



**BERKSHIRE SCHOOLS
TRUST**

Complaints Policy

2020

In reviewing this policy, the trust board has had regard to the Equality Act 2010 and carried out an equality impact assessment. It is satisfied that no group with a protected characteristic will be unfairly disadvantaged by this policy.

Document History			
Version	1.2		
Status	Final		
Date	October 2020		
Target audience	All stakeholders		
Ratification	Trust Board		
Author	BST Central Team		
Policy group	<p>Group A - Statutory policies required by education legislation</p> <p>Group B - Statutory policies under other legislation</p> <p>Group C – Other statutory documents</p> <p>Group D – Documents referred to in statutory guidance</p>		
Version Control	Reviewers		
1.1	Heather Proctor, St John’s CE Primary School		
1.2	Natasha Kirby, Trust Operations Manager		
Summary of Changes Log			
Summary of change	Page No.	Date change made	Who made change
A change log audit box has been added		16/01/2020	CH
Definition of Complainant added		16/01/2020	CH

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1. Aims

Our school aims to meet its statutory obligations when responding to complaints from parents of pupils at any school within the Berkshire Schools Trust. Complaints from anyone who is not a parent of attending children should write directly to The Headteacher c/o the school who will investigate and will reply within 10 working days.

When responding to complaints, we aim to:

- **Be impartial and non-adversarial**
- **Facilitate a full and fair investigation by an independent person or panel, where necessary**
- **Address all the points at issue and provide an effective and prompt response**
- **Respect complainants' desire for confidentiality**
- **Treat complainants with respect**
- **Keep complainants informed of the progress of the complaints process**
- **Consider how the complaint can feed into school improvement evaluation processes**

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The school will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will ensure we publicise the existence of this policy and make it available on the school website.

2. Legislation and guidance

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.

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).

This policy complies with our funding agreement and articles of association.

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.

3. Definitions and scope

A **complainant** is defined as the person who raises a matter of concern.

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 and should be first discussed with your child's class teacher.

A **complaint** is defined as "a formal expression of dissatisfaction made in writing, about actions taken or a lack of action".

The school intends to resolve concerns informally where possible.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling formal 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 SEN about the school's support are within the scope of this policy. Such complaints should first be made to the Special Educational Needs Co-ordinator (SENCo); they will then be referred to this complaints policy. The 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**

We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage.

Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

The school expects that complaints will be made as soon as possible after an incident arises and no later than 3 months afterwards. 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.

At all stages of the procedure if required the Trust will consider appointing an interpreter to ease communication between the parties.

Complaints about our fulfilment of 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 9) 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, or by emailing enquiries@ofsted.gov.uk. An online contact form is also available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>. 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. Stages of complaint (not complaints against the Headteacher or a governor – see section 6)

See also Appendix 4 - Timescales

Stage 1: informal (see appendix 2)

The school will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The person with the concern should raise the concern as soon as possible with the relevant member of staff or a member of the Senior Leadership Team, either in person or by letter, telephone or email. If the person with the concern is unclear who to contact or how to contact them, they should contact the school office. We expect that most concerns or difficulties can be resolved informally at this early stage.

Once a concern is made known to us, we will see you, or contact you by telephone or in writing, as soon as possible. If necessary, we will contact appropriate people who may be able to assist us with our enquiries into your concern. We will normally update you on the progress of our enquiries within 10 school days. Any actions or monitoring of the situation that has been agreed will be communicated clearly to you. If you are still dissatisfied following this informal approach, your concern will become a formal complaint and we will deal with it at the next stage.

From time to time a concern will be considered so serious that the person with the concern may request that the concern is escalated to stage 2 immediately. The school will consider this request and respond accordingly with clear reasons.

Stage 2: formal (see appendix 3)

The formal stage involves the complainant putting the complaint into writing, to the Headteacher. This letter should provide details such as relevant dates, times and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint. The Stage 2 Complaints Form (Appendix 1) can be completed.

At this stage, a Complaints Co-ordinator will be appointed by the Headteacher (normally the Office Manager/Clerk to the Governors of the school) who will ensure that process is followed accurately, and all communication is timely and logged appropriately.

The formal complaint will be acknowledged within 2 school days. The Headteacher or a delegate nominated by the Headteacher will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 10 school days.

If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the chair of governors in writing within 5 school days.

Stage 3: reference to the Chair of the Local Governing Body (see appendix 3)

If the complainant is dissatisfied with the Headteacher's decision under Stage 2 of the procedure, or if the complaint is regarding the Headteacher, your complaint must be made in writing to the Chair of the Local Governing Body. The complaint letter or form (see Appendix 1) should include full details of the complaint and enclose all relevant documents as well as full contact details. The complaint reaching Stage 3 will be acknowledged by letter (and email) within 4 school days. The Chair will indicate the action that is being taken and the likely timescale. The Chair, or a delegate nominated by the Chair will usually arrange for your complaint to be investigated following procedures equivalent to those at Stage 2 above. When the Chair is satisfied that he/she has established all the material facts, so far as is practicable, he/she will notify you of his/her decision and the reasons for it within 10 working days of the Complaint reaching Stage 3.

Stage 4: review panel (see also appendix 3)

Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at the third formal stage. The Complaints Co-ordinator will ensure that good communication between all parties is given and process is followed.

The request to move to Stage 4 will be acknowledged by letter (and also by email) as soon as it is received by the Complaints Co-ordinator, but within 2 school days.

The panel will be appointed by the Chair of Berkshire Schools Trust and must consist of at least 3 people, one of whom must be the CEO of the Trust or a nominated deputy and who were not directly involved in the matters detailed in the complaint. At least 1 panel member must be independent of the management and running of the school. A chair of the panel must be appointed.

The panel will have access to the existing record of the complaint's progress (The Complaints Co-ordinator will assist - see section 9).

The complainant must have reasonable notice of the date of the review panel (not less than 5 school days and not more than 10 school days); however, the review panel reserves the right to convene at their convenience rather than that of the complainant. At the review panel meeting, the complainant and representatives from the school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied if they wish. The companion is present in a supportive capacity and would normally be a friend or family member. The companion may confer with the complainant but cannot answer questions or represent the complainant. The Legal advisor will not accompany either party.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called, as appropriate, to present their evidence. No new complaints may be brought to this meeting and any attempt to diversify this complaint must be resisted by the panel.

The panel, the complainant and the school representative(s) will be given the chance to ask and reply to questions. The complainant and the school representative may be at the panel at the same time or heard separately as appropriate and at the discretion of the Chair of the panel. Once the complainant and school representative(s) have presented their cases, they will be asked to leave, although they should remain on site in case further clarification is required. When the panel is satisfied that all relevant evidence is collected, they will be advised that they should leave the premises and evidence will then be considered.

The panel must then put together its findings and recommendations from the case. The panel will also provide a copy of the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint, and make a copy available for inspection by the Trustees and Headteacher.

The school will inform those involved of the decision in writing within 5 school days.

The decision of the review panel is final; however, parents can refer the complaint to ESFA, as in Point 7.

Information relating to a staff member that may affect his/her future employment cannot be advised to the complainant.

6. Complaints against the Headteacher, (include also Executive Headteacher, Head of School or Deputy Headteacher if that deputy is covering for the Headteacher due to long term sick or bereavement leave) or a governor

Complaints made against the Headteacher should be received in writing and directed to the Chair of Governors where a complaint is against the Chair of the Local Governing Body or any member of the governing body of the school, it should be made in writing to the clerk to the governing board in the first instance. These complaints will be directed to the Chair (or Vice Chair) of the Trust and every effort will be made to resolve concerns at the earliest possible stage, by using stages 3 and 4.

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

If the complainant is dissatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the ESFA. The ESFA will check whether the complaint has been dealt with properly by the school. The ESFA will not overturn a school's decision about a complaint. However, it will look into:

- **Whether there was undue delay, or the school did not comply with its own complaint's procedure**
- **Whether the school was in breach of its funding agreement with the secretary of state**
- **Whether the school has failed to comply with any other legal obligation**

If the school did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the school's complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

8. Dealing with vexatious, persistent or unreasonable concerns or complaints

Where a complainant tries to re-open the issue with the school after the complaint's procedure has been fully exhausted and the school has done everything it reasonably can in response to the complaint, the chair of governors (or other appropriate person in the case of a complaint about the chair) will inform the complainant that the matter is closed.

If the complainant subsequently contacts the school again about the same issue, the school can choose not to respond. The normal circumstance in which we will not respond is if:

- **The school has taken every reasonable step to address the complainant's needs, *and***
- **The complainant has been given a clear statement of the school's position and their options (if any), *and***
- **The complainant is contacting the school repeatedly but making substantially the same points each time**

However, this list is not intended to be exhaustive.

The school will be most likely to choose not to respond if:

- **We have reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience, and/or**
- **The individual's letters/emails/telephone calls are often or always abusive or aggressive, and/or**
- **The individual makes insulting personal comments about, or threats towards, school staff**

Unreasonable behaviour, which is abusive, offensive or threatening, may constitute an unreasonably persistent complaint.

Once the school has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email by the CEO of the BST.

The school will ensure when making this decision that complainants making any new complaint are heard, and that the school acts reasonably.

9. Record-keeping

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.

A Complaints Co-ordinator will be appointed at Stage 2 and will gather all previous evidence (phone calls, discussions etc) from Stage 1.

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 under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

Records of complaints will be kept for 10 years.

The details of the complaint, including the names of individuals involved, will not be shared with the whole governing board in case a review panel needs to be organised at a later point.

Where the governing board is aware of the substance of the complaint before the review 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 Chair of Trustees, who will not unreasonably withhold consent.

10. Learning lessons

Following Stage 3, the Panel will review any underlying issues raised by the complaint, and, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

11. Monitoring arrangements

The Chair of the Local Governing Body will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The Headteacher will report to the Local Governing Body any Stage 2 (formal) complaints and will track the number and nature of complaints, and review underlying issues as stated in section 10.

The complaints records are logged and managed by the Complaints Co-ordinator and held confidentially.

This policy will be reviewed by the Trustees of BST every year.

At each review, the policy will be approved by the Trustees and disseminated to the schools within BST within 5 days of approval, in order that the most current version of the policy is held.

12. 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**

Appendix 1 – Formal Complaint form

This form may be used when all informal processes involving the school have been exhausted. This form will be used at Stage 2, 3 and 4 of the Complaints Policy. Written letters can be received in place of this form, ensuring that all the areas of the letter cover the details of this form.

This form should be sent to Clerk to Governors of individual school please check school website for contact details.

Name	
Date	
Address	
Pupil Name/Year (if applicable)	
Relationship to pupil (if applicable)	
Pupil's address (if different from above)	
Contact number(s) (if you have a preferred time within the school day, please state it)	
Email address	
Details of Complaint	
Why was the school's response not satisfactory?	
What action(s) can be taken to resolve this complaint?	

Appendix 2

Guidance for Staff on Dealing with Concerns

Staff who are approached by parents, pupils or others with matters of concern must assess the seriousness of the issue and, if subject to specific Academy policies (for example over a child protection issue) follow those policies. If a parent of a child or someone else expresses a concern that is within the remit of that member of staff, then the member of staff should deal with the concern, resolving it where possible and seek guidance from SLT if necessary. If the member of staff feels unable to deal with the concern, they should listen to the concern, note it down and refer it to the relevant senior member of staff, indicating to the complainant that this is what will happen.

Each situation will be different, but staff members should do all they can to:

- allay the other persons' fears
- take the concerns seriously
- remain calm and composed at all times
- be fair, open and honest when dealing with any concern or question
- give careful consideration to all concerns and deal with them as swiftly as possible
- enter into dialogue that encourages mutual understanding and, wherever possible, puts the interests of any child above all other issues
- respect peoples' desire for confidentiality.

If the matter has not been resolved amicably by this means, then the member of staff should advise the complainant to make a formal complaint. The member of staff should make notes of the complaint and to keep these safely in the event of the complaint proceeding to Stage 2.

