



BISHOP RAWSTONE
Church of England Academy

Complaints Procedure Policy

'But the wisdom that comes from heaven is first of all pure; then peace loving, considerate, submissive, full of mercy and good fruit, impartial and sincere'
James 3:17

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This document and the content contained therein remains the responsibility of the Headteacher, and Governing Body of the Academy. No amendments can be made without their express instruction and they remain the final arbiters in any matters relating to it.

FORTITER ET FIDELITER
Bravely and Faithfully

Bishop Rawstone Church of England Academy Complaints Policy

Verse

“But the wisdom that comes from heaven is first of all pure; then peace loving, considerate, submissive, full of mercy and good fruit, impartial and sincere.”

James 3:17

Vision

“Bishop Rawstone Church of England Academy aspires to cultivate wisdom rooted in Christian Values. It is our vision that all members of our community will experience life in all its fullness, flourishing through dignity, knowledge and understanding, bound together in unity, giving hope and worth to all.”

Our Values

Hope, Service, Compassion, Peace, Wisdom, Fellowship.

Our values are taken from the work of Neville Norcross ‘Christian Values for Church Schools’.

Whilst there are many Christian values, we have chosen the six above to complement our commitment to a rich curriculum and outstanding pastoral care.

Philosophy

At Bishop Rawstone Church of England Academy, we are committed to fostering a culture of openness, trust, and mutual respect, rooted in our Christian values of compassion, peace, and wisdom. We recognise that from time-to-time concerns may arise, and we believe that all complaints should be taken seriously and handled fairly, promptly, and with humility. Our complaints process aims to support positive relationships, promote reconciliation where possible, and ensure that every voice is heard with dignity and understanding, so that we may continue to learn and grow as a community.

Code of Conduct in our Christian Community

Our aim is to ensure that you feel happy, safe and secure in your school.

We believe:

- that every individual in our community is a unique and valuable creation made in the image of God.
- we all have a right to be considered equal, worthy of respect and esteem.
- we all have a responsibility to treat others as we would like to be treated ourselves.

Introduction

Bishop Rawstone Church of England Academy is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. The school aims to have clear procedures for dealing with complaints and will endeavour to address any issues quickly and effectively.

The Academy aims to be fair, open and honest when dealing with any concern or complaint and to resolve it through open dialogue and mutual understanding. Careful consideration will be given to all concerns and complaints, and we will deal with them as swiftly as possible.

This policy operates in conjunction with the following school policies:

- Behaviour Policy
- Anti-bullying Policy
- Suspension and Exclusion Policy
- Child Protection and Safeguarding Policy
- Special Educational Needs and Disabilities (SEND) Policy
- Social, Emotional and Mental Health (SEMH) Policy

In all cases we will put the interests of the child above all other issues.

Our procedure is underpinned by the following **framework of principles**:

- encourage resolution of problems by informal means, wherever possible
- be simple to use and understand
- be impartial
- be non-adversarial
- allow swift handling with established time-limits for action and keep people informed of the progress
- ensure a full and fair investigation by an independent person, where necessary
- respect people's desire for confidentiality, wherever possible (some information sharing may be necessary to carry out a thorough investigation)
- address all points of issue, providing an effective response and appropriate redress, where necessary
- ensure that any complaint will not adversely affect a student or their opportunities at the school

The difference between a concern and a complaint

This policy distinguishes between a complaint and a concern. This Policy covers any complaints made about the school - except those covered by our Admissions Policy, Exclusions Policy, Child Protection and Staff Disciplinary procedures. Complaints about the content of the national curriculum should be made to the Department for Education.

A 'concern' may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'.

A 'complaint' may be generally defined as 'an expression of dissatisfaction, however made, about actions taken or a lack of action'.

Who can make a complaint?

Any person may make a complaint about any provision of facilities or services that Bishop Rawstone Church of England Academy provides, unless separate statutory procedures apply (such as exclusions or admissions).

Conflict between estranged parents over the application of parental responsibility is a common cause of complaints made to schools. The legal definition of parent differs in education and family law. Bishop Rawstone Church of England Academy does not favour one parent over another, unless there are serious safeguarding or legal reasons for doing so, which can be evidenced.

Confidentiality

All documents relating to individual complaints will be kept confidential except where access is requested by the Secretary of State or where disclosure is required in the course of a school's inspection or under any other legal authority.

In accordance with data protection principles, details of individual complaints will be kept only for as long as is considered to be reasonably necessary in the circumstances.

Stages of the complaint's procedure

There are three stages to Bishop Rawstone Church of England Academy's complaint's procedure:

Stage 1: Informal Stage – informal complaint, concern or difficulty raised with a member of staff in writing or verbally.

Stage 2: Formal Stage - complaint in writing to the Headteacher.

Stage 3: Complaints Panel – complaint not satisfied in Stage 2 can be presented for review by the Complaints Panel.

Stage 1 - Informal Stage

We expect that most concerns or complaints can be resolved informally. Examples would be a concern regarding teaching or pastoral care or an administrative issue that should be able to be resolved by the relevant member of staff.

Who to contact

Where appropriate, concerns should initially be raised, via a telephone call or email, to the office, office@bishopr.co.uk, as follows:

- Educational issues: if the matter relates to the classroom, the delivery of the curriculum or special educational needs, please speak or write to the class tutor, relevant subject teacher, Curriculum Leader, Head of Year for the relevant year group, if related to a number of subjects, or the SENCO if related to special educational needs.
- Pastoral care: for concerns relating to matters outside the classroom, please contact the Head of Year.
- Disciplinary matters: concerns over any disciplinary action taken or a sanction imposed should be raised first of all with the member of staff who imposed the sanction.

Procedure

An informal complaint or concern received in writing or by telephone will be acknowledged by telephone, e-mail or letter within five school days of receipt during term time. We will consider informal complaints or concerns made outside of term time to have been received on the first school day after the holiday period.

A matter raised verbally will not necessarily be acknowledged in writing.

Time scales - you must raise the informal complaint within 90 school days of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

A concern which has not been resolved by informal means within 15 school days should be notified in writing as a formal complaint using the procedure set out in Stage 2.

Stage 2 - Formal Stage

How to make a formal complaint:

- If a complainant is dissatisfied with the response to the complaint under Stage 1, or the complaint requires investigation or involves dissatisfaction with some aspect of the school's policies or management, the complaint should be made under Stage 2.
- The full details of the complaint should be set out on the complaint form provided in Appendix 1 and sent with all relevant documents and full contact details to the Headteacher via office@bishopr.co.uk. It is always helpful for the complainant to explain how they feel the complaint can be resolved.
- The complaint will be acknowledged by telephone, e-mail or letter within five school days during term time, and if sent during the school holidays, within five school days following the return to school – unless deemed urgent or involving a matter of safeguarding.

Investigation

The Headteacher may ask a senior member of staff to act as investigator. The investigator may request additional information from you and will probably wish to speak to you personally and to others who have knowledge of the circumstances. Written records will be kept of all meetings and interviews held in relation to the complaint. The investigator will compile findings from the investigation which will be considered by the Headteacher.

Decision

The Headteacher, or a member of the senior leadership team, will then notify the complainant by telephone, e-mail or letter of his/ her decision and the reasons for it within 15 working days from the receipt of the complaint. Where there are exceptional circumstances resulting in a delay, the complainants will be notified of this and informed of the new timescales as soon as possible.

Stage 3 – Complaints Panel Stage

A Complaints Panel hearing is a review of the decisions taken by the Headteacher. The Panel will not consider any new areas of complaint which have not been previously raised as part of the

complaint's procedure. A request for a Panel hearing can only be made 10 school days after receipt of the decision from stage 2 has expired and must be made within 20 school days following receipt of the stage 2 decision.

The role of the Panel is to establish the facts surrounding the complaints that have been made by considering:

- the documents provided by both parties and
- any representations made by the complainants and the Headteacher

They will then reach a decision, on the balance of probabilities, as to whether to uphold the complaint in full, uphold the complaint in part or dismiss the complaint. It is not within the powers of the Panel to make any financial award, nor to impose sanctions on staff, students or parents. The Panel may make recommendations on these matters or any other issues to the Headteacher and / or to the Governing body, as appropriate.

