



Bishop Anthony Educational Trust

Burley Gate C E Primary School

Complaints Policy

Policy Date: January 2016

MAT Board Approval: 23 March 2016

Next Review Date: March 2019

Headteacher *Miss B J Donald*

Chair of Governors *Mrs S Moody*

Update

Format change no procedural content change

Multi-Academy Trust updated to
Bishop Anthony Educational Trust
Education Funding Agency updated to
Education Skills and Funding Agency
Contact telephone number update

Policy, Approval and Review dates added

Date:

October 2017

October 2017

October 2017

October 2017

October 2017

Who should use this policy?

This policy should be used by parents, carers, pupils and members of the wider public to raise a concern or complaint with the academy. Staff wishing to raise a concern should use the Staff Grievance policy.

The Management of Complaints

At **Burley Gate C E Primary** and in all academies in the Bishop Anthony Educational Trust, we encourage all parents, carers and pupils to approach any member of staff in the first instance if they have a concern or a complaint. People who are not parents of pupils attending the academy should raise their concern or complaint with the Headteacher in writing. If a member of the public's concern or complaint is regarding the Headteacher the information should be sent in writing to the Chair of Governors, via the academy office, marked urgent and confidential.

In the event that these initial approaches fail to resolve a complaint, this policy lays out the procedures that should be followed to allay any concerns about a particular issue.

There are three academy-based stages to the complaints procedure:

Stage 1 – informal investigation of complaint heard by class teacher

Stage 2 – complaint heard by Head teacher

Stage 3 – complaint heard by the local governing body's complaints panel

Anonymous concerns or complaints will not be investigated under this procedure, unless there are exceptional circumstances. To enable proper investigations, concerns or complaints should be brought to the attention of the academy as soon as possible.

In the event that the complainant believes that the academy has failed to comply with its own complaints procedure or that the academy's complaints procedures does not comply with statutory requirements the complainant may complain to the Multi Academy Trust.

If you do not understand any part of this policy, please do not hesitate to contact the Headteacher or the member of the Local Governing Body who is responsible for complaints. Your complaint will then be investigated fully, ensuring all the relevant facts are taken into consideration.

STAGE 1 - Dealing With Concerns and Complaints Informally

A concern or complaint can be registered either verbally or in writing. Initially the complainant should speak to the relevant member of staff unless the complaint is being raised by a member of the public, in which case the concern should be raised with the Headteacher or Chair of Governors in writing. However, if there is difficulty in discussing the issue with the relevant member of staff, the complainant can be referred to another member of staff, who will clarify the nature of the issue and the outcome required.

In the case of serious concerns, it may be appropriate to address them to the Headteacher directly (or to the Chair of the Local Governing Body, if the complaint is about the Headteacher)

If the member of staff first contacted cannot resolve the matter immediately, they should make a clear note of the date, name, contact address, phone number and brief details of the concern/complaint. This information will be passed to the Headteacher at the earliest opportunity and recorded in the academy's complaints log.

The Headteacher will identify the appropriate procedure and either conduct the investigation or nominate an appropriate colleague to do so. Complainants should be encouraged to state what they feel might resolve the problem. The Headteacher will communicate verbally with the complainant to ensure they are clear about what action or monitoring of the situation has been decided on, giving a date if appropriate and only putting this in writing if this seems the best way to make things clear.

If a parent or pupil felt that, their initial contact with a member of staff did not deal with the concern to their satisfaction they should complete a Complaints Form (Appendix B) and return it to the Headteacher.

If the complaint refers to the Headteacher then the Complaints Form should be returned to the Chair of the Local Governing Body (contact details are available in confidence from the academy office).

If the complaint concerns the Local Governing Body then the form should be returned to:
Chief Executive Officer, The Bishop Anthony Educational Trust, Unit 11, The Business Quarter, Ludlow Eco Park, Sheet Road, Ludlow, Shropshire, SY8 1FD, Tel: 01584 838880 or by email to complaints@baet.org.uk

STAGE TWO - Formal Referral to the Headteacher

Where the Headteacher has acted at Stage One another senior member of staff may be nominated to investigate the complaint.

The complaint will be acknowledged in writing within **five academy days**, giving the name of the person who will conduct the investigation and a target date for providing a response, usually within **10 academy days**.

The nature of the complaint will be clarified and unresolved issues outlined. It will be established what has happened so far and who has been involved. A meeting will be arranged to ensure all the information relating to the complaint has been documented and to find out what action the complainant feels would put things right.

