



## Complaints Policy

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|-----------------------|------------------------------|
| <b>Review Due:</b>    | April 2021                   |
| <b>Last Review</b>    | April 2020                   |
| <b>Applicable to:</b> | All Trust Schools            |
| <b>Reviewed By:</b>   | SP                           |
| <b>Approved By:</b>   | Board of Trustees April 2020 |

### Comments:

Policy originally approved September 2019 but has received a minor amendment in April 2020 which allows for complaints about Headteachers and Executive Principals which were not catered for by the previously approved version. The first paragraph has also been amended as it was felt it wasn't clear enough in the previous version. Amendment approved by external solicitors.

The Board of Trustees of the Bath and Mendip Partnership Trust (the “**Trust Board**”) have agreed this policy, which applies to all schools within The Bath and Mendip Partnership Trust (the “**Trust**”).

For the avoidance of doubt, this policy only applies to the Parents/Carers of pupils at schools within the Trust. If someone who is not a Parent/Carer wishes to make a complaint, it should first be directed to the Trust or relevant school (as appropriate). Only if this initial contact fails to resolve the situation should the complaint be submitted in writing to the Head Teacher (if the complaint is about a particular school) or the Chair of the Trust Board (if the complaint is about a Head Teacher specifically). The Head Teacher or Chair of the Trust Board will (as appropriate) acknowledge receipt of the complaint before considering it and issuing a final written response.

## **1. Aims**

- 1.1 The Trust and the schools within it undertake to provide a friendly and safe environment in which pupils will be helped to achieve their potential, both academically and socially. The Trust recognises, however, that sometimes things can go wrong and parents, carers and members of the public may need to make a complaint or raise concerns they have with the school. This policy tells you what to do if this happens.
- 1.2 The prime aim of this policy is to resolve the complaint as fairly and speedily as possible. Formal complaints will be dealt with in a sensitive, impartial and confidential manner. Malicious complaints may incur appropriate action by the school. Any complaints concerning the conduct of school staff will be handled in accordance with the school’s internal disciplinary procedures such an investigation will remain confidential.
- 1.3 The majority of issues raised by parents, the community or pupils, are concerns rather than complaints. The Trust is committed to taking concerns seriously, at the earliest stage, in the hope of keeping the number of formal complaints to a minimum and without needing formal procedures. However, depending on the nature of the complaint, you may wish to or be asked to follow the school’s complaints procedure. Throughout the process, the Trust will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals

## **2. Definitions**

- 2.1 The Department for Education (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 school 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. Scope**

- 3.1 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.
- 3.2 This policy does not cover complaints procedures relating to:

- admissions;
- Data Protection or Freedom of Information
- statutory assessments of special educational needs (“SEN”);
- safeguarding matters;
- exclusion;
- whistle-blowing;
- staff grievances; or
- staff discipline.

3.3 Please see the Trust’s separate policies or to statutory procedures relating to these types of complaint.

3.4 Arrangements for handling complaints from parents of children with SEN about the support available at schools within the Trust are within the scope of this policy. Such complaints should first be made to the child’s class teacher or to the relevant school’s special educational needs coordinator (“SENCO”). They will then be referred to this complaints policy. The respective school’s SEN policy and SEN information report includes information about the rights of parents of pupils with disabilities who believe that our school has discriminated against their child.

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

#### **4. Principles for Investigation**

4.1 When investigating a complaint, the Trust will try to clarify:

- what has happened;
- who was involved; and
- what the complainant feels would put things right.

#### **5. Timescales**

5.1 The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, it must be raised within 3 months of the last incident.

5.2 The Trust 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.

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

5.4 If at any point the Trust cannot meet the timescales it has set out in this policy, it will set new time limits and send the complainant details of the new deadline and explain the delay.

#### **6. Early Years’ Complaints**

6.1 The Trust will investigate all written complaints relating to the school’s fulfilment of the Early Years Foundation Stage (“EYFS”) requirements in accordance with the following process:

- the written concern / complaint will be acknowledged within 5 days;
- the Head Teacher will investigate the concern / complaint which may include meeting with the complainant and the Head of Early Years. A written response notifying the complainant of the outcome of the investigation will be sent within 28 days of the complaint being received; and
- where the complainant remains dissatisfied, the Head Teacher will ensure that a formal complaints panel will be convened in accordance with stage 4 of this policy.

6.2 The school will keep a record of the complaint (see section 10) and make this available to the Office for Standards in Education, Children’s Services and Skills (“**Ofsted**”) on request.

6.3 Parents and carers can notify Ofsted if they believe that the school is not meeting EYFS requirements, by calling 0300 123 4666, or by emailing CIE@ofsted.gov.uk.

## **7. Complaints Procedure**

This procedure has 4 main stages

### **7.1 Stage 1: Informal Stage**

7.1.1 Concerns can be raised with the school at any time and will often generate an immediate response, which will resolve the concern. The school requests that parents make their first contact with the pupil’s classroom teacher before a request is made to deal with it under this policy. Alternatively, the concern can be raised with the Head Teacher. If the complainant is unclear about who to contact / how to contact them they should contact the school office. Contact details can be found in Appendix 1 to this policy.

7.1.2 It is important for parents / carers / community members to recognise that the Trust is a busy organisation and that whilst it will do its best, the Trust may not be possible to offer an appointment immediately.

7.1.3 On some occasions, the concern raised may require investigation, or discussion with others, in which case the complainant will receive an informal (but informed) response, or otherwise details of when one may be received, within 5 school days. The vast majority of concerns will be satisfactorily dealt with in this way. If a complaint is not resolved at the informal stage, then a complainant may take it to the formal stage.

7.1.4 It is a precondition to the operation of this policy that the complainant shall have made reasonable attempts to seek an informal resolution and shall have acted in relation to the matter in a reasonable and measured way consistent with the school’s behaviour policy adopted from time to time. The Chair of the Trust Board shall have discretion not to allow a complaint to be pursued where this precondition has not been met.

### **7.2 Stage 2: Formal Stage - Complaint heard by Head Teacher**

7.2.1 If the complainant’s concern or complaint is not resolved informally, he / she may put the complaint in writing, setting out briefly the facts and stating what it is that the complainant considers should have been done or where the school has not met reasonable expectations. This can be done by letter or by e-mail addressed to the school’s Head Teacher. This will need

to be within 10 school days of the date of receipt of the school's informal response and passed to the Head Teacher, who will be responsible for ensuring that it is investigated appropriately.

- 7.2.2 It is very important that the complainant includes a clear statement of the actions he / she would like the school to take to resolve their concern / complaint. Without this, it is much more difficult to proceed and complainants are advised to use the school's complaint form for this purpose (please see Appendix 2). Receipt of the complaint will be logged, including the date it was received. If you need assistance in raising a formal complaint please contact the school office.
- 7.2.3 The Head Teacher (or another person appointed by the Head Teacher for this purpose) may invite the complainant to a meeting to clarify his / her concerns and to explore the possibility of an informal resolution.
- 7.2.4 If a complaint is not resolved through an informal meeting then the Head Teacher or other person appointed by the Head Teacher will conduct their own investigation. The investigator will speak to others involved. In any case the complainant will learn in writing, within five school days his / her formal complaint, of how the school intends to proceed. This notification will include an indication of the anticipated timescale.
- 7.2.5 The investigator will put his / her findings in writing and will indicate what, if any, steps should be taken to resolve the matter. Whenever reasonably possible, this will be done within fifteen school days of any meeting with the complainant. If no meeting is arranged, it will be within twenty five days of the written complaint being received.
- 7.2.6 Where the complainant remains dissatisfied, he / she may request the complaint is dealt with at Stage 3. Any such request must be set out in writing, stating where the complaint remains dissatisfied and lodged within ten school days of the complainant receiving the findings in writing.
- 7.2.7 For complaints involving the CEO, an Executive Principal, a Head Teacher or Head of School, a local governing body member, or a Trustee, please refer to Part 9 of this policy for further guidance.

**7.3 Stage 3: Complaint heard by Chair of Governors [Also note the application of this stage to complaints against the CEO, Executive Principal, Head Teacher, local governor, Trustee]**

- 7.3.1 If the complainant is not satisfied with the manner in which the process has been followed by the Head Teacher, he / she may request that the Chair of Governors reviews the process followed by the school.
- 7.3.2 Any such request must be made in writing to the Chair of Governors, setting out briefly the facts and stating what it is that the complainant considers should have been done or where the school has not met reasonable expectations, within 10 school days of receiving notification of the outcome from Stage 2.
- 7.3.3 The Chair of Governors will arrange for a further investigation. The investigation may include the offer of a meeting with the complainant. Whenever reasonably possible, any meeting with the complainant will take place within fifteen school days of the written complaint being received.
- 7.3.4 The investigator will then put his / her findings in writing and will indicate what, if any, steps should be taken to resolve the matter. Wherever reasonably possible, this will be done within fifteen school days of any meeting with the complainant. If no meeting is arranged, it will be within 25 school days of the written complaint being received.
- 7.3.5 Where the complainant remains dissatisfied he / she may request the complaint is dealt with at Stage 4. Any such request must be set out in writing, stating where the complainant remains dissatisfied, what remedies are being sought and be lodged within ten school days of the complainant receiving the findings in writing. The request must be addressed to the Chair of the Trust Board.

