

## Complaints Procedure

**Approval Date – October 2020**

**Review Date – October 2021**

### **Who can make a complaint?**

This complaints procedure is not limited to parents or carers of children that are registered at the Academy. Any person, including members of the public, may make a complaint to Westfield Academy about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

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

A concern may be defined as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*.

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

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

If you have difficulty discussing a concern with a member of staff, we will respect your views. In these cases, the headteacher, 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.

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

### **How to raise a concern or make a complaint**

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 of a complainant, if they have appropriate consent to do so.

Concerns should be raised with either the class teacher or headteacher. If the issue remains unresolved, the next step is to make a formal complaint.

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.

Complaints against Academy staff (except the headteacher) should be made in the first instance, to the Headteacher via the Academy office. Please mark them as Private and Confidential.

Complaints that involve or are about the headteacher should be addressed to the Chair of the Governing Board, via the Academy office. Please mark them as Private and Confidential.

Complaints about the Chair of the Governing Board, any individual governor or the whole trust or governance board should be addressed to Mrs Lisa Jeffreys (the Clerk to the Governance board) via the Academy office. Please mark them as Private and Confidential.

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 Academy office. You can also ask third party organisations like 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.

### **Anonymous complaints**

We will not normally investigate anonymous complaints. However, the headteacher or Chair of the governance board, if appropriate, will determine whether the complaint warrants an investigation.

### **Time scales**

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.

Complainants should be reassured that the academy will always endeavour to resolve the issue within the time frame of each stage of the procedure.

### **Complaints received outside of term time**

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

### **Scope of this Complaints Procedure**

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

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA), ESFA (Education Skills and Funding Agency), 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 a complainant commences legal action against Westfield Academy in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

### **Resolving complaints**

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

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

### **Withdrawal of a Complaint**

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

### **Stage 1**

Informal concerns must be raised with the relevant member of staff or headteacher as soon as possible. This may be done in person, in writing (letter or email), or by telephone.

The academy will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 2 Academy days.

The relevant member of staff will contact the complainant at this stage of the procedure.

If the complaint is not resolved informally it can be escalated to a formal complaint – Stage 2.

### **Stage 2**

Formal complaints must be made to the headteacher (unless they are about the headteacher), via the academy office. This may be done in person, in writing – letter or email - (preferably on the Complaint Form), by telephone or through a third party acting on their behalf.

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 2 school days.

Within this response, the headteacher 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 academy's senior leadership team but not the decision to be taken.*

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.

At the end of their investigation, the headteacher will provide a formal written response within 15 Academy 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.

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 Westfield Academy will take to resolve the complaint.

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

If the complaint is about the headteacher, or an individual member of the Trust or local governance board (including the Chair or Vice-Chair), a suitably skilled and impartial director/governor will be appointed to complete all the actions at Stage 2.

Complaints about the headteacher or member of the governance board must be made to the Clerk, via the Academy office.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire trust or
- most of the trust

Stage 2 will be considered by an independent investigator appointed by the trust board. At the end of their investigation, the independent investigator will provide a formal written response.

Any written response from headteacher, a director/governor, or independent investigator will advise the complainant that if they remain dissatisfied they can escalate to stage 3 of the procedure.

### **Stage 3**

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 comprising 2 members of the trust or local governance board who have not been directly involved and an independent panel member who is not involved in the management and running of the Trust (or any academy in the multi-academy trust). This is the final stage of the complaint's procedure.

A request to escalate to Stage 3 must be made to the Clerk, via the Academy office, within 10 Academy days of receipt of the Stage 2 response.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 2 Academy days. Requests

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

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 Academy 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.

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 based on written submissions from both parties.

The independent panel member will chair the panel. If there are fewer than two governors from Westfield Academy Trust available, the Clerk will source further additional, independent panel members through another local Academy or Multi-Academy Trust or maintained schools, prior to the meeting, the panel will decide amongst themselves who will act as the Chair of the panel. Alternatively, an entirely independent panel may be convened to hear the complaint at Stage 3.

The panel will be sensitive to the complainant's needs and they will be allowed to attend the panel meeting and be accompanied if they wish.

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

For instance, if an Academy 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 complaint's procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.*

Representatives from the media are not permitted to attend.

At least 17 Academy 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 attending, 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 10 Academy days before the meeting.

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

The 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.

The meeting will be held in private. 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.

The panel will consider the complaint and all the evidence presented. 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 Academy Trusts systems or procedures to prevent similar issues in the future.

The Chair of the panel will provide the complainant and Westfield Academy with a full explanation of their decision and the reason(s) for it, in writing, within 10 Academy days.