Everyone involved in the complaint will be interviewed, accompanied by a friend or companion, if they wish, to ensure that all the facts of the complaint are understood. The interview will be recorded to ensure a correct record is recorded. A written record of the complaint, the process of investigation, meetings, telephone conversations and other documents will be kept for two years. These are confidential.

Those involved in the complaint will be encouraged to say what actions they feel would remedy the situation at any time. The person investigating the complaint will produce a report and a written response to the complainant.

Whilst every effort will be made to complete investigations promptly, in some cases, requiring detailed investigations, and/or where a number of witnesses may need to be interviewed, 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.

The written response will include:

- details of the agreed subject matter of the complaint
- details of who was contacted in connection with the subject matter of the complaint (and in brief) the evidence that was obtained
- a full explanation of the decision reached and the reasons for it.
- where applicable, what action the academy will take to address the complaint and prevent recurrence.
- what to do if the complainant is not satisfied information on how to request a review by the governing body and the timescale.

STAGE THREE – Local Governing Body Complaints Panel

A request to review a complaint investigation should be made in writing to the Chair of the Local Governing Body within **28 academy days** of receipt of the outcome letter and should give the reasons for requesting a review.

The Chairman of the Local Governing Body will convene a Complaints Panel consisting of two governors who should not have been involved in the early stages of the complaint and one person who is independent of the management and running of the academy. The Bishop Anthony Educational Trust will arrange for appointment of an independent person for the Complaints Panel. The panel will elect their own Chair.

A Clerk will be appointed to the panel. The Clerk will usually convene the Complaints Panel hearing within **15 academy days** of receipt of the review request. The Clerk will:

- set the meeting date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- where possible give a minimum of **5 academy days**' notice of the hearing;
- 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 Complaints Panel is the last academy based stage of the complaints process. Individual complaints would not be heard by the whole governing body at any stage, as this would compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

The Complaints Panel can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the academy's systems or procedures to ensure that problems of a similar nature do not recur.

It is important that the Complaints Panel hearing is independent and impartial and that it is seen to be so. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, governors need to try to ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.

The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the academy and the complainant. The panel Chair will ensure that the proceedings are as welcoming as possible. The complainant may bring a friend or representative to the meeting, if they wish. Extra care needs 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 Chair of the Complaints Panel will notify the complainant of the panel's decision in writing within **5 academy days**. Copies of the panel's findings or recommendations will be made available at the academy for inspection by the Bishop Anthony Educational Trust and the Headteacher. The letter will explain that in the event the complainant does not feel their complaint has been dealt with to their satisfaction by the academy they may contact the Chief Executive Officer of the Bishop Anthony Educational Trust. Unit 11, The Business Quarter, Ludlow Eco Park, Ludlow, Shropshire, SY8 1FD, 01584 838880.

Any complaints referred to the Bishop Anthony Educational Trust will be dealt with under a separate policy titled *Policy Relating to the Management of Complaints to the Multi Academy Trust*. This policy is available on the Trust website www.baet.org.uk or is available on request from the Bishop Anthony Educational Trust.

If, following a review of the complaint process by the Bishop Anthony Educational Trust the complainant is still not satisfied they have the right to complain to the Education Skills and Funding Agency, using an online complaints form.

Records of Complaints

A confidential written record will be kept of all complaints and any action taken by the academy as a result of the complaint, regardless of whether they were upheld, resolved at the preliminary stage or proceeded to a panel hearing.

Correspondence, statements and records relating to individual complaints are kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Education and Skills Act requests access to them.

Review of Complaints

The Local Governing Body will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. The Headteacher will report any official complaints in the Headteacher's Report to Governors and to the Bishop Anthony Educational Trust Board of Directors.

As well as addressing an individual's complaint, the process of listening to and resolving complaints will contribute to academy improvement. When individual complaints are heard the Local Governing Body may identify underlying issues that need to be addressed. The monitoring and review of complaints by the academy and the Local Governing Body will be a useful tool in evaluating the academy's performance.

Acceptable Behaviour

Whilst the Academy recognises that the process of raising a concern or complaint can be very stressful, the Bishop Anthony Educational Trust will not tolerate aggressive, violent, abusive or anti-social behaviour towards anyone on the academy site. Parents and members of the public are required to behave in a polite and courteous manner and to abide by the guidance set out in the "*Expected Behaviour of Parents and Visitors to an Academy*" policy, which is available on the academy website or on request from the Bishop Anthony Educational Trust offices. Academy staff are expected to behave in a courteous and professional manner when dealing with parents and member of the public at all times.

Vexatious Complaints

It is the aim of the Bishop Anthony Educational Trust to resolve all complaints to the satisfaction of all parties. However, if there is an occasion when, despite all stages of the complaints procedures having been followed, the complainant remains dissatisfied and 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.

Publicising the Procedure

There is a legal requirement for the complaints procedure to be publicised. Each academy will include this information on the academy website. A copy will also be included in the policy file held in the academy office.

Review of Policy

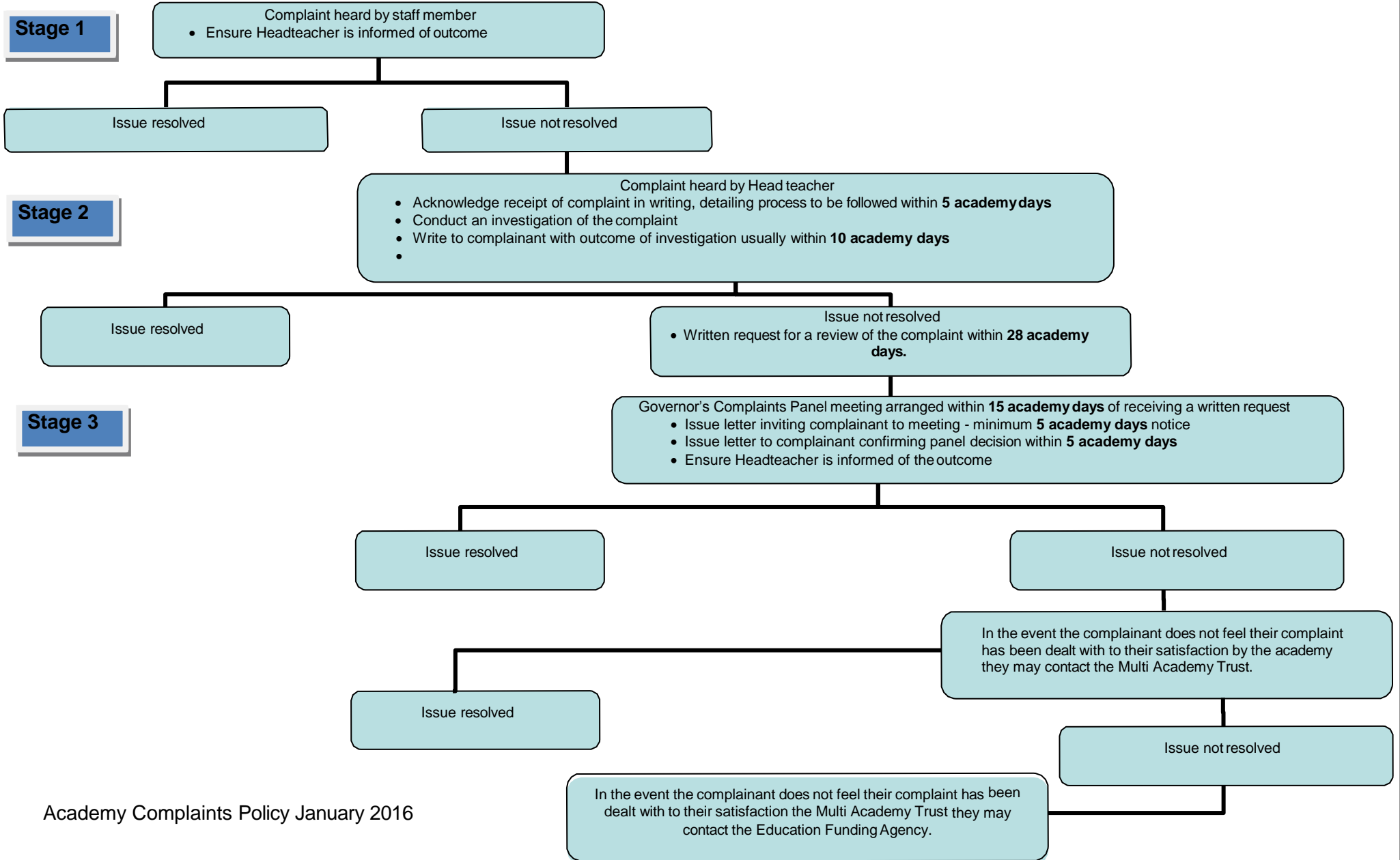
There will be review of this policy every 3 years by the Local Governing Body.

Relevant Legislation

Part 7 of the Education (Independent Academy Standards) (England) Regulations 2014

Summary of Dealing with Complaints

Annex A - Flowchart



Annex B - Example of a complaint form

Please complete and return to (*INSERT NAME*) who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Please give details of your complaint.

**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:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date: