



# Complaints Policy

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**Governing Committee:** Board of Trustees

**Responsibility:** CEO

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## 1. Who can make a complaint

This complaints policy 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 the school about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory policies (such as appeals relating to exclusions or admissions), we will use this complaints policy.

## 2. The difference between a concern and a complaint

- 2.1. A concern may be defined as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*.
- 2.2. A complaint may be defined as *'an expression of dissatisfaction however made, about actions taken or a lack of action'*.
- 2.3. 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 policy. West Midlands Academy Trust takes concerns seriously and will make every effort to resolve the matter as quickly as possible.
- 2.4. If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, please ask the school to refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, they 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.
- 2.5. We understand however, that there are occasions when people would like to raise their concerns formally. In this case, the school will attempt to resolve the issue internally, through the stages outlined within this complaints policy.

## 3. How to raise a concern or make a complaint

- 3.1. A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.
- 3.2. Concerns should be raised with the relevant staff member. An informal concern (Stage 1) can be raised in person by telephone or via email/letter. Concerns may also be raised by a third party acting on behalf of a parent, as long as they have appropriate authority to do so. Most enquiries and concerns can be dealt with satisfactorily by a subject teacher, pastoral staff or other members of staff without the need to resort to the formal procedure. We value informal meetings and discussions and encourage parents to approach staff with any concerns they may have and aim to resolve all issues with open dialogue and mutual understanding.
- 3.3. If the issue remains unresolved, the next step is to make a formal complaint at Stage 2 of the policy.
- 3.4. An overview of who should be contacted at Stage 2 is contained within Section 16 of the policy.

- 3.5. All correspondence regarding complaints should be sent for the attention of the relevant person and marked as Private and Confidential.
- 3.6. For ease of use, a template complaint form is included at the end of this policy. If you require help in completing the form, please contact the school office. You can also ask third party organisations like the Citizens Advice to help you.
- 3.7. In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints policy. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

## 4. Anonymous complaints

We will not normally investigate anonymous complaints. However, the Headteacher or Chair of School Board, if appropriate, will determine whether the complaint warrants an investigation.

## 5. Timescales

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 if exceptional circumstances apply.

## 6. 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.

## 7. Scope of the complaints policy.

- 7.1. This policy covers all complaints about any provision of community facilities, or services, by the school, other than complaints that are dealt with under other statutory policies, including those listed below:

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>• Admissions to schools</li> </ul>	Concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority.
<ul style="list-style-type: none"> <li>• Exam grade appeals</li> </ul>	Concerns around exam grades should be handled through the Internal Appeals Policy which are located on individual school websites.
<ul style="list-style-type: none"> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.

	<p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or Children's Advice &amp; Support Service (CASS) <a href="http://www.lscbbirmingham.org.uk/lado">www.lscbbirmingham.org.uk/lado</a></p>
<ul style="list-style-type: none"> <li>• Exclusion of children from school*</li> </ul>	<p>Further information about raising concerns about exclusion can be found at:  <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">http://www.gov.uk/school-discipline-exclusions/exclusions</a>.</p> <p><i>*Complaints about the application of the behaviour policy can be made through the school's complaints policy. School behaviour policies can be found on individual school websites.</i></p>
<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	<p>We have an internal whistleblowing policy for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. 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 policy. 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.</p>
<ul style="list-style-type: none"> <li>• Staff grievances</li> </ul>	<p>Complaints from staff will be dealt with under the school's internal grievance policy.</p>
<ul style="list-style-type: none"> <li>• Staff conduct</li> </ul>	<p>Complaints about staff will be dealt with under the school's internal disciplinary policies, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member because of a complaint. However, the complainant will be notified that the matter is being addressed.</p>

7.2. 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 policy or result in the policy being suspended until those public bodies have completed their investigations. If this happens, we will inform you of a proposed new timescale.

7.3. If a complainant commences legal action against the school or West Midlands Academy Trust, in relation to their complaint, we will consider whether to suspend the complaints policy in relation to their complaint until those legal proceedings have concluded.

## 8. Resolving complaints.

8.1. At each stage in the policy, the school and the 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.

8.2. There may be occasions when it's necessary or reasonable to deviate from the published complaints procedure. This includes not doing something the procedure states the school/trust will, should, or may do. The school/trust will document any deviation, including reasons, from the published procedure.

