



Washwood Heath  
Multi Academy Trust

# Complaints Procedure

Prepared by:	Company Secretary in consultation with Heads of Academy
Applies to:	WHMAT Academies
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- 1. Introduction**

**1.1** All academies are legally required to have a procedure in place to deal with complaints relating to the academy. The Board of Trustees of Washwood Heath Multi Academy Trust (WHMAT) has approved the following procedure which explains what you should do if you have concerns or wish to make a complaint and how your complaint will be dealt with. WHMAT intends for all concerns or complaints to be dealt with:

- fairly;
- openly; and
- promptly;

**1.2** This procedure applies to all concerns or complaints, except for those which relate to:

- Academy Admissions;
- Statutory Assessments of Special Educational Needs (SEN);
- Child Protection and Safeguarding procedures;
- Pupil exclusions;
- Staff grievances, capability or disciplinary procedures;
- Complaints about services provided from the Academy's premises by other organisations;
- Whistleblowing; or
- Subject Access Requests and Freedom of Information Requests

**1.3** You can access policies relating to the above matters on the WHMAT's website or ask for a copy from your Head of Academy.

## **2. Resolving Concerns Informally**

**2.1** It is in everyone's interest that concerns are resolved at the earliest possible stage, before they become formal complaints. Many issues can be resolved informally, without the need to invoke formal procedures.

**2.2** WHMAT encourages anyone with a concern to address it informally by contacting the academy directly or by raising it with their child's class teacher, or their manager, in the first instance. We hope that they will either be able to address the concern on the spot, or they will be able to arrange to discuss it further at a mutually convenient time. The Head of Academy and Chair of the Academy Advisory Board will not routinely be involved in resolving informal concerns but, in exceptional circumstances, appointments can be made with them by contacting the academy. It will be for the Head of Academy and/or Chair of the Academy Advisory Board, to determine if the circumstances are exceptional and if it is therefore appropriate for them to become involved at the informal stage.

## **3. Observing Confidentiality**

**3.1** Complaints will be dealt with confidentially, correspondence, statements and records relating to individual complaints are to be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requires access to them.

Each academy within WHMAT holds a record of formal complaint forms (see 6.1) and documentation referred to as part of the complaints process. You have a right to request copies in accordance with the WHMAT Data Protection Policy and Freedom of Information Policy.

#### **4. Safeguarding**

**4.1** Wherever a complaint indicates that a child's wellbeing or safety is at risk, the academy is under a duty to report this immediately in accordance with WHMAT's Safeguarding Policy which is available on the academy's website.

#### **5. Timescales**

**5.1** The academy will endeavour to abide by timescales stated under each stage of the process below. Sometimes, due to the nature or complexity of the complaint, the academy may need to set different timescales in which case you will be notified of the date that the academy will respond and you will be kept informed of progress throughout.

The academy will not investigate complaints that have been made more than three months after the event that led to the complaint, except in exceptional circumstances. If a complaint is received outside that time frame the Head of Academy or the Chair of the Academy Advisory Board will decide whether the circumstances warrant the complaint being investigated.

#### **6. The Complaints Process**

##### **6 1** Submitting the Complaint

If you want to make a **formal complaint** you should complete and submit a formal complaints form (**Appendix A**). If you would like to raise your complaint via another method, i.e. verbally or in person, please contact the academy directly.

All sections of the complaint form should be completed before it is returned to the academy. Receipt of the submitted complaint form will be acknowledged in writing within 10 academy days (i.e. days which are not weekends, bank holidays or do not fall in the academy holidays), and, will confirm the name of the person who will investigate your complaint.

If the complaint is about the Head of Academy, it will be referred to the Chair of the Academy Advisory Board. If your complaint is regarding a member of the Academy Advisory Board then it will be referred to the Clerk of the Board of Trustees. In such cases the clerk will seek advice before referring the complaint to an appropriate member of the Board of Trustees.

##### **6 2** Investigating the complaint

As part of their investigation, the person investigating your complaint may contact you, and any other person that they consider necessary, in order to consider the issues raised in the complaint.

The person investigating your complaint will also review any documentation provided in support of your complaint, and will review any other documentation that they consider relevant. It may be necessary for the person investigating to request further information or documents from you, or from others, before the investigation can continue.

After considering the available evidence, the person who investigated your complaint will decide that either:

- 1) The complaint is upheld, in which case they will decide upon the action that the academy is willing to take to resolve the matter. Depending on the circumstances, this may include informal or formal action in line with WHMAT Disciplinary Procedure.
- 2) That the complaint is not upheld; or
- 3) That the complaint is partially upheld in which case they will decide upon the action that the academy is willing to take resolve the upheld part of the complaint.

You will receive either an update or notification of the decision and an explanation of the reasons for it in writing within 20 academy days of the date of the letter which acknowledged receipt of your complaint form. Updates will explain why the investigation is still on-going (e.g. because further documents have been requested) and estimate when the investigation is expected to conclude. The written notification will also explain how you can request a review of the decision if you are dissatisfied with the response.

