

# **Birmingham Diocesan Academies Trust**

## **Complaints Policy**

**Issued: October 2018**  
**Next review due: Autumn 2020**



<b><u>Contents</u></b>	<b><u>Page</u></b>
<b>Introduction</b>	<b>3</b>
<b>Policy</b>	<b>5</b>
<b>Stage 1 – Informal Procedure</b>	<b>10</b>
<b>Stage 2 – Formal Complaint Investigated by a Member of Staff</b>	<b>10</b>
<b>Stage 3 – Formal Complaint Investigated by the Headteacher</b>	<b>12</b>
<b>Stage 4 – Complaint Heard before a Complaint Panel</b>	<b>13</b>
<b>Stage 5 – Complaint referred to the Trust Board</b>	<b>17</b>
<b>Referral to the Education Funding Agency</b>	<b>19</b>
<b>Procedure for complaints against the multi academy trust or central staff</b>	<b>21</b>
<b>Annex 1 – Glossary</b>	<b>24</b>
<b>Annex 2 – Complaint Panel</b>	<b>25</b>
<b>Annex 3 – Unreasonable Behaviours</b>	<b>27</b>
<b>Annex 4 – Formal Complaint Form</b>	<b>28</b>

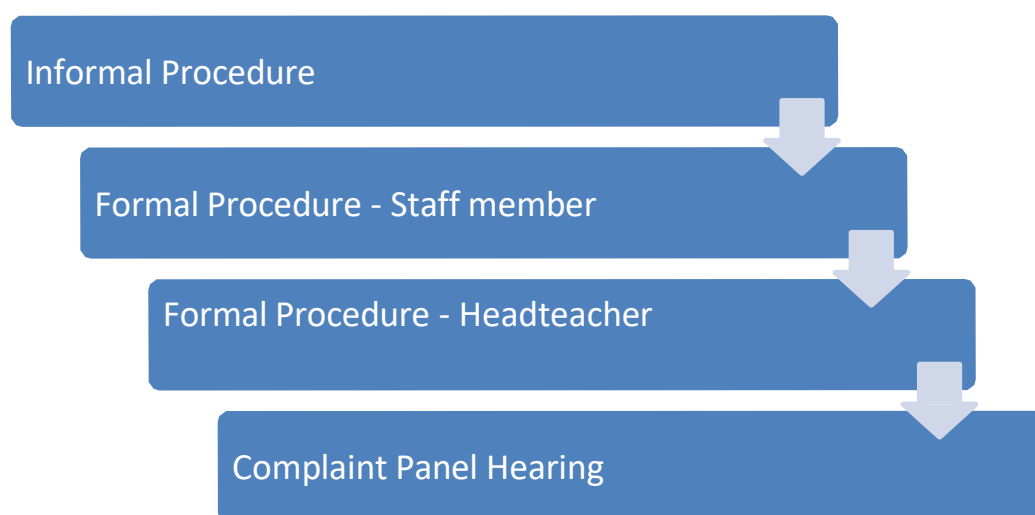
## **1.0 Introduction**

- 1.1. We believe that our schools provide an excellent education and that school personnel work very hard to build positive relationships with all parents and others. However, we appreciate that on occasions there are misunderstandings, or differences of opinion. We are always keen to rectify concerns and will work hard to do so.
- 1.2 This school is a member of the Birmingham Diocesan Academy Trust.
- 1.3 We are obliged under the Education (Independent School Standards) (England) Regulations 2014 to have in place, clear procedures to deal with complaints made against schools or individuals connected with it. We are aware that under the Education Act 1996 parents have the right to complain about any matter relating to the school's curriculum and any issue relating to the general education that we provide. This complaints procedure is published on our website ([www.bdmatschools.com](http://www.bdmatschools.com)) and hard copies are available from each school office.
- 1.4 We believe that complaints should be kept to a minimum by forging strong positive relations with everyone connected with our schools and by having in place very good lines of communication. We as a school community have a commitment to promote equality. We believe that in the interests of all concerned, especially the child, positive relationships should be maintained.
- 1.5 This Complaints Policy is based on the principle that concerns expressed by a pupil, parent or any other individual or organisation should be resolved as quickly as possible without the need to escalate to the formal stages of the procedure. However, where resolution has not been achieved and the person raising the concern is unhappy and wishes to take the matter further, the formal procedure for dealing with complaints will be followed. The four stages are:
- Stage 1 - Informal investigation of a concern by school staff.
  - Stage 2 - Formal complaint investigated by a member of school staff. This stage can be left out at the discretion of the Headteacher
  - Stage 3 - Formal complaint investigated by the Headteacher
  - Stage 4 - Complaint heard before a Complaint Panel at the school
  - Stage 5 - Where the complainant is not happy with the outcome of the complaint panel the complaint can be referred to the trust board

