

# **Birmingham Diocesan Multi-Academy Trust Complaints Policy**

**Issued: March 2020  
Reviewed December 2020  
Next review due: Autumn 2023**

<b>Contents</b>	<b>Page</b>
Who can make a complaint	4
Difference between a concern and a complaint	4
How to raise a concern or make a complaint	6
Anonymous complaints	7
Timescales	7
Complaints received outside of term time	7
Scope of Complaints process	7
Resolving complaints	9
Withdrawal of complaint	10
Stage 1 – Informal Procedure	10
Stage 2 – Formal Complaint Investigated by the Headteacher	10
Stage 3 – Complaint Heard before a Panel Hearing	12
Complaints about the Trust, CEO or a Trustee or centrally employed staff	16
Stage 4 - Procedure for appealing to the Trust	18
Stage 4 – Procedures for dealing with complaint	19
Next Steps – The Role of the Education and Skills Funding Agency	20
Principles of investigating complaints	21
Principles of resolving a concern or complaint	21
Vexatious or repeated complaints	22
Roles and Responsibilities	23
Procedures of Complaints Panel Hearing	26

Admin matters	30
Contact details	30
Annex 1 – Glossary	31
Annex 2 – Unreasonable Behaviours	32
Annex 3 – Complaint Form	33
Annex 4 – Mediation	35

**This complaints policy sets out the procedure to follow for those who have a complaint about one of the schools within the Birmingham Diocesan Multi-Academy Trust ('BDMAT') or with the Trust.**

### **Who can make a complaint?**

- 1.1 This complaints procedure is not limited to parents or carers of children that are registered at a BDMAT school. Any person, including members of the public, may make a complaint to the school or the Trust about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure. Complaints from staff will normally be dealt with under the Staff Grievance Policy (which can be located on our website [www.bdmatschools.com](http://www.bdmatschools.com))
- 1.2 We are obliged under the Education (Independent School Standards) (England) Regulations 2014 to have in place, clear procedures to deal with complaints made against schools or individuals connected with it. We are aware that under the Education Act 1996 parents have the right to complain about any matter relating to the school's curriculum and any issue relating to the general education that we provide. This complaints procedure is published on our website ([www.bdmatschools.com](http://www.bdmatschools.com)) and hard copies are available from each school office.
- 1.3 This policy applies to all schools within Birmingham Diocesan Multi-Academy Trust (BDMAT) – a full list of these schools can be found at [www.bdmatschools.com](http://www.bdmatschools.com).
- 1.4 We believe that our schools provide an excellent education and that school personnel work very hard to build positive relationships with all parents and others. However, we appreciate that on occasions there are misunderstandings, or differences of opinion. We are always keen to rectify concerns or complaints and will work hard to do so.

### **The difference between a concern and a complaint**

- 2.1 A concern may be defined as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*.
- 2.2 A complaint may be defined as *'an expression of dissatisfaction however made, about actions taken or a lack of action'*.
- 2.3 We believe that complaints should be kept to a minimum by forging strong positive relations with everyone connected with our schools and by having in place very good lines of communication. We have a commitment to promote equality. We believe that in the

interests of all concerned, especially the child, positive relationships should be maintained.

- 2.4** 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 complaint's procedure. Our schools and the Trust take concerns seriously and will make every effort to resolve the matter as quickly as possible.
- 2.5** If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Headteacher or Head of School Support will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Headteacher or Head of School Support 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. The Head of School Support works within the BDMAT Central Team and can support complainants through the process. The Head of School Support can be contacted at [enquiries@bdmatschools.com](mailto:enquiries@bdmatschools.com) . Please note that whilst the Head of School Support can guide complainants through the process it is not their role to answer and deal with complaints, these all need to follow the steps within this policy.
- 2.6** This Complaints Policy is based on the principle that concerns expressed by a pupil, parent or any other individual or organisation should be resolved as quickly as possible without the need to escalate to the formal stages of the procedure. However, where resolution has not been achieved and the person raising the concern is unhappy and wishes to take the matter further, the formal procedure for dealing with complaints will be followed. The four stages are:
- Stage 1 - Informal investigation of a concern by school staff.
  - Stage 2 - Formal complaint investigated by the Headteacher.
  - Stage 3- Complaint heard before a Complaint Panel at the school.
  - Stage 4 – Where the complainant is not happy with the outcome of the complaint panel the complaint can be referred to the trust board.

