



Policy Document for: Managing Complaints
 Approved by Trustees: 6th Feb 2025 following updates
 Due for Review: Autumn 2026

Additions/amendments in this version

	<i>None required</i>

Aims

Our Trust aims to meet its statutory obligations when responding to complaints from parents/carers of pupils and the local community at each of the schools in the Trust.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants’ desire for confidentiality
- Treat complainants with respect and courtesy
- Make sure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement evaluation processes

We try to resolve complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed. The school will aim to give the complainant the opportunity to complete the complaints procedure in full. To support this, we will make sure we publicise the existence of this policy and make it available on the school website. Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

Legislation and guidance

- This document meets the requirements set out in part 7 of the schedule to the [Education \(Independent School Standards\) Regulations 2014](#), which states that we must have and make available a written procedure to deal with complaints from parents/carers of pupils at the school.
- It is also based on [best practice guidance for academies complaints procedures](#) published by the Education and Skills Funding Agency (ESFA).
- This policy complies with our funding agreement and articles of association.
- It also refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE).
- In addition, it addresses duties set out in the [Early Years Foundation Stage statutory framework](#) with regards to dealing with complaints about the school’s fulfilment of Early Years Foundation Stage (EYFS) requirements.

Scope

This policy does **not** cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Suspension and permanent exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline
- Withdrawal from the curriculum (parents and carers can withdraw their child from any aspect of religious education, including the daily act of collective worship. They do not have to explain why)

Please see our separate policies for procedures relating to these types of complaint. Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

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

Complaints from the local community

We will handle complaints from people who are not parents or carers of children in the Trust respectfully and expediently but we are not obliged to follow this complaints policy. Members of the local community who wish to complain should contact the Head of the school in the first instance. If this is not successfully resolved, then this will be escalated to the CEO.

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

What the school expects of parents, carers and the community

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

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

Roles and responsibilities

The complainant

The complainant will get a more effective and timely response to their complaint if they:

- Follow these procedures
- Co-operate with the school throughout the process, and respond to deadlines and communication promptly

- Ask for assistance as needed
- Treat all those involved with respect
- Do not approach individual governors about the complaint
- Do not publish details about the complaint on social media

The investigator

An individual will be appointed to look into the complaint and establish the facts. They will:

- Interview all relevant parties, keeping notes
- Consider records and any written evidence and keep these securely
- Prepare a comprehensive report which includes the facts and potential solutions
- Keep the complainant up to date at each stage in the procedure
- Be aware of issues relating to:
 - Sharing third-party information
 - Additional support needed by complainants; for example, interpretation support or where the complainant is a child or young person

Clerk to the governing board

The clerk will:

- Be the contact point for the complainant and the complaints committee, including circulating the relevant papers and evidence before complaints committee meetings
- Arrange the complaints hearing
- Record and circulate the minutes and outcome of the hearing

Committee chair

The committee chair will:

- Chair the meeting, ensuring that everyone is treated with respect throughout
- Make sure all parties see the relevant information, understand the purpose of the committee, and are allowed to present their case

Principles for investigation

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

Timescales

The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.

We will consider exceptions to this timeframe in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

When complaints are made out of term time, we will consider them to have been received on the first school day after the holiday period.

If at any point we cannot meet the timescales we have set out in this policy, we will:

- Set new time limits with the complainant
- Send the complainant details of the new deadline and explain the delay

The difference between a concern and a complaint

- A concern may be defined as 'an expression of worry or doubt over an issue considered to be important

for which reassurances are sought’.

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

It is in everyone’s interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. BA-MAT takes concerns seriously and will make every effort to resolve the matter as quickly as possible. We will ask parents/carers what they think might resolve the issue, however an acknowledgment by the schools that they could have handled a situation better is not the same as an admission of unlawful or negligent action.

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

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

Resolving complaints

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

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

Handling complaints fairly

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

How to raise a concern or make a complaint

A concern or complaint can be made in person by parents, carers (including parents or carers of children no longer at the school) and members of the public, in writing, in person or by telephone. They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.

Concerns

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

Mediation can:

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

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

Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 2 of the procedure.

