

TRUST COMPLAINTS POLICY & PROCEDURE

Issued: March 2016
Reviewed: June 2020
Next Review Due: June 2021

1. Aims

Bradford Diocesan Academies Trust (BDAT) aims to meet its statutory obligations when responding to complaints from parents of pupils at its academies, and others.

The aim of this policy is to ensure that a concern or complaint by a parent/carer is managed sympathetically, efficiently and at the appropriate level and resolved as soon as possible. Doing so is good practice, is fair to those concerned and helps to promote parents' and students' confidence in our ability to safeguard and promote welfare. We will try to resolve every concern or complaint in a positive way with the aim of resolving the issue in a transparent manner.

BDAT expects that most concerns can be resolved informally and guarantees to treat seriously all concerns whether raised informally or formally.

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
- Where possible, respect complainants' desire for confidentiality
- Treat complainants with respect
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into Academy improvement evaluation processes where necessary.

We will ensure we publicise this policy and make it available on the Trust website and as a linked document from each academy website.

2. Legislation and Guidance

This document meets the requirements set out in part 7 of the schedule to [the Education \(Independent Academy Standards\) Regulations 2014](#), which states that we must have and make available a written procedure to deal with complaints from parents of pupils at the Academy.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on [creating a complaints procedure that complies with the above regulations](#), and refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE).

English Language Requirement – Immigration Act 2016

A legitimate complaint received in respect of the above, whereby a member of the public feels that a public-facing member of staff has insufficient proficiency in English, will be investigated in line with this policy and adhere to the relevant Code of Practice.

Any member of staff subject to the complaint will be notified of the complaint and given an opportunity to give their own account of the incident. A complaint will be assessed against an objective assessment of the level of fluency relevant to the role in question.

A complaint about a member of staff's accent, dialect, manner or tone of communication, origin or nationality will not be considered a legitimate complaint.

3. Definitions and scope

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/Academy 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/Academy intends to resolve complaints informally where possible, at the earliest possible stage. There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does not cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding / Child Protection matters
- Exclusions
- Whistleblowing
- Staff grievances
- Staff discipline

Please see our separate policies for procedures relating to these types of complaint.

Arrangements for handling complaints from parents of children with SEN about the Trust/Academy's support are within the scope of this policy. Such complaints should first be made to the Special Educational Needs Co-ordinator (SENCO) they will then be referred to this complaints policy. The academy SEN policy and information report includes information about the rights of parents of pupils with disabilities who believe that the academy has discriminated against their child.

Complaints about the services of other providers who use academy premises or facilities should be directed to the provider concerned.

In this policy:

- Working days excludes weekends, bank holidays and academy holidays

Table 1 - Where to direct your complaint

Member of staff the complaint refers to:	Complaint to be sent to:	Complaint investigated by:	Decision maker	Appeal to:
Member of Academy staff including teacher, support staff etc	Academy Principal / Head teacher	SLT as delegated by Principal/Headteacher	Academy Principal / Head teacher	Local Governing Body (LGB)
Head teacher / Head of School / Principal / Governor	Chair LGB	Member of the Executive Team or an independent investigator or a governor as agreed with BDAT CEO if an Executive Team member)	Chair of LGB	CEO
Executive Principal	CEO	Member of Executive Team as delegated by CEO	CEO	Chair of Trust Board
BDAT Central Team (not CEO)	CEO	Member of Executive Team as delegated by CEO	CEO	Chair of Trust Board
Chief Executive Officer (CEO)	Chair of Trust Board	Trustee(s) delegated by Chair of Trust Board or an independent investigator	Chair of Panel delegated by Chair of Trust Board	Chair of Trust Board
Chair of Local Governing Body	Clerk to LGB	Member of Executive Team as delegated by CEO	CEO	Chair of Trust Board
Chair of Trust Board	Clerk to Trust Board	As agreed with CEO – external	Chair of Trustee Panel	Chair of Trustee Appeal Panel

In all cases BDAT reserves the right to appoint an independent investigator. Charges or fees will apply to the academy where the staff member/volunteer works.

Roles:

Complainant:

The person who sets out the complaint, e.g. parent, carer, member of the public, external organisation

Complaint sent to:

The person to whom the complaint should be directed in the first instance

Investigating Officer:

The person who will investigate the complaint. This may be delegated by the CEO/Chair of the LGB/Chair of the Trust as appropriate

Decision Maker:

The person who hears the complaint and makes the decision to uphold or dismiss the complaint

Appeal to:

The person to whom the complainant appeals if unhappy with the outcome of the complaint once the initial process is complete and the decision conveyed by the decision maker

4. Principles

When investigating a complaint, we will try to clarify:

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

We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage.

Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

The Trust/Academy expects that complaints will be made as soon as possible after an incident arises and no later than 3 months afterwards. We will consider exceptions to this time frame 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.

We expect our staff to be addressed in a respectful manner and for communication to remain appropriate and equally respectful at all times. Where it is reasonably believed that a complaint or a complainant is unreasonable, vexatious or where repeated complaints are made, the procedure outlined at Section 8 below will be used.

Any anonymous concern or complaint will not be investigated under this procedure unless there are exceptional circumstances.

A written record will be kept of all complaints, including at what stage they were resolved. Correspondence, statements and records relating to individual complaints will be kept confidential except where access is requested by the Secretary of State or where disclosure is required in the course of an academy inspection or under other legal authority.

The procedure is broken down into three parts:

- Part 1 – complaints about staff
- Part 2 – complaints to the Trust
- Part 3 – complaints to the Education Skills Funding Agency

PART 1 – COMPLAINTS ABOUT STAFF

For the purposes of this section, staff includes all academy staff, central staff, governors, trustees and volunteers

5. Stages of complaint

Stage 1: Informal

The Trust/Academy will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that providing further clarification or information will resolve the issue.

The complainant should raise the complaint as soon as possible with the relevant member of staff either in person or by letter, telephone or email. The member of staff is to ensure that their line manager is informed of the complaint. If the complainant is unclear who to contact or how to contact them, they should contact the respective Academy office or BDAT central office.

It is hoped that most issues can be resolved promptly, but, if the member of staff is unable to deal immediately with the matter, a clear note will be made, including the complainant's name, phone number and date. The complainant will be contacted as soon as the matter has been investigated. Normally this would be within 10 working days. The member of staff may also consult the Head/Principal or line manager at this stage.

The member of staff should ensure that the complainant is clear what action or monitoring of the situation has been agreed.

If no satisfactory solution has been found, complainants may progress their complaint to stage 2.

Stage 2: Formal

If the complainant feels that their concern or complaint has not been resolved to their satisfaction at the informal stage or they wish the complaint to be dealt with immediately as a formal complaint, they should put their complaint in writing to the person nominated in Table 1 (see page 4). The complaint will be acknowledged in writing within five working days.

The letter of complaint should provide details such as relevant dates, times and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint. The Complaint Form, in Appendix 1, may be completed.

The person nominated to investigate the complaint (see table 1) will then conduct an investigation or appoint an investigating officer to do so. If necessary, witnesses will be interviewed and statements taken from those involved. If the complaint concerns a student, the student will also be interviewed. If a member of staff is complained against, they will also be interviewed.

Once all the relevant information has been gathered, a written summary investigation report will be sent to the complainant, usually within 20 working days of receipt of the complaint. They will be provided with a

written response to the complaint, including a full explanation of the decision and the reasons for it. The complainant will not be advised of any action taken against a staff member or pupil.

If the complainant is not satisfied with the response and they wish to proceed to the next stage of this procedure, they should inform the clerk to the Trust Board/Local Governing Body, in writing, within 10 working days.

Stage 3: Appeal Panel

If the complainant is dissatisfied with the decision under the formal stage, they may appeal. The complaint will only be considered if the relevant procedures at Stages 1 and 2 have been followed.

To request an appeal, the complainant should write to the person named in Table 2 below, within 10 working days of receiving the outcome of the formal stage setting out the grounds for their appeal.

Table 2 – Where to direct the appeal

Member of staff the complaint refers to:	Decision maker	Appeal to:
Member of Academy staff including teacher, support staff etc	Academy Principal / Head teacher	LGB
Head teacher / Head of School / Principal / Governor	Chair of LGB	CEO
Executive Principal	CEO	Chair of Trust Board
BDAT Central Team (not CEO)	CEO	Chair of Trust Board
Chief Executive Officer (CEO)	Chair of Panel delegated by Chair of Trust Board	Chair of Trust Board
Chair of Local Governing Body	CEO	Chair of Trust Board
Chair of Trust Board	Chair of Trustee Panel	Chair of Trustee Appeal Panel

The appeal will be heard by at least 3 members, consisting of two Trustees/Governors and one other appropriate person who is independent of the Trust/Academy. The panel cannot be made up solely of Trustees/ governing body members, as they are not independent of the management and running of the Academy.

The panel will have access to the existing record of the complaint’s progress (see section 9).

The complainant must have reasonable notice of the date of the appeal panel however, the appeal panel reserves the right to convene at their convenience rather than that of the complainant. At the appeal panel meeting, the complainant and representatives from the Trust/Academy, as appropriate, will be present. The complainant may be accompanied at the meeting by one other person such as a friend or relative and should inform the clerk at least three working days before the panel convenes. The clerk to the Trust Board/Local Governing Body will also attend the hearing in order to keep records of the proceedings.

The standard procedure for the appeal panel meeting will be as follows:

- The complainant and the decision maker will enter the hearing together
- The Chair of the Appeal Panel will introduce the panel members and outline the process
- The complainant will explain the complaint
- The panel members and decision maker may question the complainant
- The decision maker will explain the Trust/Academy's actions
- The complainant and the panel members may question the decision maker
- The complainant will sum up their complaint
- The decision maker will sum up the Trust/Academy's actions
- The Chair of the panel will explain that both parties will receive a written outcome from the panel within 15 working days
- Both parties will leave together while the panel deliberates
- The clerk will stay to assist the panel.

Please see Appendix 2 for procedural guidance.

The panel will inform the complainant of the decision within 15 working days. The panel will also provide a copy of the findings and recommendations to the decision maker. The panel can:

- Request further information from the complainant and/or the Academy to assist them in making their decision
- Dismiss the complaint in whole or in part
- Uphold the complaint in whole or part
- Decide on the appropriate action to be taken to resolve the complaint
- Recommend changes to the Trust/Academy's systems or procedures to ensure that problems of a similar nature do not reoccur.

In addition, the panel hearing findings and recommendations will be made available to any individual who is the subject of the complaint and a copy of the findings and recommendations will be available on school premises for inspection by the proprietor and the Headteacher.

Please refer to Appendix 3 for a summary of the complaints procedure

PART 2 – COMPLAINT TO THE TRUST

6. Where the academy-based complaints procedure has been completed and the complainant does not feel their complaint has been dealt with to their satisfaction by the academy they may contact the Trust in writing to request a review of the complaint investigation.

The Trust will only look into complaints about academies that fall into the following two areas.

- a) The academy did not comply with the complaints procedure when considering a complaint or the academy's complaints procedure does not comply with statutory requirements.**

The Trust cannot review or overturn an academy's decisions about complaints but will look at whether the academy considered the complaint appropriately. The Trust will generally only do this after a complaint has been through the academy's own procedure but may investigate sooner if there is evidence of undue delays by the academy. If the Trust finds that an academy did not deal with a

complaint appropriately it will request that the complaint is reconsidered within 30 days. Similarly, if the academy's complaints procedure does not meet statutory requirements then the Trust will ensure this is corrected and the complaint is reconsidered within 30 days.

b) The academy has failed to comply with a duty imposed under its funding agreement with the Secretary of State.

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

Investigations will not usually take place six months or more after the decisions or action taken by the academy unless the complainant has good reason for the delay in making the complaint.

The Trust reserves the right not to investigate complaints considered to be vexatious or malicious or where it is satisfied with the action that the academy has already taken or proposes to take to resolve the complaint.

Formal Procedures for Dealing with a Complaint for both individual academies and the Trust

1. Written complaints will be acknowledged in writing within **5 working days**. The complainant will be given the name of the Investigating Officer.
2. The complainant will be asked to submit a written summary of the complaint.
3. The academy will be asked to provide:
 - a copy of its complaints procedures and details of any other relevant policies or procedures
 - an explanation of how each stage of its complaints procedures has been followed, together with any feedback provided to the complainant
 - any relevant documents and copies of correspondence sent to the complainant
4. The academy will be asked to respond within a reasonable period of time (usually within 10 working days), notifying the Investigating Officer if there is any confidential information which may not be shared with the complainant such as data belonging to individuals not involved in the complaint.
5. The Investigating Officer will respond in writing to the complainant within a reasonable period of time (usually within 15 working days). However, whilst every effort will be made to complete investigations promptly, in some cases, requiring detailed investigations, it will take longer to produce a written response. Where this is the case the complainant will be advised of any revised timescale for production of the written response.
6. Where appropriate the Trust may direct the academy to review its decision on the complaint submitted to it or change its procedures for reaching the decision if they are non-compliant with statutory requirements
7. Throughout this process the Investigating Officer will keep all relevant parties informed of progress.

