Bridge Academy Trust

COMPLAINTS POLICY

January 2023

CHECKLIST

Please put an x in the box when done

Set up draft policy with watermark	☒
Ensure footer says draft	☒
Date on front and footer is date the policy comes into action	☒
Committee taking to – include date	☒
Summary of changes – to be brief	☒
Checked The Key/DfE or appropriate website for content requirement/accuracy	☒
When updated save in DRAFT AWAITING FORMATTING	☒
Email Clerk when updated	☒

DOCUMENT FORMATTING

Please send to Clerk to format

Headings – Arial 18, bold, capitals, border (thin line top, thick line bottom)	☒
Subheadings – Arial 14, bold, border (single thin)	☒
Font - Arial 11	☒
Margins – Front page – Top & bottom 1.7, L&R 2	☒
Margins – Main Policy – Top 2, Bottom 2.54, L&R 2	☒
Font - Arial 11	☒
Margins	☒
Footers	☒
When formatted save in Draft for HT MEETING	☒

Agenda

To add a brief explanation:

Complete re-write will require a complete review	☐
Minor changes (spelling/ process etc.)	☒
No change	☐

When a policy is ready for committee:

Consultation with Headteacher Group	☒

Once approved – Compliance Director to:

Remove reference to Draft watermark/ footer	☒
Ensure correct date – front and footer	☒
Save in to CURRENT under Clerk	☒
Add to website as appropriate	☒
To go on newsletter (liaise with Chief Officer PA) “Following the recent Policy Review Committee these policies were approved and can be found on ‘staff portal’/ BAT website”	☒
SharePoint - Archive old policy!	☒

Ensure the following key wording:

Employees
Head of School
Students

Date of Draft Policy:	May 2022	
Date last reviewed by Trustees and frequency of review	October 2021 3 years	
Consultation with Staff Required	Yes ☐	No ☒
Period of Consultation (if required)	From N/A	To N/A
Trustee Committee Reviewing Document:	Trustee Policy Review Committee	
Date of FGB Meeting at which Policy Approved (if required)	13 December 2023	
Date of Adoption of Policy	1st January 2023	
Date Policy available on Central Area/www (if appropriate)	23rd November 2022	
Reviewer	CEO	
Advice From	Previously Stone King DfE guidance The Key Leadership	

Summary of changes

11.1 – inclusion of redress sought

11.8 – inclusion of HT to be in attendance if not the IO

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INTRODUCTION

1.1 This Complaints Policy covers initial issues raised and the procedure that schools within Bridge Academy Trust, Local Governing Committees and Trustees must take.

1.2 Complaints from any stakeholder of Bridge Academy Trust will be dealt with under this policy.

1.3 Our policy and Government Guidelines are that any concerns and complaints should be dealt with locally, at school level, wherever possible. This is because we want to build and maintain good relationships and to work to provide the best possible education.

1.4 Our policy complies with Part 7 of The Education (Independent School Standards) Regulations 2014.

CONFIDENTIALITY

2.1 All aspects of complaints should be considered confidential by all parties and not discussed, with the exception of where the Secretary of State or a body conducting an inspection requests access ((The Education (Independent School Standards) Regulations 2017, Part 7, 33k)).

2.2 Audio recordings or voice notes of any meetings or hearings conducted under this policy are prohibited.

2.3 Names of any witnesses will be made available where their evidence is relevant to the disciplinary proceedings, unless it has been previously agreed by the CEO that a witness's identity should remain confidential.

ROLES AND RESPONSIBILITIES

TRUSTEES AND LOCAL GOVERNORS

3.1 The involvement of Trustees and Local Governors is at stage 2 only. It is important that all stakeholders follow this guidance to ensure equity and fairness for all.

CEO

3.2 The CEO is responsible for considering anonymous complaints and complaints concerning any Headteacher within the schools of the Trust.

3.3 The CEO may agree to witness confidentiality in exceptional circumstances.

HEADTEACHER

3.4 The Headteacher will receive all concerns/complaints or nominate a designated Senior Leader on their behalf.

3.5 The Headteacher is responsible for ensuring that complaints are followed under the correct policy and must refer to Appendix A for exceptions.

CLERK TO THE TRUST

3.6 The Clerk to the Trust is responsible for centrally filing all paperwork following a Stage 1 complaint and must not be involved until stage one has been completed.

3.7 The Clerk is responsible for all paperwork, arranging a committee for Stage 2 complaints and ensuring the Local Governing Committee (LGC) and or Trust, is advised as per the policy.

INITIAL CONCERNS AND COMPLAINTS

4.1 All issues raised, whether a concern or a complaint, will be dealt with under the first section of this policy.

4.2 Any concerns/complaints received centrally will be directed to the correct recipient.

ANONYMOUS COMPLAINTS

5.1 The Trust will not normally investigate anonymous complaints. However, the CEO must be advised of any anonymous complaints and will determine whether the complaint warrants an investigation and how to proceed.

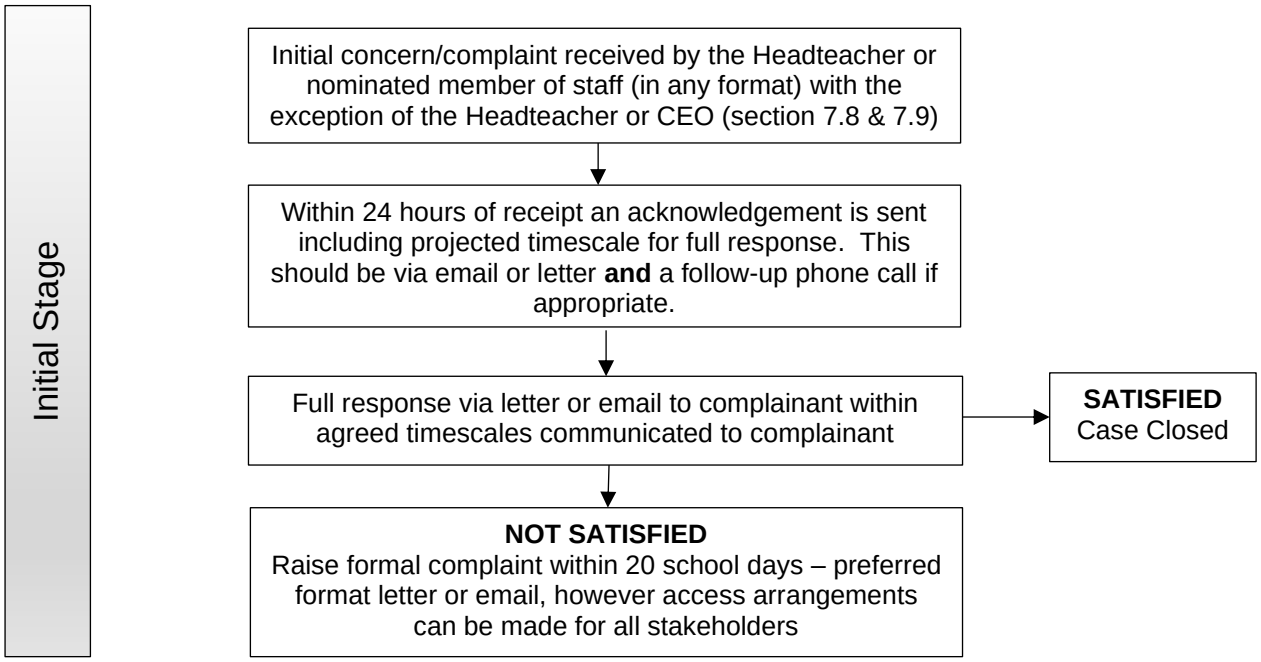
HISTORICAL ISSUES

6.1 All concerns/complaints must be raised within 3 months of the incident or occurrence of the issue.

6.2 Issues made outside of this timeframe must be sent to the CEO and will only be considered in exceptional circumstances.

6.3 The Trust will consider complaints received outside of term time to have been received on the first school day after the holiday period.