- 1.6 Complaints made by a member of staff should be dealt with under separate grievance procedures applicable to employees. Complaints made by employees will not be dealt with under this Complaints Policy.
- 1.7 Complaints made by a Governor acting in that role should be referred to the Chair of the Local Academy Board to be dealt with. Complaints made by Governors will not be dealt with under this Complaints Policy.
- 1.8 Complaints made by a contractor should be dealt with informally, but may be escalated where dispute resolution or a formal complaints process is included in the contractual agreement. Complaints made by contractors will not be dealt with under this Complaints Policy.
- 1.9 All complaints regarding a safeguarding/child protection issue will be dealt with under child protection procedures.
- 1.10 Complaints regarding exclusions should be dealt with through the exclusions procedures and not this policy
- 1.11 If a parent is concerned about anything to do with any aspect of the school or its organisation they should in the first instance discuss the matter with the school and attempt to resolve the issue amicably BEFORE resorting to follow the formal procedure. In most cases we are confident that the school can resolve any concerns or issues by simply talking through them face to face. Initially, you should contact the headteacher or one of the deputy / assistant headteachers.
- 1.12 If the complainant is not happy with the manner in which the complaint was handled, then they may put their complaint in writing and ask for it to be dealt with formally.
- 1.13 This Complaints Policy is intended to be compliant with Schedule 1, Part 7 of the Education (Independent Schools Standards) (England) Regulations 2014. In the event of any variance between this Complaints Policy and these Regulations, the Regulations will prevail.

## **2.0 Policy**

- 2.1 Concerns or complaints should be raised within three months of the incident or event to which the complaint relates (or, where the complaint relates to a series of incidents or events, within three months of the latest incident or event).
- 2.2 Schools have four stages within the complaints procedure that they administer; there is a fifth stage for complainants who have followed these four stages but are still not happy with the outcome – this stage is dealt with by the central MAT staff. The aim is to try to deal with the complaint, to the satisfaction of the complainant, at the earliest possible stage.



- 2.3 Only if the complaint cannot be resolved at the informal stage would it be escalated to the formal stages. Only if the complaint cannot be subsequently resolved at the formal stages would it be escalated to a Complaint Panel Hearing.

## **3.0 Principles of Investigating a Concern or Complaint**

- 3.1 The principles that will form the basis for all investigations of concerns and complaints will be that the person investigating the complaint:
- has read this Complaints Policy to familiarise his or her self with the procedure;
  - is aware of the time limits that apply to the relevant stage and ensures that he or she complies with them;
  - establishes the nature of the complaint and what issues remain unresolved;
  - establishes what the complainant says has happened, who has been involved, and

what the complainant feels would put things right;

- if necessary, interviews those involved in the matter, for example the complainant, pupils and members of staff, including those complained about;
- allows pupils and those complained about to be accompanied during interviews, if they wish;
- keeps a written record of the interview, and asks the interviewee to sign and date it;
- Establishes relevant facts, on a balance of probabilities, based on evidence not speculation, and keeps a written record of these;
- provides an effective response to the complaint, addressing all issues raised (including, where relevant, complaints about the way in which the complaint has been dealt with in the earlier stages);
- ensures that the response to the complaint includes the appropriate redress, where necessary;
- reports the complaint and the outcome of the complaint to the Senior Leadership Team so that services can be improved; and
- deals with investigation in an impartial, objective, fair and timely manner, keeping in mind the privacy of the parties involved.

#### **4.0 Principles of Resolving a Concern or Complaint**

4.1 It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. The way in which the concern or complaint is dealt with after the complainant first raises the matter can be crucial in determining whether the complaint will escalate. To that end, members of staff will be periodically made aware of the procedure in this Complaints Policy, so that they will know what to do when a concern is raised with them.