PART 3 – COMPLAINTS TO THE EDUCATION AND SKILLS FUNDING AGENCY (ESFA)

7. Referring complaints on completion of the Trust/Academy's procedure

If the complainant is unsatisfied with the outcome of the Trust/Academy's complaints procedure, they can refer their complaint to the ESFA. The ESFA will check whether the complaint has been dealt with properly. The ESFA will not overturn a decision about a complaint. However, it will look into:

- Whether there was undue delay, or the Trust/Academy did not comply with its own complaints procedure
- Whether the Trust/Academy was in breach of its funding agreement with the secretary of state
- Whether the Trust/Academy has failed to comply with any other legal obligation

If the Trust/Academy did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the Trust/Academy's complaints procedure is found to not meet regulations, the Trust/Academy will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-Academy>

8. Persistent, Unreasonable or Vexatious complaints

Where a complainant tries to re-open the issue after the complaints procedure has been fully exhausted and the Trust/Academy has done everything it reasonably can in response to the complaint, the Chair of governors (or other appropriate person) will inform the complainant that the matter is closed.

If the complainant subsequently contacts the Trust/Academy again about the same issue, they can choose not to respond. The normal circumstance in which we will not respond is if:

- The Trust/Academy has taken every reasonable step to address the complainant's needs, *and*
- The complainant has been given a clear statement of the Trust/Academy's position and their options (if any), *and*
- The complainant is contacting the Trust/Academy repeatedly but making substantially the same points each time

However, this list is not intended to be exhaustive.

The Trust/Academy will be most likely to choose not to respond if:

- We have reason to believe the individual is making contacting with the intention of causing disruption or inconvenience, and/or
- The individual's letters/emails/telephone calls are often or always abusive or aggressive, and/or
- The individual makes insulting personal comments about, or threats towards staff

The above list is not exhaustive.

Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint.

Once the decision has been taken not to respond further to the complaint, the complainant will be informed in writing, either by letter or email.

The Trust/Academy will ensure when making this decision that complainants making any new complaint are heard, and that the Trust/Academy acts reasonably.

Unreasonably persistent complaints

There are rare circumstances where we will deviate from the Complaints Procedure set out in Part Five (stages of complaints).

These include, but are not necessarily limited to:

- Where the complainant's behaviour towards staff, members of the Local Governing Body or Trustees is unacceptable, for example, is abusive, offensive or threatening
- Where, because of the frequency of their contact with the Trust/Academy, the complainant is hindering the consideration of their or other people's complaints and/or the proper running of the Trust/Academy
- Where the complainant's complaint is vexatious and/or has patently insufficient grounds
- Where the complainant's complaint is the same, similar or based on the same facts of a complaint which has already been considered in full by the Trust/Academy.

In these circumstances, we may:

- Inform the complainant that their behaviour is unacceptable or unreasonably persistent and ask them to change it
- Restrict the complainant's access to the Trust/Academy e.g. requesting contact in a particular form (for example, letters only), requiring contact to take place with a named person only, restricting telephone calls to specific days or times or banning the complainant from the Trust/Academy's premises
- Conduct the Appeal Panel on the papers only i.e. not hold a hearing
- Refuse to consider the complaint and refer it directly to the ESFA.

In all cases we will write to tell the complainant why we believe their behaviour is unacceptable or unreasonably persistent, what action we are taking and the duration of that action.

Where the behaviour is so extreme that it threatens the immediate safety and wellbeing of staff, members of the Local Governing Body or Trustees, we will consider other options, for example reporting the matter to the police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

9. Record-keeping

The Trust/Academy 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 may include copies of correspondence and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally and will be viewed only by those involved in investigating the complaint or on the appeal panel in accordance with the Data Protection Policy.

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) or Subject Access Request (SAR) or under the terms of the General Data Protection Regulation, or where the material must be made available during an inspection.

Records of complaints will be kept from the date of the resolution of the complaint plus a minimum of 6 years in accordance with the data Retention Policy.

The details of the complaint, including the names of individuals involved, will not be shared with the whole Local Governing Body or Trust in case an appeal panel needs to be organised at a later point.

Where the Local Governing Body or Trust is aware of the substance of the complaint before the appeal panel stage, the Academy will (where reasonably practicable) arrange for an appropriate independent panel or a panel of previously uninvolved members 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 Trust, who will not unreasonably withhold consent.

10. Learning lessons

The Local Governing Body/Trust Board review any underlying issues raised by complaints with the Principal/Headteacher where appropriate, to determine whether there are any improvements that the Academy can make to its procedures or practice to help prevent similar events in the future.

11. Monitoring arrangements

The Trust Board/Local Governing Bodies will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The Trust Board will track the number and nature of complaints, and review underlying issues as stated in section 10, but not individual complaint details such as names or personal information.

The complaints records are logged and managed by the Principal/Headteacher or PA to the CEO

This policy will be reviewed by the Trust Board every three years. At each review, the policy will be approved by the full Trust Board. The policy will be reviewed with the JCNC prior to the Board meetings.

The contact details for complaints or information are: 01274 909120 or email info@bdat-academies.org

Appendix One

BDAT Complaint Form

Your
Name:

Pupil/
Student's
Name:

Please indicate your relationship to the
Pupil/Student:

Address:

Daytime Tel No:

Evening Tel No:

Post Code:

Mobile Tel No:

Please provide as much detail about the complaint as possible:

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 provide details:

Signature:

Date:

Internal Use Only:

Date of Acknowledgement:

Acknowledgement sent by:

Date of referral:

Complaint referred to:

Appendix Two

Procedural Guidance for Appeal Panel

1. This document is intended to set out best practice for the operation of an appeal panel and it is recognised that, where circumstances dictate, it may be necessary to depart from this.
2. The Clerk to the Board of Trustees / Local Governors will constitute an appeal panel made up of three members. The constitution of the panel is set out in section 5 of the policy.
3. Once a panel is identified the panel should elect a chair. The chair will work in conjunction with the clerk to make arrangements for the panel hearing, including:
 - a. Setting the date for the hearing
 - b. Identifying an appropriate venue for the hearing giving thought to, amongst other matters, the need for 'break out' rooms and the safeguarding of children. In all but exceptional circumstances the venue should be within the Trust however it is recognised that in some circumstances it may be necessary to hear a complaint at an external venue for example to cater for disability issues
 - c. Setting a date for the exchange of documentation between the parties and the panel
 - d. Carrying out an initial appeal of documents to ensure all documentation is available to the panel and the parties for the hearing. It should be remembered that a number of policies and procedures are available on the Trust/Academy websites and these documents can be called up during the course of the hearing where necessary. Paper copies are available on request
 - e. Identifying any support which is necessary for the panel including HR advice, legal advice, clerking and/or minute taking
 - f. Setting an agenda for the hearing which provides for each party to open their case and question the other party on their case. The chair will ensure that this agenda is followed during the hearing in order to enable each party to fairly set out their case without interruption.
4. Where either party requests a change of dates or provides documents after the specified deadline, a decision on the same will be at the Panel's absolute discretion. Where repeated or unreasonable adjournment requests are received from one party the Panel may proceed in the absence of a party.
5. The scope of the Panel's inquiry will be as set out in the relevant policy. The Panel has discretion to consider matters beyond the scope of the policy where, in the view of the Panel, it will assist the parties to have a determination in order to achieve reconciliation between the parties.
6. The Panel will make a decision on the complaint and may also make recommendations to the Academy which will assist, for example, in achieving reconciliation between the parties or in avoiding future similar incidents. Such recommendations may arise from the complaint or from matters which become apparent during the course of the panel hearing.
7. The hearing will be non-adversarial in style. All parties and their representatives should ensure that they communicate appropriately throughout the hearing. The Panel has the absolute discretion to halt proceedings if an inappropriate approach is taken by any party.
8. After the hearing the Panel will deliberate in private accompanied by any advisor. In all circumstances the decision will be communicated in writing within 15 working days.

Appendix Three

COMPLAINTS HANDLING PROCEDURE FLOWCHART



