

Policy Document for: Managing Complaints
 Approved by Trustees: January 2023
 Due for Review: October 2023

This complaints policy is drawn up using the best practice guidance issued by the Government on <https://www.gov.uk/government/publications/setting-up-an-academies-complaints-procedure/best-practice-guidance-for-academies-complaints-procedures> and meets the requirements of [Education \(Independent School Standards \(England\) Regulations 2014](#) Schedule 1, Part 7.

Who can make a complaint?

This complaints policy and procedure is limited to parents and carers of children that are registered in the Trust regarding your own child as it is based upon [Part 7 of the Education \(Independent School Standards\) Regulations 2014](#). Complainants have the opportunity to complete this procedure in full, unless the Trust has clear evidence that this complaint meets the criteria of a serial or persistent complaint.

Complaints outside of this policy

Unless complaints are dealt with under separate statutory procedures (see the table below), we will use this complaints procedure. We will handle complaints from people who are not parents or carers of children in the Trust respectfully and expediently but we are not obliged to follow this complaints policy.

Exceptions	Who to contact
Admissions to schools	For concerns about admissions please see the our Admissions Policy or contact Kent County Council Admissions team
Statutory assessments of Special Educational Needs	The Complainant can use this policy to complain unless the Complainants child has an Education Health and Care Plan and the Complainant wishes to appeal against a decision that the Local Authority has taken. If this is the case, the Complainant needs to contact 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.
Exclusion of children from school	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions . Complaints about the application of the behaviour policy can be made through the school's complaints procedure.
Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. A whistle blower is deemed to be someone with privileged knowledge. This would include members of staff and volunteers (such as Trustees and Governors). 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:

Exceptions	Who to contact
	www.education.gov.uk/contactus .
Staff grievances	Staff grievance, capability or disciplinary; these are covered by separate School Policies and Procedures
Staff conduct	Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate. A parent may raise a complaint about a staff member directly or indirectly. 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.
Complaints about services provided by other providers who may use school premises or facilities	Providers should have their own complaints procedure to deal with complaints about service. Please contact them directly.
School re-organisation proposals	School re-organisation proposals should be raised with the KCC Contact Centre 01622 671411
Freedom of Information	Subject Access Requests and Freedom of Information Requests: please see the School's Data Protection and Freedom of Information Policies
Withdrawal from the curriculum	Parents and carers can withdraw their child from any aspect of Religious Education or Daily Act of Collective Worship. Parents and carers do not have to explain why. If parents and carers are not satisfied with the handling of a request to withdraw their child from these aspects of education, they should follow our complaints policy. The right of withdrawal does not apply to other areas of the curriculum where religious matters may be spontaneously raised by pupils or arise in other subjects such as history or citizenship.

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 a complainant commences legal action against Bourne Alliance MAT (BA-MAT) in relation to their complaint, we will suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

If a complainant contacts BA-MAT again in relation to their complaint, the correspondence may then be viewed as 'serial' or 'persistent' and BA-MAT will not respond but will continue to complete the initial complaints procedure in full.

Hirers of Trust premises

We ensure that any third party supplier using Trust premises has its own complaints procedures in place when they use the premises to offer community facilities and services.

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 complaints procedure. BA-MAT takes concerns seriously and will make every effort to resolve the matter as quickly as possible. We will ask parents/carers what they think might resolve the issue, however an acknowledgment by the schools that they could have handled a situation better is not the same as an admission of unlawful or negligent action.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, BA-MAT will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

Accessing this policy

This policy is published on our website and is available for parents and carers on paper by requesting a copy with the school office. For non-parental complaints, there is no requirement for the policy to cover these complaints but we will handle them respectfully and expediently.

Resolving complaints

At each stage in the procedure, BA-MAT 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.

Handling complaints fairly

The Trust will ensure that complainants are treated fairly and offered a chance to state their case either in person or in writing at each stage of the procedure. However, if the Trust have made reasonable attempts to accommodate complainants with dates for complaint meetings and this is refused or complainants are unable to attend, we may convene the meeting in their absence and/or reaching a conclusion in the interests of drawing the complaint to a close.

