



# COMPLAINTS POLICY AND PROCEDURE

Blessed Edward Bamber Catholic Multi Academy Trust

VERSION: 3.2  
ADOPTED: SPRING TERM 24  
NEXT REVISION: SPRING TERM 26



### Version Control

Date of last review	Summer 2024
Date of next review	Spring 2026
Review period	2 years
Policy Status	Statutory
Owner	CEO
Version	3.2

### Previous versions

Version	Author	Date	Changes
2.1	CEO	Autumn 2021	Add in Secretary of state retention – advised by ESFA
3.1	CEO	Spring 2024	Page 3 - Add overview table Redesign of policy using DfE model policy for MATs Add in new stage 3 – Trust review.
3.1	CEO	Autumn 24	Updated page 11 to reflect the flow chart on page 4 (increased from 5-10 schools days to request a review of the stage 2 written response).

This is a Trust-Wide Policy which applies to all academies within the Trust

## Colossians 3:13

*Bearing with one another and, if one has a complaint against another, forgiving each other; as the Lord has forgiven you, so you also must forgive.*

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## COMPLAINTS PROCEDURE OVERVIEW

	Complainant's Actions	School's Actions
Informal – Stage 1	Complainant brings concern to attention of member of staff.	Consider who should deal with the matter.
	Use Meeting Request Form – Stage 1 or email school to request a meeting to discuss a concern.	Invite complainant for informal discussion and explain procedure.
	Issue to be resolved within 15 school days.	Listen, discuss, offer resolution and record concern.
	Where no satisfactory solution has been found since the concern was raised, or more than 15 days has passed, the complainant will be advised that they could proceed to stage 2.	

	Complainant's Actions	School's Actions
Formal – Stage 2	Complainant to put complaint in writing (within 10 days of receiving the stage 1 outcome).	Complaint to be acknowledged within 5 school days and complaints policy provided.
	Use Complaints Form – Stage 2 or put in writing the reason for the complaint and the actions you would like the school to take to resolve your complaint.	Formal investigation conducted.
		(Optional) Meeting with complainant within 15 school days of receiving the initial complaint.
		Listen, discuss and offer resolution.
		Confirm outcome in writing within 10 school days.
If the complainant is not satisfied with the decision at Stage 2 or unsatisfied with the manner in which the process has been followed, then proceed to Stage 3.		

	Complainant's Actions	Trust's Actions
Formal – Stage 3	Complainant to put complaint in writing (within 10 days of receiving the stage 2 outcome).	Complaint to be acknowledged within 5 school days.
	Use Complaints Form – Stage 3 or put in writing the reason for referring the complaint to the Trust and the actions you would like the Trust to take to resolve your complaint.	Independent review of complaint carried out within 20 school days.
		Confirm outcome in writing within 10 school days of receipt of review request.
If the complainant is not satisfied with the decision at Stage 3 or unsatisfied with the manner in which the process has been followed, then proceed to Stage 4.		

	Complainant's Actions	School's Actions
Formal – Stage 4	Complainant to request hearing within 10 school days of receiving notice of the outcome of stage 3.	Clerk will acknowledge request within 5 school days and set up a meeting withing 20 school days.
	Use Complaints Form – Stage 4 or tell us why you are dissatisfied by the procedure that has been followed.	Confirmation of date, time and place of the hearing and details of the panel members present sent at least 5 school days before the hearing.
	Hearing to take place if possible, within 20 school days of receipt of request.	Schools to submit evidence in support of their case to the Clerk at least 7 school days before the hearing.
	Complainant to submit evidence in support of their case to the Clerk at least 7 school days before the hearing.	Panel considers verbal and written submissions.
	The outcome from the Stage 3 panel meeting will be communicated within 10 school days.	

## 1. INTRODUCTION

The policy of the Trust and its Schools/Academies is to work in partnership with parents and members of the public.

It is based on the belief that co-operation and a sense of joint purpose between staff, parents, members of the public and the Trust/Academy will assist in ensuring open and positive relationships. From time to time, however, parents or members of the public may express concern or make a complaint, either orally or in writing, about the conduct of a member of staff or Director of the Trust.

In dealing with complaints, the Trust/Academy will ensure that they are dealt with effectively and with fairness to all parties.

This document provides advice and guidance on how the Trust/schools should respond when an external complaint has been made about the actions of the Trust's staff or Directors.

A copy of the Complaints Procedures can be found on the Trust's website and the website of each Trust school. A written copy may be obtained upon request from the Headteacher (throughout this policy the term Headteacher includes an Executive Headteacher) of the school.

## 2. AIMS AND SCOPE

The aims of the procedure are to:

- Deal with any complaint against BEBCMAT or to the individual school or any individual connected with BEBCMAT by following the correct procedure to deal with all complaints thoroughly and in a timely manner and by being open, honest and fair when dealing with the complainant;
- Assist Headteachers, members, directors, governors, staff and parents to strengthen their home-school links and to reaffirm the partnership between them and parents as they work together for the good of the pupils in the school.

It is not intended that the complaints procedure replaces the normal discussion on day-to-day problems and concerns which take place in any school within the Blessed Edward Bamber Catholic MAT (The Trust) as they arise. It is only where a complainant remains dissatisfied with the outcome of such discussions that further steps may need to be taken.

This procedure does not apply to concerns and complaints relating to the following, which are dealt with under separate policies:

- staff grievances or disciplinary procedures
- admissions
- exclusions
- issues related to child protection
- SEND statements and EHC Plans

(See matters not covered by this policy at Appendix D).

We will not normally investigate anonymous complaints. However, the Headteacher, Chair of Governors or CEO, if appropriate, will determine whether the complaint warrants an investigation. An outcome of any findings will be recorded in the school or Trust's recording systems.

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint about any provision of facilities or services that we provide.

All staff will be made aware of this complaints procedure and are expected to be familiar with our process of dealing with complaints and can be of assistance when an issue is brought to their attention. Appropriate training will be provided to staff to ensure that this policy is operated consistently.

### **3. THE DIFFERENCE BETWEEN A CONCERN AND A COMPLAINT**

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 defined as *'an expression of dissatisfaction however made, about actions taken or a lack of action'*.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. The school and Trust take concerns seriously and will make every effort to resolve the matter as quickly as possible.

From time to time, parents will raise legitimate concerns about their child's education; these are dealt with as a matter of routine, without formal procedures, normally by the class teacher and are not generally regarded as 'complaints' in the formal sense.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Headteacher or senior leader will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, a senior leader will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, the school will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

Visitors to the school or those in the wider community may make verbal complaints or allegations or written complaints. These should be investigated as with parental complaints and the complainant responded to, while maintaining confidentiality.

If a member, trustee, governor, or member of staff, receives a written complaint it must be forwarded to the Headteacher, or the Chair of the school's Local Governing Body (LGB). If the complaint is about the Headteacher or Chair of the LGB, it must be forwarded to the Trust CEO. If it is about the Trust central staff, it should be forwarded to the Chair of the Trust Board.

## 4. HOW TO RAISE A CONCERN OR MAKE A COMPLAINT

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so. Please ensure all written complaints are marked 'Private and Confidential' and addressed to the appropriate person as below:

If your complaint is about:	Refer to:	How to contact:
A school-based concern	The relevant member of staff (e.g. class teacher, subject lead, head of year, line manager)	Contact at school or via school office
A member of staff at the school (except the Headteacher)	Headteacher	School office
Headteacher	Chair of Governors	Via the school office or the clerk to the governors
Chair of Governors, any governor or the whole governing body	Chief Executive Officer	Contact <a href="mailto:admin@bebcmat.co.uk">admin@bebcmat.co.uk</a> for the CEO or Governance Professional
The Trust, its policies or practices or an issue with a member of the BEBCMAT central team	Chief Executive Officer	Contact <a href="mailto:admin@bebcmat.co.uk">admin@bebcmat.co.uk</a> for the CEO or Governance Professional
CEO or a Director of the Trust	Governance professional	Contact <a href="mailto:admin@bebcmat.co.uk">admin@bebcmat.co.uk</a> for the Governance Professional

We would hope to resolve most concerns and complaints at an informal stage, but these procedures allow for formal consideration of a complaint and an appeal stage if this is not possible. We are committed to dealing with complaints as speedily as possible and would plan to complete each stage of the procedure within the number of school days appropriate to each stage (see flow chart for more information). When we are not able to complete the process within that timescale the complainant will be informed of any delays.

