

## TFCEPA Complaints Policy VN2

### Follows DBAT Model Complaints Policy issued March 2019

#### **This Policy is a level 3 policy**

[Level 3 - Powers and decisions delegated to local board but actions reported to DBAT Main Board approval]


#### **This policy is to be reviewed:**

**Annually** / every two years / every three years / other

*[Annually until school is full and two years after (approx. Sept 2023)]*

#### **Drafted by:**

By signing on physical paper copy, signatories give consent to digital signatures being added to digital documents.

<b>Date approved / adopted by LB</b>	25th March 2019	<b>Signature</b>
<b>Review date</b>	March 2020	 Chair of governors
<b>Date amended</b>		
<b>Page(s) amended</b>		
<b>Review date</b>		
<b>Date amended</b>		
<b>Page(s) amended</b>		

#### POLICY LEVELS

Level 1 - Powers and decisions reserved by DBAT Board

Level 2 - Powers and decisions delegated to local board but requiring DBAT Main Board approval

Level 3 - Powers and decisions delegated to local board but actions reported to DBAT Main Board approval

Level 4 - Powers and decisions fully delegated to local board

Level 5 - Powers and decisions fully delegated to Principal and actions reported to local board

**History of most recent Policy changes (must be completed)**

Date	Page	Change	Origin of Change e.g. TU request, Change in legislation
18/3/19	6,7, 8	Additional updates to outcomes from panel meetings. Additional ESFA guidance compliance.	ESFA compliance guidelines

The Academy has adopted this procedure to allow parents/carers of pupils attending the Academy to raise a concern or complaint relating to the Academy. We will also usually follow this procedure when dealing with complaints from others but reserve the right to substitute this procedure for an alternative process where it is appropriate to do so.

This procedure does not apply to concerns and complaints relating to the following, which are dealt with under separate policies:

- staff grievances or disciplinary procedures
- admissions
- exclusions
- issues related to child protection

### **Overriding principles**

We are fully committed to dealing with all concerns and complaints fairly and impartially, in a friendly, respectful and professional way as it is in everyone's best interest to help ensure the matter can be resolved as quickly and informally as possible.

Our Christian ethos and our Academy's core values play an important part in the way we deal with and resolve concerns and complaints: these include respect, forgiveness, trust, kindness, truth and patience.

We celebrate the diversity within our Academy and want all people to feel they have had the chance to be heard.

### **Understanding this procedure**

In order to investigate your complaint as fully as possible, we have implemented a staged approach. We anticipate that almost all complaints that arise will be resolved at Stage 1 or Stage 2 below.

We expect our members of staff to be addressed in a respectful manner and for communication to remain calm at all times. The procedure under Part 2 will only be used on very rare occasions to deal with unreasonably persistent complainants or unreasonable complainant behaviour.

To enable a proper investigation, concerns or complaints should be brought to the attention of the Academy as soon as possible. In general, any matter raised more than 3 months after the event being complained of will not be considered.

An anonymous concern or complaint will not be investigated under this procedure unless there are exceptional circumstances.

If it becomes necessary to alter the time limits and deadlines set out within this procedure, you will be advised accordingly and given an explanation as to why this has been the case and provided with revised timescales.

In this procedure:

- 'School days' excludes weekends and school holidays.
- 'Parent' means a parent, carer or anyone with legal responsibility for a child

## **PART 1: Complaints Procedure**

### **Stage 1: Informal concerns**

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- 1.1. Parents/carers are always welcome to raise concerns with their child's class teacher or an appropriate member of staff by letter, by telephone or in person. It is helpful if you can explain the nature of your concerns and identify the outcome you are looking for.
- 1.2. Where you wish to discuss the matter in person, you may need to make an appointment, which can be arranged via the Academy office. If the member of staff cannot immediately deal with the matter, s/he will make a clear note of your name and contact details and arrange for someone to contact you to discuss your concerns as soon as practicable. A degree of patience may be required as not all matters can be settled immediately.
- 1.3. If the matter is brought to the attention of the Principal s/he may decide to deal with your concerns directly at this stage. If the concerns are about the Principal these should be referred directly to the Chair of the Local Board under Stage 2.
- 1.4. The member of staff dealing with the concern will make sure that you are clear on what action (if any) has been agreed. This may be put in writing if appropriate.
- 1.5. Where no satisfactory solution has been found within 15 school days, you will be advised that if you wish your concerns to be considered further you should write to the Principal under Stage 2.

### **Stage 2: Formal complaint to the Principal**

- 2.1 If your concerns are not resolved under Stage 1 or you wish your concerns to be dealt with immediately as a formal complaint, you should put your complaint in writing and send this to the Principal.
- 2.2 Your written complaint should include details which might assist the investigation, such as the nature of the complaint, details of how the matter has been dealt with so far, the names of potential witnesses, dates and times of events and copies of all relevant documents. It is very important that you include a clear statement of the actions that you would like the Academy to take to resolve your complaint. You may wish to use the Complaint Form provided in Appendix A.
- 2.3 Your complaint will be acknowledged in writing within 3 school days of receipt. The acknowledgement will give a brief explanation of the Academy's complaints procedure and a target date for providing a response to the complaint. This will normally be within 15 school days.
- 2.4 The Principal (or someone appointed by the Principal) will usually invite you to a meeting to clarify your complaints and to explore possible resolutions. If you accept that invitation, you may be accompanied by one other person, such as a friend, relative, advocate or interpreter, to assist you. Where possible, this meeting will take place within 10 school days of receipt of the written complaint.
- 2.5 If necessary, witnesses will be interviewed and statements taken from those involved. If the complaint centres on a pupil, the pupil should also be interviewed. Pupils should normally be interviewed with parents/carers present, but if this would seriously delay the

investigation of a serious or urgent complaint or if the pupil has specifically said that s/he would prefer that parents/carers were not involved, another member of staff with whom the pupil feels comfortable should be present. If a member of staff is complained against, they must have the opportunity to present their case.

- 2.6 Once all the relevant facts have been established as far as possible, you will be provided with a written response to the complaint, including a full explanation of the decision and the reasons for it. This will include what action the Academy will take to resolve the complaint (if any). You will be advised that if you are dissatisfied with the outcome of the complaint, you may request that your complaint be heard by the Local Board Complaints Panel.
- 2.7 If, in the course of an investigation, a fault is identified, the Principal should take immediate action to put matters right so that any potential injustice does not continue or risk happening to somebody else.

#### What if the complaint is about the Principal?

If the complaint is against the Principal, or if the Principal has been closely involved at Stage 1, your complaint should be sent to the Chair to the Local Board who will carry out all the Stage 2 procedures.

#### What if the complaint is about a Member of the Local Board?

You should contact the Chair of the Local Board who will investigate the concerns in accordance with Stage 2. If the complaint is about the Chair of the Local Board you should contact the Vice Chair.

If the complaint is about the Local Board as a whole, you should send your complaint to the Chair of the Main Board c/o Diocese of Bristol Academies Trust, Hillside House, 1500 Parkway North, Stoke Gifford, Bristol, BS34 8YU.

#### **Stage 3: Referral to Local Board Complaints Panel**

- 3.1 If you are dissatisfied with the decision under Stage 2, you may request that a Local Board Complaints Panel be convened to consider your complaint. Your request will only be considered if you have completed the relevant procedures at Stages 1 and 2.
- 3.2 To request a hearing before the Complaints Panel, you should write to the Chair of the Local Board c/o the Academy's address within 10 school days of receiving notice of the outcome of Stage 2. You should ensure that you provide copies of all relevant documents and state all the grounds for your complaint and the outcome that you desire. You may wish to use the Complaints Panel Request Form provided in Appendix B.
- 3.3 Your written request will be acknowledged within 3 school days of receipt.
- 3.4 The Chair of the Local Board will arrange for a Complaints Panel to be convened, made up of three Local Board Members or one other person who is independent of the management and running of DBAT and the Academy, with no prior involvement in the matter. The Clerk shall appoint one of these members to be the Chair of the Complaints Panel. The Chair of the Local Board may sit on or chair the Complaints Panel if appropriate. When deciding on the make-up of the panel, we will bear in mind the advantages of

including a parent member of the Local Board and, if possible, having a balance of race and gender. It will not normally be appropriate for the Principal to sit on the panel. Careful consideration will be given as to whether it is appropriate for staff members of the Local Board to be appointed as panel members as, in many instances, this may lead to a conflict of interest.

- 3.5 The Chair will also notify the Main Board of the Diocese of Bristol Academies Trust (DBAT) that a Complaints Panel has been convened and the date of the hearing.
- 3.6 Every effort will be made to enable the hearing to take place within 20 school days of the receipt of your request. As soon as reasonably practicable and in any event at least 5 school days before the hearing, you will be sent written notification of the date, time and place of the hearing, together with brief details of the Complaints Panel members who will be present. Fair consideration will be given to any bona fide objection to a particular member of the panel. The notification will also inform you of your right to be accompanied to the meeting by a friend, relative, advocate or interpreter and explain how the meeting will be conducted.
- 3.7 A copy of the complaint and any other documents provided by you in support of your complaint or by the Academy in defence of the complaint shall be provided to the Complaints Panel as soon as practicable upon receipt. Copies of these documents shall also be provided to you or Principal/Chair of the Local Board (as applicable). The Complaints Panel reserves the right not to consider any documentation presented by either you or the Academy less than 3 school days prior to the hearing. The Complaints Panel is under no obligation to hear oral evidence from witnesses but may do so and/or may take written statements into account.
- 3.8 The hearing will be conducted in such a way as to ensure that all those present have the opportunity to present their case, ask questions and make comments in an appropriate manner. The Clerk to the Local Board or a nominated deputy will ensure that sufficient notes are taken to record an accurate reflection of the points considered and any decisions taken or actions agreed.
- 3.9 The meeting will allow for:
- The complainant to explain their complaint and the Principal to explain the Academy's response
  - The opportunity for both parties to ask questions of each other about the complaint
  - Panel members to have an opportunity to question both the complainant and the Principal
  - Any party to call witnesses (subject to approval of the Panel) and all parties having the right to question any witnesses
  - Final statements by both the complainant and the Principal
- 3.10 After the hearing, the Complaints Panel will consider their decision and inform you of their decision in writing within 5 school days. The Panel can (by a majority if necessary):
- Dismiss the complaint in whole or in part
  - Uphold the complaint in whole or in part
  - Decide on the appropriate action to be taken to resolve the complaint
  - Recommend changes to the Academy's systems or procedures to ensure that problems of a similar nature do not happen again

A copy of findings and recommendations will be provided to you and, where relevant, the person complained about. You will be advised that if you are dissatisfied with the outcome of the complaint, you may request a review of the Local Board Complaints Panel decision under Stage 4.

The findings and recommendations of the panel will be available for inspection on the school premises by the proprietor and the head teacher. The academy will record the action it takes as a result of complaints (regardless of whether they are upheld).

#### **[Stage 4] Review of the Local Board Complaints Panel decision**

- 4.1 If you are dissatisfied with the decision made by the Local Board Complaint's Panel, you may request a review of the decision by the Diocese of Bristol Academies Trust (DBAT) Main Board. To request a review, you should write to the Chair of the Main Board within 10 school days of receiving notice of the Local Board's decision. You should ensure that you provide copies of all relevant documents and state the reasons why you wish the decision of the Local Board Complaints Panel to be reviewed. You may wish to use the Board Review Request Form provided in [Appendix C].
- 4.2 All correspondence should be sent to: Chair of the Main Board, Diocese of Bristol Academies Trust, Hillside House, 1500 Parkway North, Stoke Gifford, Bristol, BS34 8YU.
- 4.3 Your request for a review will be acknowledged within 3 school days of receipt. The Chair of the Main Board will arrange for a Board Review Panel to be convened, made up of two Directors of DBAT and one other person who is independent of the management and running of DBAT and the Academy. The Chair of the Panel shall be appointed by the Chair of the Main Board. The Chair of the Main Board may sit on or chair the Board Review Panel if appropriate.
- 4.4 Every effort will be made to enable the hearing to take place within 20 school days of the receipt of your request. As soon as reasonably practicable and in any event at least 5 school days before the hearing, you will be sent written notification of the date, time and place of the hearing, together with brief details of the Board Review Panel members who will be present. Fair consideration will be given to any bona fide objection to a particular member of the panel. The notification will also inform you of your right to be accompanied to the meeting by a friend, relative, advocate or interpreter and explain how the meeting will be conducted.
- 4.5 A copy of your request and any other documents provided by you in support of your request or by the Academy in their defence shall be provided to the Board Review Panel as soon as practicable upon receipt. Copies of these documents shall also be provided to you or Principal/Chair of the Local Board (as applicable). The Board Review Panel reserves the right not to consider any documentation presented by either you or the Academy less than 3 school days prior to the hearing. The Board Review Panel is under no obligation to hear oral evidence from witnesses but may do so and/or may take written statements into account.
- 4.6 The hearing will be conducted in such a way as to ensure that all those present have the opportunity to present their case, ask questions and make comments in an appropriate manner. The Clerk to the Main Board or a nominated deputy will ensure that sufficient

notes are taken to record an accurate reflection of the points considered and any decisions taken or actions agreed.

- 4.7 After the hearing, the Board Review Panel will consider their decision and inform you of their decision in writing within 5 school days. The Panel can:
- Dismiss the request in whole or in part
  - Uphold the request in whole or in part
  - Decide on the appropriate action to be taken
  - Recommend changes to the Academy's systems or procedures to ensure that problems of a similar nature do not reoccur

A copy of findings and recommendations will be provided to you and, where relevant, the person complained about. You will be advised that if you are dissatisfied with the outcome of the complaint, you may refer the complaint to the Education and Skills Funding Agency.

The findings and recommendations of the panel will be available for inspection on the school premises by the proprietor and the head teacher, and at the Trust's central office by the CEO.

### **[Stage 5] Referral of complaint to Education and skills Funding Agency (ESFA)**

- 4.8 If you are dissatisfied with the decision of the Main Board Review Panel, you are entitled to refer your complaint to the Education and skills Funding Agency (ESFA) who has limited powers to review the handling of the complaint in accordance with ESFA's 'Procedure for dealing with complaints about Academies'. At the time of writing this procedure, the ESFA procedure and the ESFA school complaints form are available at <http://www.education.gov.uk/schools/leadership/schoolperformance/b00212240/making-complaint-school>

### **Records of complaints**

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

A written record will be kept of all complaints, including at what stage they were resolved. The record will record whether the complaint was resolved following the formal procedures, or proceeded to a decision-making panel. Correspondence, statements and records relating to individual complaints will be kept confidential except where access is requested by the Secretary of State or where disclosure is required in the course of an Academy inspection or under other legal authority.

### **PART 2: Unreasonably persistent complainants and unreasonable complainant behaviour**

There are rare circumstances where the Academy will deviate from the Complaints Procedure set out in Part 1. These include, but are not necessarily limited to:

- Where the complainant's behaviour towards staff, Local Board Members and/or Directors is unacceptable, for example, is abusive, offensive or threatening;
- Where, because of the frequency of their contact with the Academy, the complainant is hindering the consideration of their or other people's complaints and/or the proper running of the Academy;



- Where the complaint is clearly vexatious and/or has patently insufficient grounds;
  - Where the complaint is the same, similar to or based on the same facts of a complaint which has already been considered in full by the Academy.
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In these circumstances, the Academy may:

