

# **Birmingham Diocesan Multi-Academy Trust**

## **Staff and LAB Governor Complaints Policy against BDMAT Centrally employed staff**

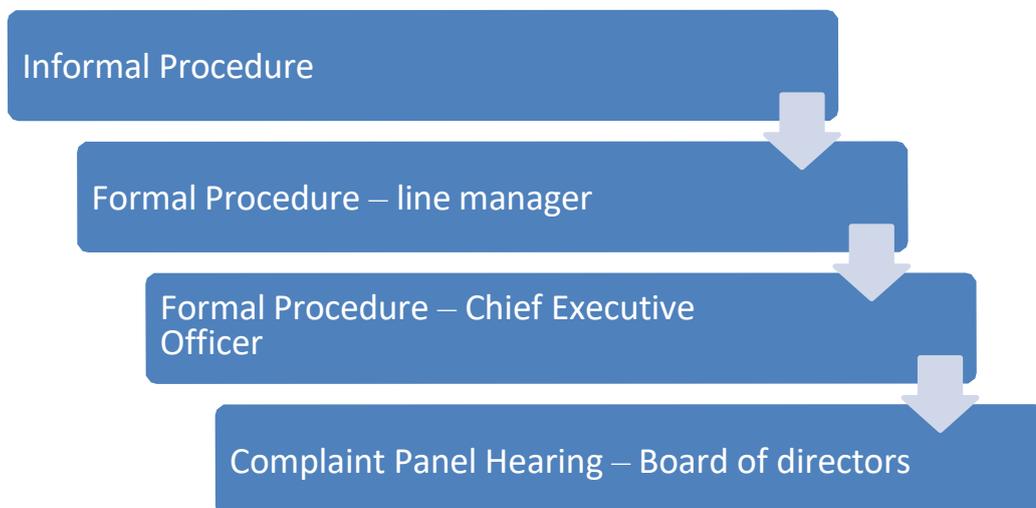
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## **1.0 Introduction**

- 1.1. We believe that our centrally employed staff have excellent relationships with the staff in our schools and provide excellent support. On occasions, staff and local academy boards may not be happy with the decisions that members of the central team have made that impact upon their school and this policy identifies the procedure they can follow. This policy is for complaints that do not constitute a grievance that the member of staff has. For example, if a member of staff felt victimised by a member of the central team that would be dealt with under the grievance policy whereas a complaint about a decision by the central team not to fund a project would be covered by this policy. Equally, BDMAT has a whistle-blowing policy which it might be more appropriate for the member of staff to follow.
- 1.3 This Complaints Policy is based on the principle that concerns expressed by a member of staff or governor 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 three stages are:
- Stage 1 (informal) – Raise the concern with the central member of staff directly
  - Stage 2 (formal) – Formal complaint investigated by the central team member’s line manager
  - Stage 3 (formal) – Formal complaint investigated by the CEO
  - Stage 4 (formal) - Formal complaint investigated by the board of directors
- 1.5 All complaints regarding a safeguarding/child protection issue will be dealt with under child protection procedures.

## **2.0 Policy**

- 2.1 Concerns or complaints should be raised within three months of the incident or event to which the complaint relates (or, where the complaint relates to a series of incidents or events, within three months of the latest incident or event).
- 2.2 There are three stages to their complaints procedure. The aim is to try to deal with the complaint, to the satisfaction of the complainant, at the earliest possible stage.



2.3 Only if the complaint cannot be resolved at the informal stage would it be escalated to the formal stages. Only if the complaint cannot be subsequently resolved at the first formal stages would it be escalated to the directors.

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

3.1 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 policy to familiarise his or herself with the procedure;
- Is aware of the time limits that apply to the relevant stage and ensures that he or she complies 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, and those complained about;
- Keeps a written record of the interview;
- 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 BDMAT director's Finance and Resources Committee so that service can be improved;
- Deals with investigation in an impartial, objective, fair and timely manner, keeping in mind the privacy of the parties involved.

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

4.1 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 the central staff will be periodically made aware of the procedure in this policy, so that they will know what to do when a concern is raised with them.

4.2 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 apology;
- Reassurance that steps have been taken to prevent a recurrence of events which led to the complaint;
- Reassurance that the central team will undertake a review of its policies and procedures in light of the complaint.

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

#### **5.0 Principles of Notifying the Outcome of a Concern or Complaint**

5.1 Once all of the facts have been established, the investigator will write to the complainant setting out all of the issues in dispute, the results of the investigation, the decision made, the reasons for the decision, and details of any action to be taken to resolve matters or prevent a reoccurrence. Alternatively, the investigator may wish to meet with the complainant to discuss the outcome of the investigation, the decision made, the reasons for the decision and any action to be taken directly, in which case a full written record will be made of the meeting. Strictly confidential procedures such as staff disciplinary investigations or sanctions must **not** be referred to.

5.2 The outcome of all concerns and complaints, whether dealt with formally or informally, will be recorded centrally by the Central Team. 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 Central Team as a consequence of the complaint. Details of the investigation of 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 must not be referred to.

## **6.0 Time Limits**

6.1 This 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.

## **7.0 Late Complaints**

7.1 Where a concern or complaint is raised more than three months after the incident or event (or where the complaint relates to a series of incidents or events, more than three months from the date of the latest incident or event), the trust reserves the right to refuse to investigate the concern or complaint under the procedure in this Complaints Policy if it appears reasonable and fair to do so, having regard to the circumstances surrounding the complaint.

7.2 Complaints that relate to issues concerning child protection will always be investigated, under child protection procedures, irrespective of any delay in bringing the complaint.

- 7.3 Where the Trust decides that a concern or complaint which was raised late will not be investigated, the Trust will write to the complainant notifying them of the decision within **5 school days** of the concern or complaint being raised.
- 7.4 If the complainant is unhappy with the decision not to investigate a concern or complaint that was raised late, the complainant may write to the Chair of the Board of Directors asking for the decision to be reviewed. The Chair of the Board of Directors will be provided with all documentation relating to the concern or complaint, together with the letter from the school to the complainant and will review the decision made. The Chair of the Board of directors will then write to the complainant with the outcome of the review within **10 school days** of the date that the letter from the complainant seeking the review was received and provide the CEO with a copy of the letter.
- 7.5 If the Chair of the Board of Directors reverses the decision not to investigate the concern or complaint, it will be referred to the central team to be dealt with under the procedure in this policy in the usual way.
- 7.6 If the Chair of the Board of Directors upholds the decision not to investigate the concern or complaint, the complainant cannot proceed any further with their complaint.
- 7.7 In exceptional circumstances, the Chair of the Board of Directors can delegate the responsibility for the review to the Vice-Chair of the Board Directors.

## **8.0 Anonymous Complaints**

- 8.1 The trust will not investigate anonymous complaints under the procedure in this policy. Anonymous complaints will be referred to the CEO who will decide what, if any, action should be taken.

## **9.0 Stage 1 - Informal Procedure**

- 9.1 The central member of staff can deal with many concerns to the satisfaction of the complainant, without needing to deal with it formally. The Central Team values informal meetings and telephone discussions as a way of improving its procedures and relations with staff. Therefore, initially staff in schools or LAB governors should address their concern initially to the member of staff who made the decision / action that they are concerned about

- 9.2 There is no rigid time-scale for resolving concerns and complaints at this stage, given the importance of dialogue through informal discussions, however it is expected that most concerns will be resolved within **10 school days**. Should the nature or complexity of the concern mean that more time is required, the central team member of staff will write to the complainant within **10 school days** informing them of the reason for the delay and confirming a revised date for resolution.

- 9.3 Should informal meetings and telephone discussions appear unlikely to resolve the concern, either party may initiate a move to the Stage 2 for the complaint to be investigated formally.

## **10.0 Stage 2 – Formal Complaint Investigated by a Central Team line manager**

- 10.1 If the complainant is unhappy with the way in which the concern was dealt with informally, the complainant should contact the team member's line manager and outline their concerns – the line manager may ask that the concern is put in writing in order to best deal with the concern. For complaints regarding the Chief Executive Officer (CEO) these should be brought to the attention of the Chair of

Board of Directors.

- 10.2 Upon receipt of a complaint, the line manager will identify the appropriate member of staff to investigate the complaint under Stage 2 if they feel that it is not them.
- 10.3 Where the first approach is made to a director, the director must refer the complaint to the CEO, who will allocate it to an appropriate member of staff for investigation under Stage 2 of this policy. Directors should not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.
- 10.4 The line manager considering the complaint will write to the complainant acknowledging the complaint within **5 school days** of receiving the complaint. The acknowledgement will confirm which stage of the complaints policy the complaint is being investigated under, and will confirm the date for providing a response to the complaint. Following investigation of the complaint, the member of staff will write to the complainant confirming the outcome within **10 school days** of the formal complaint form being received. If this time limit cannot be met, the member of staff will write to the Complainant within **10 school days** of the formal complaint being received, explaining the reason for the delay and providing a revised date.
- 10.5 The letter to the complainant should notify them that if he or she is unhappy with the outcome of the Stage 2 investigation of the complaint, they should write to the CEO within **10 school days** of receiving the letter asking for the complaint to be investigated under Stage 3 of this Complaints Policy. If no further communication is received from the complainant within 10 school days, the complaint will be deemed to have been resolved.
- 11.0 Stage 3 – Formal Complaint Investigated by the CEO**
- 11.1 If the Complainant is unhappy with the outcome of the complaint under Stage 2, the complainant should contact the CEO asking for the complaint to be investigated under Stage 3 of this Complaints Policy.

- 11.2 The CEO will write to the Complainant acknowledging the complaint within **5 school days** of the date that the letter was received from the complainant. The acknowledgement will confirm that the complaint will now be investigated under Stage 3 of this Complaints Policy, and will confirm the date for providing a response to the complaint. Following investigation of the complaint, the CEO will write to the complainant confirming the outcome within **10 school days** of the date that the request was received from the complainant. If this time limit cannot be met, the CEO will write to the complainant within **10 school days** of the date that the request was received from the complainant, explaining the reason for the delay and providing a revised date.
- 11.3 The letter to the complainant should notify them that if he or she is unhappy the outcome of the Stage 3 investigation of the complaint, they should write to the Clerk to the Board of Directors within **10 school days** of receiving the letter asking for the complaint to be heard before a Director's Complaint Panel under Stage 4 of this policy. If no further communication is received from the complainant within 10 school days, the complaint will be deemed to have been resolved.
- 11.4 In exceptional circumstances, the CEO may delegate responsibility for investigating the complaint under Stage 3 of this Complaints Policy to another member of the Executive Team. In those circumstances, the CEO will monitor the progress of the investigation, and it will be the CEO who will write the letter of outcome to the complainant.
- 12.0** As stated above, where a formal complaint is received making a complaint about the **CEO** or a **director**, the complaint will be referred to the Chair of the Board of Directors for investigation under **Stage 3** of this policy, rather than Stage 2. If a formal complaint is received making a complaint about the **Chair of the Board of Directors**, the complaint will be referred to the Vice Chair of the Board of Directors for investigation under **Stage 3** of this Complaints Policy, rather than Stage 2.
- 13.0 Stage 4 – Complaint Heard at a Complaint Panel Hearing of the Board of Directors**
- 13.1 If the complainant is unhappy with the outcome of the complaint under Stage

3, the complainant should write to the Clerk to the Board of Directors asking for the complaint to be heard before a Complaint Panel.

13.2 The Clerk to the Directors will write to the complainant acknowledging the request for the complaint to be heard before a Complaint Panel within **5 school days**. The letter will inform the complainant that the Complaint Panel Hearing will aim to take place within **25 working days** of the date that the letter was received from the complainant and that arrangements to appoint the Complaint Panel and convene the Complaint Panel Hearing will be made by the Clerk to the Directors, who will be the complainant's point of contact.

#### **14.0 The Central Team Representative**

15.1 The central team 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 CEO, however it may on occasions be the Chair of the Board of Directors, the Vice-Chair or a member of the Executive 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 central team will not be represented by that person at the Complaint Panel Hearing, and the executive will nominate another person to represent the central team.

#### **15.0 Convening the Complaint Panel Hearing**

16.1 The Clerk to the Directors will convene the Complaint Panel Hearing on a date and at a time which is convenient to the complainant, the central team representative and the three Complaint Panel members. The Clerk to the Directors will write to the complainant, the central team representative and the Complaint Panel members **at least 5 school days** before the Complaint Panel Hearing is due to take place confirming the date and time.

#### **16.0 Attendance at the Hearing**

16.1 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.

#### **17.0 The Clerk to the Complaint Panel**

20.1 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 Board of Directors, however another suitable person may be appointed to this role if the Clerk to the Directors is not available.

## **18.0 Procedure at the Complaint Panel Hearing**

21.1 The Complaint Panel Hearing will proceed as follows:

- The Clerk to the Complaint Panel will greet the complainant and the central team's representative and welcome them into the room where the Complaint Panel has convened
- The complainant will be invited by the Complaint Panel to give an account of their complaint;
- The central team representative will be invited to ask the complainant questions, if any;
- The Complaint Panel will ask the complainant questions, if any;
- The central team's representative will be invited by the Complaint Panel to respond to the complaint and make representations on behalf of the central team;
- The complainant will be invited to ask the central team representative questions, if any;
- The Complaint Panel will ask the central team representative questions, if any;
- The complainant will be invited by the Complaint Panel to summarise their complaint;
- The central team representative will be invited by the Complaint Panel to summarise their response to the complaint and the complainant's stance;
- The Complaint Panel Hearing will conclude and the complainant and the central team representative will be asked to leave.

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

19.1 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.

## **20.0 Notification of the Complaint Panel's Decision**

- 20.1 The Clerk to the Complaint Panel will write within **10 school days** of the Complaint Panel Hearing to the:
- Complainant;
  - the central team representative;
  - Any person complained about.
- 20.2 The letter will identify the issues complained about, and will confirm the Complaint Panel's findings of fact and recommendations, if any, with reasons.