## 9. Withdrawal of a complaint

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

## 10. Complaints Stages

### 10.1. Stage 1 - Informal complaints

10.1.1. It is to be hoped that most concerns can be expressed and resolved on an informal basis.

10.1.2. Concerns should be raised with the relevant staff member. An informal concern can be raised in person by telephone or via email/letter. Concerns may also be raised by a third party acting on behalf of a parent, as long as they have appropriate authority to do so. Most enquiries and concerns can be dealt with satisfactorily by a subject teacher, pastoral staff or other members of staff without the need to resort to the formal procedure. We value informal meetings and discussions and encourage parents to approach staff with any concerns they may have, and aim to resolve all issues with open dialogue and mutual understanding.

10.1.3. Details should be provided to fully explain the nature of the concern and identify the outcome being sought. Where appropriate, a complainant may be invited to an informal meeting with the member of staff most appropriate for dealing with that concern. The member of staff dealing with the concern will make sure that the

complainant is clear on what action (if any) has been agreed. This may be put in writing if appropriate.

10.1.4. If the matter is brought to the attention of the Headteacher they may decide to deal with the complaint directly at this stage although it is most likely it will be delegated to a member of staff the Headteacher thinks is best placed to deal with it.

10.1.5. The School will respect the views of a parent who indicates that they would have difficulty discussing a concern with a particular member of staff. In this case, the Headteacher will refer the parent to another designated member of staff. Similarly, if the member of staff directly involved in the circumstances leading to the concern feels too compromised to deal with it, the Headteacher may consider referring the parent to another member of staff. The member of staff may be more senior, but this is not essential.

10.1.6. There is no suggested timescale for resolution at this stage given the importance of dialogue through informal discussion, although it would be expected that most issues will be resolved within 20 school days. Where no satisfactory solution has been found, the complainant will be advised that if they wish the complaint to be considered further, this should be set out in writing to the Headteacher under Stage 2 of this procedure within 15 school days.

10.1.7. Complainants should not approach individual School Board members 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 policy.

10.1.8. All concerns/complaints will initially be managed under Stage 1 of the policy. If the issue remains unresolved, the next step is to make a formal complaint (Stage 2).

## 10.2. Stage 2 – Formal complaints

10.2.1 Formal complaints must be made to the Headteacher (unless they are about the Headteacher), via the school office/ enquiry email address. Section 16 outlines who the complaint goes to if it involves the Headteacher, a trust central team member, a member of the School Board, or a member of the Board of Trustees.

10.2.2 The complaint must be in writing, preferably on the complaint form (this can be found in section 14), unless there are exceptional circumstances. It is very important that you include a clear statement of the actions that you would like the school/ Trust to take to resolve your complaint. In all cases your complaint should include:

- the nature of the complaint
- details of how the matter has been dealt with so far
- the names of potential witnesses, dates and times of events and copies of all relevant documents; and
- a clear statement of the actions that you would like the school/ Trust to take to resolve your complaint.

10.2.3 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 3 school days.

10.2.4 Within this response (if not already clear from the complaint), the Headteacher (or delegated authority) will seek to clarify the nature of the complaint, ask what remains

unresolved and what outcome the complainant would like to see. The Headteacher can consider whether a face-to-face meeting is the most appropriate way of doing this.

*Note: The Headteacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.*

10.2.5 During the investigation, the Headteacher (or investigator) will:

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

10.2.6 At the conclusion of their investigation, the Headteacher (or investigator) will provide a formal written response within 20 school days of the date of receipt of the complaint.

10.2.7 If the Headteacher (or investigator) is unable to meet this deadline, they will provide the complainant with an update and revised response date.

10.2.8 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/ Trust will take to resolve the complaint.

10.2.9 The Headteacher (or investigator) will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

10.2.10 Where a complaint is escalated at Stage 2 to the CEO, they may delegate the investigation to another member of the Trust's Executive Leadership team, but not the decision to be taken.

### 10.3. Stage 3 – Panel Hearing

10.3.1 If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3 – a panel hearing consisting of at least three people who were not directly involved in the matters detailed in the complaint, with one panel member who is independent of the management and running of the school. This independent panel member may be from another school within the Trust. This is the final stage of the complaints policy.