Appendix 3 - Investigation Procedures for Formal Complaints under Stage 2, 3 or 4

1. The investigation of an allegation or a complaint should always be carried out thoroughly and responsibly, irrespective of whether the complaint appears to be trivial or serious. The investigator must maintain an open mind and not prejudge any situation on the basis of knowledge of past events. The outcome of such an investigation will have considerable significance for the complainant and, where the complaint is against a particular member of staff, for the member of staff against whom the complaint has been made.
2. Any member of staff against whom a complaint has been made, should be notified that a complaint has been received, provided with a copy of the complaint and be informed that an investigation will be carried out in which his or her views will be sought.
3. It is essential that there is a clear understanding of the complaint and what remains un-resolved. If the complaint is not clearly stated, the investigator should clarify the nature of the complaint with the complainant and set out clearly the issues of concern to the complainant that will be investigated.
4. Once the complaint has been confirmed the investigator should establish who he or she wishes to interview and what documentation they will need to review. Arrangements should be agreed so that accurate notes can be taken of all interviews and the outcomes of the investigation be accurately recorded.
5. The complainant and a member of staff complained about should be given the opportunity to meet with the investigator, offer documentation and to identify potential witnesses or sources of evidence. Any member of staff subject to the complaint should be advised that they may be accompanied by a friend or a trade union representative when invited to be interviewed.
6. Where children are potential witnesses, discretion should be exercised over their involvement. Pupils should only be interviewed when the nature of the complaint is sufficiently serious to warrant it and adult witnesses are not available. Only in extreme circumstances will younger pupils be interviewed.
7. Any interviews should be conducted as soon as possible to ensure that recollections are as fresh as possible and to minimise the possibility that evidence will become tainted through witnesses discussing alleged incidents with other persons. A written record must be made of all interviews.
8. In conducting interviews, the investigator should prepare the questions to be asked prior to the interview. These can always be supplemented during the interview. The investigator should allow the interviewees to answer in their own way. Their responses should be listened to attentively. Any temptation to cut an interviewee short or to seek to 'lead' them must be resisted. The interviewee should be given the opportunity of providing other relevant information at the end of the interview. It is good practice to ask the complainant what they feel would put matters right, even if this action is not one that is eventually taken.
9. Interviewees should, however, be advised that their responses must be confined to the substance of the complaint. Any attempt by the interviewee to introduce information relating to other members of staff or to issues unrelated to the complaint should be resisted.
10. The investigator should avoid reaching conclusions or passing judgement, until the investigation has been completed. The investigator should complete the investigation by creating a summary of the evidence gathered and a preferred outcome for agreement.
11. Any response letter should include the following information:
 - a brief summary of the complainant's concerns and the issues that have been investigated
 - a summary of the process undertaken

- the outcome of the investigation
 - the reasons for that outcome, unless confidentiality would be compromised (in which case a suitably worded conclusion should be provided)
 - any recommendations which, wherever possible, should be constructive and not punitive
 - potential next steps.
12. The response letter should be sent to the complainant. Caution must always be exercised in reporting back to the complainant as revealing certain details may prejudice the ability of the employee to continue in post and may result in disciplinary action against a staff member to which the complainant must NOT be made aware.
 13. The complainant should be advised that he or she may, if they are not satisfied with the response or that the appropriate procedure has been followed, request the complaint is considered at the next stage of the complaints policy.
 14. Following consideration of a complaint at stage 4, the complainant should be advised that the complaint will not be considered further but that they do have the right of complaint to the EFSA.

Appendix 4 – Timescales

Stage 1 (informal)

Concern raised and acknowledged immediately through informal discussion. The concern will be investigated, and response made within ten school days. If the complainant does not feel it has been resolved informally, they may go to Stage 2. The intent to move to Stage 2 should be made in writing within five school days of receiving an update.

Stage 2

Formal written complaint acknowledged within two school days and a complaint coordinator must be appointed. The written conclusion will be sent to the complainant within a further five school days. If the complainant does not feel it has been resolved at Stage 2, they may move to Stage 3. The intent to move to Stage 3 should be made in writing within five school days on receipt of the findings of Stage 2.

Stage 3 (Optional stage)

Formal written complaint to the Governors acknowledged within five school days. The written conclusion will be sent to the complainant within a further ten school days. If the complainant does not feel it has been resolved at Stage 3, they may go to Stage 4. The intent to move to Stage 4 should be made within five school days on receipt of the findings of Stage 3.

Stage 4

The request to move to Stage 4 will be acknowledged in writing within two school days. The review panel will be arranged for not less than five school days' time and within ten school days' time.

The final decision of the panel will be advised to the complainant within five school days of the end of the review hearing.