within five school days from the date that the hearing was held.

16.7

16.7.1 If the Formal complaint, following the Stage 1 informal stage, is about the *Chief Executive* the Executive Assistant to the Trust Board will convene a Panel consisting of three Trustees to *consider* the complaint. It can only progress to a Stage 2 if Stage 1 has been *followed and tried*. The Panel will elect a Chair. **If** the Panel *judge* that the complaint needs further investigation a Panel Hearing will be called. The Hearing will follow the same protocol as in Stage 2 of this policy (Section 15). The Chair of the Complaint Panel will write to the complainant confirming the outcome of the *Formal Stage* within five school days from the date that the hearing or Panel Meeting was held.

16.7.2 If the complainant is unsatisfied with the outcome of this Section 16 *Formal Stage*, the complainant may write within five school days of receiving the letter (which confirms the outcome of the *Formal Stage*) to the Executive Assistant *requesting* that it is reviewed. Requests received outside of this time frame will only be considered if exceptional circumstances apply. The Executive Assistant will convene a Panel consisting of three different Trustees (appointed by the Executive Assistant). This Panel will assess the complaint and evidence from the Section 16 Formal Hearing and **decide if** to progress to a Section 16 *Final Complaint* Panel Hearing. **If** the Hearing is called it will follow the same protocol as a Stage 3 Hearing in this policy (Section 15). The Chair of the Complaint Panel will write to the complainant confirming the outcome of this *Final Complaint Stage* within five school days from the date that the hearing or Panel Meeting was held.

16.8 If the Formal complaint, following the Stage 1 informal stage, is about the *Chair of the Trust Board* the Executive Assistant to the Trust Board will convene a Panel consisting of the three other Trust Members to *consider* the complaint. It can only progress to a Stage 2 if Stage 1 has been *followed and tried*. If any of the three Members cannot make the Panel the Executive Assistant will seek a replacement from a neighbouring Trust Board. The Panel will elect a Chair. **If** the Panel *judge* that the complaint needs further investigation a Panel Hearing will be called. The Hearing will follow the same protocol as in Stage 2 of this policy (Section 15). The Chair of the Complaint Panel will write to the complainant confirming the outcome of the *Formal Stage* within five school days from the date that the hearing was held.

16.9 If the Formal complaint, following the Stage 1 informal stage, is about a Trustee, a Local Chair of Governors or a Local Governing Body Member, the Executive Assistant to the Trust Board will convene a Panel consisting of three Trustees (not involved in the complaint) to *consider* the complaint. The Panel will elect a Chair. **If** the Panel *judge* that the complaint needs further investigation a *Formal* Panel Hearing will be called. The Hearing will follow the same protocol as in Stage 2 of this policy (Section 15). The Chair of the Complaint Panel will write to the complainant confirming the outcome of the *Formal* Stage within five school days from the date that the Hearing or Panel meeting was held.

17. Referral to the Education and Skills Funding Agency

Once a complaint has been through all the stages of this Complaints Policy, if the Complainant believes that this Complaints Policy does not comply with the Regulations, or that the Wessex Learning Trust has not followed the procedure in this Complaints Policy, the Complainant can refer the complaint to the Education and Skills Funding Agency for consideration. The Complainant can find further information about referring a complaint to the Education and Skills Funding Agency at: [Complaints procedure - Education and Skills Funding Agency - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/complaints-procedure-education-and-skills-funding-agency)

The complainant should be aware that the ESFA will not usually investigate the complaint itself, or interfere with the findings of the Complaint Panel, unless the decision made was manifestly unreasonable.

18. Responding to Vexatious, Repeated or Unreasonable Complaints

18.1 There may be occasions when, despite a complaint being considered under all stages in this Complaints Policy, the complainant persists in making the same complaint to the school or Trust. There may also be occasions when a complainant raises unreasonable persistent complaints or raises complaints about matters which do not affect them. There may also be occasions when a complaint is made about a matter which is clearly so trivial that it would be a waste of the Wessex Learning Trust's resources to deal with it under the formal stages of the procedure.

18.2 In all of these cases, a school or the Trust has the right to regard the complaint as vexatious and/or repeated and to refuse to investigate it under the procedure in this Complaints Policy and also under the Trust's **Managing Serial and Unreasonable Complaints Policy**, if it appears reasonable and fair to do so, having regard to the circumstances surrounding the complaint. Where a school or the Trust decides that a complaint is vexatious and/or repeated and will not be investigated, the school or Trust will write to the complainant within ten school days of the complaint being raised to notify them of the decision.

18.3 If the complainant is unhappy with the decision not to investigate a vexatious and/or repeated complaint, they may write to the Chair of Local Governors within five school days of receiving the letter to ask for the decision to be reviewed.