## **How to raise a concern or make a complaint**

- 3.1 A concern or complaint can be made in person, in writing or by telephone at Stage 1 – this is the informal stage. They may also be made by a third party acting on behalf on a complainant if they have appropriate consent to do so.
- 3.2 Complaints against school staff (except the headteacher) should be made in the first instance, to the headteacher via the school office.
- 3.3 Complaints that involve or are about the headteacher should be in writing and addressed to the Chair of Governors, including at the informal stage, via the school office. Please mark them as Private and Confidential.
- 3.4 Complaints against staff who work in the Central Team of BDMAT should be in writing addressed to the Head of School Support, via the central office (1, Colmore Row, Birmingham). Please mark them as Private and Confidential.
- 3.5 Complaints about the Head of School Support should be in writing and addressed to the Chief Executive Officer (CEO), via the central office. Please mark them as Private and Confidential.
- 3.6 Complaints about a Chair of Governors, any individual governor or the whole governing body should be in writing and addressed to the Clerk to the Governing Body via the school office. Please mark them as Private and Confidential.
- 3.7 Complaints about the Chief Executive Officer (CEO) or a trustee of the Trust, should be in writing and addressed to the Chair of Trustees, via the trust office. Please mark them as Private and Confidential.
- 3.8 For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the school office. You can also ask a third-party organisation for example like the Citizens Advice to help you.
- 3.9 In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations. If you require this support please contact the Head of School Support.

## Anonymous complaints

4.0 We will not normally investigate anonymous complaints. However, the headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation for school complaints and the CEO will determine this for complaints referring to a member of the Central Team.

## Time scales

5.0 You must raise the complaint 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 consider complaints made outside of this time frame only if exceptional circumstances apply.

5.1 This Complaints Policy sets out the time limits for each stage of the complaints procedure. Those dealing with complaints will aim to keep to these time limits. However, where a complaint is of a particularly complex nature, or further investigations are required to ascertain the facts, new time limits can be set. The complainant will, within the time limit specified in this Complaints Policy, be sent the details of any changes to the time limits with an explanation for the delay and confirmation of the revised date.

## Complaints received outside of term time

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

## Scope of this complaints procedure

7.0 This procedure covers all complaints about any provision of community facilities or services by the **school or BDMAT**, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>Admissions to schools</li> </ul>	Concerns about admissions should be handled through a separate process – through the appeals process.
<ul style="list-style-type: none"> <li>Matters likely to require a Child Protection Investigation</li> </ul>	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.

	If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH)
<ul style="list-style-type: none"> <li>Exclusion of children from school</li> </ul>	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> .
<ul style="list-style-type: none"> <li>Whistleblowing</li> </ul>	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>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: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</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 depending on the substance of your complaint.</p>
<ul style="list-style-type: none"> <li>Staff grievances</li> </ul>	Complaints from staff will be dealt with under the Trust's internal grievance procedures.
<ul style="list-style-type: none"> <li>Staff conduct</li> </ul>	<p>Complaints about staff will be dealt with under the Trust'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.</p>

- 7.1 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.
- 7.2 If a complainant commences legal action against BDMAT in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.
- 7.3 Complaints made by a Governor acting in that role should be referred to the Chair of the Local Academy Board to be dealt with. Complaints of this nature made by Governors will

not be dealt with under this Complaints Policy.

7.4 Complaints made by a contractor should be dealt with informally, but may be escalated where dispute resolution or a formal complaints process is included in the contractual agreement. Complaints made by contractors will not be dealt with under this Complaints Policy.

7.5 Complaints about services provided by other providers can be made through their own complaints procedure. Please contact them direct.

## **8.0 Resolving complaints**

8.1 At each stage in the procedure, ***the school and BDMAT*** wants to resolve the complaint, and may offer mediation at any stage of the complaints process if all parties are in agreement. (see Appendix 4)

8.2 The outcome of all concerns and complaints, whether dealt with formally or informally, will be recorded. Examples of outcomes include:

- There was insufficient evidence to reach a conclusion, so the complaint cannot be upheld.
- The evidence did not substantiate the concern, so the complaint cannot be upheld.
- The complaint was substantiated in part or full. A brief description should be given of the remedial action being taken by the school as a consequence of the complaint. Details of the investigation or any disciplinary sanctions to be taken against a member of staff cannot be disclosed.
- The matter has been fully investigated and, as a consequence, further confidential procedures are being pursued. Strictly confidential procedures such as staff disciplinary investigations and sanctions will not be referred to.

8.3 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 policies in light of the complaint
- an apology.