### 6 3 Reviewing the Decision

If you are dissatisfied with the decision made at stage 6.2 then you can ask for a Board of Trustees panel (the panel) to review it by completing the review form at **Appendix B** and submitting it to the Clerk of the Board of Trustees c/o Washwood Heath Academy, Burney Lane, Birmingham B8 2AS. If you would like to ask for a review via another method, i.e. verbally or in person please contact the academy office.

Trustees will appoint a panel consisting of at least three people who have not been directly involved in the matters detailed in the complaint. One panel member will be independent of the management and running of the school.

An acknowledgment of your review request will be sent within 5 academy days informing you of the date and time that the panel intends to review the complaint. The meeting will be held within 20 academy days from the date of the acknowledgment letter.

The following parties will be invited to attend the review meeting:

- You, i.e. the complainant;
- the person/people who made the decision at stage 6B; and
- any other relevant parties identified by the panel e.g. witnesses.

You are entitled to bring a friend or colleague to the review meeting. If the subject of the complaint is a member of staff, then they will be invited to attend and can bring a friend or colleague. You should notify the panel if you intend to bring someone to speak on your behalf.

The panel does not usually consider it necessary for legal representatives to be present at the meeting. If you intend to bring a legal representative to any review meeting, you should notify the panel at least 5 academy days in advance of the meeting date, as well as provide a clear explanation for why you believe a legal representative should attend. The panel will consider and respond to your request, but has absolute discretion to refuse attendance by legal representatives if it considers this appropriate.

The panel determines the procedure followed at the review meeting. In doing so it shall refer to the description of role and responsibilities of the Complainant, Clerk to the Panel, Chair of the Panel and panel members as it is set out in the Department for Education (DfE) best practice advice for academy complaints procedures.

The panel will consider the relevant information and representations made before deciding whether the decision made at stage B:

- 1) Is upheld, in which case they will decide upon the action that the academy should take to resolve the matter;
- 2) Is not upheld; or
- 3) Is partially upheld in which case they will decide upon the action that the academy should take to resolve the upheld part of the complaint.

When the panel make findings and recommendations, a copy will be provided to the complainant and, where relevant, the person complained about within 10 academy days of the meeting.

This is the final stage in the academy's internal complaints procedure. If the same issues are raised with the academy following the panel review, the academy will only re-consider these points in exceptional circumstances, for example where new evidence has come to light.

The academy follows the advice published by the DfE on dealing with serial and persistent complainants.

## **7. Recording a complaint**

7.1 A written record shall be kept of any complaint made, whether made via phone, in person or in writing, detailing:

- The main issues raised, the findings and any recommendations
- Whether the complaint was resolved following an informal route, formal route or panel hearing
- Action taken by the school as a result of the complaint (regardless of whether the complaint was upheld)

7.2 All records are made available for inspection on the school premises by the trustees and the Head of Academy

## **8. Escalating the complaint beyond the Academy**

8.1 If, having completed the complaints process, you remain dissatisfied with the academy's response you may wish to refer your complaint to:

- The Education and Skills Funding Agency who are able to consider complaints about an academy's complaints procedure or allegations of a breach of the academy funding agreement.
- Ofsted, who can consider complaints about the academy as a whole, but not complaints about individual pupils.

## **9. Queries that relate to this Complaints Procedure**

If you have any questions about this complaints procedure, please contact the academy.

**10. Relevant legislation and guidance**

- The Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/contents>
- The EFA's guidance 'Creating an Academy Complaints procedure' <https://www.gov.uk/government/publications/setting-up-an-academies-complaints-procedure/putting-in-place-a-complaints-procedure>
- The Education (Independent Academy Standards) Regulations 2014 [http://www.legislation.gov.uk/uksi/2014/3283/contents/made >](http://www.legislation.gov.uk/uksi/2014/3283/contents/made)

**Appendix A**

**Formal Complaint Form**

If you wish to make a formal complaint, please complete this form and return it to the academy.

Your name	
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Your address	
Contact telephone day/mobile number	
Contact email address	
Name of pupil, year group and your relationship to them (where applicable)	
Details of the complaint (You need to provide an overview of the complaint so far, who has been involved, why the complaint remains unresolved).	
Action taken so far (including staff member who has dealt with it.) or solutions offered	
The reason that this was not a satisfactory resolution for you	
What action would you like to be taken to resolve the problem?	

Signed:

Date:

*Official use*

Date received:

Signed:

Date acknowledgement sent:

Complaint Referred to:

Date:

## Appendix B

### Complaint Review Request Form

If you wish to request a review of the decision made in respect of your complaint, please complete this form and return it to the academy

Your name	
Your address	
Contact telephone number/mobile number	
Contact email address	
When did you submit your formal complaint?	
Why are you dissatisfied by the decision made in respect of your complaint? <i>You may continue on a separate piece of paper or attach additional documents.</i>	
What actions would you like to be taken to resolve your complaint at this stage?	

Signed:

Date:

Please return this form to: Clerk for the Board of Trustees, C/O Washwood Heath Academy, Burney Lane, Birmingham B8 2AS

*Official use*

Date received:

Signed:

Date acknowledgement sent:

Complaint Referred to:

Date: