



Complaints Policy

Review Due:	September 2021
Last Review	September 2019
Applicable to:	All Trust Schools
Reviewed By:	SD

The Board of Trustees of the Bath and Mendip Partnership Trust have agreed this policy. This policy applies to all schools within The Bath and Mendip Partnership Trust.

1. Aims

- a. The Bath and Mendip Partnership Trust (“Trust”) and schools within it undertake to provide a friendly and safe environment in which pupils will be helped to achieve their potential, both academically and socially. We recognise, however, that sometimes things can go wrong and parents, carers and members of the public may need to make a complaint or raise concerns they have with the school. This policy tells you what to do if this happens.
- b. The prime aim of this policy is to resolve the complaint as fairly and speedily as possible. Formal complaints will be dealt with in a sensitive, impartial and confidential manner. Malicious complaints may incur appropriate action by the school. Any complaints concerning the conduct of school staff will be handled in accordance with the school’s internal disciplinary procedures such an investigation will remain confidential.
- c. The majority of issues raised by parents, the community or pupils, are concerns rather than complaints. We are committed to taking concerns seriously, at the earliest stage, in the hope of keeping the number of formal complaints to a minimum and without needing formal procedures. However, depending on the nature of the complaint, you may wish to or be asked to follow the school’s complaints procedure. Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals

2. Definitions

- a. The DfE guidance explains the difference between a concern and a complaint:
 - A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”. The school will resolve concerns through day-to-day communication as far as possible
 - A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”
- b. Throughout this policy
 - The Bath and Mendip Partnership Trust is referred to as the Trust.
 - Academies within the Trust are known as schools

- Headteachers, Executive Headteachers, Principals and Executive Principals are known as Headteachers.
- The Board of Trustees of The Bath and Mendip Partnership Trust are referred to as the Trust Board

3. Scope

- The Trust/school intends to resolve complaints informally where possible, at the earliest possible stage. There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.
- This policy does **not** cover complaints procedures relating to:
Admissions; Statutory assessments of special educational needs (SEN); Safeguarding matters; Exclusion; Whistle-blowing; Staff grievances; Staff discipline
Please see our separate policies for procedures relating to these types of complaint.
- Arrangements for handling complaints from parents of children with special educational needs (SEN) about the school's support are within the scope of this policy. Such complaints should first be made to the child's class teacher or school SENCO, they will then be referred to this complaints policy. The School's SEN Policy and Information Report includes information about the rights of parents of pupils with disabilities who believe that our school has discriminated against their child.
- Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

4. Principles for Investigation

- When investigating a complaint, we will try to clarify:
What has happened; Who was involved; What the complainant feels would put things right

b. Timescales

- The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.
- We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.
- When complaints are made out of term time, we will consider them to have been received on the next school day.
- If at any point we cannot meet the time scales we have set out in this policy, we will set new time limits and send you details of the new deadline and explain the delay

c. Complaints about fulfilment of our early years requirements

- We will investigate all written complaints relating to the school's fulfilment of the Early Years Foundation Stage requirements, and notify the complainant of the outcome within 28 days of receiving the complaint. The school will keep a record of the complaint (see section 10) and make this available to Ofsted on request.
- Parents and carers can notify Ofsted if they believe that the school is not meeting Early Years Foundation Stage requirements, by calling 0300 123 4234 or 0300 123 4666,

- III. or by emailing enquiries@ofsted.gov.uk. An online contact form is also available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>.
- IV. We will notify parents and carers if we become aware that the school is to be inspected by Ofsted. We will also supply a copy of the inspection report to parents and carers of children attending the setting on a regular basis.

5. Procedures for Dealing with Concerns and Complaints (not complaints against Headteachers or Governors)

This policy has 4 main stages

a. Stage 1: Informal Stage

- I. Concerns can be raised with the school at any time and will often generate an immediate response, which will resolve the concern. The school requests that parents make their first contact with the pupil's classroom teacher. Alternatively, the concern can be raised with the Head Teacher. If the complainant is unclear about who to contact/how to contact them they should contact the school office. Contact details can be found in Appendix 1 to this policy.
- II. It is important for parents / carers / community members to recognise that the school is a busy organisation and that whilst we will do our best, it may not be possible to offer an appointment immediately.
- III. On some occasions, the concern raised may require investigation, or discussion with others, in which case you will receive an informal but informed response or details of when one may be received within 5 school days. The vast majority of concerns will be satisfactorily dealt with in this way

b. Stage 2: Formal - Complaint heard by Head Teacher

- I. If your concern or complaint is not resolved informally you may put the complaint in writing, this can be done by letter or e mail addressed to the school's headteacher). This will need to be within 10 school days of the date of receipt of the school's informal response and passed to the Head Teacher, who will be responsible for ensuring that it is investigated appropriately.
- II. It is very important that you include a clear statement of the actions you would like the school to take to resolve your concern. Without this, it is much more difficult to proceed and you are advised to use the school Complaint Form for this purpose (please see forms at the end of this document). Receipt of the complaint will be logged, including the date it was received.
- III. If you need assistance in raising a formal complaint please contact the school office.
- IV. The Headteacher (or another person appointed by the Headteacher for this purpose) may invite you to a meeting to clarify your concerns and to explore the possibility of an informal resolution.
- V. If your complaint is not resolved through an informal meeting then the headteacher or other person appointed by the headteacher will conduct their own investigation. . In any case you will learn in writing, within five school days your formal complaint, of how the school intends to proceed. This notification will include an indication of the anticipated timescale.
- VI. An investigation will begin as soon as possible and you will be informed in writing of its conclusion.

c. Stage 3: Complaint heard by Chair of Governors

- I. If you are not satisfied with the manner in which the process has been followed by the Head Teacher, you may request that the Chair of Governors reviews the process followed by the school. Any such request must be made in writing to the Chair within 10 school days of receiving notification of the outcome from Stage 2 and include a statement specifying any perceived failures to follow the procedure.
- II. The Chair of Governors will arrange for a further investigation. Following the investigation, the Chair of Governors will give a written response within ten school days.

d. Stage 4 – Complaint heard by The Bath and Mendip Partnership Trust’s Complaints Panel

- I. Complaints will be escalated to the panel stage hearing if a satisfactory response has not been resolved at Stage 3. To request this process you will need to write to the Chair of the Trust Board giving details of the complaint within 10 school days of receiving the response detailed in Stage 3.
- II. The panel which will consist of at least three people who were not directly involved in matters details in the complaint, one of whom will be independent of the management and running of the school. (note: a Trustee does not count as an independent person as they have oversight and ultimate responsibility for the Trust, however a governor from another school may sit as an independent person as long as there is no conflict of interest or prior knowledge of the complaint.)
- III. The complaints appeal panel will be convened by the Clerk to the Trust Board and the panel will have access to the existing records of the complaint.
- IV. A panel hearing will normally take place within 20 working days of the receipt of the written request for Stage 4 investigation. Parents or community member will be invited to attend the hearing and we will ensure that they received at least 3 working day notice of the date of the hearing. The aim of the Appeal Panel hearing is to impartially resolve the complaint and to achieve reconciliation between the school and the complainant.
- V. At the panel hearing, the parent/community member (who may be accompanied if they so wish) and representatives from the school, as appropriate will be present. Each individual will have the opportunity to give statements and present their evidence, and witnesses will be called, as appropriate, to present their evidence. The panel, the complainant and the school representative(s) will be given the chance to ask and reply to questions. Once the complainant and school representative(s) have presented their cases, they will be asked to leave and evidence will then be considered.
- VI. All parties will be notified of the Panel’s decision in writing within three working days after the date of the hearing. The panel will ensure that all documents pertaining to the hearing, including minutes of hearing and the findings and recommendations are securely retained by the Trust.
- VII. The Panel’s letter will also contain what you need to do if you wish to take the matter further (see 8 below)

6. Complaints involving the CEO or Headteacher

If your complaint involves the CEO or a Headteacher you should firstly have direct discussions with the CEO or the Headteacher.

Where it is not possible to resolve the complaint through discussions you should set out your formal complaint in writing and send it to the Chair of Trust Board in the case of the CEO or the CEO in the case of the Headteacher.

Where the complaint involves a Headteacher it will be dealt with at Stages 2 to 4 as necessary. Where the complaint involves the CEO, it will be dealt with at Step 2 to 4 as necessary.