## **9.0 Withdrawal of a complaint**

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

## **10.0 Stage 1 – Informal complaints**

10.1 It is to be hoped that most concerns can be expressed and resolved on an informal basis.

10.2 Concerns should be raised with either the class teacher, year head / subject head or head teacher.

10.3 Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 3 of the procedure.

10.4 At the conclusion of their investigation, the appropriate person investigating the complaint will provide an informal response within 10 school days of the date of receipt of the complaint.

10.5 If the issue remains unresolved, the next step is to make a formal complaint. Either party may initiate a move to the Stage 2 for the complaint to be investigated formally. A copy of the formal complaint form in Annex 3 will be forwarded to the complainant for completion and return, together with a copy of this Complaints Policy.

## **11.0 Stage 2 – Formal complaints**

11.1 Formal complaints must be made to the headteacher (unless they are about the headteacher), via the school office. This may be done in person or in writing (preferably on the Complaint Form which can be found at the end of this policy).

11.2 The headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

11.3 Within this response, the headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see.

11.4 The headteacher can consider whether a face to face meeting is the most appropriate way of doing this.

*Note: The headteacher may delegate the investigation to another member of the school's senior leadership team **but not the decision to be taken.***

11.5 During the investigation, the headteacher (or investigator, *see note above*) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation.

11.6 At the conclusion of their investigation, the headteacher will provide a formal written response within 10 school days of the date of receipt of the complaint.

11.7 If the headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

11.8 The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the school/BDMAT will take to resolve the complaint.

11.9 The headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

11.10 If it is felt to be more appropriate, then stage 2 can be managed by the Chair of Governors rather than the Headteacher and the decision will be made by the Chair not the Headteacher. This needs to be either requested by the Headteacher or agreed with them.

11.11 If the complaint is about the headteacher, or a member of the governing body (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 2.

11.12 Complaints about the headteacher or member of the governing body must be made to the Clerk, via the school office.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 2 will be escalated to the CEO of the Trust.

11.13 The actions outlined in section 11 will be undertaken by the CEO for complaints relating to members of the BDMAT Central Team or the decisions of the Central Team

## 12.0 **Stage 3 – Panel Hearing**

12.1 If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3 – a panel hearing consisting of at least three people who were not directly involved in the matters detailed in the complaint with one panel member who is independent of the management and running of the school / trust.

12.2 This is the final stage of the complaints procedure at the school level.

12.3 A request to escalate to Stage 3 must be made to the Clerk, via the school office, within 10 school days of receipt of the Stage 2 response.

12.4 The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

12.5 Requests received outside of this time frame will only be considered if exceptional circumstances apply.

12.6 The complainant will be asked to complete a complaint form (Annex 3) if they have not already done so. The Chair of Governors or Clerk will offer to help an individual to complete the form if appropriate

12.7 On receipt of the complaints form, the Chair of Governors (or other governor, nominated by the Local Academy Board) will:

- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them (if unsure or further information is necessary);
- clarify what the complainant feels would put things right.

12.8 At this point the chair of governors (or other governor, nominated by the Local Academy Board) will decide whether the complaint should go straight to the governors' complaints panel or whether a mediation stage should be offered.

- Mediation can only proceed if the complainant and the Headteacher are willing for it to be tried.

- If mediation is not successful, the complaint will be considered by the governors' complaints panel.

#### 12.9 Mediation can be a good way to resolve a complaint because:

- It gives both complainant and headteacher another opportunity to hear each other's points of view (with a third party facilitating)
- It gives the third party an opportunity to help the headteacher and complainant identify and build on areas of agreement
- It gives the headteacher and complainant a structure within which they can resolve remaining differences.
- If both complainant and the headteacher emerge from the mediation satisfied, that is the best foundation for a continuing positive relationship between them.
- Even if the complaint continues to a governors' panel, the issues to be considered are likely to be much clearer following the mediation. Mediation may elicit one or more of the responses listed below from either party:
  - an acknowledgment that the complaint is valid in whole or in part.
  - an appropriate apology;
  - an explanation;
  - an admission that the situation could have been handled differently or better;
  - an assurance that the event complained of will not recur;
  - an explanation of the steps that have been taken to ensure that it will not happen again;
  - an acceptance that the complaint needs go no further
  - a commitment to review school policies in light of the complaint

See Appendix for Mediation facilitator options Governors' Complaints Panel

#### 12.10 Where the complainant is still not satisfied that their complaint has been dealt with fully and properly, they may choose to take it to a panel hearing.

12.11 The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 15 school days of receipt of the Stage 2 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

12.12 If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

12.13 If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 3 will be heard by the CEO, a trustee and an independent panel member.

