



THE BISHOP FRASER TRUST

A CHURCH OF ENGLAND MULTI ACADEMY TRUST

Complaints Procedure

Date policy adopted by Trust Board	10 th March 2022
Date of Next Review	Spring 2025

Version Control

Current version	Previous version	Summary of changes made
Mar 2022	Oct 2020	Updated for composition of panel for stage 2 of policy
		Updated for contact person for complaints
Oct 2020	None	(Individual school policies previously in place).
		New Trust policy based on The Key model policy.

Contents

Section		Page
1	Aims	1
2	Legislation and guidance	1
3	Definitions and scope	2
4	Roles and responsibilities	3
5	Principles for investigation	3
6	Stages of complaint (not complaints against the headteacher or governors)	5
7	Complaints against the headteacher, a governor or the governing board	7
8	Referring complaints on completion of the school's procedure	8
9	Persistent complaints	9
10	Record keeping	11
11	Learning lessons	11
12	Monitoring arrangements	12
13	Links with other policies	12
	APPENDICES	
A	Complaints form	13
B	COVID 19 Addendum	16

1. Aims

- 1.1 Our Trust aims to meet its statutory obligations when responding to complaints from parents of pupils at our schools, and other stakeholders.

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
- Ensure 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

- 1.2 We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The school or Trust (if the complaint has been sent to the CEO or Trustees) will aim to give the complainant the opportunity to complete the complaints procedure in full. To support this, we will ensure we publicise the existence of this policy and make it available on the Trust and school websites. Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

2. Legislation and guidance

- 2.1 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 of pupils at our schools.

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).

- 2.2 This policy complies with our funding agreement and articles of association. In addition, it addresses duties set out in the [Early Years Foundation Stage statutory framework](#) with regards to dealing with complaints about our Trust's fulfilment of Early Years Foundation Stage requirements.

3. Definitions and scope

3.1 Definitions

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”. Our schools will resolve concerns through day-to-day communication as far as possible
- A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”

3.2 Scope

The Trust 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 and disabilities (SEND)
- Safeguarding matters
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

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

3.3 Arrangements for handling complaints from parents of children with special educational needs (SEN) about the school's support are within the scope of this policy, but not related to statutory assessment. Such complaints should first be made to the special educational needs co-ordinator (SENCO)/headteacher; they will then be referred to this complaints policy. Our SEND policy includes information about the rights of parents of pupils with disabilities who believe that our school has discriminated against their child.

3.4 Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned, such as external schools' letting agencies for out of hours' activities.

4. Roles and responsibilities

4.1 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
- Treat all those involved with respect
- Not publish details about the complaint on social media

4.2 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 to the headteacher or complaints committee which includes the facts and potential solutions

4.3 The Headteacher's Personal Assistant or nominated individual.

The Headteacher's PA or nominated individual will:

- Be the contact point for the complainant and the Governor 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

4.4 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

5. 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?

5.1 Time scales

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 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.

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

If at any point we cannot meet the time scales 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

5.2 Complaints about our fulfilment of early years' requirements

We will investigate all written complaints relating to the Trust's fulfilment of the Early Years Foundation Stage requirements, and notify the complainant of the outcome within 28 days of receiving the complaint. The school will keep a record of the complaint (see section 10) and make this available to Ofsted on request.

Parents and carers can notify Ofsted if they believe that the school is not meeting Early Years Foundation Stage requirements, by calling 0300 123 4234 or 0300 123 4666, or by emailing enquiries@ofsted.gov.uk. An online contact form is also available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>.

We will notify parents and carers if we become aware that the school is to be inspected by Ofsted. We will also supply a copy of the inspection report to parents and carers of children attending the setting on a regular basis.

6. Stages of complaint (not complaints against the headteacher or governors)

The complaints procedure consists of at least 3 stages, including

- an informal stage,
- a formal stage
- a panel hearing.

(All meetings at all stages will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. **Prior knowledge and consent of all parties attending must be sought before recording of meetings or conversations take place. Consent will be recorded in any minutes taken).**

6.1 Stage 1: informal

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

The complainant should first raise the complaint **as soon as possible** with the relevant member of staff to try and resolve the issue or the headteacher as appropriate, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact their child's school office by phone/email, details of which can be found on each school's website.

The school will acknowledge informal complaints by email/telephone conversation within **2 school days**, and investigate and provide a response within **10 school days**.

The informal stage will involve a meeting between the complainant and the member of staff investigating the complaint and/or the subject of the complaint, as appropriate.