Should a complaint regarding a member of staff employed by BEBCMAT require management in accordance with any of the Trust's HR Policies or Procedures or referral to a separate body through legal compliance, such processes would run concurrently with this complaints policy.

### Anonymous complaints

The Trust will not normally investigate anonymous complaints however the merits of investigating anonymous complaints will be determined by the appropriate person on receipt. If the Headteacher, Chair of Governors or CEO believes that the gravity of an anonymous complaint justifies investigation, the complaint will be investigated and the results will be recorded on file.

### Timescales

All complaints must be raised within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will only consider complaints made outside of this timeframe if exceptional circumstances apply.

Complaints will be dealt with in a prompt manner. Realistic time-limits are set for each stage of the process, but these may differ according to the complexity of the issue concerned. The time frames provided in this

policy are not a statutory requirement. All timescales in this document refer to school working days i.e. excluding weekends, school holidays etc.

### **Complaints received outside of term-time**

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

### **Complaints against members of staff**

If members of staff are complained against, they should be fully informed of the content of the complaint. Members of staff should always be given an opportunity to explain their actions and be advised that they may have a work colleague or union representative present during any part of the process. The member of staff should provide a written statement in response to the complaint.

### **Pupils as witnesses**

Only in exceptional circumstances should pupils be interviewed when investigating a complaint, i.e. where there are no adult witnesses, and the matter is sufficiently serious to warrant it. This will be down to the discretion of the Headteacher and/or Trust Lead depending on the nature of the complaint and who is investigating. The investigator is advised to seek parental consent before any interview with a child where they are being asked to clarify facts concerning a parental complaint. Where permission has been given for the interview, the child should be accompanied by either a responsible adult or the parent. Staff will ensure that pupils do not participate in any discussion where they may witness confrontation between adults or where there may be a child protection issue (see below).

### **Audio or video evidence**

Unless exceptional circumstances apply, we do not routinely permit recordings of meetings or conversations to be taken. We will definitely not accept as evidence, recordings of conversations or meetings that were obtained covertly or without informed consent of all parties being recorded. If either party wishes for a meeting to be documented, the school will make arrangements for minutes of the meeting to be taken. **IF CCTV IS USED AS PART OF EVIDENCE IT BE VIEWED VIA ACCOMPANIED VIEWINGS, IT WILL NOT BE RELEASED.**

**UNAUTHORISED FILMING/PHOTOS/VOICE RECORDINGS ON SCHOOL PREMISES IS NOT PERMITTED.**

### **Complaint Forms**

The Trust has complaint forms which can be used by those wishing to register a complaint (see Appendices A to C). These may be helpful to complainants and enables each school and the Trust to be systematic in the way we handle and monitor complaints. However, BEBCMAT will accept an email or letter of complaint and process accordingly.

### **Social Media**

In order for complaints to be resolved as quickly and fairly as possible, the Trust requests that complainants do not discuss complaints publicly via social media such as Facebook and X (formally Twitter). Complaints will be dealt with confidentially for those involved, and we also expect complainants to observe confidentiality.

### **Withdrawal of a complaint**

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.



## Safeguarding of pupils

BEBCMAT takes the safeguarding of its pupils very seriously and we recognise that it is extremely important that any allegation made against a member of staff is managed quickly and effectively. It is also important that low-level safeguarding concerns are recognised and reported so behaviour can be appropriately managed. In responding to safeguarding allegations, BEBCMAT will follow the Managing Allegations against Staff policy and will refer to the Local Authority Designated Officer (LADO) as appropriate.

## 5. COMPLAINT STAGES

In order to investigate a complaint as fully as possible, we have implemented a staged approach. We anticipate that almost all complaints that arise will be resolved at Stage 1 or Stage 2. To enable a proper investigation, concerns or complaints should be brought to the attention of the school or Trust as soon as possible. In general, any matter raised more than 3 months after the event being complained of will not be considered. However, the Trust may make exceptions to this.