Types of complaints

Anonymous complaints

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

Duplicate complaints

After closing a complaint at the end of the complaints procedure, if the school receive a duplicate complaint from:

- a spouse
- a partner
- a grandparent
- a child

The school will inform the new complainant that the school has already considered that complaint and the local process is complete. The school should advise the new complainant to contact the Department for Education

should they be dissatisfied with the school's handling of the original complaint.

Any new aspects to the original complaint will be investigated and dealt with to the full extent of the complaints procedure.

Serial or persistent complaints

BA-MAT are committed to resolving complaints. However, there may be occasions when, despite all stages of the complaints procedures being followed, the complainant remains dissatisfied. If a complainant tries to re-open the same issue, we will inform them that the procedure has been completed and the matter is now closed. If the complainant contacts the Trust again on the same issue, the correspondence may be viewed as 'serial' or 'persistent' and the Trust may choose not to respond. However, the Trust will not mark a complaint as 'serial' before the complainant has completed the procedure.

A complainant will not be marked as 'serial' for exercising their right to refer their complaint to their MP, regardless of which stage the complaint has reached.

Harassing complainants

We regard harassment as the unreasonable pursuit of issues or complaints, particularly if the matter appears to be pursued in a way intended to cause personal distress rather than seek a resolution.

Behaviour will fall within the scope of this policy if:

- It appears to be deliberately targeted over a significant period of time at one or more members of school staff or others.
- The way in which a complaint or other issues is pursued (as opposed to the complaint itself) causes ongoing distress to school staff or others;
- It has a significant and disproportionate adverse effect on the school community.
- Actions are pursued aggressively or in any manner not appropriate to an effective resolution

If an individual persists to the point that may constitute harassment, the Trust may seek legal advice.

Addressing disruptive, serial and harassing complaints

If an individual's behaviour is causing a significant level of disruption regardless of whether or not they have raised a complaint, the Trust may implement a tailored communication strategy which could involve restricting the individual to a single point of contact via an email address and/or limiting the number of times they can make contact such as a fixed number of contacts per term. However, regardless of any communication strategy, the Trust will provide parents and carers with the information they are entitled to under The Education (Pupil Information) (England) Regulations 2005, within the statutory time frame.

In cases of unreasonably persistent complaints or harassment, the school may take any or all of the following steps, as appropriate:

- Inform the complainant informally that his/her behaviour is now considered by the school to be unreasonable or unacceptable, and request a changed approach;
- Inform the complainant in writing that the school considers his/her behaviour to fall under the terms of the Unreasonably Persistent Complaints and/or harassment
- Require all future meetings with a member of staff to be conducted with a third person present. In the interests of all parties, notes of these meetings may be taken;
- Inform the complainant that, except in emergencies, the school will respond only to written communication.
- Inform the complainant in writing that his/her behaviour is now considered to fall under the terms of this policy and that any complaint will not be investigated further until it is pursued in a manner the School considers to be reasonable
- Place restrictions on the individual's access to school and/or school staff.

- Cease all correspondence and communication with the complainant other than that necessary for the health and safety of any child/adult in school.
- Involve officers of the local authority

The school has a duty of care to staff and pupils and will take emergency measures should these become necessary in extreme cases.

Vexatious complaints

Some complaints may be categorised as vexatious. The characteristics of a 'frivolous' or 'vexatious' complaint are:

- complaints which are obsessive, persistent, harassing, prolific, repetitious
- insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason
- insistence upon pursuing meritorious complaints in an unreasonable manner
- complaints which are designed to cause disruption or annoyance
- demands for redress that lack any serious purpose or value

BA-MAT Trust should not refuse to accept further correspondence or complaints from an individual they have had repeat or excessive contact with. The application of a 'serial or persistent' marking should be against the subject or complaint itself rather than the complainant.

Unreasonable complainants

An unreasonable complainant may be anyone who engages in unreasonable behaviour when making a complaint. This will include parents and carers who pursue complaints in an unreasonable manner and those who do not act in an appropriate manner towards staff at the school.

Unreasonable behaviour may include behaviour which is:

- Out of proportion to the nature of the complaint, or
- Persistent – even when the complaints procedure has been exhausted, or
- Personally harassing, or
- Unjustifiably repetitious or
- Obsessive, harassing, or prolific
- Prolific correspondence or excessive email or telephone contact about a concern or complaint.
- Repetitious complaints where the complainant has no view about what would satisfy him/her and/or no intention to resolve the complaint.
- Acting in a way not in line with the school aim of reaching a resolution and working with the school
- An insistence on pursuing unjustified or unmeritorious complaints and/or
- Unrealistic outcomes to unjustified complaints

Unreasonable Complainants may:

- Refuse 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 while still wishing their complaint to be resolved;
- Refuses to accept that certain issues are not within the scope of a complaints procedure;
- Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- Introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- Makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- Changes the basis of the complaint as the investigation proceeds;

- Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- Seeks an unrealistic outcome;
- Makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.
- Makes the complaint either face-to-face, in writing, or electronically maliciously, aggressively, using threats, intimidation or violence, using abusive and offensive language, using falsified information or by publishing unacceptable information on social media, websites or in newspapers

And/or an insistence on

- Pursuing justifiable complaints in an unreasonable manner e.g. using abusive or threatening language;
- Making complaints in public; or
- Refusing to attend appointments to discuss the complaint.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically: -

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- Publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with a school while a 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.

Complaint campaigns

Should the Trust be subject to a complaint campaign and receive large volumes of complaints all based on the same subject and/or from complainants unconnected with the school, the Trust will send a template response to all the complaints. Should these complaints remain unsatisfied, the Trust will continue to direct them to the Department of Education.

Parental conflict

Conflict between estranged parents is a common cause of complaint made to academies. The Trust follows this guidance <https://www.gov.uk/government/publications/dealing-with-issues-relating-to-parental-responsibility> and refers parents to our **Separated Parents** policy which is available on the Trust website.

Physical or verbal aggression

The Trust, Governing Body and Kent County Council will not tolerate any form of physical or verbal aggression or personal harassment against school staff. If staff are subject to this type of aggression the school may:

- Prohibit the individual from entering the school site, with immediate effect;
- Inform the individual that communication with them will cease other than in an emergency

- Prosecute under Anti-Harassment legislation.

What the school expects of parents, carers and the community

The Trust expects anyone who wishes to raise concerns with the school to:

- Treat all staff with courtesy and respect
- Respect the needs of pupils and staff within the school;
- Never use violence (including threats of violence) towards people or property;
- Recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond to a complaint;
- Recognise that some problems may not be resolved in a short time;
- Follow the school's complaints procedure.
- Speak politely and respectfully using appropriate language and avoid any aggression or verbal abuse, including name-calling
- Raise concerns/complaints in an appropriate place and at an appropriate time (for example not in front of other parents or pupils and not in an open public space)
- To be prepared to work towards a resolution and in partnership with the school

What the Trust will consider when deciding to stop responding in any such case

The Trust does not take the decision to stop responding lightly and will consider:

- Have we taken every reasonable step to address the complainants concerns?
- Has the complainant been given a clear statement of our position and their options?
- Does the complainant contact us repeatedly, making substantially the same points each time?

This is further strengthened by consideration of:

- Are the letters, emails or phone calls from the complainant often or always abusive and/or aggressive?
- Does the complainant make insulting or threatening comments towards staff?
- Do we believe that the complainant is contacting us with the intention of causing disruption or inconvenience?

Once the Trust decides to stop responding in any such case, we will write to the complainant to inform them of this and the reasons why.

Barring from school premises

Although fulfilling a public function, Trust schools are private places and the public have no automatic right of entry. The Trust acts to ensure that the schools remain a safe place for pupils, staff and other members of the community.

If an individual's behaviour is cause for concern, the Head of School or CEO can ask them to leave the school premises. In some cases, individuals can be barred from entering school premises. The Trust will always give the individual an opportunity to express formally their views on a decision to bar. The decision to bar will then be reviewed by the Chair of Trustees. The Chair of Trustees will take into account any representations made by the individual and decide whether to confirm or lift the bar. If the decision is confirmed, the individual will be informed in writing, explaining how long the bar will be in place and when the decision will be reviewed.

[Controlling access to school premises](#) provides more guidance on access to school premises.

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.

Withdrawal of a Complaint

If a complainant wants to withdraw their complaint, we ask that this is confirmed in writing.

How to raise a concern or make a complaint

A concern or complaint can be made in person by parents, carers (including parents or carers of children no longer at the school) and members of the public, in writing, in person 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.

Concerns

Concerns should be raised with the class teacher in the first instance. The class teacher will meet to address and resolve the concern. We may offer informal mediation at this stage. While this can be useful in helping the school and complainants reach an agreement and move forward, there are times when it may not be the most appropriate course of action. We will ask the parents/carers what they think may resolve the issue. An acknowledgment by the school that a situation could have been handled better is not the same as an admission of unlawful or negligent action.

Mediation can:

- provide a helpful mechanism for discussion when a concern is raised
- help to rebuild the relationship between all parties

It should not be used as a substitute for an investigation during the formal stages of the complaints procedure. If neither the complainant nor the school considers that mediation will serve any practical purpose at this point, the complainant will not be prevented from moving to the next investigative stage of the complaints procedure.

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 2 of the procedure.

If the issue remains unresolved, the next step is to make a formal complaint.

Complaints

- Complaints against school staff (except the Head of School or CEO) should be made in the first instance to the Head of School via the school office. If written, then please mark them as Private and Confidential.
- Complaints that involve or are about the Head of School should be made in the first instance to the CEO via the school office. If written, then please mark them as Private and Confidential.
- Complaints that involve or are about the CEO should be addressed to Neil Peterson, Chair of Trustees, via the school office. If written, then please mark them as Private and Confidential.
- Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to Martin Hydes, Clerk to the Trustees via the school office. If written, then please mark them as Private and Confidential.

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.

There may be occasions where it is necessary or reasonable to deviate from this published complaints procedure. This includes note doing something this procedure states we will/should/may do. If this is the case, this change will be documented and the reasons why.

Time scales

We encourage parents and carers to raise their complaints informally initially so that it can be considered and resolution sought.

For all complaints, where further investigations are necessary and the timescales below cannot be met to allow for the investigation to be thoroughly conducted, we will contact the complainant to set out the new timescales and explain the delay.

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

Where a concern or complaint is raised 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), the Trust reserves the right to refuse to investigate the concern or complaint under the procedure in this Complaints Policy if it appears reasonable and fair to do so, having regard to the circumstances surrounding the complaint.

Where the Trust decides that a concern or complaint which was raised late will not be investigated, the Trust will write to the Complainant notifying them of the decision within **5 school days** of the concern or complaint being received.

If the Complainant is dissatisfied with the decision not to investigate a concern or complaint that was raised late, the Complainant may write to the Chair of Trustees asking for the decision to be reviewed. The Chair of Trustees will be provided with all documentation relating to the concern or complaint, together with the letter from BA-MAT to the Complainant, and will review the decision made.

The Chair of Trustees will write to the Complainant with the outcome of the review within **10 school days** of the date that the letter was received from the Complainant seeking the review was received, and provide the Trust with a copy of the letter.

If the Chair of Trustees quashes the decision not to investigate the concern or complaint, it will be referred to BA-MAT to be dealt with under the procedure in this Complaints Policy in the usual way.

If the Chair of Trustees upholds the decision not to investigate the concern or complaint, the Complainant may refer the concern or complaint to the School Complaints Unit using the procedure stated towards the end of this Complaints Policy.

In exceptional circumstances, the Chair of Governors can delegate the responsibility for the review to the Vice-Chair of Governors.

Recording meetings

Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or communication difficulties 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.

Schools are data controllers in their own right and have the discretion via their policies to decide for themselves whether to allow complainants to record meetings, if it's not required for the purposes of a reasonable adjustment.

We will ensure that there is a fair and reasonable purpose for allowing complainants to record meetings, since there may be various levels of personal information recorded. We will consider how any recordings would affect third parties called to act as witnesses, and the impact and consequences on the individuals involved in the complaint in the event a recording is lost or leaked.

The Trust will refuse to accept as evidence recordings of conversations which are made covertly and without the informed consent of all parties being recorded, unless there are exceptional circumstances. The Government guidance clearly supports this.

Bias in the proceedings

Complainants are entitled to a fair meeting or review and can request an independent panel if they believe that there is likely to be bias in the proceedings. The Trust must be provided with the evidence of bias in support of the request and will then make a decision whether or not to agree to this. If the appearance of bias is sufficient to taint the decision reached, the Trust should grant such a request.