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

Complaints

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

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

There may be occasions where it is necessary or reasonable to deviate from this published complaints procedure. This includes not doing something this procedure states we will/should/may do. If this is the case, this change will be documented and the reasons why.

Making a complaint

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

- Complaints against school staff (except the Head of School or CEO) should be made in the first instance to the Head of School via the school office. If they are written please mark them as Private and Confidential.
- Complaints that involve or are about the Head should be made in the first instance to the CEO via to school office. Please mark them as Private and Confidential.
- Complaints that involve or are about the CEO should be addressed to Neil Peterson, Chair of Trustees, via the school office. Please mark them as Private and Confidential.
- Complaints that involve, or are about individual Trustees should be addressed to Neil Peterson, Chair of Trustees, via the school office. Please mark them as Private and Confidential (added 20/1/25)
- Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to Debbie Stryzyk (edited May24), Clerk to the Trustees via the school office. Please mark them as Private and Confidential.
- Complaints about the Chair of Trustees should be made in the first instance to the Vice Chair of Trustees via the school office. Please mark as Private and Confidential.

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

During the investigation, the person involved in the investigation will (edited 20/1/25)

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

Recording meetings

Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or communication difficulties needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

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

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

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

Record keeping and confidentiality

The school will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and stored securely, and will be viewed only by those involved in investigating the complaint or on the review panel. This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and **retention** policy.

The details of the complaint, including the names of individuals involved, will not be shared with the whole governing board in case a review panel needs to be organised at a later point.

Where the governing board is aware of the substance of the complaint before the review panel stage, the school will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the governing board, who will not unreasonably withhold consent.

Stages of complaint

(Updated January 2025)

At BA MAT our schools have a 6 stage process – informal procedure, formal complaint investigated by member of staff, formal complaint investigated by CEO (or similar), complaint heard at a complaints panel.

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

The escalating stages of complaint are as follows:

- Stage 1: Informal procedure – investigation by a staff member (typically class teacher)
- Stage 2: formal procedure – investigation by Head or Senior member of staff
- Stage 3: formal procedure - investigation by Chair of local Governors
- Stage 4: formal procedure - investigation by CEO
- Stage 5: formal procedure – investigation by Chair of Trustees
- Stage 6: Final investigation through panel hearing

Stage 1 - Informal Procedure – investigation by a staff member

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

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

Stage 2 – Formal Complaint Investigated by the Head or a Member of Senior Staff

If the Complainant is dissatisfied with the way in which the concern was dealt with informally, the Complainant will be asked to complete the formal complaint form found in Appendix 1 and return it to the Trust.

Complaints should be in writing, unless there is a sufficient reason for a reasonable adjustment to be made – please contact us if this is the case so we may make alternative arrangements. The school will seek agreement and approval with you to transcribe if necessary the details of the complaint onto the complaint form so it can be considered by the relevant party.

Upon receipt of a formal complaint, the school will ensure that the Head or a senior member of staff undertakes the investigation. The CEO will be advised of receipt of a formal complaint. The CEO may, at their discretion, escalate the complaint to stage 4 if the complaint is very serious.

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

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

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

Stage 3 – formal complaint investigated by the Chair of Local Governors

Should a complaint be raised to the Chair of Local Governors within the 10 school days timeframe as set out in stage 2, the Chair of Local Governors will then confirm in an email that the complaint has been received within

5 school days of the complaint escalation email/letter being received.

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

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

Stage 4 – Formal Complaint Investigated by the CEO (or other appropriate individual)

If the Complainant is dissatisfied with the outcome of the complaint under Stage 3, the Complainant should write to the CEO at BA-MAT asking for the complaint to be investigated under Stage 4 of this Complaints Policy.

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

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

The letter to the Complainant will notify them that if he or she is dissatisfied with the outcome of the Stage 4 investigation of the complaint, they should write to the Chair of Trustees within 10 school days of receiving the letter asking for the complaint to be investigated under Stage 5 of this Complaints Policy. If no further communication is received from the Complainant within 10 school days, the complaint will be deemed to have been resolved.

Stage 5 – Formal complaint investigated by the Chair of Trustees

If the Complainant is dissatisfied with the outcome of the complaint under Stage 4 the Complainant should write to the Chair of Trustees at BA-MAT asking for the complaint to be investigated under Stage 5 of this Complaints Policy.