If the complaint is not resolved informally, it will be escalated to a formal complaint.

6.2 Stage 2: formal

The formal stage involves the complainant putting the complaint to the headteacher or governing board as follows:

- **By completing the complaints form shown in Appendix A of this document on page 14 and sending it to school by email or letter**
- By a third party acting on behalf of the complainant but still using Appendix A to log the formal complaint

The complainant should provide details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents, **and what they feel would resolve the complaint.**

If complainants need assistance raising a formal complaint, they can contact the school office.

6.2.1 The headteacher (or designated member of the senior leadership team) will call a meeting to clarify concerns, and seek a resolution. The complainant may be accompanied to this meeting, and should inform the school of the identity of their companion in advance.

6.2.2 In certain circumstances, the school may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the school will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.

6.2.3 The headteacher (or designated member of the senior leadership team) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within **10 school days.**

6.2.4 If the complainant still feels their complaint has not been sufficiently resolved they may wish to proceed to the next stage of the procedure. Notification of this must be within **5 school days of receiving the written conclusion** to the stage 2 investigation, they should inform the Headteacher's PA or nominated individual:

- By letter or email
- Through a third party acting on behalf of the complainant

The Headteacher's PA or nominated individual will need the details of the complaint as set out above, as well as details from the complainant on how they feel the previous stage of the procedure has not addressed their complaint sufficiently, **and what they feel would resolve the complaint.**

6.2.5 Requests received outside of this time frame will be considered in exceptional circumstances.

6.2.6 The Headteacher's PA or nominated individual will acknowledge receipt of the request within 2 school days.

6.3 Stage 3: review panel

6.3.1 Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at the second, formal, stage.

6.3.2 The panel will be appointed by or on behalf of the governors and must consist of at least 3 people who were not directly involved in the matters detailed in the complaint. The members of the panel will be made up of at least two school governors and one independent person (e.g. a governor from another Trust school) who have not been involved in the issue.

6.3.3 The panel will have access to the existing record of the complaint's progress (see section 10).

6.3.4 The complainant must have reasonable notice of the date of the review panel; however, the review panel reserves the right to convene at their convenience rather than that of the complainant, but a minimum of 5 school days' notice will be given. At the review panel meeting, the complainant and the investigating officer and Headteacher from the school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

6.3.5 The complainant must be allowed to attend the panel hearing and be accompanied by one person if they wish.

6.3.6 A person aged 18 or under will be permitted to attend a panel hearing when invited to do so by the panel, and will then leave when their submission has been presented and questions posed.

6.3.7 At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called, as appropriate, to present their evidence.

6.3.8 The panel, the complainant and the school representative(s) will be given the chance to ask and reply to questions. Once the complainant and school representative(s) have presented their cases, they will be asked to leave and evidence will then be considered.

6.3.9 The panel will then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint, and make a copy available for inspection by the Chair of Trustees and CEO. The Chair of Trustees and CEO will be provided with copies of the complaint outcome letters.

6.4.0 **The school will inform those involved of the decision in writing within 5 school days.**

7. Complaints against the headteacher, a governor or the governing board

7.1 Stage 1: informal

- a) Complaints made against the headteacher or a member of the local governing board (not the chair) should be directed to the Chair of the local governing board in the first instance who will assign a suitably-skilled and impartial governor to carry out the steps at stage 1 (set out in section 6.1 above).
- b) If the complaint is about the chair of governors, the complaint should be directed to the Chair of Trustees who will assign a suitably-skilled and impartial Trustee to carry out the steps at stage 1 (set out in section 6.1 above).

7.2 Stage 2: formal

The formal stage involves the complainant putting the complaint to either:

- a) The Chair of the local governing body (for complaints against the Headteacher or member of the local governing board), who will, with the support of the CEO, conduct their own investigation in line with 6.2.
- b) The Chair of Trustees (for complaints against the chair of governors), who will, with the support of the CEO, conduct their own investigation in line with 6.2.

The complainant must complete in writing the form in Appendix 1
Both will write a formal response to the complainant at the end of their investigation.

7.3 Stage 3: review panel

Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at the second, formal stage.

The panel will be appointed by or on behalf of the Trust and must consist of at least 3 people who were not directly involved in the matters detailed in the complaint, one of which will be a trustee.