Person who have a conflict of interest should not take part in the complaints process, including proceedings or Trustee/Governing Body meetings. If there is any reasonable doubt as to a person's ability to act impartially, they should withdraw from considering the complaint. Where a Trustee/Governor has a financial interest in any related matter, they should also withdraw.

The Trust will not act in a way that is biased when making decisions. The Trust is aware that the *appearance* of bias, even when there is no actual bias, may be sufficient to taint a decision.

Stage 1 - Informal Procedure

The class teacher and other members of staff can deal with many concerns to the satisfaction of the Complainant, without needing to deal with it formally. The Trust values informal meetings and telephone discussions as a way of improving its procedures and relations with parents.

Complaints can be made by telephone, in person or in writing.

- Complaints against school staff (except the Head of School or CEO) should be made in the first instance to the Head of School via the school office. If they are written please mark them as Private and Confidential.
- Complaints that involve or are about the Head of School should be made in the first instance to the CEO via to school office. Please mark them as Private and Confidential.
- Complaints that involve or are about the CEO should be addressed to Neil Peterson, Chair of Trustees, via the school office. Please mark them as Private and Confidential.
- Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to Martin Hydes, Clerk to the Trustees via the school office. Please mark them as Private and Confidential.

We encourage the complainant to include what actions they feel may resolve this problem at this stage. The Head of School (unless the complaint is about the Head of School) will consider whether a face to face meeting is the most appropriate way of doing this. *Note: The Head of School may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.*

During the investigation, the Head of School (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 conclusion of their investigation, the Head of School will provide a formal written response within 10 days school days of the date of receipt of the complaint. If the Head of School is unable to meet this deadline, they will provide the complainant with an update and revised response date. See timescales section on page 7.

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. The Head of School will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

There is no rigid time-scale for resolving concerns and complaints at this stage, given the importance of dialogue through informal discussions, however it is expected that most concerns will be resolved within **10 school days**. Should the nature or complexity of the concern mean that more time is required, Timu will write to the Complainant within **10 school days** informing them of the reason for the delay and confirming a revised date for resolution.

Should informal meetings and telephone discussions appear unlikely to resolve the concern, either party may initiate a move to the Stage 2 for the complaint to be investigated formally.

Stage 2 – Formal Complaint Investigated by a Member of Staff

If the Complainant is dissatisfied with the way in which the concern was dealt with informally, the Complainant will be asked to complete the formal complaint form found in Appendix 1 and return it to the Trust. Complaints should be in writing, unless there is a sufficient reason for a reasonable adjustment to be made – please contact us if this is the case so we may make alternative arrangements. The school will seek agreement and approval with you to transcribe if necessary the details of the complaint onto the complaint form so it can be considered by the relevant party.

Upon receipt of a formal complaint, the school will identify the appropriate member of staff to investigate the complaint under Stage 2.

- If the complaint is about a member of staff, a manager senior to that member of staff will normally investigate the complaint. If the complaint is very serious, the CEO may, at their discretion, escalate the complaint directly to Stage 3.
- Where the complaint concerns the Head of School the complaint will be referred to the CEO who will investigate the complaint under Stage 3 of this Complaints Policy.
- If it concerns the CEO or a Governor, the complaint will be referred to the Chair of Trustees, again under stage 3 of this Complaints Policy.
- Where the complaint concerns the **Chair of Governors/ Trustees**, the Vice Chair of Governors/Trustees will investigate the complaint under Stage 3 of this Complaints Policy.

The member of staff considering the complaint will write to the Complainant acknowledging the complaint within **5 school days** of receiving the formal complaint form. The acknowledgement will confirm which stage of the Complaints Policy the complaint is being investigated under, and will confirm the date for providing a response to the complaint.

Following investigation of the complaint, the member of staff will write to the Complainant confirming the outcome within **10 school days** of the formal complaint form being received. If this time limit cannot be met, the member of staff will write to the Complainant within 10 school days of the formal complaint form being received, explaining the reason for the delay and providing a revised date.

The letter to the Complainant will notify them that if he or she is dissatisfied with the outcome of the Stage 2 investigation of the complaint, they should write to the CEO within 10 school days of receiving the letter asking for the complaint to be investigated under Stage 3 of this Complaints Policy. If no further communication is received from the Complainant within 10 school days, the complaint will be deemed to have been resolved.