4.2 At each stage of the complaints procedure, the investigator will consider how the complaint may be resolved. In considering how a complaint may be resolved, the investigator will give due regard to the seriousness of the complaint. It may be appropriate in order to bring the complaint to a resolution for the investigator to offer:

- an explanation;
- an apology;
- reassurance that steps have been taken to prevent a recurrence of events which led to the complaint; and
- reassurance that the school will undertake a review of its policies and procedures in light of the complaint.

- 4.3 None of the above will constitute an admission of negligence or an acceptance of liability on behalf of the school or trust.

## **5.0 Principles of Notifying the Outcome of a Concern or Complaint**

- 5.1 Once all of the facts have been established, the investigator will write to the complainant setting out all of the issues in dispute, the results of the investigation, the decision made, the reasons for the decision, and details of any action to be taken to resolve matters or prevent a reoccurrence. Alternatively, the investigator may wish to meet with the complainant to discuss the outcome of the investigation, the decision made, the reasons for the decision and any action to be taken directly, in which case a full written record will be made of the meeting, which the complainant will be asked to sign and date. Strictly confidential procedures such as staff disciplinary investigations or sanctions must **not** be referred to.
- 5.2 The outcome of all concerns and complaints, whether dealt with formally or informally, will be recorded centrally by the school. Examples of outcomes include:
- there was insufficient evidence to reach a conclusion, so the complaint cannot be upheld;
  - the evidence did not substantiate the concern, so the complaint cannot be upheld;
  - the complaint was substantiated in part or full. A brief description should be given of the remedial action being taken by the school as a consequence of the complaint. Details of the investigation of or any disciplinary sanctions to be taken against a member of staff cannot be disclosed; and
  - the matter has been fully investigated and, as a consequence, further confidential procedures are being pursued. Strictly confidential procedures such as staff disciplinary investigations and sanctions must not be referred to.

## **6.0 Time Limits**

- 6.1 This Complaints Policy sets out the time limits for each stage of the complaints procedure. Those dealing with complaints will aim to keep to these time limits. However, where a complaint is of a particularly complex nature, or further investigations are required to ascertain the facts, new time limits can be set. The complainant will, within the time limit specified in this Complaints Policy, be sent the details of any changes to the time limits with an explanation for the delay and confirmation of the revised date.

## **7.0 Late Complaints**

- 7.1 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 school 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.
- 7.2 Complaints that relate to issues concerning child protection will always be investigated, under child protection procedures, irrespective of any delay in bringing the complaint.
- 7.3 Where the school decides that a concern or complaint which was raised late will not be investigated, the school will write to the complainant notifying them of the decision within **5 school days** of the concern or complaint being raised.
- 7.4 If the complainant is unhappy with the decision not to investigate a concern or complaint that was raised late, the complainant may write to the Chair of the Local Academy Body asking for the decision to be reviewed. The Chair of the Local Academy Body will be provided with all documentation relating to the concern or complaint, together with the letter from the school to the complainant, and will review the decision made. The Chair of the Local Academy Board will then write to the complainant with the outcome of the review within **10 school days** of the date that the letter from the complainant seeking the review was received, and provide the school with a copy of the letter.
- 7.5 If the Chair of the Local Academy Body reverses the decision not to investigate the concern or complaint, it will be referred to the school to be dealt with under the procedure in this Complaints Policy in the usual way.
- 7.6 If the Chair of the Local Academy Body upholds the decision not to investigate the concern or complaint, the complainant may refer the concern or complaint to the board of directors of the Birmingham Diocesan Academies Trust using the procedure stated towards the end of this Complaints Policy.
- 7.7 In exceptional circumstances, the Chair of the Local Academy Board can delegate the responsibility for the review to the Vice-Chair of the Local Academy Board.



## **8.0 Vexatious and/or Repeated Complaints**

- 8.1 There may be occasions when, despite exhausting the procedure in this Complaints Policy, the complainant persists in making the same complaint to the school. There may also be occasions when a complainant raises unreasonable persistent complaints or raises complaints about matters which do not affect them. In addition, there may be occasions when a complaint is made about a matter which is clearly so trivial that it would be a waste of the school's resources to deal with it under the formal stages of the procedure. In all of these cases, the school reserves the right to regard the complaint as vexatious and/or repeated and to refuse to investigate it under the procedure in this Complaints Policy **if it appears reasonable and fair to do so, having regard to the circumstances surrounding the complaint.**
- 8.2 Where the school decides that a complaint is vexatious and/or repeated and will not be investigated, the school will write to the complainant within **5 school days** of the complaint being raised to notify them of the decision.
- 8.3 If the complainant is unhappy with the decision not to investigate a vexatious and/or repeated complaint, they may write to the Chair of the Local Academy Board to ask for the decision to be reviewed. The Chair of the Local Academy Board will be provided with all documentation relating to the current complaint and any previous complaints which were relevant to the decision, together with the letter from the school to the complainant, and will review the decision made. The Chair of the Local Academy Board will then write to the complainant with the outcome of the review **normally within 10 school days** of the date that the letter from the complainant seeking the review was received.
- 8.4 If the Chair of the Local Academy Board reverses the decision not to investigate the concern or complaint, it will be referred to the school to be dealt with under the procedure in this Complaints Policy in the usual way.
- 8.5 If the Chair of the Academy Board upholds the decision not to investigate the concern or complaint, the complainant may refer the concern or complaint to the board of Directors of the Birmingham Diocesan Academies Trust using the procedure stated towards the end of this Complaints Policy.
- 8.6 In exceptional circumstances, the Chair of the Local Academy Board can delegate the responsibility for the review to the Vice-Chair of the Local Academy Board.

## **9.0 Anonymous Complaints**

- 9.1 The school will not investigate anonymous complaints under the procedure in this Complaints Policy. Anonymous complaints will be referred to the Headteacher who will decide what, if any, action should be taken.

## **10.0 Stage 1 - Informal Procedure**

- 10.1 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 school values informal meetings and telephone discussions as a way of improving its procedures and relations with parents.
- 10.2 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, the School will write to the complainant within **10 school days** informing them of the reason for the delay and confirming a revised date for resolution.
- 10.3 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. A copy of the formal complaint form in Annex 3 will be forwarded to the complainant for completion and return, together with a copy of this Complaints Policy.

## **11.0 Stage 2 – Formal Complaint Investigated by a Member of Staff**

- 11.1 If the complainant is unhappy with the way in which the concern was dealt with informally, the complainant should complete the formal complaint form found in Annex 3 and return it to the school.
- 11.2 Upon receipt of a completed formal complaint form, the Headteacher 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.

- 11.3 The school will try to respect the views of a complainant who indicates that he or she would have difficulty discussing a complaint with a particular member of staff. In these cases, the matter will be referred back to the Headteacher who may, if they feel it necessary, refer the complaint to another staff member for investigation.
- 11.4 Where the complaint concerns the **Headteacher** or a **Governor**, the complaint will be referred to the Chair of the Local Academy Board. The Chair of the Local Academy Board will investigate the complaint under **Stage 3** of this Complaints Policy. Where the complaint concerns the **Chair of the Local Academy Board**, the Vice Chair of the Local Academy Board will investigate the complaint under **Stage 3** of this Complaints Policy.
- 11.5 Where the first approach is made to a Governor, the Governor must refer the complaint to the Headteacher, who will allocate it to an appropriate member of staff for investigation under Stage 2 of this Complaints Policy. Governors should not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a Complaint Panel at a later stage of the procedure.
- 11.6 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.
- 11.7 The letter to the complainant should notify them that if he or she is unhappy with the outcome of the Stage 2 investigation of the complaint, they should write to the Headteacher 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.

## **12.0 Stage 3 – Formal Complaint Investigated by the Headteacher**

- 12.1 If the Complainant is unhappy with the outcome of the complaint under Stage 2, the complainant should write to the Headteacher at the School asking for the complaint to be investigated under Stage 3 of this Complaints Policy.
- 12.2 The Headteacher 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 Headteacher 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 Headteacher 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.
- 12.3 The letter to the complainant should notify them that if he or she is unhappy the outcome of the Stage 3 investigation of the complaint, they should write to the Clerk to the 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.
- 12.4 In exceptional circumstances, the Headteacher may delegate responsibility for investigating the complaint under Stage 3 of this Complaints Policy to a member of the Senior Leadership Team. In those circumstances, the Headteacher will monitor the progress of the investigation, and it will be the Headteacher who will write the letter of outcome to the complainant.
- 12.5 As stated above, where a formal complaint form is received making a complaint about the **Headteacher** or a **Governor**, the complaint will be referred to the Chair of the Local Academy Board for investigation under **Stage 3** of this Complaints Policy, rather than Stage 2. If a formal complaint form is received making a complaint about the **Chair of the Local Academy Board**, the complaint will be referred to the Vice Chair of the Local Academy Board for investigation under **Stage 3** of this Complaints Policy, rather than Stage 2.