12.14 A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

12.15 Representatives from the media are not permitted to attend.

12.16 At least 10 school days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the committee at least 5 school days before the meeting.

12.17 Any written material will be circulated to all parties at least 2 school days before the date of the meeting. The committee will not accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

12.18 The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from

Stage 1 of the procedure.

- 12.19 The meeting will be held in private. Electronic recordings of meetings or conversations are not permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.
- 12.20 The committee will consider the complaint and all the evidence presented. The committee can:
- uphold the complaint in whole or in part
  - dismiss the complaint in whole or in part.
- 12.21 If the complaint is upheld in whole or in part, the committee will:
- decide on the appropriate action to be taken to resolve the complaint
  - where appropriate, recommend changes to the school's or trust's systems or procedures to prevent similar issues in the future.
- 12.22 The Chair of the Committee will provide the complainant and the school with a full explanation of their decision and the reason(s) for it, in writing, within 10 school days.
- 12.23 The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by the school.
- 12.24 The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the school / Trust will take to resolve the complaint.
- 12.25 The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about.
- 12.26 Furthermore, they will be available for inspection on the school premises by the proprietor and the headteacher.
- 12.27 A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing.

### **13.0 Complaints about the Trust, CEO or Trustee or centrally employed staff**

13.1 If a complainant wishes to complain directly about the trust or a member of the Central Team, then the complaint should be sent to the CEO to be investigated.

13.2 The CEO will write to the complainant acknowledging the complaint within 5 school days of the date that the written request was received. The acknowledgement will confirm that the complaint will now be investigated under Stage 2 of this Complaints Policy and will confirm the date for providing a response to the complainant.

13.3 Following the investigation, the CEO will write to the complainant confirming the outcome within 10 school days of the date that the letter was received. If this time limit cannot be met, the CEO will write to the Complainant within 5 school days of the date that the letter was received, explaining the reason for the delay and providing a revised date.

13.4 If the complaint concerns the CEO or a Trustee, the complaint should be investigated by the Chair of the Trust Board. If a formal complaint form is received about the Chair, the complaint will be referred to the Vice Chair for investigation

*NB. Where the Chair of the Trust Board has investigated the complaint, they will write the letter of outcome to the Complainant and provide a copy to the CEO.*

13.5 If the complainant is not satisfied with the outcome of the previous stage, the complainant should write to the Clerk to the Trust Board asking for the complaint to be heard before a Complaint Panel, within 10 school days.

13.6 The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

13.7 The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 15 school days of receipt of the Stage 2 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

13.8 If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

13.10 The Complaint Panel will consist of three members. None of the three members of the Complaint Panel will have been involved in the incidents or events which led to the complaint, or have been involved in dealing with the complaint in the previous stages, or have any detailed prior knowledge of the complaint.

13.11 One of the Complaint Panel members will be independent of the management and running of the Academy Trust. This means that the independent Complaint Panel member will not be a governor, Trustee or an employee of the Trust.

13.12 A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.

For instance, if a trust employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

13.13 Representatives from the media are not permitted to attend.

13.14 At least 10 school days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the committee at least 5 school days before the meeting.

13.15 Any written material will be circulated to all parties at least 2 school days before the date of the meeting. The committee will not accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

13.16 The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

13.17 The meeting will be held in private. Electronic recordings of meetings or conversations are not permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

13.18 The committee will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

13.19 If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

13.20 The Chair of the Committee will provide the complainant and BDMAT with a full explanation of their decision and the reason(s) for it, in writing, within 10 school days.

13.21 The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by BDMAT.

13.22 The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions BDMAT will take to resolve the complaint.

13.23 The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the school premises by the proprietor and the head teacher.

13.24 A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing.

#### **14.0 Stage 4 - Procedure for appealing complaints made to a school to Trust Level**

14.1 Where the above school-based complaints procedure has been completed and the complainant does not feel their complaint has been dealt with to their satisfaction by the school they may contact the CEO of the Trust in writing (1 Colmore Row, Birmingham B3 2BJ) to request a review of the complaint investigation.

14.2 Generally the Trust will only investigate complaints about academies that fall into the following two areas:

**The school did not comply with this complaints procedure when considering a complaint**

**or the school's complaints procedure does not comply with statutory requirements.**

The Trust cannot review or overturn a school's decisions about complaints but will look at whether the school considered the complaint appropriately. The Trust will generally only do this after a complaint has been through this procedure but may investigate sooner if there is evidence of undue delays by the school. If the Trust finds that a school did not deal with a complaint appropriately it will request that the complaint is reconsidered within 30 days. Similarly, if the complaints procedure does not meet statutory requirements then the Trust will ensure this is put right and the complaint is reconsidered within 30 days.