**7.4 Stage 4: Complaint heard by the Trust's Complaints Panel**

- 7.4.1 The Trust's complaints panel will consider all complaints at Stage 4. The panel will consist of at least three people, one of whom will be independent of the management and running of the Trust and its schools. The complaints panel may also include one or more persons from the following categories:
- a member of the local governing body of the school from where the complaint arose;
  - a member of the local governing body from another school within the Trust; and/or
  - a member of the Board of Trustees for the Trust.
- 7.4.2 None of the members of the complaints panel will have been directly involved in the matters detailed in the complaint.
- 7.4.3 The Clerk to the Trust Board will invite the school to put in writing its response to the complainant's reasons. The school will provide this within 15 school days of receiving the request. At the end of that period (whether or not the school has responded) the Clerk to the Trust Board will convene a meeting of the complaints panel.
- 7.4.4 That meeting will be held on school premises as quickly as practicable given the need to find a date that is reasonable convenient for the complainant, the school and the members of the

complaints panel. Wherever possible, the meeting will be held within fifteen school days of the end of the school's response time.

7.4.5 A panel hearing will normally take place within 20 school days of the receipt of the written request for Stage 4 investigation. At any meeting, the complainant will be entitled to be accompanied by a friend but legal representation will not be allowed. The aim of the hearing is to impartially resolve the complaint and to achieve reconciliation between the school and the complainant.

7.4.6 The hearing is not a court case. It will be private but will otherwise be as informal as circumstances allow. At the hearing, the complainant will have the opportunity to put his / her reasons for dissatisfaction and to enlarge on them, but may not introduce reasons that were not previously put in writing. The school will have the opportunity to put its side of things and each side, as well as the panel members, will be able to ask questions. The complainant will have the opportunity to make final comments to the panel.

7.4.7 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 may make findings and recommendations and a copy of those findings and recommendations will be:

- sent by e-mail or otherwise given to the complainant, and where relevant, the person complained about; and
- available for inspection on the school premises by the Trust and Head Teacher.

7.4.8 The panel will formulate its responses as quickly as reasonably possible, aiming to do so within ten school days, and the Clerk to the Trust Board will notify all concerned. The panel will ensure that all documents pertaining to the hearing, including minutes of hearing and the findings and recommendations are securely retained by the Trust.

## **8. Attendance at a complaints panel hearing**

8.1 The complaints panel will proceed irrespective of whether or not the complainant and/or their representative attend. If the complainant fails to attend on the day without compelling reasons, the complaints panel will still proceed in their absence and the process will continue to its conclusion. Any further attempt to re-open the matter will be considered under the persistent complaints section of this policy, at section 12 below.

## **9. Complaints involving the CEO, an Executive Principal, a Head Teacher, a local governing body or trustee.**

9.1 The complainant should first make attempts to resolve the complaint informally as set out in this policy.

9.2 Where a complaint is brought against the Chief Executive Officer of the Trust (the "CEO"), the Chair of the Trust Board will investigate the complaint (or appoint another member of the Trust Board to do so) in accordance with Stage 3. Stage 2 does not apply.

9.3 Where a complaint is brought against an Executive Principal, the CEO will investigate the complaint (or appoint another member of the Trust Board to do so) in accordance with Stage 3. Stage 2 does not apply.

- 9.4 Where a complaint is brought against a Head Teacher or Head of School and where there is an Executive Principal in place, the Executive Principal will investigate the complaint (or refer the matter to the CEO if considered appropriate) in accordance with Stage 3. Stage 2 does not apply.
- 9.5 Where a complaint is brought against a member of the local governing body, the chair of the local governing body will investigate the complaint (or appoint another member of the local governing body to do so) in accordance with Stage 3. Stage 2 does not apply.
- 9.6 If the complaint is against the chair of the local governing body, then the vice chair of the local governing body will investigate the complaint (or appoint another member of the local governing body to do so) in accordance with Stage 3. Stage 2 does not apply.
- 9.7 If the complaint is against a member of the board of trustees, then the chair of the board, (or in the case of a complaint against the chair the vice chair) will investigate the complaint (or appoint another member of the board to do so) in accordance with Stage 3. Stage 2 does not apply.

## **10. Referring complaints on completion of the Trust's procedure**

- 10.1 Once the complaints process is concluded (or a complaint has been terminated due to undue delay or failure to lodge a stage 3 request within the time stated in the policy) the matter is closed. If the complainant is still not satisfied then they may contact the ESFA. There is an online procedure at: <https://form.education.gov.uk>.
- 10.2 Alternatively complainants may write to the Ministerial and Public Communications Division, Department for Education, Piccadilly Gate, Store Street, Manchester, M1 2WD.

## **11. Serial or persistent complaints**

- 11.1 If at any level a complainant attempts to reopen an issue or a closely related issue that has already been dealt with under this complaints procedure, the Chair of the Trust Board may write to the complainant to inform him / her that the procedure has been exhausted and the matter closed, that continued correspondence on the same matter is vexatious and that the Trust will not respond to any further correspondence on this issue or a closely related issue.

## **12. Complaint campaigns**

- 12.1 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; and
  - sending a template response to all of the complainants.
- 12.2 If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the normal procedures will apply.

## **13. Record keeping**



13.1 The school will retain a written record of all complaints that were resolved at the formal stage of the complaints procedure, including information about whether the complaint was resolved at stage 2, stage 3 or whether it proceeded to a stage 4 panel hearing. The action taken by the school or the Trust as a result of the complaint (irrespective of whether they are upheld) will also be recorded.

#### **14. Confidentiality**

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

14.2 Records of complaints will be kept securely, only for as long as necessary and in line with data protection law and the Trust's privacy notices and records retention policy.

#### **15. Links with other policies**

15.1 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 and SEN information report; and
- privacy notices.

## Appendix 1

### Contact Details

|  |  |
|--|--|
| Head Teacher   | To be completed by school  |
| Executive Principal  | To be completed by school  |
| School Office  | To be completed by school  |
| Chair of Governors   | To be completed by school  |
| Clerk to Governors   | To be completed by school  |
| Chair of the Board of Trustees (The Bath and Mendip Partnership Trust) | <a href="mailto:Clerktogovernors@thebathandmendippartnershiptrust.com">Clerktogovernors@thebathandmendippartnershiptrust.com</a><br>Clerk to Trust Board: 01761 404207 |
| CEO (The Bath and Mendip Partnership Trust)                            | c/o PA:<br><a href="mailto:svernau@thebathandmendippartnershiptrust.com">svernau@thebathandmendippartnershiptrust.com</a>  |
| Company Secretary  | c/o Trust Office(see below)  |
| Trust Office   | <a href="mailto:office@thebathandmendippartnershiptrust.com">office@thebathandmendippartnershiptrust.com</a><br>Tel: 01761 404207                                      |

**Appendix 2**



**School Complaint Meeting Request Form (Stage 1)**

I wish to meet *[name of teacher]*.....  
from *[name of school]* .....to discuss the following matter:

Brief details of topic to be discussed:

Dates/times when it would be most convenient for a meeting:

**Your name:** .....

**Relationship with school (e.g. parent of a pupil on the school roll):** .....

**Pupil's name (if relevant to the matter to be discussed):** .....

**Your Address:** .....  
.....  
.....

**Telephone numbers:Daytime:** ..... **Evening:** .....

**E-mail address:** .....

**Signed:** ..... **Date:** .....

[Please complete this form and return it to the school office]

**School use:**

Date Form received: ..... Date response sent: .....

Received by: ..... Response sent by: .....



**School Formal Complaint Form (Stage 2)**

Please complete this form and return it to the school office or to the Head Teacher who will acknowledge its receipt and inform you of the next stage in the procedure.

**Name of school:** .....

**Your name:** .....

**Relationship with school (e.g. parent of a pupil on the school roll):**.....

**Pupil's name (if relevant to your complaint):**.....

**Your Address:** .....

.....

**Telephone numbers**

**Daytime:** .....

**Evening:** .....

**E-mail address:** .....

Please give concise details of your complaint, (including dates, names of witnesses etc...), to allow the matter to be fully investigated:

You may continue on separate paper, or attach additional documents, if you wish.

Number of Additional pages attached =

What action, if any, have you already taken to try to resolve your complaint? (i.e. who have you spoken with or written to and what was the outcome?)

What actions do you feel might resolve the problem at this stage?

**School use:**

Date Form received: .....

Received by: .....

Date acknowledgement sent: .....

Acknowledgement sent by: .....

|                        |  |  |  |
|------------------------|--|--|--|
| Complaint referred to: |  |  |  |
| Date:                  |  |  |  |

**Appendix 3**



**School Complaint Review Request Form (Stage 3)**

Please complete this form and return it to the Clerk to the School's Local Governing Body, who will acknowledge its receipt and inform you of the next stage in the procedure.

**Name of school:** .....

**Your name:** .....

**Your Address:** .....  
.....

**Telephone numbers:**

**Daytime:** .....

**Evening:** .....

**E-mail address:** .....

Dear Sir/Madam

I submitted a formal complaint to the school on ..... and am dissatisfied by the procedure that has been followed.

My complaint was submitted to ..... and I received a response from ..... on .....

I have attached copies of my formal complaint and of the response(s) from the school.

I am dissatisfied with the way in which the procedure was carried out, because:

You may continue on separate paper, or attach additional documents, if you wish.

Number of Additional pages attached =

What actions do you feel might resolve the problem at this stage?

**School use:**

Date Form received: .....

Received by: .....

Date acknowledgement sent: .....

Acknowledgement sent by: .....

|                      |  |  |  |
|----------------------|--|--|--|
| Request referred to: |  |  |  |
| Date:                |  |  |  |