



Bury College Education Trust

Complaints Policy

February 2019

Background and Context

All Academics are required by law to provide a mechanism for interested parties to raise concerns and if appropriate formal complaints in order to resolve problems and issues which may be affecting the education, health and wellbeing of our students and school communities.

We take this responsibility very seriously. We are committed to working in partnership and as such want to put in place the best possible environment for our schools to thrive. Whilst we will work positively towards removing barriers and proactively managing our schools as positively as possible there will inevitably be times when an individual needs to raise a concern or complaint. This policy therefore provides a clear mechanism to do so.

Introduction

This Policy has a specific purpose which is to provide a method for parents, carers, members of the community and service recipients to raise concerns/complaints in a formal and simple manner and more importantly, to see that the complaint has been considered and dealt with, in an appropriate way.

The policy has two strands:

Strand A – Complaints against BCET Officers and Directors and Chair of Local Governing Bodies

Strand B – Complaints against School based staff and School Governors

Please note: This policy does not cover:

- Admission issues or appeals
- Exclusion Issues or Appeals or
- Any Staff issues which should be dealt with through an agreed Human Resources Policy negotiated through the Trade Union Recognition Agreement.

Some procedures and processes are common to both Strands.

It is always hoped by the Trust and our schools that this formal process need not be implemented and most, if not all, complaints can be dealt with in an informal, polite and effective way which achieves the appropriate resolution which benefits our schools and their communities.

Serial or Persistent Complainants

Bury College Education Trust will work positively with parents, carers and the school community at all times. The complaints policy provides a mechanism to pursue and issue to resolution. Once this has been dealt with neither the Trust nor one of its schools will reopen the same or a similar complaint but will write to the complainant stating that the matter is closed and that the complaint may now be considered as vexatious and no further communication will be entered into with the complainant.

Record Keeping/Confidentiality

All complaints, findings and recommendations will be logged and reported through the individual school's Local Governing Body and the Trust Board.

Records will be kept on file for up to 2 years (if related to a pupil this may be extended depending on the nature of the complaint).

Complaints will be deemed to have provided consent for data storage/sharing when issuing a formal complaint. Information will only be shared with appropriate parties.

Written records of the findings and recommendations of the panel will be available for inspection on the school premises by the Trust and the head teacher.

A written record will be kept of all complaints made along with details of whether they were resolved following a formal procedure, or progression to a panel hearing.

The Trust will record the action it takes as a result of complaints (regardless of whether they are upheld).

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

STRAND A

The Trust Directors, Officers and Local School Governing Body.

Complaints Procedure

A 1.0 Stage 1 - Informal Process.

Most concerns and complaints can be resolved informally. There are many occasions where concerns are resolved straight away through the Trust by contacting the school or the central trust team directly. Each school and the Trust provides contact details on their website. A list of websites is provided at the end of this document.

Complainants can raise concerns with the Trust without formality, either in person, by telephone or in writing. If the member of staff is unable to deal with the issue they will refer it to the person with responsibility for the particular issue. Schools will deal directly with all complaints with the exception of complaints about the Chair of Governors which should be referred immediately to the central trust team. Depending who or what the complaint is about, the matter may be referred to the Director of Education if it can't be resolved at school level. Where no satisfactory solution has been found within **15 working days**, complainants will be asked if they wish their concern to be considered further. If so they will be informed about how to proceed to the next stage.

A 2.0 Stage 2 – Referral to the Director of Education (CEO) for Investigation

At this stage it is clear that a concern is a formal complaint. The CEO can designate another member of staff to collect some of the information from the various parties. The CEO will acknowledge the complaint orally or in writing within 5 Working days of receiving the written complaint. The acknowledgement will give a brief explanation of Trust Complaints procedure and a target date for a response, normally within 14 working days, although this may be revised. The CEO will provide an opportunity for the complainant to meet,

accompanied by a friend or relative if they wish. Representation from legal parties will not be agreed.

The CEO (or designate) will interview witnesses and take statements from those involved as appropriate. Every attempt will be made to follow a process which achieves a swift resolution. A written record of the investigation will be kept. Once all the relevant facts have been established the CEO (or designate) will produce a written response to the complaint, including full explanation of the decision and the reasons for it. Where appropriate it will include what action the Trust will be taking to resolve the complaint. The complainant will be advised that if they wish to take any further action they should write to the Chair of the Trust Board within 10 Working Days of receiving the outcome letter requesting a stage 3 Hearing. If no such correspondence is received the complaint will be deemed to have been resolved and no further action will be taken by the Trust.

A 2.1 If the complaint is against the action of a member of the Executive Team, or if a member of the Executive Team has been very closely involved at Stage 1, the Chair of the Trust Board should carry out all the Stage 2 procedures. If the complainant is for any reason unhappy with the Chair's findings and response, the complainant must write to the Clerk of the Trust, within the 10 days, setting out the complaint(s) they still wish to pursue. They should say clearly whether they wish to proceed to Stage 3 of the Complaints Procedure. Unless there are exceptional circumstances, after 10 days from the date of the Chair's response no indication has been received that the complainant wishes to proceed to Stage 3, the complaint will be seen as resolved and no further action will be taken by the Trust.

4 A 3.0 Stage 3 – Review by the Trust Board

The complainant will be required to submit a written request for the complaint to proceed to Stage 3. The request will only be considered if stage 1 and 2 have been exhausted OR in exceptional circumstances where the complaint is felt to be serious enough that stage 1 and 2 are not sufficient. The Clerk to the Trust will acknowledge receipt of the written complaint within 5 days of receipt of the complaint. This will include an outline of the process to be followed. A Panel will be convened to hear the complaint within **21 Working days** of the receipt of the complaint and all members of the panel will receive all the relevant documentation **5 working days** before the panel sits. In certain circumstances – depending on the nature of the complaint and the investigation requirements - this timescale may need to be extended. The panel will be made up of 3 people appointed from across the trust with no prior involvement in the matters detailed in the complaint and the panel chair will be independent of the management and running of the school linked to the complaint. The Panel chair will designate a member of the Executive Team to lead on the investigation of the complaint. This will be a person with no prior involvement of the complaint. The trust reserves the right to appoint an alternative lead designate person where necessary. The complainant will be kept fully informed throughout the process. The Clerk to the Trust will write and inform the complainant, the designated member of the Executive Team, and any relevant witnesses and members of the Complaints Panel of the date, time and place of the meeting. They will also provide information relevant to the panel hearing provided through the investigation process. The complainant has the right to be accompanied by a friend or relative at the hearing. Legal representation will not be agreed. It is the responsibility of the

Chair of the Panel to ensure that the hearing is properly managed. The aim of the hearing is to resolve the complaint and achieve reconciliation between the Trust and the complainant. However, it has to be recognised that sometimes it may only be possible to establish facts and make recommendations, which will satisfy the complainant that his or her complaint has at least been taken seriously. The decision made by the panel will be final.

The format for the hearing will be as follows:

(a) The complainant to explain their complaint and the designated lead officer to explain the Trust response.

(b) The designated lead officer to question the complainant about the complaint and the complainant to question the officer about the Trust response.

(c) Panel members to have an opportunity to question both the complainant and the designated lead officer.

(d) Either party to have the right to call witnesses (subject to the prior approval of the Chair of the Panel) and all parties having the right to question all the witnesses.

(e) Final statements presented by both the complainant and the designated lead officer without introducing new evidence.

(f) The Panel, supported by the Clerk, will withdraw to consider its decision. The complainant, lead designated officer, any other members of staff and witnesses will leave.

(g) The Panel will then consider the complaint and all the evidence presented and (a) reach a unanimous, or at least a majority, decision on the complaint and (b) decide upon the appropriate action to be taken to resolve the complaint and (c) where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again.

(h) Where possible the decision will be provided verbally to all parties depending on the length of time needed for consideration. A written statement outlining the decision of the panel will be sent to the complainant within 10 days. The letter will also explain whether a further appeal can be made, and if so, to whom.

(i) The panel operates on behalf of the Trust Board. The panel's decision is therefore final. If the complainant feels that the Trust Board has acted unreasonably or not followed the correct procedure, they can move to stage 4 of the procedures and contact or the Local Ombudsman.

A4.0 Stage 4 – External Review

Complaints can be taken to the Education and Skills Funding Agency, on the grounds the Trust Board is acting or proposing to act unreasonably, or on the grounds that the Trust Board has failed to discharge its duties under the Act. The Education and Skills Funding Agency may contact the Trust Board for more information in order to consider the complaint.

The Education, Skills and Funding Agency (ESFA) will investigate complaints under the following areas:

- undue delay or non-compliance with an academy's own complaints procedure
- an academy's failure to comply with a duty imposed on it under its funding agreement with the Secretary of State

- an academy's failure to comply with any other legal obligation, unless there is another organisation better placed to consider the matter as set out in the next section

They will not consider complaints made more than 12 months after a decision has been made except in exceptional circumstances. Complaints can be made online through the online [enquiry form](#) and tick the box that says complaint.

Any complaint made to an external review body should have completed the trust complaints procedure prior to being made. If this has not been completed the external review body is likely to request that the complainant completes this procedure first.

Whistleblowing

Whilst complainants are able to make anonymous complaints to the school, trust or external body, we would urge them to use this procedure to complain confidentially in order to allow us to undertake a full investigation and achieve an appropriate resolution.

STRAND B School, Teachers, Officers and Governors

Complaints Procedure

B 1.0 Stage 1 - Informal

Most concerns and complaints can be resolved informally. There are many occasions where concerns are resolved straight away through the class teacher, admin team or other staff member, depending upon whom is approached in the first instance by contacting the school directly. Each school and the Trust provides contact details on their website. A list of websites is provided at the end of this document.

Parents/Carers/Service Users and members of the school community can raise concerns with staff without formality, either in person, by telephone or in writing. If the member of staff is unable to deal with the issue they will refer it to the person with responsibility for the particular issue. If the concern relates to the Headteacher or a governor, the complainant should be advised to contact the Chair of the Governing Body. Where no satisfactory solution has been found within 10 school days, the complainant will be asked if they wish their concern to be considered further. If so they will be informed about how to proceed to the next stage.

If the nature of the complaint directly relates to an individual pupil's identified special educational need or disability, parents are advised to communicate directly with the school SENCo and/or Headteacher in the first instance. Additional advice and guidance can be found on the school's website. Your child should also have an agreed Education, Health & Care Plan supported by the relevant Local Authority. If this can not be resolved using the statutory process for EHCP please use the complains procedure outlined below. However please be aware that neither the Local Governing Body or the Trust Board can change an agreed EHCP or operate outside of this provision, provide additional resources or other

alternatives so a complaint will only be heard where there is clear evidence that this plan is not being delivered appropriately.

Stage 2 – Referral to the Headteacher for Investigation

B 2.0 At this stage it is clear that the concern can not be resolved informally and is a complaint. The Headteacher can designate another member of staff to collect some of the information from the various parties. The Headteacher will acknowledge the complaint orally or in writing within 5 school days of receiving the written complaint. The acknowledgement will give a brief explanation of the school's complaint procedure and a target date for a response. Every effort will be made to achieve a swift resolution. The Headteacher will provide an opportunity for the complainant to meet her, accompanied by a friend or relative if they wish. Legal representation will not be agreed.

If necessary the Headteacher (or designate) should interview witnesses and take statements from those involved. If the complaint centres around a pupil, the pupil may also be interviewed, with appropriate support provided and parental consent received. A written record of the investigation will be made and retained as appropriate. Once all the relevant facts have been established the Headteacher (or designate) will produce a written response to the complaint, including full explanation of the decision and the reasons for it. This will be provided to the complainant within 20 days of the complaint being received by the school. Where appropriate it will include what action the school will be taking to resolve the complaint.

The complainant will be advised that if they wish to take the action any further they should write to the Chair of Governors within 10 days of receiving the outcome letter.

B2.1 If the complaint is against the action of the Headteacher, or if the Headteacher has been very closely involved at Stage 1, the Chair of the Governing Body should carry out all the Stage 2 procedures. The trust reserves the right to appoint an appropriate alternative officer from the wider trust.

If the complainant is for any reason unhappy with the Chair's findings and response, the complainant must write to the Clerk of the Governing Body, within the 10 days, setting out the complaint(s) they still wish to pursue. They should say clearly whether they wish to proceed to Stage 3 of the Complaints Procedure. Unless there are exceptional circumstances, after 10 days from the date of the Chair's response no indication has been received that the complainant wishes to proceed to Stage 3, the complaint will be seen as resolved and no further action will be taken by the School or the Trust.

Stage 3 – Review by the Governing Body

B 3.0 The complainant will be required to submit a written request for the complaint to proceed to Stage 3. The request will only be considered if stage 1 and 2 have been exhausted OR in exceptional circumstances where the complaint is felt to be serious enough that stage 1 and 2 are not sufficient. The Clerk to the Governing Body will acknowledge receipt of the written complaint within 5 days of receipt of the complaint. This will include

an outline of the process to be followed. A Panel (formed from members of the governing body and where necessary wider trust) will be convened to hear the complaint within **21 working days** of the receipt of the complaint and all members of the panel will receive all the relevant documentation 5 working days before the panel sits. In certain circumstances – depending on the nature of the complaint and the investigation requirements - this timescale may need to be extended. The Headteacher will operate as lead officer. The trust reserves the right to appoint an alternative lead designate person where necessary. The complainant will be kept fully informed throughout the process. The Clerk to the Governing Body will write and inform the complainant, the Headteacher, and any relevant witnesses and members of the Complaints Panel of the date, time and place of the meeting. They will also provide information relevant to the panel hearing provided through the investigation process. The complainant has the right to be accompanied by a friend or relative at the hearing. Legal representation will not be agreed. It is the responsibility of the Chair of the Panel to ensure that the hearing is properly managed. The aim of the hearing is to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that sometimes it may only be possible to establish facts and make recommendations, which will satisfy the complainant that his or her complaint has at least been taken seriously.

The format for the hearing will be as follows:

- (a) The complainant to explain their complaint and the Headteacher to explain the School response.
- (b) The Headteacher to question the complainant about the complaint and the complainant to question the Headteacher about the school response.
- (c) Panel members to have an opportunity to question both the complainant and the Headteacher.
- (d) Either party to have the right to call witnesses (subject to the prior approval of the Chair of the Panel) and all parties having the right to question all the witnesses.
- (e) Final statements presented by both the complainant and the Headteacher without introducing new evidence.
- (f) The Panel, supported by the Clerk, will withdraw to consider its decision. The complainant, Headteacher, any other members of staff and witnesses will leave.
- (g) The Panel will then consider the complaint and all the evidence presented and (a) reach a unanimous, or at least a majority, decision on the complaint and (b) decide upon the appropriate action to be taken to resolve the complaint and (c) where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again.
- (h) Where possible the decision will be provided verbally to all parties depending on the length of time needed for consideration. A written statement outlining the decision of the Panel will be sent to the complainant within 10 days. The letter will also explain whether a further appeal can be made, and if so, to whom.
- (i) The panel operate on behalf of the School's Local Governing Body. Within the school level procedure (Strand B) the panel's decision is final. If the complainant feels that the panel has acted unreasonably or not followed the correct procedure, they can move to stage 4 of the procedures and contact the Trust Board.

Stage 4 - Appeal Stage (Trust Board Review) B 4.0 If a further appeal is made by the complainant this procedure will transfer to Strand A, stage 3 outline above. This stage will only be considered where all stages in Strand B have been exhausted.

General contact details:

Radcliffe Primary School: radcliffeprimary@bc-et.co.uk

Elton Primary School: info@eltonprimary.bc-et.co.uk