**The school / Trust has failed to comply with a duty imposed under its funding agreement with the Secretary of State.**

The Trust will seek to resolve any concerns regarding potential or actual breaches of the funding agreement with the school. The Trust will also consider evidence that a school has failed to comply with any other legal obligation placed on it.

- 14.3 Investigations will not usually take place 3 months or more after the decisions or action taken by the school unless the complainant has good reason for the delay in making the complaint.
- 14.4 The Trust reserve the right not to investigate complaints considered to be vexatious or malicious or where the Trust is satisfied with the action that the school has already taken or proposes to take to resolve the complaint.

#### **15.0 Procedures for Dealing with a Complaint under Stage 4**

- 15.1 Written complaints will be acknowledged in writing within 5 working days. The complainant will be given the name of the Investigating Officer at the Trust.
- 15.2 The complainant will be asked to submit a written summary of the complaint.
- 15.3 The school will be asked to provide:
- a copy of relevant policies or procedures;
  - an explanation of how each stage of the complaints procedure has been followed;

- a response to the summary of the complaint, together with relevant documents and copies of correspondence with the complainant.
- 15.4. The school will be asked to respond within 10 working days, notifying the Investigating Officer if there is any confidential information which may not be shared with the complainant such as data belonging to individuals not involved in the complaint.
- 15.5. The Investigating Officer will respond in writing to the complainant, usually within 10 working days. However, whilst every effort will be made to complete investigations promptly, in some cases, requiring detailed investigations, it will take longer to produce a written response. Where this is the case the complainant will be advised of any revised timescale for production of the written response.
- 15.6. Where appropriate the Trust may direct the school to review its decision on the complaint submitted to it or change its procedures for reaching the decision if they are non-compliant with statutory requirements.
- 15.7 This is the final stage of the complaints procedure within our organisation.

## **16.0 Next Steps - The Role of the Education and Skills Funding Agency**

- If the complainant believes the school / trust did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the ESFA after they have completed Stage 3 or 4
- The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by the school. They will consider whether the school has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed Part 7 of the Education (Independent School Standards) Regulations 2014.
- The complainant can refer their complaint to the ESFA online at:

[www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), by telephone on: 0370 000 2288 or by writing to:  
Academy Complaints and Customer Insight Unit  
Education and Skills Funding Agency  
Cheylesmore House  
Quinton Road  
Coventry CV1 2WT

## **17.0 Principles of Investigating a Concern or Complaint**

17.1 The principles that will form the basis for all investigations of concerns and complaints will be that the person investigating the complaint:

- Has read this Complaints Policy to familiarise themselves with the procedure;
- Is aware of the time limits that apply to the relevant stage and ensures that they comply with them;
- Establishes the nature of the complaint and what issues remain unresolved;
- Establishes what the complainant says has happened, who has been involved, and what the complainant feels would put things right;
- If necessary, interviews those involved in the matter, for example the complainant, pupils and members of staff, including those complained about;
- Allows pupils and those complained about to be accompanied during interviews, if they wish;
- Keeps a written record of the interview, and asks the interviewee to sign and date it;
- Establishes relevant facts, on a balance of probabilities, based on evidence not speculation, and keeps a written record of these;
- Provides an effective response to the complaint, addressing all issues raised (including, where relevant, complaints about the way in which the complaint has been dealt with in the earlier stages);
- Ensures that the response to the complaint includes the appropriate redress, where necessary;
- Reports the complaint and the outcome of the complaint to the Senior Leadership Team and the CEO so that services can be improved;
- Deals with investigation in an impartial, objective, fair and timely manner, keeping in mind the privacy of the parties involved.

## **18.0 Principles of Resolving a Concern or Complaint**

18.1 It is in everyone's interest that concerns and complaints are resolved at the earliest

possible stage. The way in which the concern or complaint is dealt with after the complainant first raises the matter can be crucial in determining whether the complaint will escalate. To that end, members of staff will be periodically made aware of the procedure in this Complaints Policy, so that they will know what to do when a concern is raised with them.

18.1 At each stage of the complaints procedure, the investigator will consider how the complaint may be resolved. In considering how a complaint may be resolved, the investigator will give due regard to the seriousness of the complaint. It may be appropriate in order to bring the complaint to a resolution for the investigator to offer:

- An explanation.
- An admission that the situation could have been handled differently or better.
- An apology.
- Reassurance that steps have been taken to prevent a recurrence of events which led to the complaint.
- Reassurance that the school/BDMAT will undertake a review of its policies and procedures in light of the complaint.