10.3.2 A request to escalate to Stage 3 must be made to the Clerk to the School Board, via the school office, within 5 school days of receipt of the Stage 2 response.

10.3.3 The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 3 school days.

10.3.4 Requests received outside of this time frame will only be considered if exceptional circumstances apply.

10.3.5 The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 20 school days of receipt of the Stage 3 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

10.3.6 If the complainant rejects the offer of three proposed dates, without good reason, the Clerk 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.

10.3.7 If the complaint is:

- jointly about the Chair and Vice Chair of a School Board or
- the entire School Board or
- the majority of the School Board

Stage 3 will be heard by the trustees and an independent panel member.

10.3.8 A complainant may bring someone along to the panel to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.

10.3.9 For instance, 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.

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

10.3.10 Representatives from the media are not permitted to attend.

10.3.11 At least 7 school days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time, and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and 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.

10.3.12 Any written material will be circulated to all parties at least 5 school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

10.3.13 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 policy.

10.3.14 The meeting will be clerked, and the trust does not need to disclose specifics of who will be in attendance ahead of the panel. The meeting will be held in private and virtually if the need arises due to the availability of the panel. Electronic recordings of meetings or conversations are not normally 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.

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

- uphold the complaint in whole or in part.
- dismiss the complaint in whole or in part.

10.3.16 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, practice or policies to prevent similar issues in the future.

10.3.17 The Chair of the panel will provide the complainant and the Trust with a full explanation of their decision and the reason(s) for it, in writing, within 5 school days of the meeting.

10.3.18 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 the Trust

10.3.19 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 Trust will take to resolve the complaint.

10.3.20 The panel will ensure that those findings and recommendations are sent by email, or otherwise given to the complainant and, where relevant, the person complained about. Records will be retained for inspection on the school premises by Trustees, the CEO and/ or the school's Head Teacher.

10.3.21 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.

10.3.22 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.

## **11. Complaints escalated to / about the Trust, CEO or a Trustee**

11.1 If a complaint is escalated to Stage 2 of the process and relates to the Trust, CEO, a Trust employee or Trustee, it should be addressed to West Midlands Academy Trust (the Trust) in writing to the relevant person set out in section 16 of this policy to be investigated.

11.2 If the complaint is about the CEO (including complaints made about them in their capacity as Head Teacher of one of the Trust's schools), then the complaint should be sent in writing to [enquiry@wmatrust.co.uk](mailto:enquiry@wmatrust.co.uk) for the attention of the Chair of Trustees.

11.2 The CEO (or Chair of Trustees) will write to the complainant acknowledging the complaint within 3 school days of the date that the written request was received. The acknowledgement will confirm which stage the complaint will be investigated under, who the investigation process has been delegated to and reasons for this decision. For example, if a complaint about the CEO relates to their work as a serving Head Teacher within one of the Trust schools, the Chair of Trustees may delegate for the complaint to be handled by a member of the Executive Leadership Team. If the complaint relates to the CEO's work within the Trust, the Chair of Trustees will determine the most suitable Trustee to handle the complaint. If it is a new concern/complaint about the CEO or the Trust, it will initially be investigated under Stage 1. If it is an escalation of a complaint, having already been investigated under Stage 1, it will be investigated under Stage 2 of this Complaints Policy.

11.3 The relevant steps under section 10 of this policy will be applied dependent upon which stage the complaint is being managed under.

11.4 Following the investigation at stage 2, the CEO (or Chair of Trustees) will write to the complainant confirming the outcome within 20 school days of the date that the complaint was received. If this time limit cannot be met, the CEO (or Chair of Trustees) will write to the complainant within 20 school days of the date that the letter was received, explaining the reason for the delay, and providing a revised date.

11.5 If a formal complaint form is received about the Chair, the complaint will be referred to the Vice Chair for investigation.

*NB. Where the Chair of the Board of Trustees has investigated the complaint, they will write the letter of outcome to the complainant and provide a copy to the CEO.*

11.6 If the complainant is not satisfied with the outcome of the previous stage, the complainant should write to the Clerk asking for the complaint to be heard before a Complaint Panel, within 5 school days.

