



Wisdom for life

Complaints Procedure

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1. Aims

Our trust aims to meet its statutory obligations when responding to complaints from parents of pupils at the school, and others.

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.
- Treat complainants with respect.
- Keep complainants informed of the progress of the complaints process.
- Consider how the complaint can feed into school and trust improvement evaluation processes.

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

The trust 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 our website, and on the websites of our schools.

2. 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 of pupils in our trust.

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).

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 the trust's fulfilment of Early Years Foundation Stage requirements.

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”.

A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”.

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 (SEN)
- Safeguarding matters
- Exclusion
- Whistle-blowing
- 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 a school’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. Each school’s SEN policy and information report includes information about the rights of parents of pupils with disabilities who believe that our trust, or a school within our trust, has discriminated against their child.

Complaints about services provided by other providers who use trust premises or facilities should be directed to the provider concerned.

This policy does not cover complaints relating to schools who are ‘associate members’ of the trust. Please contact the individual school for a copy of their complaints policy.

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 or trust throughout the process, and respond to deadlines and communication promptly.
- Ask for assistance as needed.
- 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. Clerk to the local governing body and trust 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.

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.

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 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.

5.1. 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 with 28 days of receiving the complaint. Schools will keep a record of the complaint (see section entitled 'Record Keeping' below) and make this available to Ofsted on request.

Parents and carers can notify Ofsted if they believe that a school is not meeting Early Years Foundation Stage requirements by:

- Calling 0300 123 4666
- Emailing enquiries@ofsted.gov.uk
- Using the online contact form available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>

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

6. Summary of complaints procedure

We have adopted a 4-stage process for dealing with complaints:

- Stage 1 – informal resolution
- Stage 2 – formal investigation
- Stage 3 – local governing body panel hearing

- Stage 4 – review by the trust board

7. Stage 1: informal resolution

The trust will take informal concerns seriously and make every effort to resolve that matter quickly.

The complainant should raise the complaint as soon as possible with the relevant member of school staff or the headteacher/head of school, 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 school office.

The school will acknowledge informal complaints within 5 working days, and provide a response within 15 working days.

The informal stage may involve:

- A meeting between the complainant and the headteacher / head of school or another member of the school's Senior Leadership Team.
- Provision of additional information or clarification.
- Amendments to provision or practice.
- Provision of additional support or guidance.
- Mediation.
- Conflict resolution.

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

8. Stage 2: formal investigation

The formal stage involves the complainant putting the complaint into writing. This letter should provide details such as:

- Relevant dates and times.
- The names of witnesses of events.
- What the complainant feels would resolve the complaint.

The letter should be submitted alongside copies of any relevant documents.

8.1. Addressing your complaint

Complaints not involving the headteacher or a member of the local governing body should be directed to [the headteacher / head of school]. This can be done by:

- Email: Please email via the relevant school office.
- Letter addressed to the headteacher/head of school, delivered to the school office.

Complaints involving the headteacher, head of school or a member of the local governing body should be directed to the chair of the local governing body. This can be done by:

- Email: Please ask the relevant school office for the chair's email address.
- Letter addressed to the chair of the local governing body, delivered to the school office.

Complaints involving the chair of the local governing body should be directed to the chair of the board of trustees. This can be done by:

- Email: office@boat.academy
- Letter: Chair of Trustees, c/o any school office

If you are not sure where to address your complaint, contact the school office.

8.2. Investigation

The complainant will receive written acknowledgement of their complaint within 5 working days.

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

The investigating officer (such as the headteacher or the chair of the local governing body) will then conduct their own investigation. The investigation may include:

- Reviews of relevant documents.
- Interviews with pupils, parents, staff and other involved parties.

The written conclusion of this investigation will be sent to the complainant within 15 working days.

If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the investigating officer in writing within 15 working days.

9. Stage 3: local governing body panel hearing

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. At least 1 panel member must be independent of the management and running of the school.

The panel cannot be made up solely of local governing body members, as they are not independent of the management and running of the school.

The panel will have access to the existing record of the complaint's progress (see section entitled 'Record Keeping' below). The local governing body is responsible for ensuring that the panel is properly minuted.

The complainant must be notified of the date, time and location of the review panel at least 5 working days in advance. However, the review panel reserves the right to convene at their convenience rather than that of the complainant.

At the review panel hearing, the complainant and representatives from the school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant is allowed to attend the panel hearing and be accompanied if they wish.

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

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.

The panel must then put together its findings and recommendations from the case. The panel will also provide a copy of 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 trust and headteacher.

The panel will inform those involved of the decision in writing within 5 days.

10. Stage 4: review by the trust board

Where the school-based complaints procedure has been completed, and the complainant does not feel their complaint has been addressed to their satisfaction, they may contact the trust in writing to request a review of the complaint investigation.

They can do this by:

- Email: office@boat.academy
- Letter: Chair of Trustees, c/o any school office

The written request should include a summary of the complaint, along with any relevant dates, times and evidence.

The trust will only investigate complaints where:

- The school did not comply with the complaints procedure.
- The school or trust's complaints procedure does not comply with statutory requirements.
- The school has failed to comply with a duty imposed under its funding agreement.

The trust cannot overturn decisions on complaints made during the school's complaints procedure. However, it can assess whether the school considered the complaint appropriately.

If it is found that the school did not address a complaint appropriately, or that statutory requirements were not met, the trust will require the complaint to be reconsidered within 15 days. This also applies where adjustments must be made to the complaints procedure to bring it in line with statutory requirements.

10.1. Investigation

Where a complaint is raised with the trust, the trust's investigating officer will acknowledge the complaint in writing within 5 days.

The school will be asked to provide the following within 5 days:

- Details of any relevant policies and procedures.
- An explanation of how each stage of the complaints procedure has been followed.
- A response to the complaint, including relevant documents and correspondence.

The investigating officer will provide a written response to the complaint within 15 days.

11. Complaints about the trust or central staff

We use a 3-step process for addressing complaints made about the trust as a whole, or against central staff:

- Stage 1 – informal resolution
- Stage 2 – formal investigation
- Stage 3 – trust board panel hearing

11.1. Stage 1: informal resolution

We make every effort to address any concerns or complaints early through informal measures.

The complainant should raise any concerns as soon as possible with the relevant member of the trust's central team, or the chief executive officer (CEO).

If the concern regards the CEO, the complainant should contact the chair of the board of trustees.

If the complainant is unsure who to contact, or needs to contact the chair of the board of trustees, they should contact the trust office:

Email: office@boat.academy
Telephone: 01273 454470
Post: Bishop Otter Academy Trust c/o St Nicolas and St Mary CE Primary School,
Eastern Avenue, Shoreham, West Sussex BN43 6PE

The process for responding to and investigating an informal complaint about the trust or central staff is the same as that set out in section 7.

11.2. Stage 2: formal investigation

If the complaint is not resolved satisfactorily at the informal stage, the complainant must submit a formal complaint in writing.

The complainant will receive written acknowledgement of their complaint within 5 working days.

The investigating officer will then conduct an investigation, in line with the process set out in section 8 above, providing a written response to the complainant within 15 working days.

11.3. Step 3: trust board panel hearing

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.

A panel will be appointed by the trust, and will consist of 3 members of the board not involved in investigating the complaint in the formal stage.

The complainant must be notified of the date, time, and location of the review panel at least 5 working days in advance. However, the review panel reserves the right to convene at their convenience rather than that of the complainant.

The complainant and representatives from the trust, as appropriate, will be present at the panel hearing. Each will have an opportunity to set out written or oral submissions prior to the meeting.

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

The board will ensure that the hearing is properly minuted.

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.

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

The panel must then put together its findings and recommendations from the case. The panel will also provide a copy of 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 trust.

The panel will inform those involved of the decision in writing within 15 days.

12. Referring complaints on completion of the school and trust procedures

If the complainant is unsatisfied with the outcome of the school or trust 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 the school or trust's decision about a complaint. However, it will look into:

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

If the complaint was not dealt with properly, the school or trust will be asked to re-investigate the complaint. If the complaints procedure is found not to meet regulations, the trust 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>

13. Persistent complaints

Where a complainant tries to re-open the issue with the school or trust after the complaints procedure has been fully exhausted and the school or trust has done everything it reasonably can in response to the complaint, the chair of the local governing body or the chair of the board of trustees will inform the complainant that the matter is closed.

If the complainant subsequently contacts the school or trust again about the same issue, the school or trust can choose not to respond. The normal circumstance in which the school or trust will not respond is if:

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

However, this list is not intended to be exhaustive.

The school or trust will be most likely to choose not to respond if:

- There is reason to believe the individual is contacting the school 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, school or trust staff
- Unreasonable behaviour which is abusive, offensive, or threatening may constitute an unreasonably persistent complaint.

Once the school or trust has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

The school or trust will ensure when making this decision that complainants making any new complaint are heard, and that the school and trust act reasonably.

14. 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.
- The final outcome.

The records will also include copies of letters and emails, and notes related to meetings and phone calls.

This material will be treated as confidential and stored securely in the school office, and will be viewed only by those involved in investigating the complaint or on the review panel.

In the case of complaints about the trust or central staff, these records will be managed by the clerk to the board of trustees and will be stored securely in the trust's offices under restricted access.

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 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 for 6 years.

The details of the complaint, including the names of individuals involved, will not be shared with the whole local governing body of the school (or the entire trust board) in case a review panel needs to be organised at a later point.

Where the local governing body 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 local governing body, who will not unreasonably withhold consent.

15.Learning lessons

The local governing body will review any underlying issues raised by complaints with the headteacher/head of school, 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.

The trust board/CEO will receive regular reports on the types of complaints received in each school in order to support the development of appropriate support structures, and to inform an improvements to procedures or practice.

16.Monitoring arrangements

The local governing body will monitor the effectiveness of the school complaints procedure in ensuring that complaints are handled properly.

The local governing body will track the number and nature of complaints, and review underlying issues as stated in the section entitled ‘Learning lessons’.

The complaints records are logged and managed by the school’s headteacher/head of school.

The CEO will monitor the effectiveness of the complaints procedure trust-wide.

This policy will be reviewed by CEO/trust board every 4 years or earlier if required.

At each review, the policy will be approved by the trust board following consultation with local governing bodies.

17.Links with other policies

Policies dealing with other forms of complaints include, or will include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Exclusions policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEN policy and information report