### **13.0 Stage 4 – Complaint Heard at a Complaint Panel Hearing**

- 13.1 If the complainant is unhappy with the outcome of the complaint under Stage 3, the complainant should write to the Clerk to the Governors at the School asking for the complaint to be heard before a Complaint Panel.
- 13.2 The Clerk to the Governors 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 Governors, who will be the complainant's point of contact.

### **14.0 The School's Representative**

- 14.1 The school 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 Headteacher, however it may on occasions be the Chair of the Local Academy Board, the Vice-Chair of the Local Academy Board 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 school will not be represented by that person at the Complaint Panel Hearing, and the school will nominate another person to represent the school.

### **15.0 Convening the Complaint Panel Hearing**

- 15.1 The Clerk to the Governors will convene the Complaint Panel Hearing on a date and at a time which is convenient to the complainant, the school's representative and the three Complaint Panel members. The Clerk to the Governors will write to the complainant, the school's 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.

### **16.0 Witnesses**

- 16.1 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 school **at least three school days** before the Complaint Panel Hearing is due to take place.

- 16.2 The school 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 investigation (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 Local Governors **at least three school days** before the Complaint Panel Hearing is due to take place.
- 16.3 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 school respectively. Where a witness account is irrelevant or undisputed, their attendance at the Complaint Panel will not be required.
- 16.4 All witnesses, whether they are for the complainant or the school, will not be allowed to sit in on any part of the Complaint Panel Hearing except when they are giving their own verbal account or answering questions, upon conclusion of which they will be required to leave the room.

## **17.0 Documents**

- 17.1 The Clerk to the Governors 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 school's representative and each Complaint Panel member **at least two school days** before the Complaint Panel Hearing is due to take place.

## **18.0 Attendance at the Hearing**

- 18.1 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 Complaint Panel Hearing is not a legal hearing and it is therefore not appropriate for either the complainant or the

school to be legally represented.

## **19.0 The Clerk to the Complaint Panel**

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

## **20.0 Procedure at the Complaint Panel Hearing**

20.1 The Complaint Panel Hearing will proceed as follows:

- the Clerk to the Complaint Panel will greet the complainant, the complainant's supporter and the school's 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 school's 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 school's 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 school's representative will be invited by the Complaint Panel to respond to the complaint and make representations on behalf of the school;
- the complainant will be invited to ask the school's representative questions, if any;
- the Complaint Panel will ask the school's representative questions, if any;
- the school's 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 school's witness questions, if any;
- the Complaint Panel will ask the school's witness questions, if any;
- the school's witness will be asked to leave the room;



- if the school 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 school's representative will be invited by the Complaint Panel to summarise their response to the complaint and the school's stance;
- the Complaint Panel Hearing will conclude and the complainant and the school's representative will be asked to leave.

## **21.0 The Complaint Panel's Decision**

21.1 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:

### **21.2 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.

### **21.3 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.

## **22.0 Notification of the Complaint Panel's Decision**

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

- complainant;
- the school's representative; and
- any person complained about.

22.2 The letter will identify the issues complained about, and will confirm the Complaint Panel's findings of fact and recommendations, if any, with reasons. The letter will also



confirm that, if the complainant believes that this Complaints Policy does not comply with the Regulations, or that the school has not followed the procedure outlined in this Complaints Policy, the complainant may refer their complaint to the board of the Birmingham Diocesan Academies Trust for consideration.

- 22.3 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 school's premises for inspection by the Governing Body and the Headteacher.

### **23.0 Administrative Matters**

- 23.1 The school will keep a central record of all concerns and complaints received, whether they were dealt with informally or formally.
- 23.2 The school will keep all correspondence, statements and records relating to individual complaints confidential, except where the Secretary of State or a body authorised to conduct a school inspection requests access to them.
- 23.3 This Complaints Policy will be reviewed every three years (Or sooner if legislation / practice needs amending) and published on the trust's web site, as well as being made available to pupils, parents and other individuals or organisations on request.