7. Complaints involving a Governor or the Governing Body

a. Stage 1: informal

Complaints made against any member of the Local Governing Board should be directed to the clerk to the Local Governing Board in the first instance. If the complaint is about one member of the Local Governing Board (including the Chair or Vice-Chair), a suitably-skilled and impartial governor will carry out the steps at stage 1 (set out in section 5 above).

b. Stage 2: formal

If the complaint is jointly about the Chair and Vice-Chair, the entire Local Governing Board or the majority of the Governing Board, an independent investigator will carry out the steps in stage 2 (set out in section 6 above). They will be appointed by the Trust Board and will write a formal response at the end of their investigation.

c. Stage 3: review panel

If the complaint is jointly about the Chair and Vice-Chair, the entire Local Governing Board or the majority of the Governing Board, a committee of independent Governors will hear the complaint. They will be appointed by the Trust Board, be impartial and drawn from other schools. They will carry out the steps at stage 3 (set out in section 6 above).

8. Complaints against a Trustee or the Trust Board

If your complaint is about a Trustee, you should contact the Company Secretary who will arrange for another Trustee to investigate the concerns in accordance with Stage 2. If your complaint is about the Trust Board as a whole, you should send your complaint to the Company Secretary who will arrange for the matter to be independently investigated.

8. Referring complaints on completion of the school's procedure

If you are unsatisfied with the outcome of the school's complaints procedure, you can refer your complaint to the ESFA. The ESFA will check whether the complaint has been dealt with properly by the school. For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>. We will include this information in the outcome letter to complainants.

9. Persistent complaints

a. Unreasonably persistent complaints

- I. Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:
 - Has made the same complaint before, and it's already been resolved by following the school's complaints procedure
 - Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
 - Knowingly provides false information
 - Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure
 - Pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refused to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the time frames it sets out
 - Changes the basis of the complaint as the investigation goes on

- Makes a complaint designed to cause disruption, annoyance or excessive demands on school time
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value

II. Steps we will take

We will take every reasonable step to address the complainant's concerns, and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible. If the complainant continues to contact the school in a disruptive way, we may put communications strategies in place. We may:

- Give the complainant a single point of contact via an email address
- Limit the number of times the complainant can make contact, such as a fixed number per term
- Ask the complainant to engage a third party to act on their behalf, such as Citizens Advice
- Put any other strategy in place as necessary

III. Stopping responding

We may stop responding to the complainant when all of these factors are met:

- We believe we have taken all reasonable steps to help address their concerns
- We have provided a clear statement of our position and their options
- The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from our school site.

b. Duplicate complaints

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and the local process is complete
- Direct them to the DfE if they are dissatisfied with our original handling of the complaint

If there are new aspects, we will follow this procedure again.

c. Complaint campaigns

Where the school receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school may respond to these complaints by:

- Publishing a single response on the school website
- Sending a template response to all of the complainants

If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the normal procedures will apply.

9. Record Keeping

- a. The school will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.
- b. This material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or on the review panel. This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a school inspection.
- c. Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and The Trust Retention Policy.
- d. The details of the complaint, including the names of individuals involved, will not be shared with the whole Local Governing Board in case a review panel needs to be organised at a later point.
- e. Where the Local Governing Board is aware of the substance of the complaint before the Complaints Panel stage, the school will (where reasonably practicable) arrange for an independent panel to hear the complaint. Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the Local Governing Board, who will not unreasonably withhold consent.

10. Learning Lessons

The Local Governing Body will review any underlying issues raised by complaints with the Headteacher, where appropriate, and respecting confidentiality, to determine whether there are any improvements that can be made to the school's procedures or practice to help prevent similar events in the future.

12. Monitoring arrangements

- a. The school's Local Governing Body will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The school's Local Governing Body will track the number and nature of complaints, and review underlying issues as stated in section 11.
- b. The complaints records are managed by the Headteacher.
- c. This policy will be reviewed by the Trust Board every 2 years.

