



COMPLAINTS POLICY & PROCEDURE

Approving Body	B. M. A. T.
Date of First Approval	Nov. 9th 2016
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To Be Reviewed	
Responsible Officer	

I. INTRODUCTION – PURPOSE AND SCOPE

1. This policy complies with the requirements of Schedule 1, Part 7 of the Education (Independent School Standards) Regulations 2014 and is based on the Education Funding Agency's guidance on creating an academy complaints procedure.
2. This policy does not apply to:
 - a. Staff grievances;
 - b. Internal disciplinary matters relating to staff, pupils or the curriculum;
 - c. Admissions appeals;
 - d. SEN appeals; or
 - e. Staff dismissal appeals.
3. This policy is crucial to the efficient management of the Beacon Multi-Academy Trust ['BMAT'] and aims to ensure:
 - a. That parents, guardians, carers and members of the public are able to voice their complaints through appropriate channels; and
 - b. That complaints are dealt with fairly, consistently and with a view to swift, amicable resolution; and
 - c. That, whenever possible, complaints are resolved directly and informally with Front-Line Staff (e.g. class teachers, form tutors and heads of year).
4. BMAT recognises the distinction between informal concerns and formal complaints: The formal complaints procedure is necessary only if efforts to resolve complaints informally have been unsuccessful.
5. Where appropriate, BMAT is not opposed to acknowledging that a complaint is valid, in whole or in part, and offering one or more of the following:
 - a. An apology, explanation or admission that the situation could have been handled differently;
 - b. An assurance that every effort will be made to avoid a repeat of the event(s) complained of and an explanation of any steps taken;
 - c. An undertaking to review BMAT policies.
6. School Principals have overall responsibility for the operation of this complaints procedure. In practice however, School Principals may nominate members of the Senior Leadership Team ['SLT'] to deal with individual complaints.
7. Staff Training: BMAT employees are trained and encouraged to resolve concerns fairly, swiftly and amicably – including apologising where appropriate. When a member of staff receives a complaint, s/he should:
 - a. Clarify the nature of the complaint, who is involved and what issue(s) remain unresolved; and

- b. Contact or meet directly with the Complainant, to clarify what s/he seeks as a remedy.
8. Confidentiality: All complaints will remain confidential, unless the Secretary of State requests access to them. The consent of existing parties to a complaint will be obtained before other parties are added. Other parties will only be added when necessary.
9. Confidential Disciplinary Action: Complainants will be updated on the handling of any complaint. However, if a complaint results in disciplinary action by BMAT against a member of staff, then this would be a confidential matter between BMAT and that member of staff.
10. Complaints from non-parents: BMAT endeavours to take all complaints seriously, including complaints from members of the public. However:
 - a. BMAT and its constituent schools occasionally receive complaints from members of the public which are baseless, inarguable and/or not concerning things that BMAT or its constituent schools can be held responsible for. For example, complaints concerning the alleged non-criminal behaviour of BMAT students outside of school hours, off school business and away from school premises (this is a matter for parents).
 - b. These complaints do not merit an investigation or an application of the formal procedure set out in this policy, because doing so would detract from BMAT's core focus on the education and wellbeing of its students.
 - c. When BMAT receives a complaint of this nature, it will respond to the complainant in writing to explain why the complaint is not appropriate, relevant or arguable; and to explain why it would not be appropriate to engage the formal complaints or appeal procedure set out in this policy. Where appropriate, BMAT will signpost complaining members of the public to relevant organisation(s).
11. If a Complaint is against a member of staff, then s/he has the right to be informed and make representations about it.
12. If a complaint concerns the conduct of a School Principal or a Governor, or where either has been involved in the issue previously, then the complaint will be referred to a member of SLT or the Governing Body not previously involved. BMAT reserves the right to refer the matter to an external body, where appropriate.
13. Persistent or Serial Complaints: Guidance from the Department for Education ['DfE'] clearly states that schools should not respond to persistent and/or serial complaints which have already exhausted the internal complaints procedure.
14. Unacceptable Behaviour from Complainants: With the right to complain comes a responsibility to do so appropriately. Complaints which are designed to intimidate, threaten, harass or upset members of staff will be dealt with accordingly. This may involve writing to

the complainant to explain that his/her complaint is inappropriate and requiring him/her to restate the complaint in an appropriate manner, with any inappropriate or offensive comments redacted. If a member of staff is threatened or harassed by a Complainant, then s/he **must** report this to a member of SLT or their School Principal, who **must** record the incident in writing. BMAT may consider:

- a. Writing to the Complainant, requiring a written guarantee of no repetition of the behaviour concerned and setting out conditions for further contact with BMAT employees;
- b. Temporarily banning the Complainant from BMAT sites;
- c. Reporting the matter to the police.

15. Right of Accompaniment: During the formal stages of a complaint, all parties may be accompanied in meetings by a trade union representative, a work colleague, a friend or a care-worker [a 'Companion'].
16. Time Limits: This Policy sets realistic time limits for each stage of a complaint. However, where further investigations are necessary, new time limits may be set. Complainants **must** be informed of the new deadline and reasons for the delay.
17. Recording Complaints: When a member of staff receives a complaint, s/he **must** record what action was taken (including notes and/or copies of any meetings or correspondence in relation to the complaint) and the final outcome, even if the complaint was not upheld.
18. Monitoring and reviewing complaints helps us to improve our performance. The Governing Body will monitor complaints using records kept by BMAT. Wherever possible, information shared with the Governing Body will not name individuals. The Governing Body will review the outcomes of the monitoring exercise on a regular basis to ensure that, where necessary, changes are made.

II. STAGE ONE – INFORMAL

19. Where appropriate, complaints should be resolved directly and informally with Front-Line Staff e.g. by communicating or meeting with class teachers, form tutors and heads of year. At this stage, there is no need for complaints to be put in writing.
20. To enable matters to be resolved swiftly and effectively, Complainants should raise a complaint as soon as reasonably practicable after the event(s) concerned.
21. When a member of staff receives an informal complaint, s/he should:
 - a. Strive to resolve it swiftly, informally and amicably, where appropriate; and
 - b. Communicate directly with the Complainant, seeking to establish the nature of the complaint and what the Complainant seeks as a remedy; and

- c. Consult with his/her line manager or head of department, with the Complainant's consent, if resolution is proving difficult; and
- d. Keep a written record of any steps taken to resolve the complaint; and
- e. Ensure that confidentiality is maintained (as per para.8 of this Policy).

22. If resolution is still proving difficult, then the Complainant or the relevant member of staff (with the Complainant's consent) should arrange to meet with an SLT member or School Principal.

23. BMAT has **ten school days** from being informed of a complaint to resolve it informally.

III. STAGE TWO – FORMAL STATEMENT OF COMPLAINT

24. Complainants should only engage Stage Two if they are dissatisfied with the response at Stage One or if no response has been received within **ten school days** of raising the Complaint informally.

25. Within **five school days** of receiving a response at Stage One or of the Stage One time limit, Complainants **must** complete the Complaint Form (Appendix A) and submit it to Mr Ebrahim Vawda, Clerk to BMAT (clerk@beaconacademytrust.co.uk; Beacon Academy Trust, Woodford Bridge Road, Ilford, IG4 5LP).

26. The Clerk to BMAT will forward the Complaint to the School Principal. S/he will investigate the complaint or appoint an appropriate member of SLT to do so.

27. If the complaint is about a School Principal, then the Complaint will be forwarded to the Chair of Governors. S/he will investigate the complaint or appoint an appropriate governor to do so.

28. The Investigator will write to the Complainant within **10 school days** of the Complaint Form being received, stating that s/he has been appointed to conduct the investigation and that the outcome will be communicated within **20 school days** of the Complaint Form being received. This may be in writing or at a meeting, with written confirmation of the outcome.

29. If the Investigator is a member of SLT, then s/he will report their findings to the School Principal before they are communicated to the Complainant. If the Investigator is a governor, then s/he will report their findings to the Chair of Governors before they are communicated to the Complainant.

30. Complainants **must** be informed of their right to have the matter referred to the Governors' Complaints Panel if they wish to appeal the outcome of Stage Two.

31. The outcome will be communicated to the subject of the complaint, in person and/or in writing. Complainants are reminded that any disciplinary action is a confidential matter for BMAT (as per para.9 of this Policy).

IV. STAGE THREE – GOVERNORS’ COMPLAINTS PANEL

32. Complainants should only engage Stage Three if they are dissatisfied with the final outcome of Stage Two or if no response has been received within **fifteen school days** of raising a formal complaint.
33. The purpose of Stage Three is not to reinvestigate the original complaint: it is to consider whether or not the way in which it was handled at Stage Two was appropriate and compliant.
34. Complainants **must** complete the Appeal Request Form (Appendix B) and submit it to Mr Ebrahim Vawda, Clerk to BMAT, within **five school days** of receiving the final outcome of Stage Two (evawda@beaconacademytrust.co.uk; Beacon Academy Trust, Woodford Bridge Road, Ilford, IG4 5LP).
35. The Appeal Request Form will be referred to the Chair of Governors or another nominated Governor.
36. S/he will reconsider the original complaint and the response to it. This may involve individual or collective meetings with the parties involved and the gathering of further evidence.
37. No later than **10 school days** after the Appeal Request, a written statement of findings **must** be submitted to the Complainant.
38. Complainants **must** be informed of their right to request and attend a meeting of the Governors’ Complaints Panel if s/he is not satisfied with the outcome of the Governor’s Investigation. Requests must be made within **5 school days** of receiving the statement of findings.
39. If a hearing is requested, then the Clerk to BMAT **must** write to the Complainant, the relevant School Principal and the Chair of Governors with details of the hearing, and requesting copies of any documents to be considered and the names of any witnesses that either party may wish to attend. The Complainant will be informed of the right to be accompanied (as per para.15 of this Policy).
40. The Hearing should be on reasonable notice and as soon as reasonably practicable after receipt of the Appeal Request Form, but certainly within **20 school days**.
41. The Panel will consist of at least three people who were not involved in the original investigation. One member of the Panel **must** be independent of the day to day running and management of the relevant school/academy.
42. The Panel is **not** permitted to reinvestigate the complaint and the Appeal Hearing is **not** an alternative to a disciplinary hearing.
43. The procedure at the Hearing (Appendix C – Checklist for Appeal Panel Hearings) will be appropriate to the circumstances and is at the discretion of the Chair of the Panel.

44. If necessary, the Panel will withdraw to consider whether or not to uphold the complaint, in full or in part.
45. As soon as reasonably practicable and **within 10 school days** of the Appeal Hearing, any findings and recommendations will be provided in writing to the Complainant and, where relevant, the subject(s) of the Complaint.
46. The decision of the Panel is binding and concludes BMAT's Complaints Procedure.
47. If a Complainant remains dissatisfied, then s/he should contact the EFA
(https://form.education.gov.uk/fform.php?self=1&form_id=cJipB3CdBfq&1).

APPENDIX A – FORMAL COMPLAINT FORM

<u>CONTACT DETAILS</u>	
Name	
Address	
Telephone Number	
Email Address	
Name of Pupil (if applicable)	
Relationship to Pupil (if applicable)	
<u>COMPLAINT INFORMATION</u>	
Today's Date	
Complaint Details	
<p>Please state the details of your complaint, providing as much detail as possible (dates, times, locations, any step(s) taken to resolve your complaint and the names and contact details of any people involved e.g. witnesses.</p> <p>Attach additional sheets if required.</p>	

COMPLAINT INFORMATION

Date of raising the complaint informally

Member(s) of staff responsible for handling the complaint informally

What steps were taken to resolve the complaint informally, if any?

On what date were those steps taken?

Outcome Requested –
Please specify what outcome you would like to see your complaint dealt with and why you believe this will resolve the issue(s) described above.

Use additional sheets if required.

Declaration

I hereby confirm that the above statements are true to the best of my knowledge, information and belief.

Signature:

Date:

APPENDIX B – COMPLAINTS APPEAL FORM

CONTACT DETAILS	
Complainant's Name	
Address	
Telephone Number	
Email Address	
Name of Pupil (if applicable)	
Relationship to Pupil (if applicable).	

APPEAL INFORMATION	
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Date	
Date of raising a formal complaint via Stage Two	
Who was responsible for investigating your formal complaint?	
Did you receive a final outcome from the Investigator within 15 school days of submitting your formal complaint?	Yes <input type="checkbox"/> No <input type="checkbox"/>
	If not, have you been informed of the reasons for delay?
	Yes <input type="checkbox"/> No <input type="checkbox"/>
Summary of Appeal – What aspects of the decision or decision making process do you disagree with and wish to appeal?	
<p>Provide as much detail as possible. Attach additional sheets if required.</p>	

APPEAL INFORMATION

Outcome Requested – if your appeal is successful, what steps would you like to be taken and why would be appropriate steps to take?

Declaration

I hereby confirm that the above statements are true to the best of my knowledge, information and belief.

Signature:

Date:

APPENDIX C – APPEAL PANEL HEARING

1. Checklist for a hearing with the Complainant in attendance:

- a. The hearing is as informal as possible;
- b. Witnesses are only required to attend for the part of the hearing in which they submit their evidence;
- c. After introductions, the Complainant is invited to explain their complaint followed by their witnesses, if any;
- d. The School Principal may question the Complainant and any witnesses, after they have spoken;
- e. The attending School Principal is then invited to explain the School/BMAT's view of the complaint and be followed by any witnesses in support;
- f. The Complainant may question the School Principal and any witnesses, after they have spoken;
- g. The panel may ask questions at any point;
- h. The Complainant is then invited to sum up their complaint;
- i. The School Principal is then invited to sum up BMAT's position and its response to the complaint;
- j. Both parties leave together while the panel reaches a decision;
- k. The Chair explains that both parties will hear from the panel within a set timescale;

2. Checklist for a hearing with written evidence only:

- a. The Chair will review the complaint;
- b. Evidence provided on behalf of the Complainant will be considered;
- c. BMAT's actions and response to the complaint will be reviewed;
- d. A conclusion and course of action will be agreed;
- e. Both parties will be advised of the outcome in writing, within **10 school days** of the hearing.

APPENDIX D - FLOWCHART OF PROCEDURE FOR HANDLING COMPLAINTS

Stage 1 – Informal

- Not in writing
- Resolution with 'front-line staff' (teachers, form-tutors or heads of year)
- Followed by a meeting with the School principal or member of SLT if resolution is proving difficult.
- Time Limit: 10 school days

Resolved

Unresolved

Stage 2 - Formal

- Complainant submits the Complaint Form to Mr Ebrahim Vawda, Clerk to BMAT.
- The matter is referred to the School Principal or designated member of SLT.
- Investigation by School Principal or member of SLT.
- Formal record kept.
- An outcome is communicated within **15 school days** of receipt of the Complaint Form.

Resolved

Unresolved

Stage 3 – Governors' Complaints Panel

- Complainant submits the Appeal Form to Mr Ebrahim Vawda, Clerk to BMAT.
- The Appeal is referred to the Chair of the Governors or another nominated Governor, who will investigate the appeal.
- A written statement of findings will be issued to the Complainant within 10 school days of submitting the appeal.
- The Complainant may request a hearing of the Governors' Complaints Panel.
- Any hearing must be within 20 school days of receiving the Appeal Form.
- The decision is final and must be communicated within 10 school days of the hearing.

Resolved

Unresolved

If the complainant remains dissatisfied, then he or she should write to the EFA at Castle View House, East Lane, Runcorn, Cheshire, WA76 2GJ.