### **24.0 STAGE 5 - PROCEDURE FOR APPEALING COMPLAINTS MADE TO A SCHOOL**

- 24.1 Where the above school-based complaints procedure has been completed and the complainant does not feel their complaint has been dealt with to their satisfaction by the school they may contact the Trust in writing to request a review of the complaint investigation.
- 24.2 Generally the Trust will only look into complaints about academies that fall into the following two areas:

#### **1. The school did not comply with the complaints procedure when considering a complaint or the school's complaints procedure does not comply with statutory requirements.**

The Trust cannot review or overturn a school's decisions about complaints but will look at whether the school considered the complaint appropriately. The Trust will generally only do this after a complaint has been through the school's stages of the complaints

procedure but may investigate sooner if there is evidence of undue delays by the school. If the Trust finds that a school did not deal with a complaint appropriately it will request that the complaint is reconsidered within 30 days. Similarly, if the school's complaints procedure does not meet statutory requirements then the Trust will ensure this is put right and the complaint is reconsidered within 30 days.

**2. The school has failed to comply with a duty imposed under the funding agreement with the Secretary of State.**

The Trust will seek to resolve any concerns regarding potential or actual breaches of the funding agreement with the school / trust. The Trust will also consider evidence that a school has failed to comply with any other legal obligation placed on it.

- 24.3 Complaints related to pupil exclusions should be dealt with through the school procedures related to exclusions.
- 24.4 Investigations will not usually take place 6 months or more after the decisions or action taken by the school unless the complainant has good reason for the delay in making the complaint.
- 24.5 The Trust reserve the right not to investigate complaints considered to be vexatious or malicious or where the Trust is satisfied with the action that the school has already taken or proposes to take to resolve the complaint.

**25.0 Procedures for Dealing with a Complaint**

1. Written complaints will be acknowledged in writing within **5 working days**. The complainant will be given the name of the Investigating Officer at the Trust.
2. The complainant will be asked to submit a written summary of the complaint.
3. The school will be asked to provide:
  - details of any other relevant policies or procedures;
  - an explanation of how each stage of the complaints procedures has been followed;
  - a response to the summary of the complaint, together with relevant documents and copies of correspondence with the complainant.

4. The school will be asked to respond within **10 working days**, notifying the Investigating Officer if there is any confidential information which may not be shared with the complainant such as data belonging to individuals not involved in the complaint.
5. The Investigating Officer will respond in writing to the complainant, usually within **15 working days**. However, whilst every effort will be made to complete investigations promptly, in some cases, requiring detailed investigations, it will take longer to produce a written response. Where this is the case the complainant will be advised of any revised timescale for production of the written response.
6. Where appropriate the Trust may direct the school to review its decision on the complaint submitted to it or change its procedures for reaching the decision if they are non-compliant with statutory requirements.

## **26.0 The Role of the Education and Skills Funding Agency**

1. If the complainant still continues to be dissatisfied after the matter has been considered by the Trust they may refer the matter to the Education Funding Agency via an online complaints form at the following address:

[https://form.education.gov.uk/fillform.php?self=1&form\\_id=cCCNJ1xSfBE&type=form&ShowMsg=1form\\_name=Contact+the+Department+for+EducationnoRegister=false&ret=%2Fmodule%2Fservices&noLoginPrompt=1](https://form.education.gov.uk/fillform.php?self=1&form_id=cCCNJ1xSfBE&type=form&ShowMsg=1form_name=Contact+the+Department+for+EducationnoRegister=false&ret=%2Fmodule%2Fservices&noLoginPrompt=1)

2. The Education and Skills Funding Agency will ensure that the complaint has been dealt with properly by the Trust and will consider complaints about the Trust or academies that fall into any of the following three areas:
  - where there is an undue delay or the Trust or school did not comply with its own complaints procedure when considering the complaint;
  - where the Trust or school is in breach of its funding agreement with the Secretary of State;
  - where the Trust or a school has failed to comply with any other legal obligation.
3. The Education and Skills Funding Agency will not overturn a school's decision about a complaint. However, if the Education and Skills Funding Agency find a school / trust did not

deal with a complaint properly they may request that the complaint is looked at again and procedures are changed to meet the requirements set out in the Regulations.