Each stage in the complaints procedure should usually be completed before moving to the next stage. In very exceptional circumstances the Headteacher, usually in consultation with the Trust CEO, may decide to omit a stage.

The complaints procedure is formed of three stages:

- ❖ **Stage 1** – Informal
- ❖ **Stage 2** – Formal - written complaint to Headteacher/senior leader
- ❖ **Stage 3** – Trust Review
- ❖ **Stage 3** – Formal – complaint heard by a Complaints Panel
- ❖ **Further right of appeal** – to the ESFA or Ofsted (see section further in this section).

### Stage 1 - Informal

As soon as possible after the incident (within 3 months) about which you have concerns, you should ask to meet with the appropriate member of staff to discuss the matter.

Many concerns can be resolved by simple clarification or the provision of information. Where a complaint is about your child or a child attending the school, it is normally appropriate to communicate directly with the appropriate member of staff. Where the complaint is about a member of staff, it is normally appropriate to communicate directly with them in the first instance. This may be by email, by telephone or in person by appointment, requested via the school office. If you wish to hold a meeting to discuss your concern or complaint, it is helpful if you can explain the nature of your concern or the complaint in advance. You may wish to use the Meeting Request Form (Appendix A) provided.

It is anticipated that most complaints will be resolved by this informal stage within 15 working days of being notified of the complaint.

There is no requirement for an informal complaint to be put in writing, but you may find it helpful to put in a meeting request form. All complaints will be reviewed through an informal process in the first

instance. This includes as a minimum, an investigation of the informal complaint which will be recorded, and a written given to you within 15 school days.

At the end of the investigation, it will be made clear what action, if any, will be taken, the timescale within which it will take place and how you will be notified of any outcome. In exceptional circumstances, a response may be given outside the stated 15 days but in that case you will be advised of the delay and an achievable response time.

## Stage 2 – Formal

If the complaint cannot be resolved informally or you are unhappy with the response, the following procedure will apply:

Within 10 school days of being notified of the outcome of the informal complaint - you must put your complaint in writing. A Complaint Form is provided to assist with this (Appendix B).

You should include details, which might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents. **It is very important that you include a clear statement of the actions that you would like the school to take to resolve your concern.** Without this, it is much more difficult to proceed. The appropriate body will then ensure that it is investigated appropriately.

The procedures in the table in section 4 will follow the lines of escalation.

If a formal complaint is not made within 10 days the school will assume that no further action is required.

On receipt of the complaint form or email - we will acknowledge the complaint (within 5 school days) and invite you to a meeting with the Headteacher or appropriate senior leader to discuss the issue.

The meeting will take place within 15 school days of the complaint form being received. If the meeting cannot take place within 15 school days for any reason, then you will be advised of the reasons why, and when the meeting will take place instead.

Where you decline the invitation to a meeting or the complaint cannot be resolved through a meeting, arrangements will be made for the matter to be formally investigated.

Once all the relevant facts have been established, as far as possible, you will be provided with a written response to the complaint, including a full explanation of the decision and the reasons for it. This will include what action the Trust/school will take to resolve the complaint (if any). You will be advised that if you are dissatisfied with the outcome of the complaint, you may request that your complaint be moved to Stage 3.

Following investigation, the Headteacher or appropriate senior leader will notify you in writing of their decision and the reasons for it. Where possible, this will be within 25 school days of receipt of the complaint.

### Stage 3 – Trust Review

If you are not satisfied with the outcome of the school's investigation into the complaint at Stage 2, you should contact the admin mailbox on [admin@bebcmat.co.uk](mailto:admin@bebcmat.co.uk) clearly stating your reasons for requesting a review of the complaint within 10 working days of the date of the Stage 2 written response.

You may wish to use the Complaint Review Request Form (Appendix C) provided to assist you and include a statement specifying any perceived failures to follow the procedure. The Governance Professional will acknowledge your request in writing within 5 school days of receipt.

The Trust will carry out an impartial review of the complaint. They may contact you if they need any clarification or further information to assist with their review. The Trust may direct the school to carry out further investigations into areas of the complaint and will make recommendations regarding suitable resolution if they find that issues have been overlooked or not fully considered or addressed at Stage 2.

