

# Bath and Wells Multi Academy Trust

## Complaints Policy

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### 1 Introduction

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

This policy has two main parts: the Parent and Carer Guide and a second part which details how a school will handle a complaint.

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

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fully. We will also aim to learn from any complaints by providing anonymised information about resolved complaints to the wider BWMAT governance team.

## 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 website or ask for a copy from the main school reception and there are further contact details listed in Annex D.

- Pupil admissions: please see the school’s admissions policy or contact North Somerset Council
- Pupil exclusions: please see the school’s behaviour policy on the school website and the BWMAT Exclusion policy – this can be found at <http://bathwellsmat.org/policies/>
- Staff grievance, capability or disciplinary: these are covered by the BWMAT’s grievance, disciplinary, capability procedures. These can be found at <http://bathwellsmat.org/policies/>
- 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 EHC plans.

## 3 The complaint process

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 the phone 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 head teacher 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 someone who is not a parent or carer. In this case it will be the Head teacher 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 1998. 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 BWMAT have to share information with other agencies; for instance if a child’s safety is involved.

If you feel that a concern has not been resolved, or that your concern is of a serious nature, please make an appointment to discuss it with the Head Teacher. The Head Teacher will consider this as a complaint and will investigate each case thoroughly. Most complaints are resolved at this stage.

Only if these actions have failed to resolve the issue should a complaint be made to the local governing body.

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

A complaint will be normally considered 'out of time' if it is raised more than 3 months after the matter is known to the person raising it. Any exceptions to this will be considered on a case by case basis.

There are four stages to the formal complaints procedure:

**Stage one:** complaint heard by staff member or Head teacher

**Stage two:** complaint heard by Head teacher or Chair of Governors

**Stage three:** complaint heard by complaint panel of Governor, independent person and member of MAT central team

**Stage four:** complaint heard by MAT review panel of BWMAT Board members

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 Head teacher or Chair of Governors have met with the complainant. Annex B lists timescales which the school will meet in each of the stages.

The details of each stage are set out in the second part of this policy and an overview is given the Annex B which shows a flow chart of the complaints procedure.

#### **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 BWMAT requests the complainants do not discuss the matters publically in social media, such as facebook and twitter. Complaints and concerns will be dealt with confidentially for those involved, and we expect complainants to observe confidentiality also.

#### **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.

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

#### **7 Local Governing Body Review**

We want to learn from any complaint, both in the school where the incident happened and in the wider BWMAT. To do this the school's Local Governing Body (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 BWMAT will collate complaint information,

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which has been anonymised, and share this with all BWMAT LGB's so lessons can be learnt across the whole MAT.

## **8 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 website
- On the BWMAT website

## **9 Implementation in school**

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

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# Annex A 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 unsure 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 BWMAT. Therefore we will keep clear written records of all complaints and their outcomes, which ever 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 BWMAT 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 E. 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. We may need to 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.

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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.

### ***Vexatious complaints***

If properly followed, our complaints procedure is expected to limit the number of complaints that become protracted. However, there will be times after all stages of the procedure have been followed that the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the chair of the Local Governing body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

However, should a complainant raise a completely new separate and different complaint we will respond in accordance with this complaints procedure.

### **The Four Stages**

#### **Stage One: complaint heard by Staff Member or the Head teacher.**

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 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.

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 Head teacher can refer the complainant to another staff member, or will hear the complaint themselves. Where the complaint concerns the Head teacher, the complainant will be referred to the Chair of Governors.

Where the first approach is made to a Governor the next step would be to refer the complainant to the appropriate person 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.

#### **Stage Two, Formal: Complaint heard by the Head teacher, or Chair of Governors (if already heard by Head teacher)**

The Head teacher'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 Head teacher will hear and investigate the complaint. The Head teacher can delegate the task of collating information about the complaint to another staff member, but not the decision or any action to be taken.

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

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If the Head teacher has heard the complaint at stage one, 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.

If at this stage if the Head teacher has heard and investigated the complaint and the complainant remains dissatisfied, the Chair of Governors could informally investigate the complaint before the matter is escalated to the local governing body’s complaints panel. This would not prejudice the rights of the complainant in taking the matter to a review hearing, but may resolve the issue to the satisfaction of the complainant.

**Stage Three, Formal: Complaint heard by the Complaints Panel**

The complainant will need to write to the clerk to the local board of governors giving details of the complaint and asking that it is put before the complaints panel. The complaints panel is the last stage of the school-based 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.

The panel will consist of one governor from the school’s LGB, one MAT central team member and an independent person. The panel cannot be made up solely of local governing body members because they are not independent of the management and running of the academy. Individual complaints would not be heard by the whole local governing body 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 nominated by the LGB from its reciprocal memorandum of understand with a neighbouring schools’ Governing body. 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 of the recommendations on policy 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:

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- 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 panel chair 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 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;
- 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 notify all parties of the panel's decision.