The Chair of Trustees 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 5 of this Complaints Policy, and will confirm the date for providing a response to the complaint.

Following investigation of the complaint, the Chair of Trustees 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 Chair of Trustees will write to the Complainant within 10 school days of the date that the letter was received from the Complainant, explaining the reason for the delay and providing a revised date.

The letter to the Complainant will notify them that if he or she is dissatisfied the outcome of the Stage 5 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 6 of this Complaints Policy. If no further communication is received from the Complainant within 10 school days, the complaint will be

deemed to have been resolved.

Stage 6 – Complaint Heard at a Complaint Panel Hearing

If the Complainant is dissatisfied with the outcome of the complaint under Stage 5, the Complainant should write to the Clerk to the Trustees for BA-MAT Trust asking for the complaint to be heard before a Complaints Panel.

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

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

Legal representation

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

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

Appointment of the Complaint Panel

The Clerk to the Trustees will liaise with the Trust in making arrangements for the Complaint Panel to be appointed. The Complaint Panel will consist of three members. None of the three members of the Complaint Panel will have been involved in the incidents or events which led to the complaint, or have been involved in dealing with the complaint in the previous stages, or have any detailed prior knowledge of the complaint. Complainants have the right to request an independent panel, if they believe there is likely to be bias in the proceedings. The Complainant must write to the Clerk to Governors setting out their rationale for likely bias. The Clerk to Governors will make the decision whether this should be upheld.

One of the Complaint Panel members will be independent of the management and running of the Trust. This means that the independent Complaint Panel member will not be a Member or Trustee or an employee of the Trust or schools, nor will it be an independent person who has a clear connection with the Trust (such as a solicitor who routinely handles legal matters for the Trust). This ensures the panel has the benefit of an external source of scrutiny and challenge in its consideration of the complaint.

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

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

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

The Trust Representative

The Trust will be represented at the Complaint Panel Hearing by the person who investigated the complaint under the most recent stage of the procedure. This will usually be the Chair of Trustees, however it may

on occasions be the CEO or the Chair of Local Governors. If the Complainant has complained about the way in which the complaint was investigated by that person (rather than simply disagreeing with the outcome of the complaint) then the Trust will not be represented by that person at the Complaint Panel Hearing, and the Trust will nominate another person to represent the school or Trust.

Convening the Complaint Panel Hearing

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

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties. If the committee is convening following rejection of three proposed dates without good reason the complaint will proceed on the basis of written submissions from both parties but in making their decision they will be sensitive to the complainant's needs.

Witnesses

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

The Trust may seek to rely on the accounts of witnesses, which are relevant to the complaint. Such witnesses may also include those persons who dealt with the complaint in the previous stages, if the Complainant has complained about the way in which the complaint was 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 Governors at least three school days before the Complaint Panel Hearing is due to take place.

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

Documents

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

Attendance at the Hearing

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

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

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

The Department for Education recognises there may be occasions when legal representation is appropriate for instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

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

Representatives from the media are not permitted to attend.

The Clerk to the Complaint Panel

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

Procedure at the Complaint Panel Hearing

The meeting will be held in private.

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

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

The Complaint Panel's Decision

The Complaint Panel will meet in private, either immediately after the Complaint Panel Hearing or on a subsequent date, and will consider all of the documentation and everything that they have heard at the

Complainant Panel Hearing and make:

Findings of Fact

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

Recommendations

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

Notification of the Complaint Panel's Decision

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

- The Trust representative
- Any person complained about

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

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

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

Unreasonable and persistent complaints

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- Refuses to co-operate with the complaints investigation process
- Refuses to accept that certain issues are not within the scope of the complaints procedure
- Insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- Introduces trivial or irrelevant information which they expect to be taken into account and commented on
- Raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- Makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- Changes the basis of the complaint as the investigation proceeds
- Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)

- Refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed, including referral to the ESFA
- Seeks an unrealistic outcome
- Makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- Uses threats to intimidate
- Uses abusive, offensive or discriminatory language or violence
- Knowingly provides falsified information
- Publishes unacceptable information on social media or other public forums

Please note: the above list is not intended to be exhaustive and is for guidance purposes only. It is at the discretion of the school what is deemed to be unreasonable.