The review will aim to be concluded within 20 working days of receipt of your request for a Trust review. This timeframe will include you and the school receiving a written response confirming the outcome of the review.

### Stage 4 – Formal (Review panel)

If you are not satisfied with the decision at Stage 3 or if you are not satisfied with the manner in which the process has been followed, then the following will apply:

- Within 10 school days of receiving the response from the Stage 2 complaint, you must submit a written request for further review of the complaint to the CEO or Governance Professional of the Trust at [admin@bebcmat.co.uk](mailto:admin@bebcmat.co.uk).

You may wish to use the Complaint Review Request Form (Appendix D) provided to assist you and include a statement specifying any perceived failures to follow the procedure. The Governance Professional will acknowledge your request in writing within 5 school days of receipt.

- Within 20 school days of receipt of the notification in writing the Governance Professional of the Trust will set up a meeting of the complaints panel which you will be invited to attend. At least 5 school days' notice of the meeting will be given to those attending the meeting, who will also receive the following:
  - An invitation to attend the meeting including details of date, time, place of meeting;
  - A request for copies of any written papers which you or the school may wish to be considered to be supplied at least 7 school days before the meeting;
  - An enquiry as to whether or not any reasonable adjustments to the procedure should be considered to support you in attending the meeting;
  - Confirmation that you may have someone accompany you at the meeting. This person will not normally speak on your behalf at the meeting but will be there for support. Generally, we do not encourage either party to bring a legal representative to the panel meeting. However, there may be occasions when legal representation is appropriate.

Representatives from the media are not permitted to attend.

The procedure for the meeting is in Appendix E. The panel will consist of three people appointed by the Board of Trustees and will include at least one independent person (in consultation with the Diocese) who has not previously been involved in the process.

The composition of the panel will include:

- A Director of the Trust;
- A governor from the school subject to the complaint or second Director of the Trust;
- An independent panel member, who is independent of the management and running of the school being complained about and who has no conflict of interest or prior knowledge of the complaint.

Within 10 school days after the meeting, the decision, findings and recommendations of the complaints panel will be sent to all parties.

The Panel can:

- Request further information from you and/or the school to assist them in making their decision;
- 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 school's systems or procedures to ensure that problems of a similar nature do not reoccur.

The decision of the panel is final.

The findings and recommendations of the panel will be available for inspection on the school premises by the Headteacher.

### **Further right of appeal**

If you are dissatisfied with the decision of the Review Panel, you are entitled to refer your complaint to the Education Skills Funding Agency who have limited powers to review the Trust's handling of the complaint in accordance with the ESFA's 'Procedure for dealing with complaints about Academies'.

At the time of writing this procedure, the ESFA procedure and the ESFA Academy complaints form are available at: [Complaints procedure - Education and Skills Funding Agency - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Parents may also complain to OFSTED. OFSTED will not normally investigate complaints concerning individual pupils. If there are any child protection concerns parents may pass these to the Local Authority Social Services, or the police. Ofsted will not routinely investigate complaints which have not already been through the school/Trust's complaints procedure.

A written record will be kept of all complaints made in accordance with this policy whether they are resolved following a formal procedure or proceed to a panel hearing. In addition, written records will be kept of the action taken by the school as a result of those complaints (regardless of whether they are upheld).

Records of all conversations and meetings with parents to resolve complaints will be kept. At a Stage 3 Panel meeting, minutes will be taken. To help monitor recurring complaints, copies of correspondence and notes will be kept on file in the school's records, but will be held separate from individual pupil records.

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

## **6. COMPLAINTS THAT RESULT IN STAFF CAPABILITY OR DISCIPLINARY**

If at any stage of the complaint it is determined that staff disciplinary or capability proceedings are necessary in order to resolve the issue, the details of this action will remain confidential to the person dealing with the complaint and/or the individual's line manager and Headteacher. The complainant is entitled to be informed that the matter is being dealt with appropriately, but they are not entitled to participate in the proceedings and will not receive any detail about them or the outcome.

## **7. SERIOUS ALLEGATIONS OR COMPLAINTS**

If the complaint refers to criminal activity which may require the involvement of the Police, the Chair of Governors and CEO will be notified for appropriate advice.

If the allegations relate to financial or accounting irregularities involving misuse of public funds, the Chair of Governors and CEO will be informed. The CEO will seek the advice from the Chief Financial Officer (CFO) of the Trust.

## **8. PERSISTENT OR VEXATIOUS COMPLAINTS OR HARASSMENT**

The majority of complaints are handled in an informal manner and are resolved quickly, sensitively and to the satisfaction of the complainant. However, there are occasions when complainants behave in an unreasonable manner when raising and/ or pursuing concerns. The consequences are that the actions of the complainants begin to impact negatively on the day-to-day running of BEBCMAT schools and directly or indirectly the overall well-being of the children or staff in the school. In these exceptional circumstances the school may take action in accordance with the Managing Vexatious and Persistent Complaints policy.

## **9. MONITORING OF COMPLAINTS**

The CEO and Directors of the Trust will monitor complaints to ensure that the procedure is effective in dealing with concerns. Some of the areas related to monitoring of complaints are:

- The number and nature of complaints;
- Whether the complaints were dealt with within agreed time limits;
- The stage at which complaints were ended satisfactorily.

Under the Education (Independent School Standards) (England) Regulations 2014, academy trusts and academies (schools) are required to log the number of complaints lodged under their formal procedures each year and whether they are resolved at the preliminary stages or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.

A written record will be kept of all Stage 2 and above complaints by the School and the Trust. The Trust will record at what stage they have been resolved or progressed to. All recommended actions arising from the complaint investigations will be monitored by the Trust Central Team.

All correspondence statements and records relating to individual complaints will be kept confidential, except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

## **10.RESOLVING COMPLAINTS**

At each stage in the procedure, the Blessed Edward Bamber Catholic MAT wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- An explanation;
- An admission that the situation could have been handled differently or better;
- An assurance that we will try to ensure the event complained of will not recur;
- An explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made;
- An undertaking to review school policies in light of the complaint;
- An apology.

## **11.ROLES AND RESPONSIBILITIES**

### **Complainant**

The complainant will receive a more effective response to the complaint if they:

- Explain the complaint in full as early as possible;
- Co-operate with the school in seeking a solution to the complaint;
- Respond promptly to requests for information or meetings or in agreeing the details of the complaint;
- Ask for assistance as needed;
- Treat all those involved in the complaint with respect;
- Refrain from publicising the details of their complaint on social media and respect confidentiality.

### **Investigator**

The investigator's role is to establish the facts relevant to the complaint by:

- Providing a comprehensive, open, transparent and fair consideration of the complaint through:
  - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
  - interviewing staff and children/young people and other people relevant to the complaint
  - consideration of records and other relevant information

- analysing information.
- Liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- Conduct interviews with an open mind and be prepared to persist in the questioning;
- Keep notes of interviews or arrange for an independent note-taker to record minutes of the meeting;
- Ensure that any papers produced during the investigation are kept securely pending any appeal;
- Be mindful of the timescales to respond;
- Prepare a comprehensive report that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

### **Governance Professional**

The Clerk is the contact point for the complainant and the committee and should:

- Ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR);
- Set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible;
- Collate any written material relevant to the complaint (for example, stage 3 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale;
- Record the proceedings;
- Circulate the minutes of the meeting;
- Notify all parties of the committee's decision.

### **Review Panel Chair**

The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

- Both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting;
- The meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy;
- Complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person;
- The remit of the committee is explained to the complainant;
- Written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR;
- If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting;

- Both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself;
- The issues are addressed;
- Key findings of fact are made;
- The committee is open-minded and acts independently;
- No member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- The meeting is minuted;
- They liaise with the Governance Professional.

### **Review Panel Member**

Committee members should be aware that:

- The meeting must be independent and impartial, and should be seen to be so;
- No governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it;
- The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant;

We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.

- Many complainants will feel nervous and inhibited in a formal setting;
- Parents/carers often feel emotional when discussing an issue that affects their child;
- Extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting. Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated. The committee should respect the views of the child/young person and give them equal consideration to those of adults;
- If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend. However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.
- The welfare of the child/young person is paramount.



## Appendix A – Meeting Request Form (Stage 1 – Informal)

Please complete and return to school/Trust who will acknowledge receipt.