Stage 3 – Formal Complaint Investigated by the CEO (or other appropriate individual)

If the Complainant is dissatisfied with the outcome of the complaint under Stage 2, the Complainant should write to the CEO at BA-MAT asking for the complaint to be investigated under Stage 3 of this Complaints Policy.

The CEO will write to the Complainant acknowledging the complaint within **5 school days** of the date that the letter was received from the Complainant. The acknowledgement will confirm that the complaint will now be investigated under Stage 3 of this Complaints Policy, and will confirm the date for providing a response to the complaint.

Following investigation of the complaint, the CEO will write to the Complainant confirming the outcome within **10 school days** of the date that the letter was received from the Complainant. If this time limit cannot be met, the CEO will write to the Complainant within 10 school days of the date that the letter was received from the Complainant, explaining the reason for the delay and providing a revised date.

The letter to the Complainant will notify them that if he or she is dissatisfied the outcome of the Stage 3 investigation of the complaint, they should write to the Clerk to the Local Governors within 10 school days of receiving the letter asking for the complaint to be heard before a Complaint Panel under Stage 4 of this Complaints Policy. If no further communication is received from the Complainant within 10 school days, the complaint will be deemed to have been resolved.

Stage 4 – Complaint Heard at a Complaint Panel Hearing

If the Complainant is dissatisfied with the outcome of the complaint under Stage 3, the Complainant should write to the Clerk to the Trustees for BA-MAT Trust asking for the complaint to be heard before a Complaints Panel.

The Clerk to the Trustees will write to the Complainant acknowledging the request for the complaint to be heard before a Complaint Panel within **5 school days**. The letter will inform the Complainant that the Complaint Panel Hearing will take place within **25 working days** of the date that the letter was received from the Complainant and that arrangements to appoint the Complaint Panel and convene the Complaint Panel Hearing will be made by the Clerk to the Trustees who will be the Complainant's point of contact.

The aim of the panel meeting is to reconcile the parties and to put things right that may have gone wrong.

Legal representation

Parents/carers are allowed to attend the panel meeting and may be accompanied as they wish. It is recommended that neither the parent/carers nor the Trust bring legal representation as these panel meetings are not a form of legal proceedings.

There may be situations where a legal representative is appropriate such as where a Trust employee is witness in a complaint, they have the right to bring Union or legal representative.

Appointment of the Complaint Panel

The Clerk to the Trustees will liaise with the Trust in making arrangements for the Complaint Panel to be appointed. 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. Complainants have the right to request an independent panel, if they believe there is likely to be bias in the proceedings. The school will consider the request but ultimately the decision will be made by the Chair of the Trust Board.

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 Member or Trustee or an employee of the Trust or schools, nor will it be an independent person who has a clear connection with the Trust (such as a solicitor who routinely handles legal matters for the Trust). This ensures the panel has the benefit of an external source of scrutiny and challenge in its consideration of the complaint.

When appointing the independent Complaint Panel member, the Trust will bear in mind the non-statutory advice of the Department for Education, which states:

“Whilst we do not wish to be prescriptive about who schools should appoint as an independent person our general view is that people who have held a position of responsibility and who are used to analysing evidence and putting forward balanced arguments would be suitable. Examples of persons likely to be suitable are serving or retired business people, civil servants, heads or senior members of staff at other schools, people with a legal background and retired members of the police force might be considered by schools. Schools will of course have their own views.”

One or both of the other two Complaint Panel members can be a BA-MAT Trustee, as long as they fulfil the requirements of paragraph 7.3 above and are not an employee of the Trust.

The Trust Representative

The Trust will be represented at the Complaint Panel Hearing by the person who investigated the complaint under the most recent stage of the procedure. This will usually be the CEO, however it may on occasions be the Chair of Governors, the Vice-Chair of Governors or a member of the Senior Leadership Team. If the Complainant has complained about the way in which the complaint was investigated by that person

(rather than simply disagreeing with the outcome of the complaint) then the Trust will not be represented by that person at the Complaint Panel Hearing, and the Trust will nominate another person to represent the school or Trust.

Convening the Complaint Panel Hearing

The Clerk to the Trust Board will liaise with the Trustees and convene the Complaint Panel Hearing on a date and at a time which is convenient to the Complainant, the Trust representative and the three Complaint Panel members. The Clerk to the Trust Board will write to the Complainant, the Trust representative and the Complaint Panel members **at least 5 school days** before the Complaint Panel Hearing is due to take place confirming the date and time.