How to Request a Complaints Panel Hearing

A request for a hearing before the Complaints Panel must be put in writing (marked Complaints Panel) to the Clerk to the Governors within five school days of the decision complained of via office@bishopr.co.uk. The request will usually only be considered if the procedures at Stages 1 and 2 have been completed.

The written request should include:

- a copy of the original complaints form, indicating which matters are unresolved
- a copy of all relevant documents and full contact details
- details of all the grounds of the complaint and the outcome desired
- a list of the documents which the complainant believes to be in the school's possession and wish the Panel to see

If assistance with the request is required, for example because of a disability, please inform the Clerk to the Governors of this and she / he will be happy to make appropriate arrangements.

The Clerk to the Governors will acknowledge the request for a hearing in writing within five school days of receipt during term time and if sent during the school holidays, within five school days following the return to school – unless deemed urgent or involving a matter of safeguarding. Every effort will be made to enable the hearing to take place within 15-30 school days of receipt of the request.

Planning the Hearing

As soon as reasonably practicable, and in any event at least ten school days before the hearing, the Clerk to the Governors will send written notification to each party of the date, time and place of the hearing. Copies of any additional documents the complainant wishes the Panel to consider should be sent to the Clerk to the Governors to be received at least five school days prior to the hearing.

The complainant may be accompanied to the hearing by another person, for example a relative, teacher or friend. The Panel hearing is not legal proceedings, and so legal representation is not necessary. The complainant should note that the Panel will wish to speak to them directly and this person will not be permitted to act as an advocate.

The Clerk to the Governors will circulate a copy of the bundle of documents to be considered by the Panel to all parties at least three school days prior to the hearing.

Composition of the Panel

The Panel will normally comprise three individuals who have no detailed prior knowledge of the circumstances on the complaint, including Governing body members and at least one independent member who has no connection with the governance, management and running of the school.

The complainant may ask the Clerk to the Governors to tell them who has been appointed to sit on the Panel ahead of the hearing. The Panel members will appoint one of themselves to be the Chair of the Panel throughout the proceedings.

The Panel Hearing

The hearing will be conducted in an informal manner. All those present at the hearing shall have the opportunity to ask questions and make comments in an appropriate manner. The hearing is not a legal proceeding, and the Panel shall be under no obligation to hear oral evidence from witnesses. The Panel may, at the Chair's discretion, take written statements into account.

All statements made at the hearing will be unsworn. All present will be entitled, should they wish, to write their own notes for reference purposes. A clerk appointed by the Panel will take minutes of the proceedings.

All those attending the hearing are expected to show courtesy, restraint and good manners or, after due warning, the hearing may be adjourned or terminated at the discretion of the Chair. If terminated, at the discretion of the Chair, the original decision will stand. Any person who is dissatisfied with any aspect of the way the hearing is conducted must say so before the proceedings go any further and his/her comment will be minuted.

The Chair may, at his / her discretion, adjourn the hearing for further investigation of any relevant issue. This may include an adjournment to take legal advice. A hearing before the Complaints Panel is a private proceeding. No notes or other records or oral statements about any matter discussed in or arising from the proceeding shall be made available directly or indirectly to the press or other media. In addition, this includes a prohibition on discussing, publishing, sharing, or commenting on any matter relating to the complaint or hearing on social media platforms, online forums, messaging applications, or any other public or private digital platform.

The Decision

The Panel will reach a decision on a balance of probabilities unless there is an agreed position. The decision, findings and any recommendations will be confirmed in writing by post or electronic mail to the complainant, and where relevant the person complained about, normally within five school days of the hearing. The decisions, findings and any recommendations will also be available for inspection on the school premises by the Governing body and the Headteacher.

This is the conclusion of the school's complaints procedure.