- Inform the complainant that their behaviour is unacceptable or unreasonably persistent and ask them to change it
- Restrict the complainant's access to the Academy e.g. requesting contact in a particular form (for example, letters only), requiring contact to take place with a named person only, restricting telephone calls to specified days and times or banning the complainant from the Academy's premises
- Conduct the Local Board Complaints Panel and/or the Board Review Panel on the papers only i.e. not hold a hearing
- Refuse to consider the complaint and refer the complainant directly to either Stage 4 or Stage 5 (as appropriate)

In all cases we will write to tell the complainant why we believe his or her behaviour is unacceptable or unreasonably persistent, what action we are taking and the duration of that action.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of staff, Local Board Members and/or Directors, we will consider other options, for example reporting the matter to the police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

**Formal Complaint Form**

**Appendix A**

Please complete this form and return it to the Academy office, together with any accompanying pages or documents, in a sealed envelope marked 'For the Attention of the Principal'. If your complaint is about the Principal, please mark the envelope 'For the Attention of the Chair of the Local Board'.

Your name: .....

Relationship with the Academy (e.g. parent/carer of a pupil):

.....

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?)

[Empty rectangular box for text input]

What actions do you feel might resolve the problem at this stage?  
[Empty rectangular box for text input]

Signature:

Date:

Academy use:  
Date Form received:  
Received by:  
Date acknowledgement sent:  
Acknowledgement sent by:

Complaint referred to:			
Date:			

**Complaints Panel Request Form**

**Appendix B**

Please complete this form and return it to the Academy office, together with any accompanying pages or documents, in a sealed envelope marked 'For the Attention of the Chair of the Local Board'.

You should ensure that your request is received within 10 school days of receipt of the decision letter from the Principal/Chair of the Local Board.

Your name: .....

Your address:

Telephone numbers:

Daytime:

Evening:

E-mail address:

Dear Sir/Madam

I submitted a formal complaint to the academy on ..... and I received a response from ..... on .....

I am dissatisfied by the [decision that was made][procedure that has been followed] (*delete as appropriate*). I therefore wish for a Local Board Complaints Panel to be convened to hear my complaint.

I have attached copies of my formal complaint and of the response(s) from the Academy. I am dissatisfied with the [decision that was made][procedure that has been followed] (*delete as appropriate*), because:

<p>You may continue on separate paper, or attach additional documents, if you wish.</p> <p>Number of Additional pages attached =</p>
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<p>What actions do you feel might resolve the problem at this stage?</p>
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Signature:

Date:

<p><u>Academy use</u>          Date Form received:          Received by:          Date acknowledgement sent:          Acknowledgement sent by:</p>
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Request referred to:			
Date:			

**Board Review Panel Request Form**

**Appendix C**

Please complete this form and send it, together with any accompanying pages or documents, to:  
Chair of the Main Board, Diocese of Bristol Academies Trust, **First Floor, Hillside House, 1500**  
Parkway North, Stoke Gifford, Bristol, BS34 8YU.

You should ensure that your request is received within 10 school days of receipt of the decision letter from the Chair of the Local Board Complaints Panel.

Your name: .....

Name of Academy to which your complaint relates:  
.....

Your address:

Telephone numbers  
Daytime: Evening:

E-mail address:

Dear Sir/Madam

My complaint was heard by the Local Board of ..... on  
..... and I received a response from ..... on  
..... .

I am dissatisfied by the [decision that was made][procedure that has been followed]  
(*delete as appropriate*). I therefore wish for a Board Review Panel to be convened to  
review the Local Board's decision.

I have attached copies of my original formal complaint, my request for a Local Board  
Complaint Panel to be convened and the response(s) from the Academy. I am dissatisfied  
with the [decision that was made][procedure that has been followed] (*delete as  
appropriate*), because:

<p>You may continue on separate paper, or attach additional documents, if you wish.</p> <p>Number of Additional pages attached =</p>
--

<p>What actions do you feel might resolve the problem at this stage?</p>
--

Signature:

Date:

<p><u>Academy use</u>  Date Form received:  Received by:  Date acknowledgement sent:  Acknowledgement sent by:</p>
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Request referred to:			
Date:			