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;

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- 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 each party 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 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.

Checklist for the panel hearing –

- The hearing is informal as possible,
- Witnesses are only required to attend for the part of the hearing in which they give their evidence,
- If the hearing is to meet with the parties individually –
  - The panel will meet with the complainant and any witnesses. The complainant and witnesses will then leave;
  - The panel will then meet with Head teacher and any witnesses to hear the school’s response to the complaint.
  - After each meeting the chair will explain the time scales as to when all parties will hear from the panel.
  - The panel decides on the issues.
- If the hearing is to meet with all parties concerned at the same time -
  - After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
  - The Head teacher may question both the complainant and the witnesses after each has spoken,
  - The Head teacher is then invited to explain the school’s actions and be followed by the school’s witnesses,
  - The complainant may question both the Head teacher and the witnesses after each has spoken,
  - The panel may ask questions at any point,
  - The complainant is then invited to sum up their complaint,
  - The Head teacher is then invited to sum up the school’s actions and response to the complaint,
  - The chair of the panel will explain the time scales as to when all parties will receive notification of their decision,

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- All parties leave together while 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 Head teacher 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 Head teacher or the chair of the complaints panel (as appropriate) within 5 working days of the complaints panel meeting. The complainant will receive the findings of the panel and the recommendations in writing. 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.

**Stage Four, Formal: Complaint process and decision reviewed by Panel drawn from the MAT Board.**

If a complainant is still not satisfied with the panel’s findings they can ask for the complaint process to be reviewed by a panel drawn from the BWMAT Board. The board will seek to mediate reconciliation between the school and the complainant. This is important as the parents and the staff involved in the complaint will need to work together to rebuild a positive working home-school relationship so that the child can achieve their best at school. The MAT panel may achieve this by one or more of the following:

- Upholding the complaints panel decision, but mediating through meetings with parents and school to broker understanding and allow reconciliation to take place.
- Over turning part, or all of the complaints panel decision. They will then work with the school and parents to broker reconciliation
- Recommending action by the school to address concerns arising from the complaint. This may involve work with individual staff members, and or updating and revising school policies and working practices.

Those involved in any complaint which has reached this final stage will need support and reassurance from the MAT central panel. Therefore the panel may seek to have meetings with parents and staff separately before any final panel hearing to increase the chances of positive reconciliation between the parties. This may take time and therefore no timescales have been set for this final part of the process.

**Finally**

After Stage 4 if the complainant wishes to continue to pursue the complaint the Department for Education (DfE) provides this advice: complaints about academies and free schools should be made to the Education and Skills Funding Agency (ESFA).

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DfE guidance adds that the ESFA will not overturn an academy’s decision about a complaint. However, the ESFA can look at whether the complaint has been considered properly by the academy and whether the academy complaints procedure is in line with legal requirements.

The ESFA will consider complaints about academies that fall into any of the following three areas:

- Where there is undue delay or the academy did not comply with its own complaints procedure when considering a complaints
- Where the academy is in breach of its funding agreement
- Where an academy has failed to comply with any other legal obligations.

If the ESFA upholds a complaint against an academy, it can do one or both of the following:

- Ask the academy to reconsider the complaint from an appropriate stage
- Ask the academy to change its complaints procedure so that it complies with legal requirements

There are some instances for which the ESFA is not best placed to investigate a complaint, including:

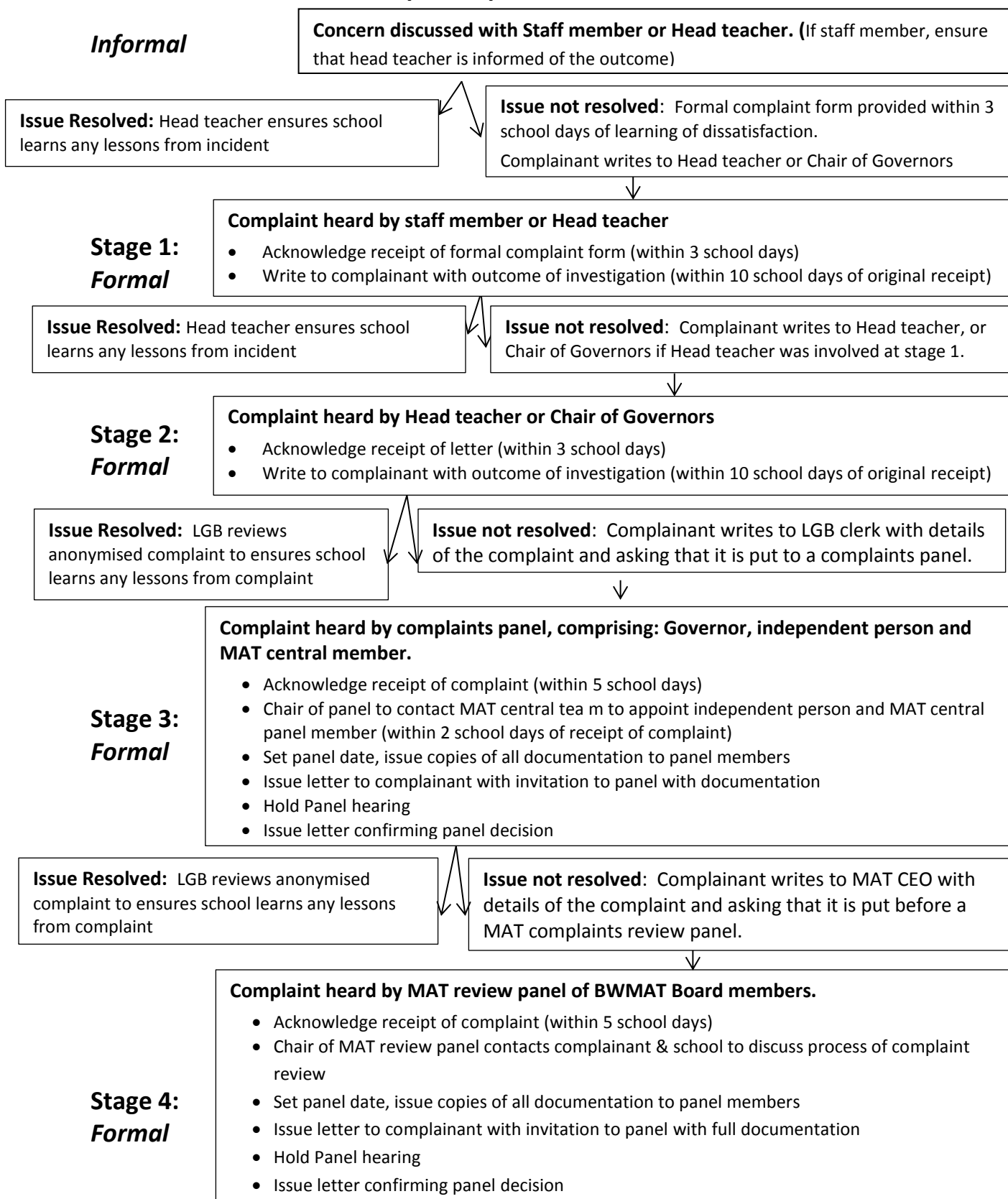
- The quality of education or leadership
- Discrimination
- Data protection
- Exam malpractice or maladministration
- Criminal behaviour
- Employment matters

Guidance may be found at:

<https://www.gov.uk/complain-about-school/state-schools>

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## Annex B Flow chart of complaints procedure



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**Annex C Possible Template for a Response to a Formal complaint which has been considered at stage 2.**

Dear

Thank you for your *(type of contact)* received on *(insert date)* regarding *(insert subject of complaint with enough text to ensure customer knows you have full understanding)*.

**Prompts for your reply & delete after consideration**

**Body of letter**

- Describe action taken in response to their complaint
- Make sure you have answered all points/questions they raised
- Give honest answers
- Outline any points of law or policies in plain English
- Avoid jargon
- Use shorter sentences rather than longer ones.
- Don't let your feelings get the better of you.
- Don't try to be clever
- Be clear and to the point, but don't be too blunt

***Conclusions: make sure you cover***

- Outcome
- Lessons learnt
- Any changes made to service
- Training needs identified and how these will be addressed
- If we made a mistake or were wrong, say sorry
- Be understanding and empathetic
- If unable to resolve to the complainants satisfaction explain why procedure/policy etc.
- Outline any other options the customer can consider;

I am sorry that we have made a mistake. To put things right, we intend to ***(describe course of action)***

OR

I am sorry that I am unable to resolve the issues you have raised because ***(explain why)***

***Always let them know what they can do if they are still unhappy – do not presume they will be satisfied with your response***

If you are not happy with this outcome and wish to take it further, please notify the Clerk to the Local Governing Body within the next 10 school days. Please explain in your request why you are unhappy with the result of Stage 1 and what you expect from a complaints panel. The Chair of the complaints panel will write to you explaining what will happen next.

Yours sincerely

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## Annex D Exceptions to the Complaints Procedure.

Exceptions	Who to contact
Admissions to schools School re-organisation proposals	Concerns should be raised direct with local authorities (LA). For school admissions, it will depend on who is the admission authority (either the school or the LA). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.
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 B&W MAT has an internal whistleblowing procedure for their employees and voluntary staff. This can be found under the policies section of the BWMAT website: <a href="http://www.bathwellsmat.org">www.bathwellsmat.org</a> Other concerns can be raised direct 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 grievances and disciplinary procedures	These matters will invoke the school's internal grievance 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.

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## Bath and Wells Multi Academy Trust Complaints Form

<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>	

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**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 use**

**Date acknowledgement sent:**

**By whom:**

**Complaint referred to:**

**Date:**

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