

## Complaints Policy

Contents	Page No.
1. Introduction.....	2
2. Which procedure do I need.....	2
3. Complaint Process.....	3
4. Safeguarding .....	5
5. Social Media .....	5
6. Complaints that Result in Staff Capability or Disciplinary .....	5
7. Local Governing Body Review .....	6
8. Unreasonable Complaints.....	6
9. Complaint Campaigns.....	7
10. Duplicate Complaints.....	7
11. Complaints Policy Publication .....	8
12. Implementation in School.....	8
Annex A Exceptions to the Complaints Procedure .....	9
Annex B The Complaints Procedure .....	10
Annex C Flow Chart: Procedure for complaints about schools .....	17
Annex D Flow Chart: Procedure for complaints about the Multi Academy Trust .....	18
Annex E Flow Chart: Procedure for complaints about the CEO.....	19
Annex F Bath and Wells Multi Academy Trust Complaints Form.....	20

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## 1 Introduction

Bath and Wells Multi Academy Trust (hereafter referred to as the Trust) staff work hard to provide the best education for all pupils, and the staff work hard to build positive relationships with parents and carers. We welcome any feedback that we receive from parents, pupils and third parties, and we accept that not all of this will be positive. Where concerns are raised we will aim for these to be dealt with:

- Fairly
- Openly
- Promptly
- Without prejudice

Therefore, the Trust has approved this policy which sets out what you should do if you have any concerns about a Trust school or the Trust. All school and central staff are familiar with the policy and will be able to assist you.

We aim to put the child first when a concern is raised and seek to resolve any issue through dialogue and mutual understanding. We will allow enough time to discuss and resolve any concern or complaint fully. We will also aim to learn from any complaints by providing anonymised information about resolved complaints to the wider Central Governance Team.

The DfE guidance explains the difference between a concern and a complaint. A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”. The Trust and its schools will resolve concerns through day-to-day communication as far as possible. A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”. The Trust and its schools aim to resolve complaints informally where possible and at the earliest stage. However, there may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure for handling such complaints.

## 2 Which procedure do I need?

Sometimes, when complaints are more specific, there are more appropriate policies for dealing with them. The following list details specific topics of complaints, and the correct policy to refer to. You can access these policies on the school or Trust’s website or ask for a copy from the main school reception, and there are further contact details listed in Annex A.

- Pupil admissions: please see the school’s Admissions Policy.
- Pupil exclusions: Further information about raising concerns about exclusions is available in the School discipline and exclusion guidance: <https://www.gov.uk/school-discipline-exclusions/exclusions>.
- Staff grievance, capability or disciplinary: these are covered by the Trust’s grievance, disciplinary, capability procedures.
- Where the complaint concerns other providers who may use school premises or facilities: please complain directly to the third party themselves.
- Anonymous complaints: please refer to the Whistleblowing Policy.
- Subject Access Requests and Freedom of Information Requests: please see the school’s Data Protection and Freedom of Information policy.
- Statutory Assessments of Special Educational Needs (SEN) or Education and Health Care plans (EHC): for further details see table on page 9.

### 3 The complaint process

#### 3.1 Complaints about schools

It is important to be clear about the difference between a concern and a complaint. This policy defines any matter raised informally with staff as a concern. If you have a concern about any aspect of the school or your child's education or wellbeing, please discuss this with the class teacher or key person via telephone or in person. Ideally, they will be able to address your concerns on the spot or can arrange a meeting with you to discuss the issue. If you feel unable to approach the class teacher or key person, please approach the headteacher to make an appointment to discuss the issue. Most matters of concern can be dealt with this way.

There will be times when the person raising a concern is not a parent or carer. In this case it will be the headteacher who will be the first point of contact: again, it is useful if they can resolve the issue when it is first raised.

All concerns will be dealt with confidentially, although the staff member may need to take notes. Any notes will comply with the Data Protection Act 2018. However, any notes taken would be able to be used if further investigation was needed, or if the concern became a formal complaint. Please note that there are some instances where the Trust must share information with other agencies; for instance, if a child's safety is involved. Please also note that a complaint concerning a member of staff, volunteer or governor will be shared with that member of staff, volunteer or governor unless to do so would put a child at risk of harm. It is important to note that we ask anyone raising a concern, or a formal complaint, to respect the need for confidentiality and refrain for sharing the matter via social media, or other public forums.

If having raised the concern with a staff member and subsequently discussed it with the headteacher you feel that your concern has not been resolved, or that your concern is of a serious nature, you should put your concerns in writing to the headteacher and this will then be treated as a Stage 1 complaint and investigated accordingly. Most complaints are resolved at this stage. If the action taken has not resolved the issue then the complaint can be escalated further; see the full process outlined below.

Anonymous complaints will not be investigated except in exceptional circumstances, such as child protection issues as part of safeguarding duties.

It is important to raise concerns, or a complaint with the school as soon as practical. We consider this to be usually within 3 months and a complaint will normally be considered 'out of time' if raised more than 3 months after the matter is known to the person raising it. After this time, it may be more difficult to gather evidence and resolve a complaint. Exceptions to this will be considered on a case by case basis.

There are three stages to the formal complaints procedure:

**Stage one:** complaint heard by staff member or headteacher,

**Stage two:** complaint heard by headteacher or Chair of Governors,

**Stage three:** complaint heard by complaint panel of Governor, independent person and a Trust appointed person.

The details of each stage and timescales are set out in the Complaints Procedure detailed in Annex B and the flowchart in Annex C. A complaints form can be found in Annex F.

There may need to be some flexibility in some cases: for example, to allow further meetings between the complainant and the member of staff, or to allow for further investigations after the headteacher or Chair of Governors have met with the complainant. There may also be occasion where the investigations at Stage 1 / Stage 2 are carried out by others, depending on the nature of the complaint.

If this is the case, the complainants will be kept informed of the plan to address their complaint and the reasons for using different investigators.

### 3.2 Complaints about the Trust or CEO

If your concern relates to the running or organisation of the Trust, please direct it to the Chief Executive Officer (CEO). This concern will be dealt with in an informal way, involving others as necessary, and the CEO may delegate the matter to staff as appropriate and depending on the nature of the concern. If after this informal process has concluded you are still not satisfied, you can lodge a formal complaint which should be addressed to the CEO. If your concern or complaint relates to the CEO it should be addressed to the Chair of Trustees. The Chair will appoint an independent clerk from a list maintained by the Governance Support Advisors and stored in the Trust's information system. Appointing the independent clerk from an existing list ensures that a complaint process involving the CEO can be kept confidential while it is being answered. This is important as it allows the process to be fair and independent for the complainant and the CEO. Further details of the arrangements of the CEO complaint process are set out in Annex B and summarised in the flowchart in Annex E. Both the CEO and Chair of Trustees can be contacted via the Trust central office as below;

The Old Deanery,	office@bwmat.org
Cathedral Green,	01749 372700
Wells, Somerset, BA5 2UG	

Your complaint should be made in writing and we recommend you use the form in Annex F.

There are three stages to the formal complaints procedure:

**Stage one:** complaint heard by CEO

**Stage two:** complaint heard by Chair of Trustees

**Stage three:** complaint heard by complaint panel of a Trustee, a Trust appointed person and an independent person

The details of each stage and timescales are set out in the complaints procedure detailed in Annex B and the flowchart in Annexes D & E. A complaints form can be found in Annex F.

Anonymous complaints will not be investigated except in exceptional circumstances, such as child protection issues as part of safeguarding duties.

It is important to raise concerns, or a complaint with the Trust as soon as practical. We consider this to be usually within 3 months and a complaint will normally be considered 'out of time' if raised more than 3 months after the matter is known to the person raising it. After this time it may be more difficult to gather evidence and resolve a complaint. Exceptions to this will be considered on a case by case basis.

### 3.3 Raising a complaint with the Education and Skills Funding Agency

The Education and Skills Funding Agency (ESFA) will only consider a complaint after an Academy Trust's own complaints procedure has been exhausted. The ESFA cannot review or overturn decisions about complaints made by Academy schools, they can only investigate whether the Trust has considered the complaint appropriately. If the ESFA finds that the Trust did not consider the complaint appropriately, it can request that the Trust reconsider the complaint.

The ESFA will investigate complaints about:

- undue delay or non-compliance with the Trust's own complaints procedure

- allegations that the Trust has failed to comply with a duty imposed on it under its Funding Agreement with the Secretary of State
- allegations that the Trust has failed to comply with any other legal obligation placed on it

The ESFA will not usually investigate complaints more than 12 months after a school's decision, unless the complainant has delayed making their complaint for good reason. The ESFA reserves the right not to investigate complaints considered to be vexatious or malicious, or where they are satisfied with the action that the Trust has already taken or proposes to take will resolve the complaint.

Complaints to the ESFA can be submitted electronically via the DFE website or by post to Academies Central Unit (Academy Complaints), ESFA, Earlsdon Park, 53-55 Butts Road, Coventry, CV1 3BH

#### **4 Safeguarding**

Wherever a complaint indicates that a child's wellbeing or safety is at risk, the school is under a duty to report this immediately to the Local Authority. Any action taken will be in accordance with the school's safeguarding policy and procedures and in line with statutory guidance.

#### **5 Social Media**

In order for concerns and complaints to be resolved as quickly and fairly as possible, the Trust requests that complainants do not discuss the matters publicly in social media, such as Facebook and Twitter. Complaints and concerns will be dealt with confidentially for those involved, and we expect complainants to also observe confidentiality.

#### **6 Complaints that result in staff capability or disciplinary**

If at any formal stage of the complaint it is clear that staff disciplinary or capability proceedings are needed to resolve the issue, the details of this action will remain confidential. The complainant is entitled to know that action is being taken, but they are not entitled to take part in the proceedings or be given any detail about them. Where a complaint triggers disciplinary or capability proceedings, the complaint process may be delayed while these proceedings are conducted and concluded. If this occurs, the complainant will be informed that the usual timescales for the complaint cannot be met and they will be given as much detail as possible about when the complaint may be concluded, while respecting the confidentiality of the matter.

There are other specific procedures available for certain specialist areas as listed in Annex A.

## 7 Local Governing Board Review

We want to learn from any complaint, both in the school where the incident happened and in the wider Trust. To do this, the school's Local Governing Board (LGB) will monitor and review any complaints and their resolution. This review will also mean that we can ensure the effectiveness of our complaints procedure, making changes where necessary. Complaint information shared once a complaint is resolved will not name individuals. The LGB will review all complaints that reach the formal stage at the LGB meeting following the resolution of any complaints. The Trust Central Team will collate complaint information, which has been anonymised, and share this with the Trust Board so lessons can be learnt across the whole Trust.

## 8. Unreasonable Complainants

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 actions which are abusive, offensive or threatening. The Trust defines unreasonable complainants as 'those who, because of the frequency or nature of their contacts with the school or Trust, hinder our consideration of their or other people's complaints'.