CONCERNS/COMPLAINT FLOW CHART



Stage 1 – Formal Complaint

All communication via local school or the PA to the CEO

Raise Stage 1 (formal) complaint raised within 20 school days – preferred format letter or email, however access arrangements can be made for all stakeholders

↓

Headteacher or nominated Senior Leader to appoint investigating officer and advise complainant of who this is in the acknowledgement. → Headteacher or Nominated member of staff **MUST** advise Clerk to Trust

↓

Investigating Officer to arrange a meeting with the complainant within 5 school days.

↓

Investigating officer to consider all existing and new details, within agreed timescales.

↓

Full response via letter or email to complainant within agreed timescales communicated to complainant.

↓

NOT SATISFIED
Complainant to raise stage 2 complaint within 20 school days – preferred format letter or email, however access arrangements can be made for all stakeholders. → **SATISFIED** Case Closed Paperwork MUST be sent to Clerk to file

Clerk to the Trust to advise LGC at next meeting

Stage 2 – Final Stage

All communication via Clerk to the Trust

↓

Headteacher or investigating officer to advise Clerk to the Trust who then administers the complaint;
Clerk to advise LGC and panel to be arranged within 20 days.

↓

Raise Stage 2 (final) complaint within 20 school days – preferred format letter or email, however access arrangements can be made for all stakeholders.

↓

Clerk to arrange a Panel of three:

- This may be made up of Trustees or Local Governors
- One Panel Members must be a Local Governor of a different school within the Trust (Independent)

↓

Complaint Panel is held *(see section 11.3)*

↓

Complaints Panel respond within 10 school days in writing via the Clerk.

↓

Clerk advise Trust at next Full Board Meeting.

UNREASONABLE CONCERN/COMPLAINTS

7.1 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 Trust'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, refuses 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

7.2 The Trust 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 wherever possible.

7.3 If the complainant continues to contact in a disruptive way, The Trust may put communications strategies in place:

- 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

7.4 The Trust 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

7.5 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.

7.6 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 a school site.

7.7 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.

7.8 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

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

GENERAL GUIDELINES

8.1 All concerns/complaints can be made in person, in writing (including by email) or by telephone. They may also be made by a third party acting on behalf of a Complainant, as long as they have appropriate consent to do so.

8.2 Concerns can be made via email. The relevant email address can be found on the school and Trust websites.

8.3 Complainants should follow the Concerns/Complaints Flow Chart within this policy and ensure the complaint is initially received by the local school.

8.4 Local Governors and Trustees should not be responding to any complaint in the first instance and should direct the Complainant to the Headteacher. Failure to do so may jeopardise a fair and equitable process.

8.5 If the complaint is escalated to any external body/agency before the Trusts complaints process is completed, the Chair of the Trust must be notified and must consider a suspension of this policy until a response from the external agency is received in relation to the complaint.

8.6 This Complaints Policy does not cover policies named in Appendix A.

8.7 Complaints against individual members of staff will be investigated under this policy and may subsequently be dealt with under internal HR policies which are confidential in nature.

8.8 Any complaints regarding the Headteacher must be addressed to the CEO who will take responsibility for the complaint.

8.9 Any complaints regarding the CEO must be addressed to the Clerk to Trustees who will liaise with the Chair of Trustees on this complaint.

COMPLAINT ABOUT:	CONTACT	EMAIL
CEO	Chair of Trustees	clerk@bridgeacademytrust.org
Headteachers	CEO	PA@bridgeacademytrust.org

PROCEDURES FOR INITIAL ISSUES RAISED

9.1 The school will make contact within 1 school day of the initial issue raised. This response must include a projected timescale for the full response and clear steps on what happens next in writing. A follow-up telephone conversation may be appropriate.

9.2 The appointed person will ensure they speak directly to all appropriate persons who may be able to assist with enquiries into the issues raised.

9.3 All projected time scales will be communicated within the initial response. If these timescales change, they must be communicated with all parties as soon as possible and new timescales agreed.

9.4 The final response will ensure that it is clear on any action or monitoring of the situation that has been agreed.

9.5 If the Complainant is still dissatisfied after the initial response, a formal complaint must be raised within 20 school days for it to move to Stage 1 as outlined in this policy.

STAGE 1 (FORMAL COMPLAINT)

10.1 If any Complainant is not satisfied with the outcome from the initial issue raised, they may make a stage 1 formal complaint. This should be made in writing or by email to the school, however access arrangements should be made for all stakeholders.

10.2 The formal complaint will be acknowledged in writing or via email within 3 school days confirming that it is a Stage 1 formal complaint and will set out projected timescales.

10.3 Within 5 school days the Complainant will be invited to a meeting to discuss the complaint with the Investigating Officer. The Complainant may be accompanied by one person to assist in explaining the detail of the complaint.

10.4 The Investigating Officer will consider and evaluate all existing details and any new details arising from the meeting. The Investigating Officer will talk to and take statements as required.

10.5 Once all the relevant facts have been established a written/email response will be made. This will give a full explanation of the outcome of the investigation and any follow-up action if required.

10.6 All projected time scales will be communicated within the initial response. If these fall behind they must be communicated with all parties as soon as possible and new timescales agreed.

10.7 The formal response will ensure that it is clear on any action or monitoring of the situation that has been agreed.

10.8 All relevant paperwork must be sent to the Clerk to file.

10.9 If the Complainant is still dissatisfied after the Stage 1, a formal complaint must be raised within 20 school days for it to move to Stage 2 as outlined in this policy.

STAGE 2 (FINAL STAGE)

11.1 If any Complainant is not satisfied with the outcome from the Stage 1 response, they may make a stage 2 (final) formal complaint. This should be made in writing or by email and should include what redress is being sought. This should be sent to the school, addressed to the Clerk to Trustees, however access arrangements should be made for all stakeholders.

11.2 The Clerk to the Trustees will respond to the Complainant to outline the procedures and timescales within 5 school days.

11.3 The Clerk will arrange a formal complaint panel hearing. This panel will be made up of 3 Trustees or local Governors, of which 1 must be a Local Governor of a different school within the trust (Independent).

11.4 The complaint panel hearing timescales will be set out by the Clerk and will depend on availability. The Trust should aim to hold this hearing within 20 school days.

11.5 The aim of a Complaint Panel Hearing is to resolve the complaint and to achieve reconciliation between the school and the Complainant. It may sometimes only be possible for the Complaint Panel to establish the facts and make recommendations, which should reassure the complainant that the complaint has been taken seriously and action has been taken to prevent a similar situation occurring in the future.

11.6 No additional evidence should be presented. The Investigating Officer will give all the documentation to the Clerk including the initial concern raised, as well as any investigating documents including the final response made. The Clerk will circulate this to the panel members and the Complainant at least 5 school days prior to the panel hearing.

11.7 If new evidence needs to be presented, then the complaint needs to be reinvestigated under Stage 1 of this policy.

11.8 At the complaint panel hearing the Complainant and Investigating Officer will be invited to attend. The Headteacher may also attend if not the Investigating Officer.

11.9 The Complainant may be accompanied by one person to assist in explaining the detail of the complaint (this must be communicated to the Clerk 5 school days ahead of the meeting).

11.10 The school will be represented by the Investigating Officer.

THE COMPLAINTS HEARING PANEL

11.11 The Complaints Panel Hearing will operate in accordance with the following formal procedures;

11.11.1 The Clerk to the Complaint Panel will arrange for the Complaint Panel Hearing to take place normally within twenty school days. The Complainant will need to confirm to the Clerk within 5 school days of receiving the confirmation. If the Complainant is not available, one re-arrangement will be offered.

11.11.2 The Clerk to the Complaint Panel will distribute the relevant documents within 5 working days of the panel hearing.

11.11.3 Should any party not be able to attend the hearing on the date confirmed by the Clerk, the Clerk will seek to find an alternative date. If they are still unable to attend the alternative date, the Clerk will inform the complainant that the meeting will take place in their absence.

11.11.4 The Clerk will be in attendance at the Complaint Panel Hearing to ensure an accurate record is made during the proceedings.

11.11.5 During the meeting, the following will occur:

- the Complainant will be given the opportunity to explain the issues;
- the Investigating Officer may ask questions of the Complainant;
- the Complaint Panel may ask questions of the Complainant;
- the Investigating Officer will explain the process taken and the school's response;
- the Complainant may question the Investigating Officer;
- the complaint panel may question the Investigating Officer;
- each party may make a brief final statement
- The Investigating Officer and Complainant will be asked to leave, the panel and Clerk will remain.

11.11.6 The Complaint Panel will then consider the complaint and all the information and documentation presented in order to:

- make findings of fact, on a balance of probabilities (that is to say, more likely than not to be true);
- make recommendations as to action to be taken, if necessary;

11.11.7 The Clerk will notify the complainant, the person complained about, if appropriate, in writing of the findings and recommendations within ten school days and these will be available on the school premises for inspection by the Headteacher. Please refer to section 2 above.

REFERRAL TO THE EDUCATION SKILLS & FUNDING AGENCY

12.1 If the Complainant remains unsatisfied with the outcome of the complaint hearing, the complaint can be raised with the Education Skills & Funding Agency (ESFA), to the Department for Education and/or to Ofsted.

12.2 The ESFA will not usually review the subject matter of your complaint or the decision of a formal Complaint Panel Hearing. The ESFA will not usually investigate complaints more than 12 months after the decision or action was taken (updated March 2021). Please see Appendix B for further information. The ESFA will, however, review the Trusts Complaints Policy to ensure that it complies with the Education (Independent School Standards) (England) Regulations 2018 (as amended) and that the school followed the procedure contained within its Complaints Policy.

RETENTION OF COMPLAINTS RECORDS

13.1 The paperwork for all initial issues raised should be retained until the complaint has been satisfied.

13.2 The Trust will keep a written record of all complaints and the actions taken by the school, , whether resolved following stage 1 or a panel hearing at stage 2, regardless of whether they are upheld which will include the actions taken ((The Education (Independent School Standards) Regulations 2017, Part 7, 33ji, jii)).

13.3 All paperwork will be held in accordance with the Trust Records Management Policy and will be kept confidential, please refer to section 2 above.

APPENDIX A: COMPLAINTS NOT COVERED BY THIS POLICY

Exceptions	Who to contact
• Admissions to schools • Statutory assessments of Special Educational Needs	Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Essex County Council: https://www.essex.gov.uk/Education-Schools/Schools/Admissions/Pages/Admissions.aspx
• Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (**LADO**) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (**MASH**). <Contact Essex County Council childrens.safeguarding@essex.gov.uk Telephone 0333 013 9797
• Exclusion of children from school*	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions. **complaints about the application of the behaviour policy can be made through the school's complaints procedure. <> Behaviour policy available on individual school website.*
• Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus. Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.
• Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.
• Staff conduct	Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the Complainant will be notified that the matter is being addressed.
• Complaints about services provided by other providers who may use school premises or facilities	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
• National Curriculum - content	Please contact the Department for Education at: www.education.gov.uk/contactus

APPENDIX B: EDUCATION & SKILLS FUNDING AGENCY EXTRACT

11. ESFA's role in relation to complaints about academy schools

Anyone can raise a complaint about a school or a member of the school's staff to us.

Before escalating an academy complaint to us, we expect that complainants will have completed local complaints procedures first. Our contact form clearly explains this and advises them to complete local procedures before submitting their complaint.

The exceptions to this include when:

- children are at risk of harm
- missing education

We cannot overturn the decision about a complaint. Our role is to make sure the complaint is handled properly by following a published procedure that complies with part 7 of the Education (Independent School Standards) Regulations 2014.

We will only consider the complaint if the complainant can provide evidence that the school or trust:

- does not have a complaints procedure
- did not provide a copy of its complaints procedure when requested
- does not have a procedure that complies with statutory regulations
- has not followed its published complaints procedure
- has not allowed its complaints procedure to be completed

We inform the complainant that we are **not** able to:
overturn the panel's decision

- re-investigate the original complaint
- review the accuracy of minutes taken or documents provided
- order that compensation is paid
- direct the school to discipline / exclude pupils
- force the school to discipline / dismiss staff
- instruct the school to apologise

11.1 Action ESFA can take against a school or trust

We'll intervene when a school or trust has:

- breached a clause in its funding agreement
- failed to act in accordance with its duties under education law
- acted (or is proposing to act) unreasonably when exercising related education functions

When considering a complaint, we review all the evidence provided to us, including the school's published policies, to determine whether it is appropriate to take any action. Action taken by us,

where appropriate, typically involves explaining the legislative framework and what it means in practice at the trust level or recommending improvements to statutory policies.