I wish to meet a member of staff to discuss the following matter.

Brief details of the topic to be discussed:

Dates/times when it would be convenient to meet:

Your Name:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Email address:

Relationship to school: (e.g. parent of pupil) – please give name of pupil

**Signature:**

**Date:**

School/Trust use: **Stage 1**

Date form received:		Received by:	
Date acknowledgement sent:		Sent by:	
Date response sent:		Sent by:	

**Official use: Stage 1**

**Record of action taken:**

**Signature:**

**Date:**

## Appendix B – Complaints Form (Stage 2 – Formal)

Please complete and return to school/Trust who will acknowledge receipt.

If your complaint is about:	Refer to:	How to contact:
A member of staff at the school (except the Headteacher)	Headteacher	School office
Headteacher	Chair of Governors	Via the school office or the clerk to the governors
Chair of Governors, any governor or the whole governing body	Chief Executive Officer	<a href="mailto:admin@bebcmat.co.uk">admin@bebcmat.co.uk</a>
The Trust, its policies or practices or an issue with a member of the BEBCMAT central team	Chief Executive Officer	<a href="mailto:admin@bebcmat.co.uk">admin@bebcmat.co.uk</a>
CEO or a Director of the Trust	Governance professional	<a href="mailto:admin@bebcmat.co.uk">admin@bebcmat.co.uk</a>

Name:

Contact information:

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?  
(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/Trust use: **Stage 2**

Date form received:		Received by:	
Date acknowledgement sent:		Sent by:	
Issue referred to:		Date:	
Date response sent:		Sent by:	

<b>Official use: Stage 2</b>
<b>Record of action taken:</b>
<b>Signature:</b>
<b>Date:</b>

## Appendix C – Trust Review Request Form (Stage 3 – Formal)

Please complete and return for the attention of the Governance Professional of the Trust at [admin@bebcmat.co.uk](mailto:admin@bebcmat.co.uk) or Metro House, 14-17 Metropolitan Drive, Blackpool, FY3 9LT.

Name:

Contact information:

Reason for request:

- I submitted a formal complaint on ..... (date) and I am dissatisfied by the procedure that has been followed.

Or

- I received the outcome of stage 2 of my complaint on ..... (date) and I am not satisfied with the outcome of the complaint. I am requesting further review of this issue.

Please detail the aspects of the procedure you are unhappy with and/or the outcome you are dissatisfied with:

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/Trust use: **Stage 3**

Date form received:		Received by:	
Date acknowledgement sent:		Sent by:	
Issue referred to:		Date:	
Date response sent:		Sent by:	

**Official use: Stage 3**

**Record of action taken:**

**Signature:**

**Date:**

## Appendix D – Independent Panel Review Request Form (Stage 4 – Formal)

Please complete and return for the attention of the Governance Professional of the Trust at [admin@bebcmat.co.uk](mailto:admin@bebcmat.co.uk) or Metro House, 14-17 Metropolitan Drive, Blackpool, FY3 9LT.

Name:

Contact information:

Reason for request:

- I submitted a formal complaint on ..... (date) and I am dissatisfied by the procedure that has been followed.

Or

- I received the outcome of stage 2 of my complaint on ..... (date) and I am not satisfied with the outcome of the complaint. I am requesting further review of this issue.

Please detail the aspects of the procedure you are unhappy with and/or the outcome you are dissatisfied with:

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/Trust use: **Stage 4**

Date form received:		Received by:	
Date acknowledgement sent:		Sent by:	
Issue referred to:		Date:	
Date response sent:		Sent by:	

**Official use: Stage 4**

**Record of action taken:**

**Signature:**

**Date:**



## Appendix E – Exclusions to the Complaints policy

The following concerns and complaints cannot be considered under this policy. There are separate agencies, policies and procedures that deal with them.

Exceptions	Who to contact
Admissions to schools	Concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority. Please see the admissions policy on the school’s website.
Statutory assessment of special educational needs	Concerns about statutory assessments of special educational needs should be raised directly with local authorities
Matters likely to require a Child Protection Investigation	<p>Complaints about child protection matters are handled under our safeguarding and child protection 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) who has local responsibility for safeguarding</p> <p>Blackpool LADO: <a href="mailto:lado@blackpool.gov.uk">lado@blackpool.gov.uk</a></p> <p>Lancashire LADO: <a href="mailto:LADO.Admin@lancashire.gov.uk">LADO.Admin@lancashire.gov.uk</a></p>
Exclusion of children from school*	<p>Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a> .</p> <p>*Complaints about the application of the behaviour policy can be made through the school’s complaints procedure which can be found on individual school websites.</p>
Staff conduct	<p>Complaints about staff conduct will be dealt with under the school’s internal disciplinary procedures, if appropriate.</p> <p>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 and can choose to progress through the complaint’s procedure.</p>
Staff grievances	Complaints from staff will be dealt with under the school’s internal grievance procedures.
Complaints about services provided by other suppliers who may use school premises or facilities	Complaints about external providers should be addressed through the providers’ complaints procedures. Please contact them directly.
Whistleblowing	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>A whistle-blower is deemed to be someone with privileged knowledge. These may be:</p> <ol style="list-style-type: none"> <li>Members of staff (e.g. teachers, Headteachers, administration support employees)</li> <li>Volunteers (eg Trustees, governors)</li> </ol>

	<p>The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters directly with their employer. Concerns can be raised with the ESFA using their contact form: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>You can read further how the ESFA handles whistleblowing disclosures here: <a href="https://www.gov.uk/guidance/how-esfa-handles-whistleblowing-disclosures">https://www.gov.uk/guidance/how-esfa-handles-whistleblowing-disclosures</a></p>
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If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) 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 this happens, we will inform you of a proposed new timescale. If a complainant commences legal action against FCAT or one of its academies in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

If the complaint falls outside the remit of this policy the complainant will be advised of this in writing within 10 school days following receipt of the complaint with an explanation as to why. In some circumstances, it may be decided that the concern(s) fall within the remit of another policy or procedure.

## Appendix F - Procedure for a complaints panel hearing

### The panel members should be aware of the following:

- BEBCMAT complaints policy;
- The appeal hearing is independent and impartial;
- No member of the panel should take part if they have had a prior involvement in the complaint or the circumstances surrounding it;
- Panel members should include one independent member of the panel, nominated by the Diocese of Lancaster;
- The hearing is held in private;
- The aim of the hearing is to resolve the complaint and achieve reconciliation between the complainant and the school;
- It may not be possible to resolve matters to the complainant's satisfaction, it may only be possible to establish facts and satisfy the complainant that the matter has been taken seriously;
- Some parents may feel nervous, the panel chair will make efforts to ensure proceedings are as informal as possible commensurate with the fact that it is part of a formal procedure.

### The Chair of the panel:

- Welcomes those present and introduces each person by name;
- Stresses that the meeting is strictly confidential to those present;
- Checks that all parties have received and read all previously distributed submissions;
- Outlines the procedures to be followed;
- Ensures that key findings of fact are made, and the issues addressed;
- Ensures that each party is able to state their case and ask questions without undue interruption;
- Ensures that all written material is seen by all parties;
- Conducts the hearing in an informal manner and ensures each party treats the other with respect and courtesy.

### Order of hearing:

- a) The complainant is invited to present their case and explain their desired outcome and any possible redress sought.
  - The Headteacher or other nominated member of staff representing the school may ask questions of the Complainant;
  - Panel members may ask questions of the complainant.
- b) The Headteacher or other nominated member of staff representing the school is invited to explain the school's actions.
  - The complainant may ask questions of the Headteacher or member of staff representing the school;
  - Panel members may ask questions of the Headteacher or member of staff representing the school.
- c) Both parties are invited to summarise their point of view (School/Trust followed by the complainant).

After the parties have withdrawn, the Panel decides on its recommendations, including any redress.

The Panel may:

- 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 school's systems or procedures to ensure that problems of a similar nature do not recur.

The panel will deliberate and reach a decision which, if a vote is needed, will be determined by a simple majority. Any independent member will have the same voting rights as the Trust Board members of the panel. If the voting is tied, the Chair will have the casting vote.

The decision and recommendations of the Complaints Panel will be sent to all parties in writing within 10 working days of the panel being held.

The Panel's decision is final.