Complainants should try to limit their communication with the school while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.

We will take every reasonable step to address the complainant's comments, and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

Whenever possible, the headteacher or chair of governors 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, refer them to this policy and remind them to act in accordance with it.

For complainants who excessively contact the school causing a significant level of disruption, we may:

- Give the complainant a single point of contact via an email address
- Limit the number of times the complainant can make contact, such as a fixed number per term
- Ask the complainant to engage a third party to act on their behalf, such as [Citizens Advice](#)
- Put any other strategy in place as necessary

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from school premises and ensuring appropriate measures of support are provided to staff where they are the subject of aggression and/or violence.

Anonymous complaints

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

Duplicate complaints

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and that the local process is complete
- Direct them to the ESFA if they are dissatisfied with our original handling of the complaint

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

Serial or persistent complaints

If the complainant contacts the school again on the same issue, the correspondence may then be viewed as 'serial' or 'persistent'. We may stop responding to the complainant when the following conditions are met:

- We have taken every reasonable step to address the complainant's concerns
- The complainant has been given a clear statement of our position and their options
- The complainant contacts the school repeatedly, making substantially the same points each time
- The case to stop responding is stronger if:
 - The complainant's communications are often or always abusive or aggressive
 - The complainant makes insulting personal comments about or threats towards staff
- We have reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience

Where we decide to stop responding, we will inform the individual that we intend to do so. We will also explain that we will consider any new complaints they make provided the concerns raised are materially different to those raised previously and/or are unconnected to the previous concern

Vexatious complaints

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

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

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

Harassing complainants

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

Behaviour will fall within the scope of this policy if:

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

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

Addressing disruptive, serial and harassing complaints

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

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

steps, as appropriate:

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

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

Complaint campaigns

Where the school receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school may respond to these complaints by:

- Publishing a single response on the school website
- Sending a template response to all of the complainants

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

Parental conflict

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

Physical or verbal aggression

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

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

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

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

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

This is further strengthened by consideration of:

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

inconvenience?

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

Barring from school premises

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

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

Complaint Referred to Education Funding Agency

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the Education and Skills Funding Agency (ESFA). The ESFA will check whether the complaint has been dealt with properly by the school. The ESFA will not overturn a school's decision about a complaint, but will intervene if a school has:

- Breached a clause in its funding agreement
- Failed to act in line with its duties under education law
- Acted (or is proposing to act) unreasonably when exercising its functions

If the school's complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage www.gov.uk/complain-about-school We will include this information in the outcome letter to complainants.

Learning lessons

The Strat Team will review any underlying issues raised by complaints with the Head, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future. A summary of these will be shared with the LGB and Trust Board.

Equal Opportunities

At BA MAT we are committed to ensuring equality of opportunity for all members of our school community irrespective of race, religion or belief, gender, gender reassignment, disability, sexual orientation, age, pregnancy or maternity, marriage and civil partnership or socio-economic background. We are determined to develop a culture of inclusion and diversity in which all those connected to the school feel proud of their identity and ability to participate fully in school life. We tackle discrimination through the positive promotion of equality by challenging stereotypes and by creating an environment that champions respect for all. We believe that diversity is a strength that should be respected and celebrated by all those who learn, teach and visit us.

All school policies have an explicit aim of promoting equality and will be reviewed in terms of their contribution and effectiveness in achieving this aim.

Impact assessment

An initial impact assessment has been carried out for this policy and is graded as follows:

A	Positive impact is explicitly intended and very likely
B	An adverse impact is unlikely, and on the contrary the policy has the clear potential to have a positive impact by reducing and removing barriers and inequalities that currently exist
C	An adverse impact is unlikely. On the contrary there is potential to reduce barriers and inequalities that currently exist. There is insufficient evidence, however, for this assessment to be made with as much confidence as is desirable
D	Adverse impact is unlikely, but positive impact is also unlikely
E	Adverse impact is probable or certain, since certain groups will be disadvantaged, either proportionately or absolutely, or both. Remedial action is therefore necessary

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

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

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