Managing Persistent and Unreasonable Complaints

A persistent complainant is a parent/carer or member of the public who complains about issues, either formally or informally, or frequently raises issues that the complainant considers to be within the remit of the school, and whose behaviour is unreasonable. Such behaviour may be characterised by:

- actions which are obsessive, persistent, harassing, prolific, repetitious
- prolific correspondence or excessive e-mail or telephone contact about a concern or complaint
- uses Freedom of Information requests excessively and unreasonably.
- an insistence upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes
- an insistence upon pursuing complaints in an unreasonable manner; an insistence on only dealing with the Headteacher on all occasions, irrespective of the issue and the level of delegation in the school to deal with such matters
- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- refuses to co-operate with the complaint's investigation process
- refuses to accept that certain issues are not within the scope of the complaint's procedure
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education
- makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums

For the purpose of this policy, harassment is the unreasonable pursuit of such actions above, in such a way that they:

- appear to be targeted over a significant period of time on one or more members of school staff and/or
- cause on-going distress to individual member(s) of school staff and/or
- have a significant adverse effect on the whole/parts of the school community and/or
- are pursued in a manner which can be perceived as intimidating and oppressive by the recipient. This could include situations where persistent demands and criticisms, whilst not particularly taxing or serious when viewed in isolation, have a cumulative effect over time of undermining confidence, well-being and health

The School's Actions in Cases of Persistent or Vexatious Complaints or Harassment

In the first instance, the school will communicate either in writing or verbally (confirmed with a letter) to inform the complainant that his/her behaviour is considered to be becoming unreasonable/unacceptable and, if it is not modified, action may be taken in accordance with this policy.

If the behaviour is not modified, the school will take some or all of the following actions as necessary, having regard to the nature of the complainant's behaviour and the effect of this on the school community:

- inform the complainant in writing that his/her behaviour is now considered by the school to be unreasonable/unacceptable and, therefore, to fall under the terms of this policy
- inform the complainant that all meetings with a member of staff will be conducted with a second person present and that notes of meetings may be taken in the interests of all parties
- inform the complainant that, except in emergencies, all routine communication with the complainant to the school should be by letter only
- in the case of physical, or verbal aggression or other forms of intimidating behaviour, take appropriate advice and consider warning the complainant about being banned from the school site or proceed straight to a temporary ban
- allocate a single point of contact
- consider taking appropriate advice on pursuing a case under Anti-Harassment legislation
- consider taking advice from the HR/Legal Services about putting in place a specific procedure for dealing with complaints from the complainant, i.e. the complainant will not be able to deal directly with the Headteacher but only with a third person, to be identified by the governing body of the school, who will investigate, determine whether or not the concern / complaint is reasonable or vexatious and then advise the Headteacher accordingly
- in response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing

In the event of extreme situations or events, the school may take the decision to implement one of the above steps immediately. In this situation, the complainant will be informed in writing. The Headteacher and SLT will keep the Chair of Governors informed at all times. Legitimate new complaints will still be considered, even if the person making them is, or has been, subject to the policy for dealing with persistent or vexatious complaints and/or harassment. However, the school will be advised by the HR / Legal Services. If a complainant's persistent complaining/harassing behaviour is modified and is then resumed later within a reasonable period of time, the school may resume the process identified above at an appropriate level. In these circumstances, advice may be sought from the HR/Legal Services.

The Freedom of Information Act

Under the Freedom of Information Act and the Environmental Information Regulations a complainant has the right to request any recorded information held by a public authority, such as a government department, local council or state school. Environmental information requests can also be made to certain non-public bodies carrying out a public function.

Information, that it is thought Bishop Rawstorne Church of England Academy may hold can be requested. The right only covers recorded information which includes information held on computers, in emails and in printed or handwritten documents as well as images, video and audio recordings.

Complainants should identify the information wanted as clearly as possible.

The request can be in the form of a question, rather than a request for specific documents, but the school does not have to answer the question, if this would mean creating new information or giving an opinion or judgment that is not already recorded.

Some information may not be given because it is exempt, for example, because it would unfairly reveal personal details about somebody else.

You do not have to know whether the information you want is covered by the Environmental Information Regulations or the Freedom of Information Act. When you make a request, it is for the school to decide which law they need to follow.

A complainant can ask for any information, at any time, but they may not always succeed in getting it. Before making a request, it may help to consider the following questions:

Is the information you want already available, for example, on the school's website? The school must make certain information routinely available. Do this by looking at its website or by contacting the school.

Is the information you want your own personal data?

If your request is for information about yourself, such as your medical records, you should make a subject access request under the Data Protection Act.

Is the school likely to have the information?