18.3 None of the above will constitute an admission of negligence or an acceptance of liability on behalf of the school or trust.

## **19 Vexatious and/or Repeated Complaints**

19.1 There may be occasions when, despite exhausting the procedure in this Complaints Policy, the complainant persists in making the same complaint to the school / trust. There may also be occasions when a complainant raises unreasonable persistent complaints or raises complaints about matters which do not affect them. In addition, there may be occasions when a complaint is made about a matter which is clearly so trivial that it would be a waste of the school's or Trust's resources to deal with it under the formal stages of the procedure. In all of these cases, the school and / or Trust reserves the right to regard the complaint as vexatious and/or repeated and to refuse to investigate it under the procedure in this Complaints Policy **if it appears reasonable and fair to do so, having regard to the circumstances surrounding the complaint.** The complainant will still be able to make complaints regarding new matters, not already investigated through the complaints policy and to make requests for information under Freedom of Information and Subject Access Requests.

- 19.2 Where the school / Trust decides that a complaint is vexatious and/or repeated and will not be investigated, we will write to the complainant within 5 school days of the complaint being raised to notify them of the decision.
- 19.3 If the complainant is unhappy with the decision not to investigate a vexatious and/or repeated complaint, they may write to the Chair of the Local Academy Board to ask for the decision to be reviewed. The Chair will be provided with all documentation relating to the current complaint and any previous complaints which were relevant to the decision, together with the letter from the school to the complainant and will review the decision made. The Chair will then write to the complainant with the outcome of the review normally within 10 school days of the date that the letter from the complainant seeking the review was received.
- 19.4 If the Chair of the Local Academy Board reverses the decision not to investigate the concern or complaint, it will be referred to the school to be dealt with under the procedure in this Complaints Policy in the usual way.
- 19.5 If the Chair of the Academy Board upholds the decision not to investigate the concern or complaint, the complainant may refer the concern or complaint to the board of Directors of the Birmingham Diocesan Multi-Academy Trust using the procedure stated in stage 4 of the Complaints Policy.
- 19.6 Where the complainant continues to communicate with the school about a matter that has already been investigated and ruled as being vexatious, the Trust reserves the right to limit communication to the parent regarding the matter to once per term in answer to any communications which they have sent.

## **20.0 Roles and Responsibilities**

### **20.1 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.

## **20.2 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 for the headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

## **20.3 Clerk to the Local Academy / Trust Board**

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 under 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 and that the venue and proceedings are accessible

- collate any written material relevant to the complaint 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.

#### **20.4 Committee 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.
- 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 Clerk

#### **20.5 Committee 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 / Trust 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.

## **21 Procedures at Complaint Panel Hearing**

- 21.1 The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.
- a. **School Representative.** The school will be represented at the Complaint Panel Hearing by the person who investigated the complaint under the most recent stage of the procedure. This will usually be the Headteacher, however it may on occasions be the Chair of the Local Academy Board, the Vice-Chair of the Local Academy Board or a member of the Senior Leadership Team. If the complainant has complained about the way in which the complaint was investigated by that person (rather than simply disagreeing with the outcome of the complaint) then the school will not be represented by that person at the Complaint Panel Hearing, and the school will nominate another person to represent the school.

## 21.2 Witnesses.

- The complainant may seek to rely on the accounts of witnesses, which are relevant to the complaint. The complainant should ask each witness to write down their account in a signed and dated statement and send it to the school at least five school days before the Complaint Panel Hearing is due to take place. Copies will be circulated.
- The school may seek to rely on the accounts of witnesses, which are relevant to the complaint. Such witnesses may also include those persons who dealt with the complaint in the previous stages, if the complainant has complained about the way in which the complaint was investigated (rather than simply disagreeing with the outcome of the complaint). Such witnesses should, if they have not already done so, provide a signed and dated statement of their account and provide it to the Clerk to the Local Governors at least five school days before the Complaint Panel Hearing is due to take place.
- The Complaint Panel will have the absolute discretion to decide whether a witness account is relevant to the complaint or whether a witness account is undisputed by the complainant or the school respectively. Where a witness account is irrelevant or undisputed, their attendance at the Complaint Panel will not be required.
- All witnesses, whether they are for the complainant or the school, will not be allowed to sit in on any part of the Complaint Panel Hearing except when they are giving their own verbal account or answering questions, upon conclusion of which they will be required to leave the room.
  - b. Documents.** The Clerk to the Governors will provide a copy of all correspondence, statements (including witness statements) and records relating to the complaint (including records made by those persons who investigated the complaint in the previous stages) to the complainant, the school's representative and each Complaint Panel member at least two school days before the Complaint Panel Hearing is due to take place.
  - c. Attendance at the Hearing** The complainant may be accompanied by an interpreter or signer, as well as friend or relative, at the Complaint Panel Hearing. The friend or relative will attend for moral support only and will not play any part in the Complaint Panel Hearing, unless invited to do so by the Complaint Panel if it appears to them that it will improve the quality of the complainant's representations. The Complaint Panel Hearing is not a legal hearing and it is therefore not appropriate for either the complainant or the school to be legally represented. Legal representation will only be considered in exceptional