## **PROCEDURE FOR COMPLAINTS AGAINST THE MULTI ACADEMY TRUST OR CENTRAL STAFF**

### **1.0 Stage 1 Expressing Concerns**

- 1.1 There are inevitably issues that arise that, if dealt with promptly and in a considerate manner, will avoid the need for a formal complaint. Any problem or concern should be raised promptly with the member of staff responsible for the area you are concerned about. If your concern is more serious you may prefer to make an appointment to discuss it with the Chief Executive Officer.
- 1.2 All staff will make every effort to resolve your problem promptly at this informal stage.
- 1.3 If your concern is about the Chief Executive Officer, it will be handled by the Chair of Directors or a delegated representative.

### **2.0 Formal Complaints**

- 2.1 Formal procedures will be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further. All details of a complaint will be kept confidential except in so far as they need to be shared with people who might contribute to their resolution. The complaint will be dealt with in line with the Trust's complaints procedure.
- 2.2 In most cases it will be your choice as to whether to mount a formal complaint, but the Trust reserves the right to utilise the formal complaint procedures where the Trust feels that 'informal' methods of resolving concerns have been exhausted but a complainant clearly remains dissatisfied.
- 2.3 It should be noted that some outcomes of a complaint may lead to action being initiated under other formal procedures, such as safeguarding or disciplinary matters. Where this is the case you will be advised and informed of the procedures that are to be followed. It should be noted, however, that the Trust will not necessarily be able to provide you with the details of the outcome of those procedures for data protection reasons or otherwise, depending on the circumstances.
- 2.4 If a formal complaint is made to the Trust you will be provided with a copy of this complaints policy. It is not a requirement that a formal complaint is made in writing, but the Trust will need to be clear what the complaint is about, and may therefore request written clarification from you before investigating the complaint.

### **3.0 Stage 2 (Chief Executive Officer or Director if about the Chief Executive Officer)**

- 3.1 It may be that the Chief Executive Officer has not been aware of the concern raised prior to this point. At this stage the Chief Executive Officer or a delegated person will seek to investigate your concerns, as well as attempting to resolve the matter to the satisfaction of all concerned. This may involve having a discussion/meeting with you.
- 3.2 If the complaint is about the Chief Executive Officer it will be considered by the Chair of Directors ("the Chair") at this stage. The Chair will seek to resolve the matter through discussion with the Chief Executive Officer and you. In doing so and, if considered appropriate, the Chair may wish to meet with you in person.
- 3.3 The Trust will endeavour to respond, in writing to a Stage 2 complaint within 14 working days after receiving the complaint.
- 3.4 Where concerns cannot be resolved by the Chief Executive Officer (or the Chair if applicable) then you will be advised that details of your continuing concerns will be accepted either in writing or verbally and then referred to the Complaints Panel (Stage 3). It would also be useful if you were able to state what actions you feel might resolve the problem.

### **4.0 Stage 3 (Complaints Panel)**

- 4.1 If a complaint has been referred the Complaints Panel they will consider the complaint and endeavour to provide you with a written response within 14 working days. You will be given the opportunity to meet with the Complaints Panel to make representations in person and you will have the right to be accompanied. The meeting will therefore meet at a time and a venue convenient to all parties. If you decide not to meet with the Complaints Panel then a decision will be made in your absence.

### **5.0 Outcomes of Investigations**

- 5.1 Whether the complaint has been investigated by the Chief Executive Officer, Chair of Directors or Complaints Panel a written response will be sent outlining the outcome of the investigation and how the conclusion has been reached. The letter will also tell you where to next take the complaint, if not satisfied with the response provided.
- 5.2 The aim of the investigation or review will always be to resolve the complaint and achieve reconciliation between you and the Trust. Nevertheless, it is acknowledged that sometimes you may not be satisfied with the outcome if matters are not found in your favour.
- 5.3 You may remain dissatisfied despite all the procedures having been followed and reasonable responses being provided. It may be the case that it is not possible to resolve

all your concerns and meet all your wishes. Sometimes it is preferable to 'agree to disagree' and move on. If you continue to make representations to the Trust or continue correspondence into the same issues, the Trust reserves the right to inform you, in writing, that the appropriate procedures have all been followed, that all reasonable actions have been taken to try to resolve the issue and that the matter is now closed.

