

**THE BLESSED EDWARD BAMBER CATHOLIC MULTI ACADEMY TRUST
 COMPLAINTS POLICY AND PROCEDURE**

1.1 Legal context

Since 1 September 2003 Governing Bodies of all maintained schools and maintained nursery schools in England were required, under Section 29 of the [Education Act 2002](#), to have in place a procedure to deal with complaints relating to the School and to any community facilities or services that the School provides. The law also requires the procedure to be publicised. On 1 September 2010, The Education (Independent School Standards) (England) Regulations 2010 which outline the provisions for complaints within Academies came into force.

The School Standards and Framework Act 1998 provided an additional function of the Governing Body to establish and publish procedures for dealing with complaints relating to the school, other than those covered by legislation and formal procedures elsewhere.

1.2 Scope

The policy of the Trust and its 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.

Anonymous complaints will continue to be considered and an outcome of any findings will be recorded in the schools recording systems. 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/Academies 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. A written copy may be obtained upon request from the Headteacher (throughout this policy the term Headteacher includes an Executive Headteacher) of the Academy.

1.3 It is encouraged to resolve any areas of concern(s) informally before the formal process is commenced.

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2.0 Complaints

2.1 What is a complaint?

- a. For the purposes of this procedure a complaint is described as an expression of dissatisfaction about the conduct of, actions or lack of action by a member of staff, unacceptable delay in dealing with a matter or unreasonable treatment of a pupil or other person. The complaint needs to put in writing or if made verbally will be verified by the complainant and the school / academy
- b. This procedure does not cover complaints under legislation for which separate arrangements are in place for example those relating to:
 - o the National Curriculum
 - o Collective Worship
 - o Freedom of Information Access
 - o School/Academy Admissions
 - o Pupil Exclusions
 - o Staff Grievance
 - o Statemeting procedures for Special Educational Needs
 - o other functions of the Trust/Board.
- c. Serious complaints or allegations relating to the abuse of children, assault, criminal or financial matters are also the subject of separate procedures, which may involve other agencies. Where this may be the case, contact should be made with the Headteacher in the first instance.

2.2 Serious allegations or complaints

If the allegations refer to criminal activity, which may require the involvement of the Police, the Headteacher, Chief Executive Officer or Chair of the Board should be inform, unless this would compromise the investigation, and seek advice from an appropriate source. If allegations refer to safeguarding children, advice should be sought from the Local Authority Designated Officer (LADO) and Human Resources.

If the allegations relate to the abuse of children, the Headteacher, Chief Executive Officer or Chair of the Board, as appropriate, should seek the advice of their Human Resources provider. Serious allegations of this nature must be referred under Trust's/Academy's Child Protection Procedures to the Local Authority. It will usually be necessary for a strategy meeting to be convened in order to consider a way forward.

If the allegations involve financial or accounting irregularities or circumstances which may suggest irregularities affecting cash, stores, property, remuneration or allowances, the Chief Executive Officer (Accounting Officer) must be informed so that the complaint can be investigated under the procedures normally applied for suspected financial irregularities.

If the allegations refer to maladministration of tests, the appropriate authority should be contacted (in the case of Primary Schools, the Standards and Testing Agency, in the case of Secondary Schools, the appropriate examination board).

In all the above, consideration will be given under the appropriate procedures where necessary.

Anonymous complaints will continue to be considered and an outcome of any findings will be recorded in the Trust's/Academy's recording systems.

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3.1 Who to complain to:

The Trust/Academy would in most cases hope to resolve concerns and complaints informally, but the procedure allows for an informal and formal consideration of a complaint and an appeal stage if matters cannot be resolved. It may in some stages require an independent investigating officer to be included in the process. Where this is the case, this will be fully communicated to the complainant.

Complaint Against	Investigating Officer for Informal Investigation	Formal Investigation	Appeal
Chair of the Board	External person to be appointed by the Vice Chair of the Board	Trust Complaints Committee	Trust Appeal Panel
Other Director (inc Chief Executive Officer)	Chair of the Board	Trust Complaints Committee	Trust Appeal Panel
Headteacher	Chief Executive Officer	Chair of the Board	Trust Complaints Committee
A member of the Academy Leadership Team	Headteacher	Chief Executive Officer	Trust Complaints Committee
Other Teaching and Support Staff	A member of the Academy Leadership Team appointed by the Headteacher	Headteacher	Chief Executive Officer

Where a complaint is made against an individual member of staff, that person will be informed of the complaint at the earliest opportunity by the Investigating Officer, in writing, and will be provided with a copy of the complaint. Full confidentiality must be adhered to at all times during these processes but it is important to note that the anonymity of the complainant cannot be guaranteed.

It is useful to encourage complainants to indicate what actions they feel might resolve the problem. Identifying areas of agreement and clarifying any issues can also create a positive atmosphere in which to discuss any outstanding issues. In this respect it should be noted that complainants' views on this may be unreasonable and they should be made aware of what are reasonable and appropriate outcomes in relation to the specific nature of their complaint.

These procedures are in addition to the Trust's Whistleblowing procedures and other statutory reporting procedures applying to the Trust and its academies.

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3.2 Timescales

The Trust/Academy is committed to dealing with complaints as speedily as possible and would plan to complete each stage within ten working days, that is, days upon which the academy is open to educate children or INSET days. From time to time, it may not be possible to complete the process in that timescale.

Where that is not possible the complainant will be informed of any delays in writing. Where a complaint leads to criminal proceeding this will always be the case, therefore timescales within this procedure may need to be reviewed.

3.3 Confidentiality

All conversations and correspondence will be treated confidentially. Personal information will only be shared between staff and directors on a 'need to know' basis. It is essential that any information shared with any party, as a result of this procedure, is kept strictly confidential.

It is essential that Directors do not discuss any matters disclosed to them with other members of the Board, to ensure that sufficient Directors have no prior knowledge of the complaint to enable a Complaints Panel to be convened, if required, at the Formal Stage. It is also essential that Directors are mindful that details of situations occurring within the school should not be discussed or made reference to at any Board Meetings.

3.4 Accompaniment

Throughout this procedure, all parties will have the opportunity to be represented. In the case of a member of staff you may accompanied by a companion who must be either a willing work colleague not involved in the issue related to you or an accredited trade union representative of a union recognised by the Trust and in the case of a Parent, you may be represented by a friend or a colleague at any informal or formal stages.

It is not appropriate for Solicitors or representatives of similarly professional environments who are not linked to a Professional Trade Union, to be present at any formal meetings.

3.5 Recording and monitoring complaints

A record of complaints, how they were dealt with and the outcome should be maintained as a separate complaints file, in the interests of the members of staff concerned and the Trust/Academy. Records of complaints against Directors or Headteachers will be maintained by the Chief Executive Officer and for all other staff employed by the Trust by the Headteacher of the Academy.

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4.0 The Complaints Procedure

In dealing with complaints the school/academy will take account of its public sector equality duty and have due regard to the need to:-

- eliminate discrimination, harassment, victimisation and any other conduct prohibited by or under the Equality Act 2010
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it

Except in exceptional circumstances previous stages of the procedure should be exhausted before a complaint is referred to a subsequent stage.

4.1 The Informal Stage

In most cases complaints are successfully resolved informally by teachers, senior managers and Headteachers. However, if this does not resolve the problem then the matter should be brought to the attention of the appropriate Investigating Officer at the Informal Stage as outlined in the table in 3.1

The Investigating Officer will:

- Acknowledge the complaint
- Make enquiries to establish the facts
- Seek advice as appropriate
- Attempt to resolve the matter informally
- Establish whether or not the complaint is satisfied
- Advise the complainants of the next stages if they wish to proceed to a formal consideration of the complaint
- Make a brief note of the outcome

This stage would normally be expected to take no more than 10 Academy days.

If the Headteacher/Chair of Governors is not able to resolve the complaint and/or the complainant still remains unhappy the complaint should be dealt with at the Formal Stages.

4.2 The Formal Stages

Where an informal complaint has not been resolved to the satisfaction of the complainant they should write to the Headteacher or Chief Executive Officer within 10 working days of the receipt of the outcome at the previous stage. On receipt, the Headteacher or Chief Executive Officer will:

- Ensure the complainant is aware of the procedures
- Require a written record of the complaint (someone else may write this on behalf of the complainant)
- Formally acknowledge the complaint
- Seek advice as appropriate
- If the complaint concerns a member of staff inform them and provide them with a copy of the complaint
- Prepare a report as a result of the investigation and consider actions to be taken
- Advise the complainant of the outcome. Where it is considered no further action is needed or the complaint is unsubstantiated, the complainant should be advised, in writing. They should also be informed of their right to appeal within 10 working days
- Make a record of the complaint and its outcome; this should be retained for Trust's/Academy's records

This stage would normally be expected to take no more than 10 working days.

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4.3 Appeals

If the complainant is dissatisfied with the outcome of the formal investigation they should write to the Clerk of the Board within 10 working days of the receipt of the outcome at the previous stage stating why and request that their complaint be referred to the Appeals Panel, Complaints Committee or Chief Executive Officer as appropriate.

An Appeals Meeting will be convened within 10 working days of the request.

The Appeal/Complaints Panel will comprise two Directors who have not previously been involved in the complaint and/or do not have a personal or pecuniary interest plus an independent panel member determined by the Diocesan Education Service.

The Trust's Human Resources service provider and Diocesan Officer will be available to assist the Committee and to offer advice as required.

At least 5 days before the meeting, members of the Appeal/Complaints Panel or Chief Executive Officer will receive papers about the complaint which should include as appropriate:

- A copy of the original complaint.
- An outline of any investigation carried out by the Investigating Officer Informal Stage
- A copy of the letter sent to the complainant about the outcome at Informal Stage
- A copy of the letter from the complainant expressing their dissatisfaction with the outcome at Informal Stage
- A copy of the letter to the Investigation Officer requesting an investigation at Formal Stage
- An outline of any investigation carried out by the Investigation Officer at Formal Stage
- A copy of the letter sent to the complainant about the outcome at Formal Stage
- A copy of the letter from the complainant expressing their dissatisfaction with the outcome at Formal Stage
- A copy of the appeals letter from the complaint.
- A copy of the Trust's current adopted Complaints Procedure

The Panel/Chief Executive Officer will:

- Consider the written materials;
- Consider the complaint and the Investigating Officers actions;
- Invite the Investigating Officers and the complainant to the meeting
- Have an opportunity to question the complainant and Investigating Officer when they have stated their cases.
- Seek advice and support as necessary.
- When the Panel/Chief Executive Officer is satisfied that it has all the information it needs it will consider all the evidence and decide an outcome

At the end of their consideration the Panel/Chief Executive Officer can:

- Dismiss the complaint in whole or in part.
- Uphold the complaint in whole or in part.
- Decide on the appropriate action to be taken to resolve the complaint.
- Recommend changes to the Trust's/Academy's systems or procedures to ensure that problems of a similar nature do not recur.

and will:

- Advise the complainant of the decisions in writing within 5 working days.
- Advise the complainant of any further action they may wish to take if they remain dissatisfied.

This decision is the final stage of the Trust's internal Complaints Procedure.

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4.4 Withdrawal of a complaint

If the complainant wishes to withdraw their complaint, they will be asked to confirm this in writing/email. The individual of whom the complaint refers will be informed that the complaint has been withdrawn

5.0 Independent Body to Consider Complaints

5.1 The Education Funding Agency (EFA)

The EFA will normally only consider a complaint about an academy after the Trust's/Academy's own complaints procedure has been exhausted.

The EFA cannot review or overturn decisions about complaints made in respect of academies. The EFA can only investigate whether the Academy considered the complaint appropriately. If the EFA finds that an academy did not consider a complaint appropriately it can request the Academy to re-consider the complaint.

Complaints should be sent by post to:

EFA Institution Complaints,
Young People's Programme Management,
Earlsdon Park,
53-55 Butts Road,
Coventry, CV1 3BH

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