circumstances and will require authorisation from the CEO who will seek legal guidance themselves before authorising. Representatives from the media are not permitted to attend.

- d. **A Clerk to the Complaint Panel** will attend the Complaint Panel Hearing and keep a written record of the proceedings. The Clerk to the Complaint Panel will usually be the Clerk to the Governors, however another suitable person may be appointed to this role if the Clerk to the Governors is not available.

### 21.3 **The Complaint Panel Hearing will proceed as follows:**

- i. The Clerk to the Complaint Panel will greet the complainant, the complainant's supporter and the school's representative and welcome them into the room where the Complaint Panel has convened (witnesses will remain outside of the room until they are called in to give their account).
- ii. The complainant will be invited by the Complaint Panel to give an account of their complaint.
- iii. The school's representative will be invited to ask the complainant questions, if any.
- iv. The Complaint Panel will ask the complainant questions, if any.
- v. The complainant's relevant first witness will be invited into the room to give an account of what they saw or know.
- vi. The school's representative will be invited to ask the Complainant's witness questions, if any.
- vii. The Complaint Panel will ask the complainant's witness questions, if any.
- viii. The complainant's witness will be asked to leave the room.
- ix. If the complainant has any further relevant witnesses, they will be invited into the room individually to provide their accounts and be questioned as outlined above.
- x. The school's representative will be invited by the Complaint Panel to respond to the complaint and make representations on behalf of the school.
- xi. The complainant will be invited to ask the school's representative questions, if any.
- xii. The Complaint Panel will ask the school's representative questions, if any.

- xiii. The school's relevant first witness will be invited into the room to give an account or what they saw or know.
- xiv. The complainant will be invited to ask the school's witness questions, if any.
- xv. The Complaint Panel will ask the school's witness questions, if any.
- xvi. The school's witness will be asked to leave the room.
- xvii. If the school has any further relevant witnesses, they will be invited into the room individually to provide their accounts and be questioned, as outlined above.
- xviii. The complainant will be invited by the Complaint Panel to summarise their complaint.
- xix. The school's representative will be invited by the Complaint Panel to summarise their response to the complaint and the school's stance.
- xx. The complainant and the school's representative will be asked to leave.

#### **21.4 The Complaint Panel's Decision**

The Complaint Panel will meet in private, either immediately after the Complaint Panel Hearing or on a subsequent date, and will consider all of the documentation and everything that they have heard at the Complainant Panel Hearing and make:

- Findings of Fact - The Complaint Panel will decide which facts are established to be true, on a balance of probabilities (i.e. more likely than not). If a fact is not deemed relevant, the Complaint Panel will not consider it further. The Complaint Panel will make a written record of the facts that have been established, those which have not been established and those which are not relevant, with reasons.
- Recommendations - The Complaint Panel will consider the facts, which they have established and will make recommendations based upon them. These recommendations may be aimed at achieving reconciliation between the parties (for example, a written apology), improving procedures or preventing a recurrence in the future. The Complaint Panel will keep a written record of their recommendations, with reasons.

## 21.5 Notification of the Complaint Panel's Decision

- a) The Clerk to the Complaint Panel will write within 10 school days of the Complaint Panel Hearing to the:
- Complainant.
  - The school's representative.
  - Any person complained about.
- b) The letter will identify the issues complained about and will confirm the Complaint Panel's findings of fact and recommendations, if any, with reasons. The letter will also confirm that, if the complainant believes that this Complaints Policy does not comply with the Regulations, or that the school has not followed the procedure outlined in this Complaints Policy, the complainant may refer their complaint to the board of the Birmingham Diocesan Multi-Academy Trust for consideration. (See 26.0)
- c) The Clerk to the Complaint Panel will also ensure that a copy of the Complaint Panel's findings and recommendations are made available on the school's premises for inspection by the LAB and the Headteacher.

## 22 Administrative Matters

- a) The school will keep a central record of all concerns and complaints received, whether they were dealt with informally or formally.
- b) The school will keep all correspondence, statements and records relating to individual complaints confidential, except where the Secretary of State or a body authorised to conduct a school inspection requests access to them or if they are requested by the Trust.
- c) This Complaints Policy will be reviewed every three years (or sooner if legislation / practice needs amending) and published on the trust's website and each school's website, as well as being made available to pupils, parents and other individuals or organisations on request.

### Contact details

The contact details for complaints or information are: Birmingham Diocesan Multi-Academy Trust (BDMAT), 1 Colmore Row, Birmingham B3 2BJ.

## **Annex 1 – Glossary**

The definitions used in this Complaints Policy are:

<b>The Trust</b>	Birmingham Diocesan Multi-Academy Trust ('BDMAT')
<b>Clerk to the Complaint Panel</b>	The person who will attend the Complaint Panel Hearing and keep a written record of the proceedings, and will write to the complainant notifying them of the decision of the Complaint Panel.
<b>Clerk to the Governors</b>	The person responsible for making the arrangements to appoint the Complaint Panel and convene the Complaint Panel Hearing. The Clerk to the Governors will also usually act as the Clerk to the Complaint Panel at the Complaint Panel Hearing.
<b>Chair of the Local Academy Board</b>	The person elected by the Local Academy Board be their chairperson.
<b>Complainant</b>	The person or organisation making the complaint.
<b>Education and Skills Funding Agency</b>	The government department (a sub-department of the Department for Education) responsible for funding and monitoring standards in academies.
<b>Parent</b>	The natural or adoptive mother or father of a pupil, prospective pupil or former pupil, irrespective of whether they are or ever have been married, together with persons with parental responsibility for the pupil, and persons with care of the pupil.
<b>School Day</b>	Term-time weekdays excluding weekends, inset days, bank holidays and school holidays

## **Annex 2 – Unreasonable Behaviours**

The trust is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Behaviour may be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:

- Maliciously
- Aggressively
- Using threats, intimidation or violence
- Using abusive, offensive or discriminatory language
- Knowing it to be false
- Using falsified information
- Publishing unacceptable information in a variety of media such as in social media websites and newspapers

Complainants should limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the Headteacher or Chair of the Local Academy Board will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues, the Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the school causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from school premises

### **Annex 3 – Formal Complaint Form**

**Please complete and return to the School who will acknowledge receipt and explain what action will be taken.**

<p><b>Your name:</b></p> <p><b>Pupil's name (if applicable):</b></p> <p><b>Your relationship to the pupil:</b></p> <p><b>Address:</b></p> <p><b>Postcode:</b></p> <p><b>Day time telephone number:</b></p> <p><b>Evening telephone number:</b></p> <p><b>Please give details of your complaint:</b></p>
--

**What action, if any, have you already taken to try and resolve your complaint (for example, who have you spoken to and what was the response)?**

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

**Are you attaching any paperwork? If so, please give details.**

**Signature:**

**Date:**

## **Appendix 4 - Mediation**

The benefits of mediation

Mediation can be a good way to resolve a complaint because:

- It gives both complainant and Headteacher another opportunity to hear each other's points of view (with a third party facilitating)
- It gives the third party an opportunity to help Headteacher and complainant explore and build on areas of agreement
- It gives Headteacher and complainant a structure within which they can resolve remaining differences.
- If both complainant and Headteacher emerge from the mediation satisfied, that is the best foundation for a continuing positive relationship between them.
- Even if the complaint continues to a governors' panel, the issues to be considered should be much clearer.

Mediation may elicit one or more of the responses listed below from either party:

- an acknowledgment that the complaint is valid in whole or in part.
- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- a commitment to review school policies in light of the complaint.

Recourse to mediation must be with the agreement of both parties and is intended to help arrive at a mutually agreeable solution —it is not possible to impose this on either party.

Nor does it prevent a complainant having recourse to formal appeals procedures as detailed.

### **In-house mediation**

Many chairs of governors and other governors have the skills to conduct a mediation process between their Headteacher and a complainant.

The skills and attributes include:

- ability to listen impartially to both sides
- ability to control a dialogue so that both sides listen to each other
- ability to summarise the arguments and focus the dialogue
- ability to identify areas of agreement that might form a basis for resolving one or more of the issues relating to the complaint
- understanding that solutions cannot be imposed and that both parties need to be satisfied with whatever is resolved.
- understanding that mediation does not always work and there is a further step available to complainants.