## **6.0 The Role of the Secretary of State for Education (the Department for Education)**

- 6.1 If you still remain dissatisfied and feel the Trust has acted unreasonably, or that it has failed to discharge a statutory duty, you may wish to refer your complaint to the Secretary of State for Education. Please go to the website [www.gov.uk](http://www.gov.uk) for the different avenues you may wish to take

## **7.0 Dealing with Persistent and/or Vexatious Complaints**

- 7.1 A vexatious or persistent complainant is not someone who raises legitimate concerns or criticisms of a complaints procedure as it progresses, for example, with regard to timescales, nor are they someone who is unhappy with the outcome of a complaint and are therefore seeking to challenge it.
- 7.2 Occasionally however there may be situations where the Chief Executive Officer, Chair of Directors have done all they can to resolve matters, and it is therefore appropriate to consider closing a complaint as it has been on-going for some time. Alternatively, there may be some circumstances in which there will be a valid reason for not following the full complaints process. Closing complaints may be appropriate in particular where responding to continual communications from a complainant is detracting from the school's responsibility to look after the interests of all the children in its care.
- 7.3 The Trust therefore reserves the right to close complaints from those who demonstrate vexatious behaviour.
- 7.4 Any complainants demonstrating vexatious behaviour will be given an opportunity to modify their behaviour before correspondence is closed. Correspondence received from the complainant subsequent to closure will be kept on file, indefinitely, as will notes of telephone calls and any further personal calls referring to the matter.

## **Contact details**

The contact details for complaints or information are: Birmingham Diocesan Academies Trust (BDMAT), 1 Colmore Row, Birmingham B3 2BJ.

## Annex 1 – Glossary

The definitions used in this Complaints Policy are:

<b>The Trust</b>	The Birmingham Diocesan Academies Trust
<b>Clerk to the Complaint Panel</b>	The person who will attend the Complaint Panel Hearing and keep a written record of the proceedings, and will write to the complainant notifying them of the decision of the Complaint Panel.
<b>Clerk to the Governors</b>	The person responsible for making the arrangements to appoint the Complaint Panel and convene the Complaint Panel Hearing. The Clerk to the Governors will also usually act as the Clerk to the Complaint Panel at the Complaint Panel Hearing.
<b>Chair of the Local Academy Board</b>	The person elected by the Local Academy Board to be their chairperson.
<b>Complainant</b>	The person or organisation making the complaint.
<b>Education and Skills Funding Agency</b>	The government department (a sub-department of the Department for Education) responsible for funding and monitoring standards in academies.
<b>Parent</b>	The natural or adoptive mother or father of a pupil, prospective pupil or former pupil, irrespective of whether they are or ever have been married, together with persons with parental responsibility for the pupil, and persons with care of the pupil.
<b>School Day</b>	Term-time weekdays excluding weekends, inset days, bank holidays and school holidays.



## **Annex 2 – Complaint Panel Hearing Principles**

### Guiding Principles

It is essential that the Complaint Panel Hearing is independent and impartial. No person may sit on the Complaint Panel if they have had a prior involvement in the complaint or in the circumstances surrounding it, or any previous knowledge of the complaint's progress through the previous stages, or any previous knowledge of the complainant.

The aim of the Complaint Panel Hearing, which must be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the Complaint Panel does not find in their favour. It may only be possible to establish the facts and make recommendations, which may satisfy the complainant that his or her complaint has been taken seriously.

An effective Complaint Panel will acknowledge that many complainants and witnesses, especially children, will feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The Complaint Panel will ensure that the proceedings are as welcoming and informal as possible, while keeping in mind that the proceedings must be fair and follow the rules of natural justice.

### Appointment of the Complaint Panel

The Clerk to the Governors will liaise with the Chair of Governors 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.

One of the Complaint Panel members will be independent of the management and running of the School. This means that the independent Complaint Panel member will not be a Governor of the School, or an employee of the School. When appointing the independent Complaint Panel member, the school 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."*

### **Annex 3 – Unreasonable Behaviours**

The 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 the 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.

Behaviour may 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.

Whenever possible, the Headteacher or Chair of the Local Academy 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 asking them to change it. For complainants who excessively contact the school causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from school premises

#### **Annex 4 – Formal Complaint Form**

**Please complete and return to the School who will acknowledge receipt and explain what action will be taken.**

**Your name:**

**Pupil's name (if applicable):**

**Your relationship to the pupil:**

**Address:**

**Postcode:**

**Day time telephone number:**

**Evening telephone number:**

**Please give details of your complaint:**

**What action, if any, have you already taken to try and resolve your complaint (for example, who have you spoken to and what was the response)?**

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

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

**Signature:**

**Date:**