11.7 The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 3 school days.

11.8 Requests received outside of this time frame will only be considered if exceptional circumstances apply.

11.9 The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 20 school days of receipt of the Stage 2 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

11.10 If the complainant rejects the offer of three proposed dates, without good reason, the Clerk 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.

11.11 The Complaint Panel will consist of three members. None of the three members of the Complaint Panel will have been involved in the incidents or events which led to the complaint or have been involved in dealing with the complaint in the previous stages or have any detailed prior knowledge of the complaint.

11.12 One of the Complaint Panel members will be independent of the management and running of the Trust. This means that the independent Complaint Panel member will not be a Trustee or an employee of the Trust.

11.13 If the complaint is about:

- the Chair and Vice Chair of the Board of Trustees
- the entire Board of Trustees
- the majority of the Board of Trustees

the complaint panel will consist of 3 members independent of the running of the trust.

11.14 A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.

11.15 For instance, if a trust employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

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

11.16 Representatives from the media are not permitted to attend.

11.17 At least 7 school days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time, and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible.
- request copies of any further written material to be submitted to the committee at least 6 school days before the meeting.

11.18 Any written material will be circulated to all parties at least 5 school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

11.19 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 policy.

11.20 The meeting will be held in private and virtually if the need arises due to availability of the panel. Electronic recordings of meetings or conversations are not normally 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.

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

- uphold the complaint in whole or in part.

- dismiss the complaint in whole or in part.

11.22 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 policy to prevent similar issues in the future.

11.23 The Chair of the Panel will provide the complainant and the Trust with a full explanation of their decision and the reason(s) for it, in writing, within 5 school days.

11.24 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 the Trust.

11.25 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 Trust will take to resolve the complaint.

11.26 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.

11.27 Records will be retained for inspection on the school premises by Trustees, the CEO and/ or the school's Head Teacher.

11.28 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.

11.29 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.

## **12. Managing serial and unreasonable complaints**

12.1 West Midlands Academy Trust is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. We will not normally limit the contact complainants have with our school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

12.2 West Midlands Academy Trust defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- refuses to articulate their complaint 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 which 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 complaints procedure has been fully and properly implemented and completed including referral to the Department for Education
- seeks an unrealistic outcome
- makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums.

12.3 Complainants should try to limit their communication with the school/trust 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.

12.4 Whenever possible, the headteacher or other relevant person dealing with the complaint will discuss any concerns with the complainant informally before applying an '*unreasonable*' marking.

12.5 If the behaviour continues, the headteacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact West Midlands Academy Trust or one of its schools causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

12.6 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 the schools within West Midlands Academy Trust.

12.7 Where the school/trust 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 of the complainants

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

## 13. Next steps

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

13.2 The DfE will not normally reinvestigate the substance of complaints or overturn any decisions made by West Midlands Education Trust. They will consider whether West Midlands Academy Trust has adhered to education legislation and any statutory policies connected with the complaint, and whether they have followed Part 7 of the Education (Independent School Standards) Regulations 2014.

13.3 The complainant can refer their complaint to the DfE online at:  
<https://www.gov.uk/complain-to-dfe> or by writing to:

Ministerial and Public Communication Division,  
Department for Education.  
Piccadilly Gate,  
Store Street,  
Manchester,  
M1 2WD

## 14. Complaint Form

Please complete and return to the relevant person (see section 16) who 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:</b> <b>Postcode:</b> <b>Day time telephone number:</b> <b>Evening telephone number:</b>
<b>Please give details of your complaint, including whether you have spoken to anybody at the school about it.</b>

**Please detail any steps the individual/school have taken to resolve your concern/complaint.**

**What actions do you feel might resolve the problem at this stage?**

**Are you attaching any paperwork? If so, please give details.**

**Signature:**

**Date:**

**Official use**

**Date acknowledgement sent:**

**By whom:**

**Complaint referred to:**

**Date:**

## 15. Roles and responsibilities

### 15.1. 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.

### 15.2. 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 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 coordinator as appropriate to clarify what the complainant feels would put things right.

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 Headteacher/ CEO/ Chair of School Board/ Chair of Trustees or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.
  - the Headteacher/ CEO/ Chair of School Board/ Chair of Trustees 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.

### 15.3. Complaints Co-ordinator

This could be the Headteacher or CEO/ Chair of Trustees or designated complaints School Board member or other staff member providing administrative support). The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the policy.
- liaise with staff members: Headteacher, CEO, Chair of School Board, Chair of Trustees, to ensure the smooth running of the complaints policy.
- 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.

### 15.4. Clerk to the School Board/Board of Trustees

The Clerk is the contact point for the complainant and the committee under stage 3 of the process and should:

- ensure that all people involved in the complaint policy 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.

### 15.5. Panel Chair

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

- 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 policy.
- the meeting is minuted.
- they liaise with the CEO (and complaints co-ordinator if the school has one)

## 15.6. Committee Member

Committee members should be aware that:

- the meeting must be independent and impartial and should be seen to be so.
- no governor 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.

## 16. Who will deal with complaints

<b>If your complaint is about...</b>	<b>The stage 1 complaint should go to...</b>  (Mark as Private & Confidential)	<b>The stage 2 complaint should go to...</b>  (Mark as Private & Confidential)	<b>If the complaint is escalated to stage 3 it should go to...</b>  (Mark as Private & Confidential)
Staff at a school	Staff member involved (via the school office)	Headteacher of the school (via the school office)	Clerk to School Board (via the school office)
Headteacher	Headteacher (via the school office)	CEO/ Chair of Trust Board* ( <a href="mailto:enquiries@wmatrust.co.uk">enquiries@wmatrust.co.uk</a> )	Clerk to Board of Trustees ( <a href="mailto:enquiries@wmatrust.co.uk">enquiries@wmatrust.co.uk</a> )
Central staff member	Central staff member involved ( <a href="mailto:enquiries@wmatrust.co.uk">enquiries@wmatrust.co.uk</a> )	CEO ( <a href="mailto:enquiries@wmatrust.co.uk">enquiries@wmatrust.co.uk</a> )	Clerk to Board of Trustees ( <a href="mailto:enquiries@wmatrust.co.uk">enquiries@wmatrust.co.uk</a> )
CEO	CEO ( <a href="mailto:enquiries@wmatrust.co.uk">enquiries@wmatrust.co.uk</a> )	Chair of Trust Board ( <a href="mailto:enquiries@wmatrust.co.uk">enquiries@wmatrust.co.uk</a> )	Clerk to Board of Trustees ( <a href="mailto:enquiries@wmatrust.co.uk">enquiries@wmatrust.co.uk</a> )
School Board member	Chair of School Board (via the school office)	CEO ( <a href="mailto:enquiries@wmatrust.co.uk">enquiries@wmatrust.co.uk</a> )	Clerk to Board of Trustees ( <a href="mailto:enquiries@wmatrust.co.uk">enquiries@wmatrust.co.uk</a> )
WMAT Trustee	Chair of Trust Board ( <a href="mailto:enquiries@wmatrust.co.uk">enquiries@wmatrust.co.uk</a> )	Chair of Trust Board ( <a href="mailto:enquiries@wmatrust.co.uk">enquiries@wmatrust.co.uk</a> )	Clerk to Board of Trustees ( <a href="mailto:enquiries@wmatrust.co.uk">enquiries@wmatrust.co.uk</a> )
Chair of Trust Board	Chair of Trust Board ( <a href="mailto:enquiries@wmatrust.co.uk">enquiries@wmatrust.co.uk</a> )	Vice Chair of Trust Board ( <a href="mailto:enquiries@wmatrust.co.uk">enquiries@wmatrust.co.uk</a> )	Clerk to Board of Trustees ( <a href="mailto:enquiries@wmatrust.co.uk">enquiries@wmatrust.co.uk</a> )
Entire/majority WMAT Trust Board	Chair of Trust Board ( <a href="mailto:enquiries@wmatrust.co.uk">enquiries@wmatrust.co.uk</a> )	Clerk to Trust Board ( <a href="mailto:enquiries@wmatrust.co.uk">enquiries@wmatrust.co.uk</a> )	Clerk to Board of Trustees ( <a href="mailto:enquiries@wmatrust.co.uk">enquiries@wmatrust.co.uk</a> )

\*if the complaint is about the CEO in their work as a Head Teacher in one of the Trust's schools.