A complainant may be regarded as unreasonable when they: -

- refuse to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuse to co-operate with the complaints investigation process, while still wishing their complaint to be resolved;
- refuse to accept that certain issues are not within the scope of the complaints policy;
- insist on the complaint being dealt with in ways which are incompatible with the adopted complaints policy or with good practice;
- introduce trivial or irrelevant information which they expect to be taken into account and commented on, or raise large numbers of detailed but unimportant questions, and insist they are fully answered, often immediately and to their own timescales;
- make unjustified complaints about staff who are trying to deal with the issues, and seek to have them replaced;
- change the basis of the complaint as the investigation proceeds;
- repeatedly make the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuse to accept the findings of the investigation into a complaint, even though the Trust's complaint procedure has been exhausted;
- seek an unrealistic outcome;
- make excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint either in person, in writing, by email or by telephone while the complaint is being dealt with;
- either face-to-face, by telephone, or in writing, or electronically;
  - behave maliciously;
  - behave aggressively;

- use threats, intimidation or violence;
- use abusive, offensive or discriminatory language;
- make statements they know to be false;
- use falsified information;
- publish 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. Sending repeated correspondence is not helpful (either by letter, phone, email or text) as it will delay the complaint process. Whenever possible, the headteacher or Chair of Governors will discuss any concerns regarding the complainant's behaviour with the complainant informally.

The decision to deem a complainant's behaviour unreasonable will be taken by the CEO or a member of the Central Senior Leadership Team (CLT) of the Trust. This decision will be taken through the following process. When a school believes that a complainant is unreasonable, the headteacher will contact their governance advisor to discuss the matter further. Where the complaint concerns HR, disciplinary or staff welfare matters, then the HR team will be consulted. The governance advisor will then ask the CEO or a member of CLT to review the behaviour of the complainant. If they determine that the complainant's behaviour is unreasonable, a warning letter will be sent to the complainant. The letter will explain what behaviour is unreasonable and set out how it should be changed.

If following the warning letter the behaviour continues, a further letter will be issued by the CEO or a member of CLT explaining that the complainant has been deemed unreasonable, what action will be taken, and the review procedure for sanctions. Depending upon the circumstances, the CEO or a member of CLT may decide to enact one or more of the following;

- Withdraw contact with the complainant either in person, by telephone, by email, by letter or any combination of these, provided that at least one form of contact is maintained.
- Restrict contact to liaison through a designated member of staff.
- Where the complaint process has been exhausted, notify the complainant in writing that no further correspondence will be entered into regarding the matter
- Temporarily suspend all contact (except in an emergency) with the complainant for a specified period.

Where the complainant raises legitimate new complaints, and does not pursue them in an unreasonable way, these will be considered, even if the person making them is (or has been) subject to this section of the policy.

The CEO or a member of CLT will review any sanctions applied under this section after 2 months. If the complainant has not modified their behaviour, then sanctions may continue for another specified period. If the complainant subsequently demonstrates a more reasonable approach and it is appropriate to withdraw the sanctions, normal contact with the complainant and application of the school's complaints procedure will be resumed.

## **9 Complaint campaigns**

Where a school, or the Trust, receives a large number of complaints focussed on a single issue we may respond to all complainants using a single response. The decision about how to respond to the complaints will be made based on whether responding individually will affect the school office's capacity to function normally. In exceptional circumstances we may publish a single response on the school's website.

## **10 Duplicate complaints**

If, after closing a complaint, a school or the trust receives a duplicate complaint, i.e. one which is substantially the same in its content/subject from a related person (such as a spouse, partner of the original complainant or grandparent, or family friend) then the school or Trust can inform the new complainant that the complaint has already been considered and the process is complete. Before responding, the school or the Trust should review the new complaint and ensure there are no new aspects to the complaint which may not have been previously considered. Any new aspects should be reviewed and investigated in line with the complaints policy.

## **11 Complaints Policy Publication**

There is a legal requirement for the complaints procedure to be publicised. We will include details of this policy in:

- Information given to new parents when their children join the school
- On our school website
- On the Trust website

## **12 Implementation in school**

A copy of this policy and an introduction to its use will be included in the induction of all Trust teaching staff, teaching assistants, other support staff, and Governors.



## Annex A: Exceptions to the Complaints Procedure

Exceptions	Who to contact
Admissions to schools	Each school has its own admission policy. Further information regarding admissions appeals can be found at: <a href="https://www.gov.uk/schools-admissions/appealing-a-schools-decision">https://www.gov.uk/schools-admissions/appealing-a-schools-decision</a>
School re-organisation proposals	Please contact the appropriate Local Authority and the Bath and Wells Diocese (if it is a church school). Your complaint can be escalated to the Department for Education if you are still dissatisfied.
Statutory assessments of Special Educational Needs (SEN)	Guidance about appealing an SEN or EHC plan can be found at: <a href="https://www.gov.uk/appeal-sen-statement-decision">https://www.gov.uk/appeal-sen-statement-decision</a> <a href="https://www.gov.uk/appeal-ehc-plan-decision">https://www.gov.uk/appeal-ehc-plan-decision</a>
Matters likely to require a Child Protection Investigation	Must be referred to the Local Authority following the child protection referral procedures
Exclusion of children from school	Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a> .
Whistleblowing	The Trust has a whistleblowing procedure for their employees, volunteers and governors. This can be found under the policies section of the Trust website: <a href="http://www.bathwellsmat.org">www.bathwellsmat.org</a> Other concerns can be raised directly with Ofsted by telephone on: 0300 123 3155, via email at: <a href="mailto:whistleblowing@ofsted.gov.uk">whistleblowing@ofsted.gov.uk</a> or by writing to: WBHL, Ofsted, Piccadilly Gate, Store Street, Manchester M1 2WD. The Department for Education is also a prescribed body for whistleblowing in education
Staff grievance, disciplinary and capability procedures	These matters will invoke the school's internal staff procedures. Complainants will not be informed of the outcome of any investigation.
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. They should be contacted direct.
Complaints about the Curriculum	Complaints about the content of the National Curriculum should be sent to the Department for Education. Complaints about the delivery of the curriculum should be made to the school concerned.
Complaints about collective worship	These should be directed to the relevant Local Authority in the first instance who may refer you on to the local Standing Advisory Council on Religious Education and or the Diocese of Bath and Wells.

## **Annex B: Complaints Procedure**

### ***Investigating Complaints***

At each stage the person investigating the complaint will ensure that they:

- Establish what has happened so far, and who has been involved;
- Clarify the nature of the complaint and what remains unresolved;
- Meet with the complainant or contact them (if the matter raised is not clear or further information is necessary);
- Clarify what the complainant feels would put things right;
- Consider interviewing those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- Conduct any interviews with an open mind;
- Keep notes of any interviews.

### ***Managing and Recording Complaints***

We aim to learn from any complaints both within our school and within the wider Trust. Therefore, we will keep clear written records of all complaints and their outcomes, whichever stage they were concluded. This will include information about the actions taken as a result of a complaint, whether or not it was upheld. These records will be kept confidential except where they are requested by those who, as part of an inspection, are entitled to access them. These will be available to the headteacher and the Trust central team. We will also try and limit the number of staff involved in any one complaint process. This will ensure that the process runs as smoothly as possible and communication with the complainant is as clear and efficient as possible. A complaint may be made in person, by telephone or in writing. Our complaint form can be found in Annex F. At the end of a meeting, or telephone call, the member of staff involved will try to ensure that the complainant and the school have the same understanding of what was discussed and agreed. A brief log of all the communications and actions taken about a complaint will be kept, together with a copy of any written response, or notes of meetings and telephone calls so that there is a complete record of the progress and resolution of any one complaint. It is important to note that a complainant has a right to ask for copies of any records made under the Freedom of Information and Data Protection Acts.

### ***Resolving complaints***

At each stage in the process we will seek to find ways to resolve a complaint. Where appropriate we will accept that the complaint is correct in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- An apology;
- An explanation;
- An admission that the situation could have been handled differently or better;
- An assurance that the event complained of will not recur;
- An explanation of the steps that have been taken to ensure that it will not happen again;
- An undertaking to review school policies in light of the complaint.

Complainants will be encouraged to state what actions they feel might resolve the problem. An admission that the school could have handled the situation better is not the same as an admission of negligence.

We will try to identify areas of agreement between the parties. We will also try to clarify any misunderstandings that might have occurred, as this can create a positive atmosphere in which to discuss any outstanding issues.

### ***Complaints Procedure: The Three Stages***

#### **Stage One: complaint heard by staff member or the headteacher, or for complaints regarding the Trust, the CEO**

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school or the Trust can be crucial in determining whether the complaint will escalate. Therefore, staff will be made aware of the procedures, and know what to do when they receive a complaint. It is paramount that the complainant is listened to and taken seriously. Complaints will escalate if the person complaining feels humiliated, marginalised or that their concern has been minimised.

Some complainants will find completing a written complaint difficult. When requested, the school or Trust will provide assistance, or accept a complaint in person or by telephone, and record this for the complainant on the complaints form.

Every complaint will be considered objectively and impartially. The school will respect the view of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the headteacher can refer the complainant to another staff member or will hear the complaint themselves. Where the complaint concerns the headteacher, the complainant will be referred to the Chair of Governors. Note that all complaints start at stage 1 and progress through each stage in turn and this applies to those complaints which will be heard by the Chair of Governors, or another person, if they concern the headteacher.

Where the first approach is made to a Governor, the next step would be to refer the complainant to the appropriate staff member and provide advice about the procedure for making a complaint. Governors will not act unilaterally on an individual complaint outside the formal procedure or be involved in the early stages, in case they are needed to sit on a panel at a later stage.

At Stage 1 and Stage 2 the headteacher or the Chair of Governors can delegate the investigation to another member of staff, or specialist, depending on the circumstances. Where this is done, the headteacher or the Chair of Governors will remain the person with final responsibility for ensuring an investigation is conducted and reported back to the complainant. The person leading the complaint process in the school (school lead) will contact either their HR lead, or the Governance Support Advisor to inform them a complaint is being addressed. The central team will provide ongoing support to the school staff for the duration of the complaint process and the school lead will ensure that the central team are kept informed about the progress of the complaint. The school will lodge with the central team key documents concerning the complaint to ensure the trust as a whole can learn from the findings and recommendations of complaints made at school level.

A complaint about the running or organisation of the Trust will be investigated by the CEO or a member of staff nominated by them. Where the CEO has delegated the investigation to another individual, the CEO will remain the person with final responsibility for ensuring an investigation is conducted and reported back to the complainant.

### ***Stage One – notes for the process where the complaint is made about the CEO***

Complaints about the CEO should be sent to the Chair of Trustees or forwarded to them if received by another member of staff, trustee or governor. When the Chair of Trustees receives a complaint about the CEO, they will appoint an independent clerk to administer the complaint process (as stipulated on p.4). The independent clerk will manage the complaint until it is concluded. The investigation of the complaint may be conducted by a trustee appointed by the Chair, or by an independent investigator if the content requires this. Any investigation undertaken by an independent investigator would report back to the nominated trustee for action. The trustee will then report the findings and any recommendations back to the complainant. The Chair of Trustees will also receive a copy of the findings and recommendations and ensure that any lessons are learnt from the complaint. As is the case with any member of the Trust staff, if the complaint concerns a matter which should be properly dealt with using a different process, for example the Grievance or Disciplinary Procedure, this will be implemented and concluded before the complaint process is concluded. In this instance the complainant will be informed that appropriate action is being taken, but they will not receive the detail of this, as this is confidential. They will be entitled to the findings of their complaint and any recommendations, but these will only be given once the appropriate process is complete.

### **Stage Two: Complaint heard by the headteacher, or Chair of Governors (if already heard by headteacher) or for complaints regarding the Trust, the Chair of the Trust Board**

The headteacher's influence will already have shaped the way complaints are handled in the school. If the complainant was dissatisfied with the way the complaint was handled at stage one by a member of staff, the headteacher will hear and investigate the complaint. The headteacher can delegate the task of collating information about the complaint to another staff member, but not the decision or any action to be taken.

If the headteacher has heard the complaint at Stage 1, then the Chair of Governors will hear the complaint. The complainant will write to the Chair of Governors giving details of the complaint. This will be investigated and the Chair will write to the complainant. Should the complainant still not be satisfied, he/she may ask for the matter to be referred to stage three. Where there are specific reasons to do so, the investigation of a complaint at stage 2 can be undertaken by a Trust employee, but the responsibility for replying to the complaint remains with the Chair of Governors.

If at this stage, the headteacher has heard and investigated the complaint and the complainant remains dissatisfied, the Chair of Governors could act informally to try and resolve the complaint before the matter is escalated to a stage 3 complaints panel. Any informal action taken does not remove the right of the complainant to ask for Stage 3 but may resolve the issue for complainant without the need for a Stage 3 panel. Such informal action can only be undertaken with the explicit agreement of the complainant.

Where a complaint about the Trust has been investigated by the CEO at Stage 1 and remains unresolved, the complainant can escalate the complaint to Stage 2 where the Chair of the Trust Board

or another trustee nominated by the Chair will conduct the subsequent Stage 2 investigation. Where a complaint about the CEO is unresolved at stage 1, the Stage 2 process will be undertaken by the Chair of Trustees. In the case of complaints which have required specialist investigation at Stage 1, a second suitable independent specialist investigator should be used at Stage 2. Where this is used the Chair of Trustees remains the person who is responsible for reporting the findings and recommendations to the complainant and ensures lessons are learnt by the Trust.

### **Stage Three: Complaint heard by the Complaints Panel**

The complainant will write to the clerk to the Local Governing Board (LGB), giving details of the complaint and asking that it is put before the complaints panel. The complaints panel is the last stage of the complaints process and is not convened to rubber-stamp previous decisions. The Chair, or if the Chair has been involved at any previous stage in the process, a nominated governor, will convene a complaints panel in conjunction with the central team lead.

The panel will consist of one governor from another Trust school's LGB, one Trust appointed member (who could be a trustee or a governor from another Trust school, but not a Trust employee) and an independent person (who has no formal links to the Trust). The panel cannot be made up solely of local governing board members, because they are not independent of the management and running of the school. Individual complaints would not be heard by the whole LGB at any stage, as this would compromise the impartiality of any complaints panel or a panel set up for a disciplinary hearing against a member of staff following a serious complaint. The independent person will be sourced with help from the Trust central team. The independent person would not be an employee of the Diocese Education Department.

Where the panel is convened to answer a complaint made about the Trust, the panel will comprise of two trustees, both of whom have had no involvement with the complaint, and one person who is independent of the management and running of the Trust. A panel to hear a complaint about the CEO will comprise a trustee, who has had no involvement with the complaint matter, an independent person and a Trust appointed person. The Chair of Trustees and the independent Clerk will work together to appoint the panel for a complaint against the CEO.

The panel will choose their own Chair.

#### The terms of reference for the panel are to:

- Draw up its procedures;
- Hear individual complaints;
- Make one or more recommendations as a result of complaints.

#### The remit of the Complaints Panel

The complaints panel can:

- Dismiss the complaint in whole or part;
- Uphold the complaint in whole or part;
- Decide on the appropriate action to be taken to resolve the complaint;

- Recommend changes to the school's systems, procedures or policies to ensure that complaints of a similar nature do not recur.

### Panel members

There are several points which any governor, or person sitting on a complaints panel, needs to remember:

- It is important that the complaints panel hearing is independent and impartial and that it is seen to be so. No governor will sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- The aim of the hearing, which will 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 hearing does not find in their favour. Nevertheless, it may well be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- An effective complaints panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The Chair of the complaints panel will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial. If they wish, a parent may be accompanied to the panel hearing and may choose this person themselves.
- Extra care will need to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
- The panel will need to be mindful of the concerns of a staff member who is the subject of a complaint by parents. The teacher may be nervous or apprehensive, particularly if the original informal process has failed because of conflict between the parents and staff members. The panel will need to consider how a reconciliation between the parents and the staff member can be achieved, as they will both continue to be part of the school community at the end of the complaints process.
- The members of the panel need to be familiar and confident with the complaints procedure.

### Roles and Responsibilities –

The role of the **clerk**. The clerk to the Complaint Panel will not be the school's LGB clerk but will be sourced with help from the central team and will have had no connections with the complaint matter. The clerk will be the contact point for the complainant and is required to:

- Set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- Send the invitation letter to the complainants to the panel hearing. This will include the names, designations and (if relevant) the present employment of the panel members. The letter will ask the complainants to inform the clerk before the panel hearing if they consider any of the panel members has a conflict of interest, or a personal connection to them, or the matter raised

in the complaint. A decision to change the panel members because of a matter raised by the complainants will be made by the Chair of Trustees. Note that if replacement panel members are needed, there may be a delay to the initial timescales given to the complainant in the invitation letter.

- Collate any written material and send it to the parties in advance of the hearing;
- Meet and welcome the parties as they arrive at the hearing;
- Record the proceedings and draft the notes of the panel hearing. These notes will record the main points of discussion, any recommendations or decisions, but will not be a verbatim record of the hearing. The complainants will have an opportunity to comment on the accuracy of the notes.
- Notify all parties of the panel's decision. This includes circulating the notes of the panel hearing for agreement to the Chair and then the panel members, and then sending these within 7 school days of the panel hearing to the complainants if they request this.

Where there is a vacancy for the clerk to the LGB, the Trust central team will help source a suitable member of Trust staff, or an independent clerk, to fulfil this role.

The role of the **Chair of the Board of Governors** or the **nominated governor** – is to make sure:

- That the correct procedure has been followed;
- If a hearing is requested, that the clerk is notified to arrange a complaints panel.

The role of the **Chair of the complaints panel** – is to ensure that:

- The remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- The issues are addressed;
- Key findings of fact are made;
- Parents and others who may not be used to speaking at such a hearing are put at ease;
- The hearing is conducted in an informal manner with all parties treating the other with respect and courtesy;
- The panel is open minded and acting independently;
- No member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- Each side is given the opportunity to state their case and ask questions, written material is seen by all parties;
- If a new issue arises, it would be useful to give all parties the opportunity to consider and comment on it
- The Chair of the complaints panel will ensure that the complainant is notified of the panel's decision, in writing, with the panel's response; this will usually take place within five school days.

### Format of the Panel Hearing

The complaints panel will follow an inquisitorial model, reviewing evidence available to them and hearing from the complainant and witnesses to establish the validity of a complaint. This means that the panel will meet complainants and witnesses in turn. Therefore, a complainant will not question staff or witnesses, or be present when staff and witnesses are heard by the panel.

### Checklist for the panel hearing –

- The hearing is as informal as possible,
- Witnesses are only required to attend for the part of the hearing in which they give their evidence,
- The hearing will meet with the parties individually. The following outlines the process:
  - The panel will meet with the complainant and any witnesses in turn. Once they have met with the panel the complainant and witnesses will then leave;
  - The panel will then meet with headteacher and any witnesses to hear the school's response to the complaint.
  - It may be useful for the panel to hear from the person who conducted Stage 2 of the complaints process
  - After each meeting the Chair will explain when the parties will hear from the panel.
  - The panel decides on the issues.

The clerk will record the complaints panel's decision, along with reasons for the decision. Sufficient time should be allowed for the complaints panel to agree the wording of the statement of the decision. This will include:

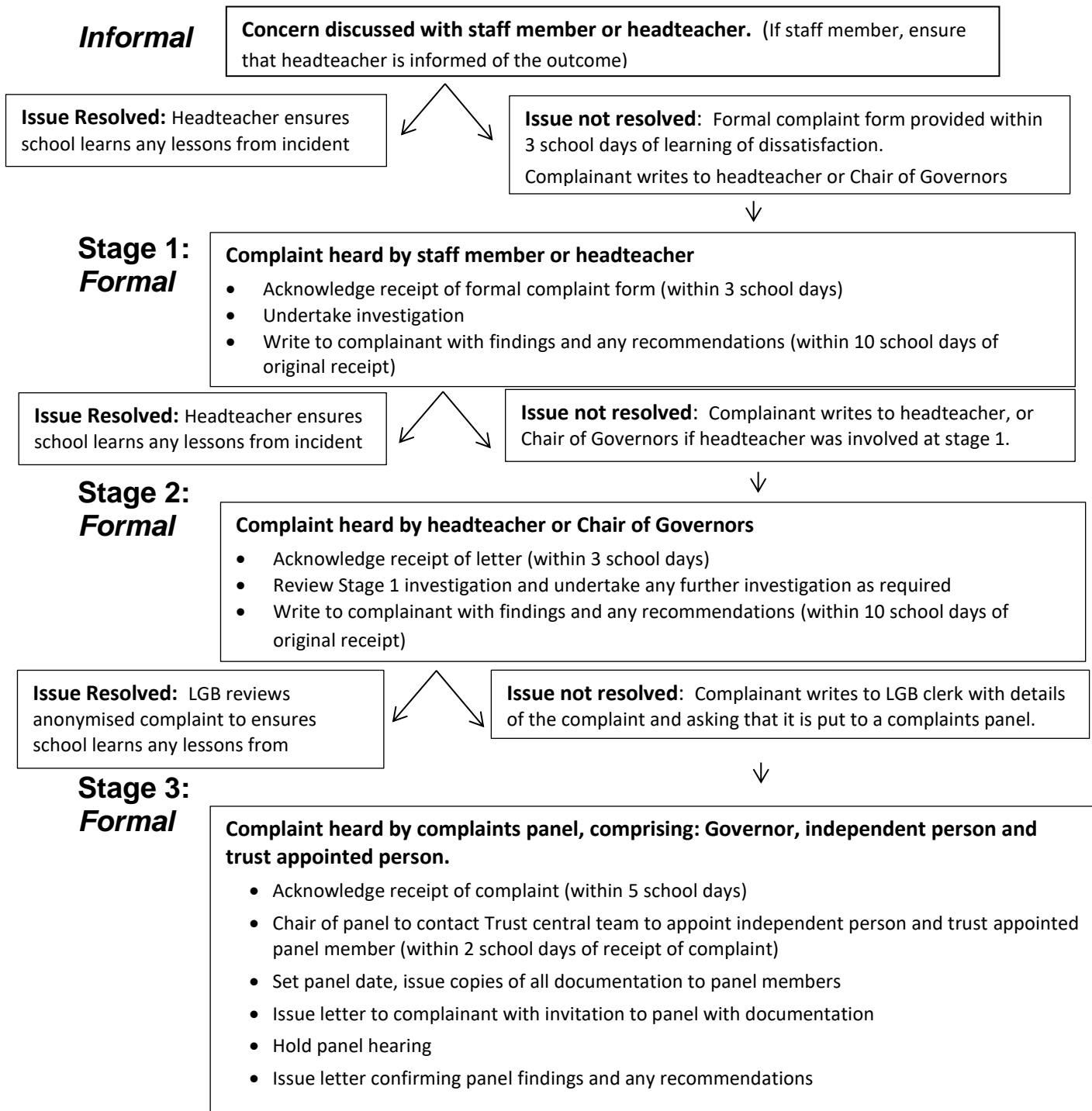
- the complaints panel's decision
- reasons for the complaints panel's decision
- any action taken or proposed by the complaints panel

The Chair of the complaints panel may wish to inform the complainant and the headteacher or Chair of Governors of the complaints panel (as appropriate) by telephone as soon as a decision has been reached. Care must be taken to ensure that both parties are given the same information over the telephone, and it is recommended that the Chair of the complaints panel read an agreed statement.

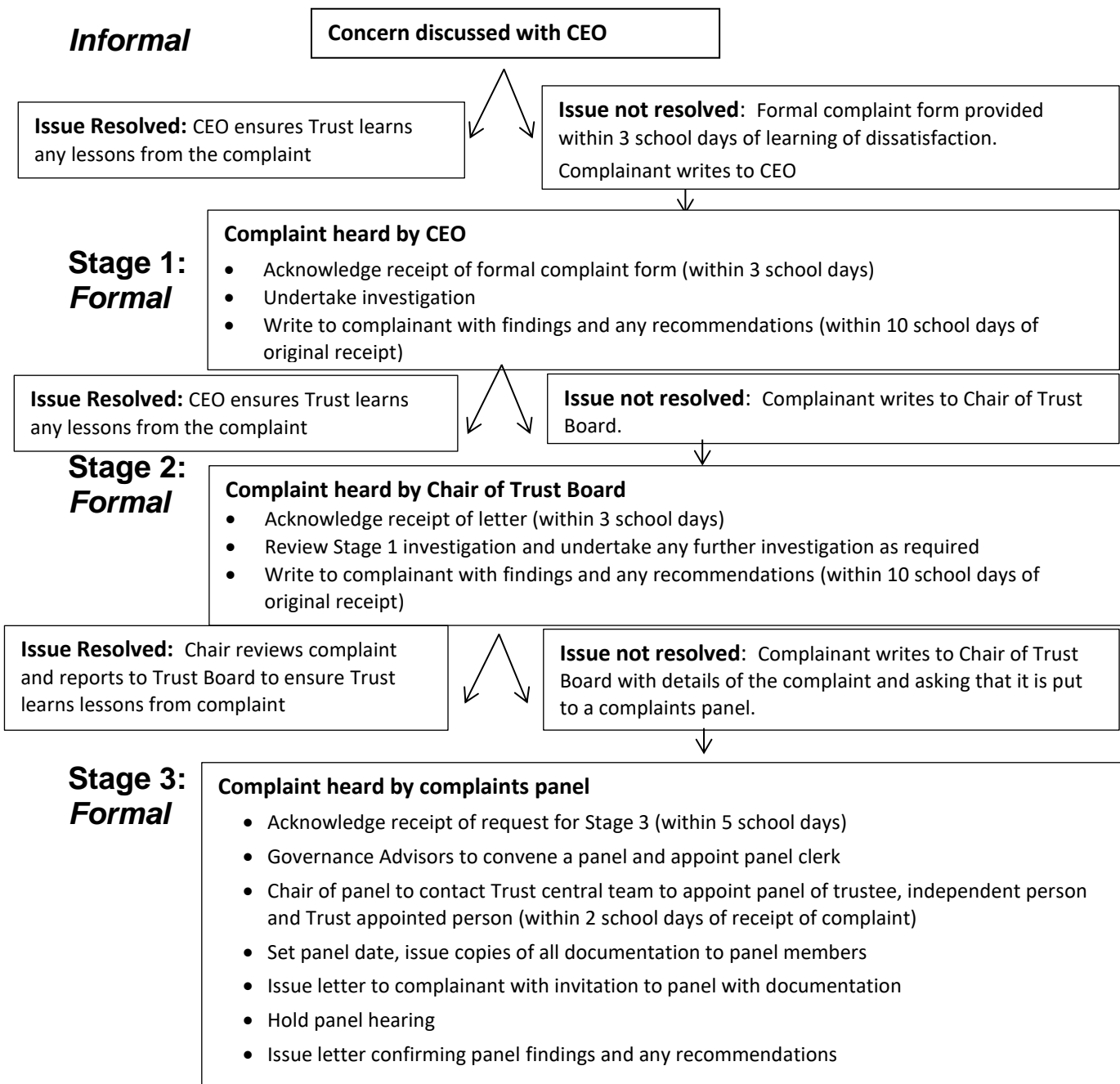
The Chair of the complaints panel is responsible for ensuring that the clerk confirms the decision in writing to the complainant and the headteacher (including where appropriate the Chair of Governors) within 5 working days of the complaints panel meeting. The complainant will receive the findings of the panel and the recommendations in writing. If requested, the complainant may receive the notes of the panel hearing which will be sent 7 school days after the panel hearing is held. Where relevant, a copy of the findings and recommendations will be provided to the person complained about. A copy of the findings and recommendations of the panel will be kept by the school and by the Trust.



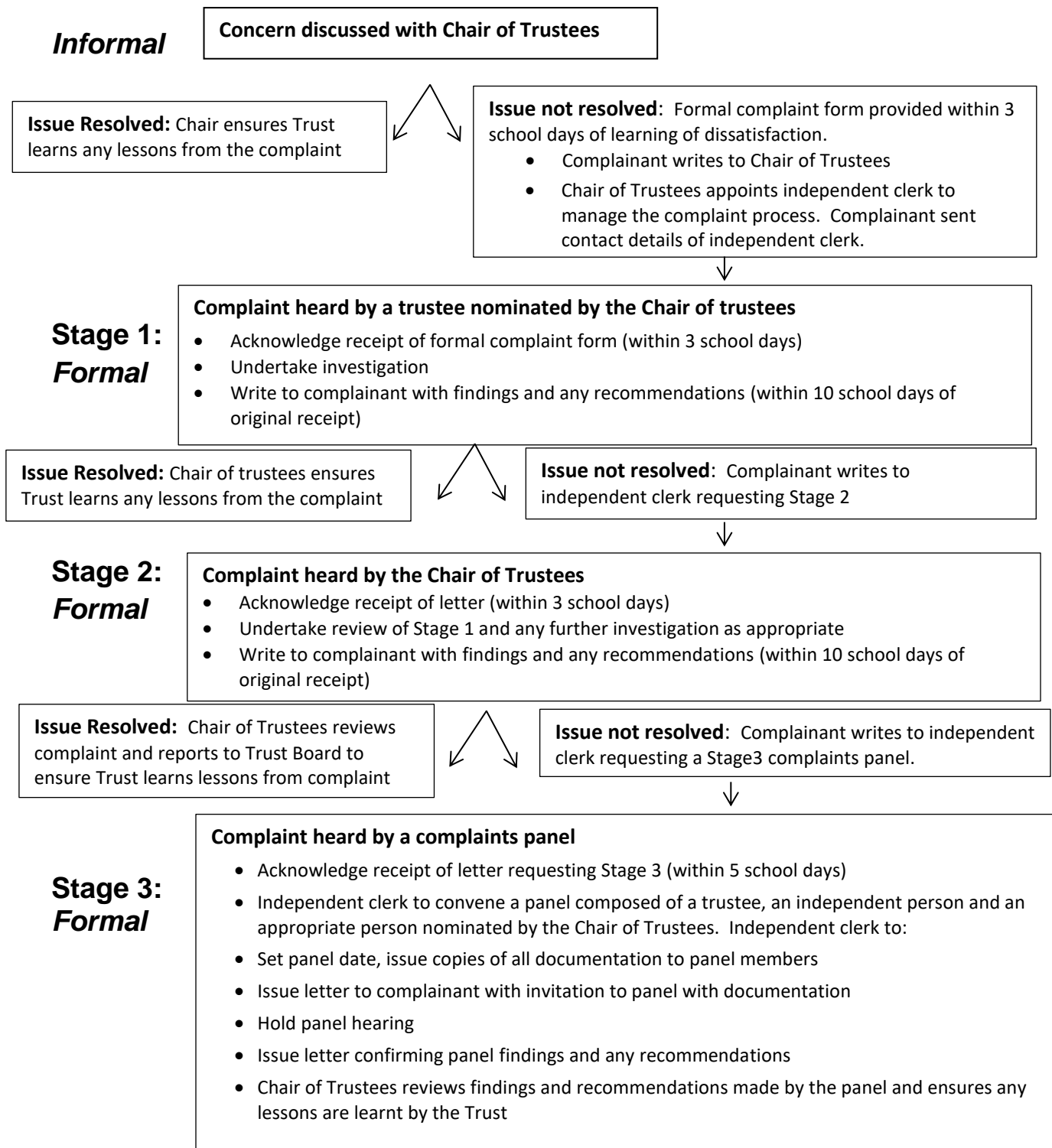
## Annex C: Flow chart: Procedure for complaints about Schools



# Annex D Flow chart: Procedure for complaints about the Multi Academy Trust



## Annex E Flow chart: Procedure for complaints about the CEO



## Annex F Bath and Wells Multi Academy Trust Complaints Form

Please note that details of any complaint concerning a member of staff, volunteer or governor may be shared with that member of staff, unless to do so would put a child at risk of harm.

<b>Your name</b>	<b>Pupil's name</b>	
<b>Your relationship to the pupil:</b>		
<b>Address</b>	<b>Postcode</b>	
<b>Daytime telephone number:</b>	<b>Evening telephone number:</b>	
<b>Please give details of your complaint:</b>		

**What action, if any, have you already taken to try and resolve your complaint (who did you speak 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:**

**School/Trust use**

**Date acknowledgement sent:**

**By whom:**

**Complaint referred to:**

**Date:**