



# COMPLAINTS POLICY

Owner: CEO

Date of Issue: 9<sup>th</sup> March 2019

Date of Review: 9<sup>th</sup> March 2020

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**Schools,  
teachers and  
pupils freed  
to succeed.**  
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This policy should be read in conjunction with BMAT's other policies including the Single Equality Policy and Behaviour Policy, SEND Policy and Anti-Bullying Policy. This policy reflects measures established in law through the Equality Act 2010 and emphasises that BMAT opposes all forms of racism, homophobia, prejudice and discrimination. This exclusions policy will be implemented with due regard to this commitment.

We are committed to the promotion of community cohesion at the Academy, local, national and global levels, comparing our Academy Trust community to its local and national context and implementing all necessary actions in relation to:

- ethnicity,
- religion or belief, and
- socio-economic background.

In accordance with the values of BMAT we pledge:

- to respect the equal human rights of all our pupils;
- to educate them about equality; and
- to respect the equal rights of our staff and other members of the Academy community.

We will assess and analyse our current Academy practices and implement all necessary resulting actions to ensure pupils are not discriminated against because of their:

- Sex
- Race
- Disability
- Religion/belief
- Sexual orientation
- Gender re-assignment
- Pregnancy or maternity

These 'Protected characteristics' have been set out in law in the Equality Act 2010.

BMAT is committed to eliminating practices, which could result in unfair or less favourable treatment for persons with a protected characteristic.

# Key definitions used in this policy

<b>Pupils</b>	Children and young people on roll in Trust schools/academies
<b>School/Trust School</b>	An Academy or school within BMAT
<b>SENCO</b>	The Academy's Special Educational Needs Co-ordinator
<b>Executive Principal/Head Teacher</b>	The Executive Principal/Head Teacher oversee the Head Teachers/Heads of School
<b>Head of School / Head Teacher</b>	An Academy is led by a Head of School or Head Teacher the most senior leaders in the school.
<b>The LGB</b>	Local Governing Board
<b>The Trust</b>	BMAT
<b>The Board/Directors/Trust Board</b>	The Board of Directors of BMAT

<b>FW</b>	Freshwaters Primary Academy and Nursery
<b>LP</b>	Little Parndon Primary Academy
<b>MC</b>	Magna Carta Primary Academy
<b>RY</b>	Roydon Primary Academy
<b>CS</b>	Cooks Spinney Primary Academy and Nursery
<b>BMA</b>	Burnt Mill Academy
<b>FHS</b>	Forest Hall School
<b>SFG</b>	Sir Frederick Gibberd College
<b>STEM</b>	BMAT STEM Academy
<b>RDA</b>	Royal Docks Academy
<b>ESJ</b>	Epping St John's Church of England School

Each BMAT school is legally defined as an Academy, regardless of whether the term 'school' is used to describe it in the policy.

# Introduction and guiding principles

Outstanding relations with and between all stakeholders is an important feature of BMAT's mission is to be shared with the children and young people in our care. Our mission is to work together to smash through the barriers that prevent our children from becoming confident, high achieving and independent individuals. Ensuring that concerns and complaints raised are considered and acted upon appropriately will ensure these barriers do not remain in place. BMAT's vision is of a community of schools which provide an outstanding education for every individual attending a Trust school. BMAT schools will be places of aspiration, where individuals matter and confidence flourishes so that achievement for all is outstanding.

Our core values of: Self Help, Self-Responsibility, Democracy, Equality, Equity and Solidarity underpin our Trust, drive our policy making and inform our unshakeable belief in the intrinsic worth of every individual within our community. Outstanding relations with and between all stakeholders can enable all to share in these core values. Our students will be inspired to achieve excellence in all their endeavours within an innovative, creative and supportive environment.

All academies, both in the primary & secondary phases, are committed to working in partnership with stakeholders to secure the success of this policy. This complaints policy and procedure serves to tackle any issues which may arise that may compromise this relationship and to ensure they are dealt with in a clear and straightforward manner.

This policy sets out the expectations, requirements for pupils, parents and other stakeholders with regard to complaints. We recognise that parents have a vital role to play in the continued success of our Trust and we strive to establish strong communication systems that can be utilised whenever there is concern or complaint raised.

## Scope

This policy applies to all stakeholders of the Trust and is implemented across the organisation. It also applies to parents and carers of pupils at schools within BMAT, who formally confirm that they will abide by our policies and agreements when their children join our schools.

Each school within BMAT must ensure that the contents of this policy are communicated to all staff. All parents accept this policy when their children join a BMAT school.

Each school within BMAT publishes this policy on its website. It is also posted on the Trust's own, separate website. It is made available to parents.

# This policy and the law

This policy has been written in order to comply with the requirements for Academies, free schools and independent schools – [The Education \(Independent School Standards\) Regulations 2014](#)

The following policy has been approved by the Board of Directors of BMAT and will be implemented by the Heads of Schools/Headteachers & LGBs of the partner schools

## Our Policy

Certain forms of complaint, e.g. staff grievance or disciplinary procedures, fall outside the scope of these general complaints procedures. Reference should be made to the Academy HR policies and issues channelled through the Trust's centralised HR department based at BMAT STEM Academy.

Third parties that use the academy premises for any purpose are encouraged to adopt their own complaints procedures. This policy does not cover these third parties.

If someone wishes to make a complaint but their child or children does not attend the academy in question they can still follow this procedure set out in this policy.

In relation to resolving academy complaints, the principal aim of the Board in approving this policy is to deal with all complaints openly, fairly, promptly and without prejudice. The procedure is a staged process designed to ensure every effort is made to deal with concerns and complaints, in the first instance informally with the complainant and escalated when necessary.

A complaint against an academy of the Trust in respect of this policy procedure does NOT include the following:

- Admissions to schools
- Statutory assessments of Special Educational Need or Disability (SEND)
- School re-organisation proposals
- Matters likely to require a Child Protection Investigation
- Staff grievances and disciplinary procedures
- Whistleblowing
- Exclusion of children from school

There are separate arrangements for concerns and complaints in these areas detailed in other relevant policies and documentation. For example, when a child is excluded from a Trust school, the parent/carer will be informed via the exclusion letter if they have a complaint or concern about the exclusion. The Trust behaviour policy outlines this in detail.

The procedure outlined in this policy will also be used to deal with complaints raised by persons who are not pupils or parents of pupils in the academy in respect of any community facilities or services **the relevant academy provides**. This will include, for example, complaints relating to Trust schools raised by members of the public.

At all stages, a written response will be provided if requested by the complainant. However, the complainant is expected to behave in a reasonable and proper manner to all involved. Any abusive behaviour of any kind by any party (whether they be the complainant, associates/family of the complainant or those who are the subject of the complaint/investigating the complaint) is not acceptable. There is no automatic right of entry to a school and the Head of school/Headteacher does not have the power to bar individuals for the site in exceptional circumstances. Details of the Trust's approach to 'unreasonable complaints' is outlined in the appendix.

There are FIVE stages to the process of raising a concern or complaint.

Any person feeling aggrieved at the conclusion of each Stage will be advised of the next stage of the procedure and their right to invoke it. The Trust reserves the right to intervene at various points in the process if it is found that staff members involved are ill equipped to reasonably tackle the complaint (especially at the informal stages). This, for example, may occur when individuals are unwell.

Records of any telephone calls, meetings and agreed actions relevant to the concern or complaint will be retained. Every written record kept is subject to disclosure under the Freedom of Information Act. ALL staff are aware that paperwork could be disclosed.

An individual who raises a concern or complaint has the right to use **all stages** of the process outlined below in order to receive a resolution. If, following the investigation and at any of the stages below, issues arise relating to staff discipline or capability, details should remain confidential to the Head of School/Headteacher and relevant HR Manager. However, the complainant should be informed that the Trust has taken appropriate follow-up action.

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At the end of the complaint process, the complainant will be provided with the findings and recommendations reached by any panel.

All correspondence, statements and records will be kept confidential and retained by the Head of School/Headteacher who will have access to the complaints. If the complaint is about the Head Teacher all correspondence, statements and records will be kept confidential and retained at the school.

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.

### **Stage 1 is the informal stage.**

This is where a **concern** has been raised.

A **concern** is defined by the DFE as:

*'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*.

A concern dealt with informally will be taken very seriously, even though it may be tackled on an 'informal' level. The member of staff who is dealing with the concern should ensure that the person raising it is reassured that the

matter will be investigated and it is clear what action has been agreed. All staff should be aware of the need for confidentiality.

Where a concern is raised by a parent or pupil in **the primary phase**, the class teacher will receive the concern and decide on the way forward and whether other staff should be involved. In **the secondary phase** the concern will be received by the form tutor of the pupil for a general concern or the subject teacher if it is a concern relating to an area of the curriculum. In the case of a concern from any other individual, the Head of School/Headteacher will receive it.

Other members of staff may become involved at this stage too e.g. the subject teacher in the secondary phase may wish to involve the leader for that subject or a line manager. At this stage concerns could be discussed at a face to face meeting, via email (which may then lead to a meeting) or via telephone. At this stage the parties involved may decide that a member of the school's SLT or The Head of School/Headteacher her/himself could play a role.

**Records will be kept** even at this informal stage e.g. a note will be placed in the pupil's file. The outcome of Stage 1 will be communicated to the individual raising the concern, and include a clear explanation as to actions taken/proposed and clear reasoning

**The timescale** for resolution of a 'raised concern' at this stage will be no more than 10 school days from the point of it being raised at this stage 1.

## Stage 2 is a formal stage.

The Trust believes most issues can be resolved at the 'informal' stage outlined above. However, there are instances when a **'formal complaint'** may be lodged with a Trust school. A member of staff may also decide at 'stage 1' that the nature of the concern raised with them warrants immediate escalation to this 'formal stage'.

This stage involves the formality of a written complaint to the Head of School/Headteacher.

A complaint is defined by the DFE as:

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

When a complaint is received, the Trust will seek to discover what the complainant feels would lead to a resolution of the issue in their view. This will help guide the school as to the possible next course of action.

If the complaint is about the Head of School/Headteacher the complaint should be addressed to the chair of the relevant school's LGB (Local Governing Board). **The CEO only becomes involved at Stage 4**, rather than receiving the complaint about a Head of school/Headteacher at this point. This is to ensure impartiality if the complaint is escalated to that level..

If the complaint relates to the CEO, it should be addressed to the Chair of the Board of Directors.

The complainant will be notified of the Head of School/Headteacher/CEO/Chair of the Board's decision in writing and the complainant may request a meeting with the Head of School/Headteacher/CEO/Chair of the Board to clarify the decision.

Written records, which will be kept, will be retained by the school for one year following the pupil's departure from the Trust school.

If the complaint is the result of a decision made by the Head of School/Headteacher directly, it is appropriate for a written complaint to the Head of School/Headteacher at this stage to be the first action taken, regardless of stage 1 above.

Any meetings held with the complainant in relation to the complaint should be arranged within 10 school days following registering of the complaint at stage 2. More complex complaints may require an extension to this time

limit and agreement should be sought from the complainant. The complainant will be kept informed of progress at all times.

**The timescale:** In general terms, bearing in mind any factors making a resolution more difficult with such a time frame, the resolution of a 'formal complaint' at this stage will be no more than 10 school days from the point of it being registered at stage 2.

### **Stage 3 is the next formal stage and involves the Chair of the relevant school's LGB**

If the complainant feels that the matter has not been resolved to their satisfaction they can request the intervention of the chair of the LGB. The complaint should be directed via the BMAT Administration team at BMAT STEM Academy.

**The timescale** for resolution of a 'formal complaint' at stage 3 will be no more than 10 school days from the point of it being raised with the CEO.

### **Stage 4 is the next formal stage and involves the CEO of the Trust or Executive officer**

If the complainant feels that the matter has not been resolved to their satisfaction by the end of stage 3 they can request the intervention of the CEO who will either hear the complaint or refer it to another Executive officer. *If the complaint relates to the CEO it must be made to the Chair of the Board of Directors of BMAT.* The complaint should be directed via the BMAT Administration team at BMAT STEM Academy

**The timescale** for resolution of a 'formal complaint' at stage 4 will be no more than 10 school days from the point of it being raised with the CEO/Executive officer.

### **Stage 5 is the final formal stage and involves a panel hearing**

This should be directed to the Chair of the Board of Directors via the BMAT Administration team at BMAT STEM Academy. The clerk to the Board will send written acknowledgement to the complainant within 10 working days of the complaint being received at stage 5. Details of the complaint should not be disclosed to the full Board of Directors at this stage.

The Chair of the Board of Directors will convene a Complaints Panel of between 3 and 5 individuals. This could be made up of Directors or the relevant school's LGB as each LGB in the Trust is considered a committee of the Board of Directors. The chair of the Board may, therefore, discuss the composition of the panel with the chair of the relevant school LGB. The chair will note which parties have already been involved in the process and therefore would exclude themselves from the process. For example, if a complaint reaches this stage it would be assumed that the CEO would not sit on the panel. All must have had no prior involvement or knowledge of the matter under consideration. The panel will include at least one member who is independent of the management and leadership of the Trust and those schools within it.

The chair should only proceed with Stage 5 of the Procedure if they have received a complaint in writing addressed to them, **and all previous stages have been exhausted.**

The complainant will be notified of his/her right to attend and by accompanied if they wish. This notification will be no more than 7 days prior to the date of the hearing. The Chair of the Complaint Panel should notify the Head of School/Headteacher as to whether their attendance is required at the meeting. Neither party will attend in the absence of the other. Alternatively, the Panel may decide to consider written material only.



**The timescale** for resolution of a 'formal complaint' at stage 5 will be no more than 20 school days from the point of it being raised at [this stage](#) via contact with the Chair of the Board. This means that the panel would need to meet within that time frame.

If the complaint relates to a staff disciplinary or capability issues about which the Head of school/Headteacher has already taken action, the Panel should focus on how the original complaint was dealt with, to avoid prejudicing any ongoing disciplinary or capability procedures.

The complainant, Head of School/Headteacher and, where relevant, the person complained about, should be informed of the Panel's decision, including the Panel's findings and recommendations, in writing within 10 school days.

The decision of the Panel, including the Panel's findings and recommendations, will be available for inspection on the school premises by the Trust and the Head of School/Headteacher.

A written record will be kept of all complaints made in accordance with sub-paragraph (e) of Part 7 of the Education (Independent School Standards) Regulations 2014, along with details of whether they were resolved following a formal procedure, or progression to a panel hearing.

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

**This concludes the Trust's Complaints Procedure.**

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## Making an appeal to the Department for Education

If the complainant is unhappy about the handling of the complaint, referral can be made to the Education and Skills Funding Agency (ESFA), which replaced the Education Funding Agency from April 2017), via the DFE's school complaints form:

[https://form.education.gov.uk/submitform.php?self=1&form\\_id=cCCNJ1xSfBE&type=form&ShowMsg=1&form\\_name=Contact+the+Department+for+Education&noRegister=false&ret=%2Fmodule%2Fservices&noLoginPrompt=1](https://form.education.gov.uk/submitform.php?self=1&form_id=cCCNJ1xSfBE&type=form&ShowMsg=1&form_name=Contact+the+Department+for+Education&noRegister=false&ret=%2Fmodule%2Fservices&noLoginPrompt=1)

They will consider complaints about academies that fall into any of the following three areas:

1. where there is undue delay or the academy did not comply with its own complaints procedure when considering a complaint.
2. where the academy is in breach of its funding agreement with the Secretary of State.
3. where an academy has failed to comply with any other legal obligation.

### **IMPORTANT NOTE:**

**The ESFA will not overturn the decision of the Trust or a school within the Trust.** This is NOT their role. The ESFA will look at whether the complaint was dealt with properly and in accordance with this policy. If this was not the case, the ESFA will ask that the Trust look at the complaint again, and requesting that correct procedures are followed.

# Appendix

## The Trust's Approach to Unreasonable Complainants

BMAT 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 a Trust 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.

The Trust defines unreasonable complainants as *'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'*.

A complaint may be regarded as unreasonable when the person making the complaint:-

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure (see above in main policy);
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also 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, on websites and newspapers.

Complainants should limit the numbers of communications with a Trust 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 Head of School/Headteacher, CEO or Chair of Board of Directors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Head of school/Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it.

For complainants who excessively contact a Trust 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 a Trust school site.

## Barring from the Premises of a Trust school

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Trust schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community. This approach also fulfils our commitment to safeguarding and child protection.

If a parent's behaviour is a cause for concern, a school in the Trust can ask him/her to leave school premises. In serious cases, the Head of school/Headteacher or the CEO can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. We will always give the parent the opportunity to formally express their views on the decision to bar in writing.

The decision to bar will be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent will be notified in writing, explaining how long the bar will be in place. Anyone wishing to complain about being barred can do so, by letter or email, to the Head of school/Headteacher, CEO or Chair of the Board of Directors. **However, complaints about barring cannot be escalated to the Department for Education.** Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought. The role of the Education and Skills Funding Agency (ESFA) is detailed above.