13. Legislation and Guidance

- a. This document meets the requirements set out in part 7 of the schedule to the Education (Independent School Standards) Regulations 2014, which states that we must have and make available a written procedure to deal with complaints from parents of pupils at the school.
- b. It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on creating a complaints procedure that complies with the above regulations, and refers to good practice guidance on setting up complaints procedures from the Department for Education (DfE).
- c. This policy complies with our funding agreement and articles of association.
- d. For Special Schools, this document meets the requirements of section 35 of the schedule to the Education (Non-Maintained Special Schools) (England) Regulations 2011, which states that non-

maintained special schools must have and make available a written procedure to deal with complaints relating to their school. It also refers to good practice guidance on setting up complaints procedures from the Department for Education (DfE).

- e. In addition, it addresses duties set out in the Early Years Foundation Stage statutory framework with regards to dealing with complaints about the school's fulfilment of Early Years Foundation Stage requirements.

14. Links with other policies

- Policies dealing with other forms of complaints include:
- Child protection and safeguarding policy and procedures
- Admissions policy
- Exclusions policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEN policy and information report
- Privacy notices

15. Additional notes:

- a. Allegations of abuse against a member of the school staff must be reported to the Head Teacher immediately. Allegations of abuse against the Head Teacher must be reported to the Chair of Governors immediately.
- b. In cases where the matter concerns the conduct of the Head Teacher, the Head Teacher and Chair of Governors will be informed of the complaint. The Chair of Governors will arrange for the matter to be investigated. In cases where the matter concerns the conduct of a member of the Governing Body the member will be informed of the complaint.

Appendix 1

Contact Details

Headteacher	Warrick Barton warrickbarton@pensfordschool.org
School Office	pensford_office@pensfordschool.org 01761 490470
Chair of Governors	Nigel Chambers nigelchambers@pensfordschool.org
Clerk to Governors	Jose Tarnowski jose tarnowski@pensfordschool.org
Chair of the Board of Trustees (The Bath and Mendip Partnership Trust)	Clerktogovernors@thebathandmendippartnershiptrust.com Clerk to Trust Board: 01761 404207
CEO (The Bath and Mendip Partnership Trust)	c/o PA: svernau@thebathandmendippartnershiptrust.com
Company Secretary	c/o Trust Office(see below)
Trust Office	office@thebathandmendippartnershiptrust.com Tel: 01761 404207

Appendix 2



School Complaint Meeting Request Form (Stage 1)

I wish to meet [name of teacher].....
from [name of school]to discuss the following matter:

Brief details of topic to be discussed:

Dates/times when it would be most convenient for a meeting:

Your name:

Relationship with school (e.g. parent of a pupil on the school roll):

Pupil's name (if relevant to the matter to be discussed):

Your Address:

.....
.....

Telephone numbers:Daytime: Evening:

E-mail address:

Signed: Date:

[Please complete this form and return it to the school office]

School use:

Date Form received: Date response sent:

Received by: Response sent by:



School Formal Complaint Form (Stage 2)

Please complete this form and return it to the school office or to the Head Teacher who will acknowledge its receipt and inform you of the next stage in the procedure.

Name of school:

Your name:

Relationship with school (e.g. parent of a pupil on the school roll):.....

Pupil's name (if relevant to your complaint):.....

Your Address:

.....

Telephone numbers

Daytime: **Evening:**

E-mail address:

Please give concise details of your complaint, (including dates, names of witnesses etc...), to allow the matter to be fully investigated:

You may continue on separate paper, or attach additional documents, if you wish.

Number of Additional pages attached =

What action, if any, have you already taken to try to resolve your complaint? (i.e. who have you spoken with or written to and what was the outcome?)

What actions do you feel might resolve the problem at this stage?

School use:

Date Form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

Complaint referred to:			
Date:			

Appendix 3



School Complaint Review Request Form (Stage 3)

Please complete this form and return it to the Clerk to the School's Local Governing Body, who will acknowledge its receipt and inform you of the next stage in the procedure.

Name of school:

Your name:

Your Address:
.....

Telephone numbers:

Daytime:

Evening:

E-mail address:

Dear Sir/Madam

I submitted a formal complaint to the school on and am dissatisfied by the procedure that has been followed.

My complaint was submitted to and I received a response from on

I have attached copies of my formal complaint and of the response(s) from the school.

I am dissatisfied with the way in which the procedure was carried out, because:

You may continue on separate paper, or attach additional documents, if you wish.

Number of Additional pages attached =

What actions do you feel might resolve the problem at this stage?

School use:

Date Form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

Request referred to:			
Date:			