The Chair of the Local Governing Body will be provided with all documentation relating to the current complaint and any previous complaints which were relevant to the decision, together with the letter from the school to the complainant and will review the decision not to investigate the complaint. The Chair of the Local Governing Body will not investigate the complaint itself during this review. The Chair of the Local Governing Body will write to the complainant with the outcome of the review within ten school days of the date that the letter from the complainant seeking the review was received. If the Chair of the Local Governing Body quashes the decision not to investigate the concern or complaint, it will be referred to the school to be dealt with under the procedure in this Complaints Policy in the usual way. The Chair of the LGB has the right to seek clarification from the Trust to support their decision.

19. Additional Points of Order

19.1 Responding to Staff Complaints

Complaints from staff and or their representatives will be handled under the Staff Grievance Policy.

19.2 Responding to Complaints about a Suspension or Exclusion

Complaints relating to a child's exclusion from school will be handled under the Exclusion Policy.

19.3 Records

Records of individual complaints including correspondence and statements will be kept on file. All records will be kept confidential except where the Secretary of State or a body conducting an inspection under the current Act requests access to them.

19.4 Late Complaints

19.4.1 Where a complaint is submitted more than three months after the incident or event (or where the complaint relates to a series of incidents or events, more than three months from the date of the latest incident or event), a school or the Trust reserves the right to refuse to investigate the complaint under this Complaints Policy if it appears reasonable and fair to do so, having regard to the circumstances surrounding the complaint. Where a school decides that a complaint which was submitted late and will not be investigated, the school will write to the complainant notifying them of the decision within ten school days of the complaint having been received.

19.4.2 If the complainant is unhappy with the decision not to investigate a complaint which was submitted late, the complainant may write to the Chair of the Local Governing Body at the school within five school days of receiving the letter from the Academy asking for the decision to be reviewed. The Chair of the Local Governing Body will be provided with all documentation relating to the complaint, together with the letter from the school to the complainant and will review the decision not to investigate the complaint. The Chair of Local Governors will not investigate the complaint itself during this review. The Chair of Local Governors will write to the complainant with the outcome of the review within ten school days from the date the letter to the complainant seeking the review was received and provide the school with a copy of the letter. If the Chair of Local Governing Body quashes the decision not to investigate the complaint, it will be referred to the school to be dealt with under this Complaints Policy in the usual way. The Chair of the LGB has the right to seek clarification from the Trust to support their decision.

Appendix 1 – Wessex Learning Trust Complaint Form

Wessex Learning Trust Complaint Form
If you are not satisfied or feel unfairly treated, we would like you to indicate the problem. It is however, <u>very important</u> that you seek to resolve any difficulties in the first instance by discussing your concerns/complaint with a member of staff at the school. If you are still not satisfied with the response then please fill in all sections of the form and return it to the main office at the at the school, following the guidelines in the Complaints Policy.
Your name:
Your child's name:
Your child's school:
Your address:
Mobile telephone number:
Home telephone number:
Work telephone number:
Email address:
Please provide details of your complaint (please be as specific as possible giving dates, describing what happened and who was involved).
<i>You may continue on an additional sheet and attach any additional information that you wish to be considered.</i>

When did you report the problem to the school?
To whom did you report the problem to at the school?
What was the response?
Have you complained to the Academy before about this issue? Yes/No (please delete as appropriate)
If so to whom and when?
Please state what would you like to see done to resolve your complaint and bring the matter to an acceptable conclusion for yourself and the school?
Are you attaching any paperwork? If so, please give details.
Signed:
Date:
Official use
Date received:
Date confirmation sent:

Appendix 2: Roles and Responsibilities

A. Complainant

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

- explain the complaint in full 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.

B. Investigator

B1. *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 complainant to establish what has happened and who has been involved
 - interviewing staff and children/young people and other people relevant to the complaint
 - consideration of records and other relevant information
 - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right

B2. The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the head teacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.
- The head teacher or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details

C. Complaints Co-ordinator

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, Headteacher, Chief Executive, Chair of Governors, Chair of Trust or the Clerk 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

D. Clerk to the Governing Body / Trust Board

The Clerk 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 (minute)
- circulate the minutes of the meeting
- notify all parties of the committee's decision
- Ensure that a copy of the Panel's findings is available for inspection on the school premises

E. Panel Chair

The Panel's chair, who is nominated in advance of the complaint meeting, should ensure that:

- The remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption
- both parties are asked (via the Clerk) 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 Clerk (and complaints co-ordinator, if the school has one)

F. Panel Member

Panel members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so
- no governor / trustee 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

We 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

G. Witnesses

- The Chair of a Complaint Panel will decide, at their absolute discretion, which witnesses will be permitted to attend the Complaint Panel Hearing to give a verbal statement rather than relying on a written statement or record of a meeting which has been signed by the witness.
- If the Complainant wishes to rely on the account of a witness, they should ask the witness to write down, sign and date their account and forward it to the Clerk at least five school days before the Complaint Panel Hearing, to enable the Clerk to forward it to the school's representative and the Complaint Panel members.
- Witnesses under the age of eighteen other than the Complainant's own family will only be allowed to attend a Complaint Panel Hearing at the discretion of the Chair of that Complaint Panel, and then only if they are accompanied by one of their parents or carers. Witnesses are only required to attend for the part of the hearing in which they give their evidence.

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