However, in some instances it may be appropriate to issue a warning notice (where leadership and governance has broken down or safety is threatened) and then issue a Financial Notice to Improve (FNtI). The FNtI would set out the conditions that would need to be fulfilled for the FNtI to be lifted.

If serious failings are identified, we may share information about the complaint and our findings with relevant bodies, such as local authorities and Ofsted, to make sure that appropriate safeguarding, remedial or preventative action is taken.

If an immediate safeguarding concern is raised, we will always refer this immediately to the LADO.

12. General assistance

You can contact us for general assistance on complaint handling by:

- calling the National Helpline on 0370 000 2288
- using ESFA's contact form
- writing to us at the address below

  Academy Complaints and Customer Insight Unit
  Education and Skills Funding Agency
  Cheylesmore House
  Coventry
  5 Quinton Road
  Coventry
  CV1 2WT

We will not provide explicit advice on what you should do, unless we are asked to provide a view on any relevant legislative underpinning, but we can explain what options may be open to you.

APPENDIX C: AIDE MEMOIRE

NAME	DATE FIRST RECEIVED
ISSUE	

INITIAL CONTACT (LIST CHRONOLOGY OF EVENTS)	DATE

STAGE 1 (LIST CHRONOLOGY OF EVENTS)	DATE

STAGE 2 (LIST CHRONOLOGY OF EVENTS)	DATE

APPENDIX D: EXAMPLE AIDE MEMOIRE

NAME OF COMPLAINANT	DATE FIRST RECEIVED
Mr & Mrs Bloggs	01/02/21

ISSUE

Mr & Mrs Bloggs son has had a supply teacher for over 40% of his lessons for over 3 weeks. Parents unhappy with lack of quality of education in their opinion.

INITIAL CONTACT (LIST CHRONOLOGY OF EVENTS)	DATE
Complaint received to CEO of Trust	01/02/21
CEO PA sent email concern to HT	01/02/21
HT contacted parents with reply to say complaint being looked into by DH will receive contact within 5 days	02/02/21
Mr & Mrs B contacted via telephone to discuss recent sickness virus and some long term illness. Will look at additional support for son.	05/02/21
DH emailed to confirm telephone conversation	06/02/21
Mr & Mrs B not satisfied with response and raise a formal complaint	16/02/21

STAGE 1 (LIST CHRONOLOGY OF EVENTS)	DATE
See above formal complaint received	16/02/21
HT advises Mr & Mrs B that complaint will now be investigated by different DH (DH2)	17/02/21
HT advises clerk to trust that they have a stage 1 for info only	17/02/21
DH2 contacts Mr & Mrs B to arrange a meeting to discuss the issue further	20/02/21
DH2 met with parents have agreed 2 weeks to look into timetable and current assessed grades	24/02/21
DH2 meets with cover manager/ head of maths and science to investigate	01/03/21- 05/03/21

DH2 responds via email to Mr & Mrs B with suggested solution and apology (email attached)	08/03/21
Mrs & Mrs B still very unhappy with "poor excuses and lack of ownership of the problem" this email was sent to Headteacher	21/03/21
HT forwards to Clerk	21/03/21

STAGE 2 (LIST CHRONOLOGY OF EVENTS)	DATE
Clerk responded to Mr & Mrs B	21/03/21
Clerk emailed LGC and asked for availability for a panel to hear complaint	22/03/21
Clerk chased governors to confirm the panel date	25/03/21
Clerk arranged panel for 10/04/21 email to advise Mr & Mrs B sent	27/03/21
Clerk arranges for evidence packs for panel and Mr & Mrs B distributed	28/03/21
Etc……	