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. If the committee is convening following rejection of three proposed dates without good reason the complaint will proceed on the basis of written submissions from both parties but in making their decision they will be sensitive to the complainant's needs.

Witnesses

The Complainant may seek to rely on the accounts of witnesses, which are relevant to the complaint. The Complainant should ask each witness to write down their account in a signed and dated statement and send it to the Trust **at least three school days** before the Complaint Panel Hearing is due to take place.

The Trust may seek to rely on the accounts of witnesses, which are relevant to the complaint. Such witnesses may also include those persons who dealt with the complaint in the previous stages, if the Complainant has complained about the way in which the complaint was investigated (rather than simply disagreeing with the outcome of the complaint). Such witnesses should, if they have not already done so, provide a signed and dated statement of their account and provide it to the Clerk to the Governors at least three school days before the Complaint Panel Hearing is due to take place.

The Complaint Panel will have the absolute discretion to decide whether a witness account is relevant to the complaint or whether a witness account is undisputed by the Complainant or the Trust respectively. Where a witness account is irrelevant or undisputed, their attendance at the Complaint Panel will not be required.

Documents

The Clerk to the Trust Board will provide a copy of all correspondence, statements (including witness statements) and records relating to the complaint (including records made by those persons who investigated the complaint in the previous stages) to the Complainant, the Trust representative and each Complaint Panel member **at least two school days before** the Complaint Panel Hearing is due to take place. This may include redactions to comply with Data Protection Act 2018 and GDPR.

Attendance at the Hearing

The Complainant may be accompanied by an interpreter or signer, as well as friend or relative, at the Complaint Panel Hearing. The friend or relative will attend for moral support only and will not play any part in the Complaint Panel Hearing, unless invited to do so by the Complaint Panel if it appears to them that it will improve the quality of the Complainant's representations.

The Department for Education recommend that neither the complainant nor the school bring legal representation. These committees are not a form of legal proceedings. The aim of the Governors committee should be:

- reconciliation
- to put right things that may have gone wrong

The Department for Education recognises there may be occasions when legal representation is appropriate 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 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.

The Clerk to the Complaint Panel

A Clerk to the Complaint Panel will attend the Complaint Panel Hearing and keep a written record of the proceedings (the minutes). The Clerk to the Complaint Panel will usually be the Clerk to the Trust Board, however another suitable person may be appointed to this role if the Clerk is not available.

Procedure at the Complaint Panel Hearing

The meeting will be held in private.

The Clerk to the Complaint Panel will greet the Complainant, the Complainant's supporter and the Trust representative and welcome them into the room where the Complaint Panel has convened (witnesses will remain outside of the room until they are called in to give their account);

- The Complainant will be invited by the Complaint Panel to give an account of their complaint;
- The Trust representative will be invited to ask the Complainant questions, if any;
- The Complaint Panel will ask the Complainant questions, if any;
- The Complainant's relevant first witness will be invited into the room to give an account of what they saw or know;
- The Trust representative will be invited to ask the Complainant's witness questions, if any;
- The Complaint Panel will ask the Complainant's witness questions, if any;
- The Complainant's witness will be asked to leave the room;
- If the Complainant has any further relevant witnesses, they will be invited into the room individually to provide their accounts and be questioned as outlined above;
- The Trust representative will be invited by the Complaint Panel to respond to the complaint and make representations on behalf of the Trust;
- The Complainant will be invited to ask the Trust representative questions, if any;
- The Complaint Panel will ask the Trust representative questions, if any;
- The Trust relevant first witness will be invited into the room to give an account or what they saw or know;
- The Complainant will be invited to ask the Trust witness questions, if any;
- The Complaint Panel will ask the Trust witness questions, if any;
- The Trust witness will be asked to leave the room;
- If the Trust has any further relevant witnesses, they will be invited into the room individually to provide their accounts and be questioned, as outlined above;
- The Complainant will be invited by the Complaint Panel to summarise their complaint;
- The Trust representative will be invited by the Complaint Panel to summarise their response to the complaint and the Trust stance;
- The Complaint Panel Hearing will conclude and the Complainant and the Trust representative will be asked to leave.