The letter to the complainant will include details of how to contact the Education, Skills and Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by Westfield Academy.

If the complaint is:

- jointly about the Chair and Vice Chair, or
- the entire governance board (Trust or Local), or
- most of the governance board

Stage 3 will be heard by a panel of independent, co-opted directors/governors. 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 Westfield Academy will take to resolve the complaint. The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

### **Duplicate Complaints**

When a complaint has been closed at the end of our procedure, and we receive a duplicate complaint from a spouse, partner, grandparent, child or other individual, we will inform the new complainant that we have already considered that complaint and that our process is complete.

However, if any new aspects to the complaint that were not previously considered are identified these will be investigated and dealt with to the full extent of the complaint's procedure.

If the new complainant is dissatisfied with the academy trusts handling of the original complaint they can contact the ESFA (Educational, Skills and Funding Agency) as advised in the paragraphs that follow.

### **Next Steps**

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

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by Westfield Academy. Their responsibility is to ensure academies comply with their funding agreements. They will consider whether Westfield Academy has adhered to legislation and any statutory policies connected with the complaint and where they feel that the Academy has not dealt with the complaint properly they will request that the complaint is looked at again.

If the Academy's procedure does not meet regulations, they will ask the academy to put this right and will enforce this request under the terms of the funding agreement.

The complainant can refer their complaint to the ESFA online enquiry form [Complain about an academy](#) and tick the box that says complaint. Or in writing to: -

ESFA Complaints,  
Chief Executive's Office,  
Cheylesmore House,  
Quinton Road,  
Coventry,  
CV1 2WT

**Appendix A - Complaint Form**

Please complete and return to the Clerk to the Governing Board who will acknowledge receipt and explain what action will be taken.

<b>Your name:</b>
<b>Pupil's name (if relevant):</b>
<b>Your relationship to the pupil (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 Academy about it.</b>

**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 who:**

**Complaint referred to:**

**Date:**

## **Appendix B – Westfield Academy policy for managing serial and unreasonable complaints (based on guidance provided by the DfE [Department for Education])**

**Note: This policy can also be adapted to manage unreasonable or persistent contact not directly associated with, or resulting from, formal complaints.**

Westfield Academy 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 academy or academies. However, we do not expect our staff to tolerate unacceptable behaviour and will act to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Westfield Academy defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the academy, 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 complaint's investigation process
- refuses to accept that certain issues are not within the scope of the complaint's procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaint's procedure or with good practice
- introduces trivial or irrelevant information which they expect to be considered 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 academy's complaint procedure has been fully and properly implemented and completed including referral to the Education, Skills and Funding Agency
- seeks an unrealistic outcome
- makes excessive demands on academy 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.

Complainants should try to limit their communication with the academy 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.

Whenever possible, the headteacher or Chair of the governance board will discuss any concerns with the complainant informally before applying an '*unreasonable*' marking.

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 Westfield Academy 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.

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 Westfield Academy.

## Appendix C

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>• Admissions to Academy's</li> <li>• Statutory assessments of Special Educational Needs</li> <li>• Academy re-organisation proposals</li> </ul>	<p>Concerns about admissions, statutory assessments of Special Educational Needs, or Academy re-organisation proposals should be raised with the appropriate authority.</p>
<ul style="list-style-type: none"> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH). Tel: 0300 123 2224.</p>
<ul style="list-style-type: none"> <li>• Exclusion of children from Academy*</li> </ul>	<p>Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/Academy-discipline-exclusions/exclusions">www.gov.uk/Academy-discipline-exclusions/exclusions</a>.</p> <p><i>*complaints about the application of the behaviour policy can be made through the Academy's complaints procedure. <a href="#">Behaviour for Learning Policy</a>.</i></p>
<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	<p>We have an internal whistleblowing procedure 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 whistle-blowers 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 Academy should complain through the Academy'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.</p>
<ul style="list-style-type: none"> <li>• Staff grievances</li> </ul>	<p>Complaints from staff will be dealt with under the Academy's internal grievance procedures.</p>
<ul style="list-style-type: none"> <li>• Staff conduct</li> </ul>	<p>Complaints about staff will be dealt with under the Academy's internal disciplinary procedures, 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>
<ul style="list-style-type: none"> <li>• Complaints about services provided by other providers who may use Academy premises or facilities</li> </ul>	<p>Providers have their own complaints procedure to deal with complaints about service. Please contact them direct.</p>
<ul style="list-style-type: none"> <li>• National Curriculum - content</li> </ul>	<p>Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a></p>