- 7.4 If the complaint is about a Trustee, the Chair of Trustees will investigate the complaint. If the complaint is about the Chair of Trustees, a committee of independent persons will hear the complaint. They will be sourced from the Members of the Trust and will carry out the steps at stage 3 (set out in section 6.3 above).

8. Referring complaints on completion of the school's procedure

- 8.1 If the complainant is unsatisfied with the outcome of the Trust's complaints procedure, they can refer their complaint to the 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. However, it will look into:

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

8.2 If the school did not deal with the complaint properly, it will be asked to re-investigate the complaint. 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: <https://www.gov.uk/complain-about-school>

We will include this information in the outcome letter to complainants.

9.0 Unreasonably persistent complaints

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

- Has made the same complaint before, and it's already been resolved by following the school's complaints procedure
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- Knowingly provides false information
- Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure
- Pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refused to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the time frames it sets out
- Changes the basis of the complaint as the investigation goes on
- Makes a complaint designed to cause disruption, annoyance or excessive demands on school time
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value

9.1 Steps we will take

We will take every reasonable step to address the complainant's concerns, 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.

If the complainant continues to contact the school in a disruptive way, we may put communications strategies in place. 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

9.2 Stopping responding

We may stop responding to the complainant when all of these factors are met:

- We believe we have taken all reasonable steps to help address their concerns
- We have provided a clear statement of our position and their options
- The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

- 9.3 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 our school site.

9.4 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 the local process is complete
- Direct them to the DfE if they are dissatisfied with our original handling of the complaint

If there are new aspects, we will follow this procedure again.

9.5 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.

10. Record keeping

- 10.1 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 held centrally, 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.

- 10.2 Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and in line with guidance in with the Information and Records Information Schools' Toolkit Schedule.
- 10.3 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 all of the governing board is aware of the substance of the complaint before the review panel stage, the Trust 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 Trust board, who will not unreasonably withhold consent.

11. Learning lessons

The local governing board /Trust board will review any underlying issues raised by complaints with the Headteacher/CEO 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.

12. Monitoring arrangements

The local governing board, along with the headteacher and CEO will monitor the effectiveness of the complaints procedure in its school, ensuring that complaints are handled properly. The local governing board, along with the headteacher and CEO, will track the number and nature of complaints, and review underlying issues as stated in section 11.

The complaints records are logged and managed by a nominated individual in each school. This will normally be the Headteacher's Personal Assistant, if the Headteacher has a PA. If not, the Headteacher will nominate who will undertake this responsibility and indicate this on the formal complaints form for their school.

This policy will be reviewed by the Trustees' Education & Standards Committee every 3 years.

At each review, the policy will be approved by the full board of Trustees.

13. Links with other policies

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Exclusions policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEN policy
- Privacy notices

APPENDIX A

Formal Complaint Form

Stage 2

Please complete and return to the Headteacher's Personal Assistant/Nominated individual who will acknowledge receipt and explain what action will be taken.

School name:
Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address:
Postcode:
Day time telephone number:
Evening telephone number:
Email address:

Please underline who you are addressing this form to :

- a) To the headteacher (for complaints about a member of staff or a school issue)
- b) The Chair of the local governing body (for complaints against the Headteacher or member of the local governing board)
- c) The Chair of Trustees (for complaints against the Chair of Governors)

Please give details of your complaint, including whether you have spoken to anybody at the school about it.

What actions do you feel might resolve the problem at this stage? This must be completed.

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

Signature:

Date:

Official use

Date acknowledgement sent:

By whom:

Complaint referred to:

Date:

APPENDIX B

COVID 19

We understand that this is currently a difficult time for parents and children as well as for our staff in being reassured that our schools are COVID safe.

We will continue to communicate with our whole school community, including parents, students and staff, the measures being taken in line with government guidance to ensure our schools are as safe a place to be as possible.

We would encourage anyone with any anxieties or worries to please contact their child's Headteacher to discuss their concerns, but during this time, schools are not expected to handle new or existing complaints while they are partially closed during the coronavirus outbreak.

Please see below for the advice for complaints regarding Covid 19 related complaints

<https://www.gov.uk/government/publications/school-complaints-procedures/best-practice-advice-for-school-complaints-procedures-2019>

Handling complaints during the coronavirus (COVID-19) outbreak

From the start of the autumn term 2020, the DfE expects schools to respond to new and existing complaints. However, the DfE does not expect schools to respond if a **tier 4 local restriction is in place or school access is restricted due to localised cases of coronavirus (COVID-19)**. Schools should still, however, engage with parents and pupils where possible.