The Complaint Panel's Decision

The Complaint Panel will meet 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 make:

Findings of Fact

The Complaint Panel will decide which facts are established to be true, on a balance of probabilities (i.e. more likely than not). If a fact is not deemed relevant, the Complaint Panel will not consider it further. The Complaint Panel will make a written record of the facts that have been established, those which have not been established and those which are not relevant, with reasons.

Recommendations

The Complaint Panel will consider the facts, which they have established and will make recommendations based upon them. These recommendations may be aimed at achieving reconciliation between the parties (for example, a written apology), improving procedures or preventing a recurrence in the future. The Complaint Panel will keep a written record of their recommendations, with reasons. The findings and recommendations made by the panel will be provided to the complainant and where relevant the person complained about.

Notification of the Complaint Panel's Decision

The Clerk to the Complaint Panel will write within **10 school days** of the Complaint Panel Hearing to the Complainant

- The Trust representative
- Any person complained about

The letter will identify the issues complained about, and will confirm the Complaint Panel's findings of fact, conclusions, any reasons for decisions and recommendations, if any, with reasons in writing. The Trust will also supply a copy of the minutes from the panel meeting. This may include redactions to comply with Data Protection Act 2018 and GDPR.

The letter will also confirm that, if the Complainant believes that this Complaints Policy does not comply with the Regulations, or that the Trust has not followed the procedure outlined in this Complaints Policy, the Complainant may refer their complaint to the Education Funding Agency for consideration.

The Clerk to the Complaint Panel will also ensure that a copy of the Complaint Panel's findings and recommendations are made available on the Trust premises for inspection by the Trust, the Trustees and the CEO.

Recording complaints

The CEO will hold a written copy of all complaints which are moved to formal investigation, whether they are resolved following formal procedure, or proceed to panel hearing and the actions taken as a result of those complaints (regardless of whether or not they are upheld). This will be held securely to comply with GDPR which states that data must not be kept any longer than is necessary. Personal data will only be kept for as long as necessary for the immediate purposes of processing. Data will be stored securely and, where appropriate, encrypted to maximise security. The Trust will keep these records in line with the Trust **retention** policy. All files are stored securely in dated boxes and are then shredded by the given dates by the Trust's nominated secure company.

Complainants may have a right to copies of these records under the Freedom of Information Act 2000, Data Protection Act 2018 and GDPR. To obtain this information you can submit a subject access request (SAR), to DPO@timuacademytrust.org.uk.

The correspondence, statements and records pertaining to individual complaints will be kept confidential

except where the Secretary of State or a body conducting an investigation under section 109 of the 2008 Act requests access to them.

There may be occasions where complaints are made or continue to be escalated after a child has left the school. On changing schools, the pupil's educational record is transferred to the new school and no copies are retained. The Trust may hold the records of complaints separate to pupil records whilst the complaint is ongoing so that access to them can be maintained.

Complaint Referred to Education 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 if the Complainant believes that the Trust has not followed the procedure in this Complaints Policy, the Complainant can refer the complaint to the Education Funding Agency for consideration. The ESFA cannot overturn the decision about a complaint – their role is to make sure the complaint is handled properly by following the complaints policy which complies to part 7 of the [Education \(Independent School Standards\) Regulations 2014](#)

The ESFA will only consider the complaint if the complainant can provide evidence that the Trust:

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

The ESFA will inform the complainant that they are **not** able to:

- overturn the governing body's decision
- re-investigate the original complaint
- review the accuracy of minutes taken or documents provided
- order that compensation is paid
- direct the school to discipline / exclude pupils
- force the school to discipline / dismiss staff
- instruct the school to apologise

Approval

Signed and approved by Chair of Trustees

Name:

Signed:

Date:

BA-MAT Academy Trust – Complaint Form	
Your name:	
School this complaint relates to:	
Pupil's name (if applicable):	
Relationship to pupil:	
Address:	
Daytime telephone number:	
Evening telephone number:	
Email address:	
Please give details of your complaint:	
<p>What action, if any, have you already taken to try to resolve your complaint? (for example, who have you spoken to and what was the response?)</p>	
<p>What actions do you feel might resolve the problem at this stage?</p>	

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

Signature:	
Date:	
For internal use only	
Date received:	
Date acknowledgement sent:	
By whom:	
Complaint referred to:	
Date:	