It may save you time if you check with the school whether it is likely to have the information you want. For example, you may not be sure whether the information you want is held by your school or the local authority. Public authorities must give reasonable advice and assistance to anyone asking for information, so you should feel free to ask for help in making your request.

Is the information you want suitable for general publication?

The aim of the Freedom of Information Act is to make information available to the general public. A complainant can only obtain information that would be given to anybody who asked for it or would be suitable for the general public to see.

Some information, such as records about a deceased person, or documents, needed for legal purposes, may not always be available under the Act. However, there may a right to see the information under other legislation. The school can advise you.

The school should send you the information within 20 school days of receiving your request. Schools are allowed more time during school holidays. In the case of a request made on the last day of term, the first working day would be the first day of the next term.

The school will notify when to expect the information and if they need more time.

Anonymous Complaints

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

Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by Bishop Rawstone Church of England Academy, other than complaints that are dealt with under other statutory procedures, including those listed below:

Exceptions	Who to contact
<p>Admissions to schools</p> <p>Statutory assessments of Special Educational Needs school re-organisation proposals</p>	<p>Concerns about Year 7 admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with the Local Authority.</p>
<p>Matters likely to require a Child Protection Investigation</p>	<p>Complaints about child protection matters are handled under our Child Protection and Safeguarding Policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) at the Local Authority, who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).</p>
<p>Exclusion of children from school*</p>	<p>Further information about raising concerns about exclusion can be found at: www.gov.uk/schoolhttp://www.gov.uk/school-discipline-exclusions/exclusionsdisciplineexclusions/exclusions.</p> <p>*Complaints about the application of the Behaviour Policy can be made through the school's complaints procedure. The Behaviour Policy can be found on the school website. Please also refer to the Suspension and Exclusion Policy.</p>
<p>Whistleblowing</p>	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p> <p>Complaints regarding concerns for the wellbeing of children should be routed to the NSPCC Whistleblowing helpline: 0800 0280285 https://www.nspcc.org.uk/keeping-children-safe/reporting-abuse/dedicated-helplines/whistleblowing-advice-line/</p>

Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.
Staff conduct	Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.
Complaints about services provided by other providers who may use school premises or facilities	Providers should have their own complaint's procedure to deal with complaints about service. Please contact them direct.
National Curriculum - content	Please contact the Department for Education at: www.education.gov.uk/contactus

If other bodies are investigating aspects of the complaint, for example the police, local authority safeguarding teams or tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against Bishop Rawstone Church of England Academy, in relation to their complaint, we will consider whether to suspend the complaint's procedure in relation to their complaint until those legal proceedings have concluded.

Please also refer to the 'Parent guide to school complaints' for further information:

<https://www.parentkind.org.uk/assets/parents-resources/Parent-Guide-to-School-Complaints.pdf>

Complaints to the Department for Education

If the complainant is dissatisfied with the outcome of the panel, as an academy, funded by the Education and Skills Funding Agency (ESFA) they can complain to directly through the [Department for Education \(DfE\) Customer Help Portal](#).

Here are the contact details for submitting a complaint to the ESFA:

- **Online Portal:** [Customer Help Portal](#)
- **Email:** complaints.esfa@education.gov.uk
- **Telephone (General Enquiries):** 0370 000 2288 (Monday to Friday, 9am to 5pm)

BISHOP RAWSTORNE CHURCH OF ENGLAND ACADEMY

Appendix 1: School Complaint's Form

If you wish to make a complaint about the school, please complete this form and email to the Headteacher office@bishopr.co.uk .If you are unsure about the procedure, or you need help in completing the form, please contact the Headteacher, who will be happy to assist you.

1.	Your Name:
2.	Your Address:
3.	Your Telephone Number: At home: At work: Any other contact phone number:
4.	Does the complaint concern your child? If so, what is your child's name.....
5.	What is your complaint about? (Please say what you think has gone wrong and when this happened. Use a separate sheet, and attach copies of any letters, if you feel this will explain your complaint more clearly).
6.	Have you already taken the complaint up with anyone? If so, who did you raise it with? When was this?
7.	What do you think should be done now to put the matter right?
8.	Have you read the school's 'Complaints Procedure Policy' and are you in agreement regarding the handling of any concern or complaint in accordance with it?

Signed: Dated: