BATH & WELLS
Multi Academy Trust
'That they may have life, life in all its fullness' John 10:10

Complaints Procedure

Kilmersdon Church School

Approved by: Bath & Wells Multi Academy Trust Board **Date:** 10 October 2024

Last reviewed:
September 2024

Next review due by:
September 2025

1 Aims and application

1.1 The aims of the procedure are to deal with complaints and concerns:

about an academy (a school), the Bath and Wells Multi Academy Trust ("Trust") or any individual connected with it by following the correct procedure thoroughly and in an open, honest and fair manner.

1.2 This procedure does not apply to concerns and complaints relating to the matters listed in Annex 1.

1.3 Anonymous concerns or complaints **will not** be investigated under this procedure.

1.4 All staff will be made aware of this complaints procedure and are expected to review this policy regularly in order that they are familiar with our process of dealing with complaints and can be of assistance when an issue is brought to their attention.

1.5 In this procedure:

- 'complaint' means an expression of dissatisfaction however made, about actions taken or a lack of action.
- 'concern' means an expression of worry or doubt over an issue considered to be important for which reassurances are sought.
- 'meeting' means an in person or virtual meeting (ie telephone or video conference where all parties can participate verbally), virtual meetings will only be held in the event that all parties have access to appropriate equipment to attend and are happy to do so. If the parties are unable to meet virtually and the meeting must take place in person, the meeting may be postponed until it is deemed safe to hold an in person meeting, at the discretion of the Trust.
- 'parent' means a parent, carer or anyone with legal responsibility for a child;
- 'school days' excludes weekends and academy holidays and periods of partial or total academy closure;
- 'Trust' means the Bath and Wells Multi Academy Trust

1.6 The timeframes referred to in this policy are our usual timeframes and the school will seek to adhere to these timeframes where possible. Written complaints relating to the fulfillment of Early Years Foundation Stage requirements must be investigated within 28 days, informing the complainant of the outcome of the investigation.

1.7 Reasonable adjustments will be made to this procedure where required to ensure that all complainants can access and complete this complaints procedure.

1.8 Where complaints are sent directly to the Trust about a school, these will be acknowledged, but forwarded on to the Headteacher, or in the event of it being about the Headteacher, the Clerk to the Local Governing Committee. Complaints are not dealt with centrally within the Trust.

Key principles

2.1 The Trust expects all complainants to make reasonable attempts to seek an informal resolution.

2.2 To investigate your complaint properly and fairly, we have implemented a staged approach. We anticipate that almost all complaints that arise will be resolved at Stage 1 or Stage 2 below.

2.3 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 3 will only be used on very rare occasions to deal with unreasonably persistent complainants or unreasonable complainant behaviour.

2.4 Concerns or complaints should be brought to our attention as soon as possible. Any matter raised more than 3 months after the incident being complained of (or, where a series of associated incidents have occurred, within 3 months of the last of these incidents) will not be considered unless the Headteacher and Chair of Governors accepts that there are exceptional reasons to explain the delay or the complaint is about a particularly serious matter.

2.5 Where a complaint is received outside of term time, we will consider it to have been received on the first school day following the holiday period

2.6 On rare occasions a school may receive complaints from several parents relating to the same issue. In order to deal with these complaints efficiently the school will follow the procedure set out in Part 4.

2.7 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. If other bodies are investigating aspects of the complaint, for example the police, local authority safeguarding teams or tribunals/courts, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

2.8 Complainants should not approach individual Governors or Trustees to raise concerns or complaints. They have no power to act on an individual basis and it may prevent them from considering complaints at later stages.

3 Records of complaints

A record will be kept by the school of all written formal complaints, including at what stage they were resolved and action taken by us as a result of those complaints regardless of whether they were upheld. Correspondence, statements and records relating to individual complaints will be kept confidential except where:

- access is requested by the Secretary of State;
- disclosure is required in the course of a school inspection;
- an individual has a legal right to access their own personal data contained within such documentation; or
- under other legal authority.

We will make the findings and recommendations of the panel available for inspection by the Trust and the Headteacher.

All records will be stored electronically and kept for a period of time in accordance with our retention of documents schedule.

Part 1: Complaints procedure for parents

Stage 1: Informal concerns

1.1 Most enquiries and concerns can be dealt with satisfactorily by the class teacher, or other members of staff without the need to resort to the formal procedure. We value informal meetings and discussions and encourage parents to approach staff with any concerns they may have and aim to resolve all issues with open dialogue and mutual understanding.

1.2 It is always helpful if you can fully explain the nature of the concern and identify the outcome you are looking for. Where appropriate, you may be invited to an informal meeting with the member of staff most appropriate for dealing with that concern. 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.

1.3 If the matter is brought to the attention of the Headteacher s/he may decide to deal with your concerns directly at this stage. If the concerns are about the Headteacher, and you have been unable to resolve these informally with the Head, these should be referred directly to the Clerk of the Local Governing Committee (LGC) under Stage 2.

1.4 There is no suggested timescale for resolution at this stage given the importance of dialogue through informal discussion, although it would be expected that most issues will be resolved within 15 school days. Where no satisfactory solution has been found, you will be advised that if you wish your concerns to be considered further you should write to the Headteacher under Stage 2 of this procedure within 15 school days.

Stage 2: Formal written complaints

2.1 If your concerns are not resolved under Stage 1, you should put your complaint in writing and send this to the Headteacher of the relevant school.

2.2 It is very important that you include a clear statement of the actions that you would like us to take to resolve your complaint. We strongly encourage you to use the Complaint Form provided at Annex 2 of this procedure. If you require help in completing the form or in making a complaint, please contact the school office. You can also ask third party organisations like the Citizens Advice to help you. In all cases your written complaint must include:

- 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; and
- a clear statement of the actions that you would like us to take to resolve your complaint.

2.1 Your complaint will normally be acknowledged in writing within 5 school days of receipt. The acknowledgement will give a brief explanation of the school's complaints procedure and a target date for providing a response to the complaint. This will normally be within 15 school days of receipt.

2.2 If appropriate, the Headteacher (or someone appointed by them) may 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 (Please note, if the interpreter is independent and not known to you, you can in addition be accompanied by one other person, such as a friend, relative, advocate. Where possible, this meeting will take place within 10 school days of receipt of the written complaint.

2.3 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 their parent present, but if this would seriously delay the investigation of a serious or urgent complaint, another member of staff with whom the pupil feels comfortable should be present. If the matter includes a complaint relating to a member of staff, the member of staff must have the opportunity to respond to the complaint.

2.4 Once the relevant facts have been established as far as possible, you will be provided with a written response to the complaint, including an explanation of the decision and the reasons for it. This will include what action will be taken 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 Complaints Committee under Stage 3 of this procedure.

Q. What if the complaint is about the Headteacher or the Headteacher has already considered your complaint under Stage 1?

In these cases, your complaint should be sent to the Clerk of the Local Governing Committee at the school's address or e-mail enquiries@kilmersdon.bwmat.org who will arrange for a Governor to carry out the Stage 2 procedure. (Please note this cannot be the staff nominated Governor)

Q. What if the complaint is about a member of the Local Governing Committee?

Complaints about the Chair of Governors, any individual Governor should be addressed to the Clerk to the Governing Committee via the school office or e-mail enquiries@kilmersdon.bwmat.org. Please mark them as Private and Confidential. The Clerk will arrange for another Governor to investigate the concerns in accordance with Stage 2. (Please note this cannot be the staff nominated Governor)

If the complaint is about the Clerk of the Local Governing Committee or the Local Governing Committee as a whole, you should send your complaint to the Clerk of the Trustees - c/o BWMAT, St Nicholas Church School, Kilmersdon Rd, Radstock, Bath, BA3 3QH or governance@bwmat.org who will then determine the most appropriate action with regards stage 2 and stage 3.

Q. What if the complaint is about the Chief Executive Officer?

If the complaint is about the Chief Executive Officer of the Trust, or if they have been closely involved at Stage 1, your complaint should be sent to the Clerk of the Trustees c/o BWMAT St Nicholas Church School, Kilmersdon Rd, Radstock, Bath, BA3 3QH or governance@bwmat.org who will arrange for a Trustee to carry out all the Stage 2 procedures.

Q. What if the complaint is about a Trustee?

You should contact the Clerk of the Trustees - c/o BWMAT, St Nicholas Church School, Kilmersdon Rd, Radstock, Bath, BA3 3QH or governance@bwmat.org who arrange for another Trustee to investigate the concerns in accordance with Stage 2.

If the complaint is about the Clerk of the Trustees, your complaint should be sent to the Chair of the Trustees - c/o BWMAT St Nicholas Church School, Kilmersdon Rd, Radstock, Bath, BA3 3QH. If your complaint is about the Trust Board as a whole, you should send your complaint to the Clerk of the Trustees who will arrange for the matter to be independently investigated.

Stage 3: Referral to the Complaints Committee

3.1 If you are dissatisfied with the decision under Stage 2, you may request that a Complaints Committee be convened to consider your complaint. The Complaints Committee will not

review any new complaints at this stage or consider evidence unrelated to the initial complaint. New complaints must be dealt with from Stage 1 of the procedure.

3.2 To request a hearing before the Complaints Committee, you should write to the Clerk to the Trustees -c/o BWMAT St Nicholas Church School, Kilmersdon Rd, Radstock, Bath, BA3 3QH or at governance@bwmat.org within 15 school days of receiving notice of the outcome of Stage 2. Requests received outside of this time frame will only be considered if exceptional circumstances apply. You should ensure that you provide copies of all relevant documents and state all the grounds for your complaint and the outcome that you are looking for.

3.3 Your written request will be acknowledged within 5 school days of receipt.

3.4 The Clerk will arrange for a Complaints Committee to be convened, made up of at least three people, including:

- members of a Local Governing Committee and/or Trustees of the Academy Ttrust (as appropriate) with no prior involvement in the matter; and,
- one person who is independent of the management and running of the academy Trust, sourced by the Central Team of the Trust.

3.5 The Clerk shall invite these colleagues to agree who will be the Chair of the Committee.

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 committee members who will be present. Fair consideration will be given to any bona fide objection to a particular participant of the committee. You will also be informed of the name of the person who will be presenting the case on behalf of the school (referred to in this policy as the 'school representative'). This may be the person who is the subject of the complaint, the person who undertook the investigation at Stage 2 or another person with sufficient knowledge of the matter.

3.7 If, despite best efforts, it is not possible to find a mutually convenient date and time for a hearing within a reasonable timeframe, the Panel may determine that the hearing proceeds on the basis of written submissions from both parties.

3.8 You have the right to be accompanied to the hearing by a friend, relative, advocate or interpreter. You should notify the Clerk in advance if you intend to bring anyone to the hearing.

3.9 A copy of the complaint and any other documents provided by you in support of your complaint, or by the school representative in defence of the complaint, will be provided to the Complaints Committee as soon as practicable upon receipt. Copies of these documents shall also be provided to you or school representative (as applicable) at least 3 school days before the hearing. The Complaints Committee reserves the right not to consider any documentation presented by either party less than 3 school days prior to the hearing. The Complaints Committee is under no obligation to hear oral evidence from witnesses but may do so and/or may take written statements into account. The committee will not normally accept recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

3.10 The hearing will be conducted to ensure that each party has the opportunity to address the Complaints Committee. The procedure to be followed during the hearing will be explained to the parties by letter in advance of the hearing. The hearing may be held via an online meeting, if agreed with all parties. The Clerk will ensure that sufficient notes are taken to record an accurate reflection of the points considered and any decisions taken or actions agreed. Electronic recordings of the hearing will not normally be permitted and, in any event, would require the consent of all those present.

3.11 Unless otherwise stated, the procedure for the Stage 3 hearing is as follows:

- the parent and school representative will enter the hearing together;
- the Chair of the Committee will introduce the committee members and outline the process;
- the parent will explain the complaint;
- the school representative and committee members will question the parent;
- the school representative will explain the school/Trust's actions;
- the parent and the committee members will question the schools representative;
- the parent will sum up their complaint;
- the school representative will sum up the schools/Trust's actions;
- the Chair of the Committee will explain that both parties will hear from the committee within 5 school days;
- both parties will leave together while the committee decides;
- the Clerk will stay to assist the committee with its decision making.

The Clerk and or Complaints Committee reserves the right to modify the above procedure at their sole discretion, for example requiring the parent and the academy representative to present their complaint/actions separately to the Complaints Committee in the absence of the other party.

3.12 After the hearing, the Complaints Committee will consider their decision and inform you and, where relevant, the person complained about of their decision in writing within 5 school days. The letter will set out the decision of the committee together with the reasons underpinning that decision. The committee 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 school or Trust systems or procedures to ensure that problems of a similar nature do not happen again.

Stage 4: Referral of complaint to Education and Skills Funding Agency (ESFA) and Ofsted

4.1 If you are dissatisfied with the decision of the Complaints Committee, you are entitled to refer your complaint to the Education and Skills Funding Agency (ESFA). The ESFA will only investigate whether the complaint was handled properly and in accordance with education legislation and any statutory policies connected with the complaint.

4.2 At the time of writing this procedure, the ESFA procedure and the ESFA academy complaints form are available at:

https://www.gov.uk/complain-about-school/state-schools

Or you can write to the ESFA at the following address:

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

If after the completion of the Complaints process, you believe the academy/nursery is not meeting the Early Years Foundation Stage requirements, you are entitled to contact Ofsted on: Complain about a school: Types of complaints - GOV.UK (www.gov.uk)

Part 2: Concerns or complaints from other persons

Part 1 of this complaints policy applies only to complaints made by parents or carers of current registered pupils of academies within the Trust. However, the Trust wishes to work closely with other members of the local community and will deal with their concerns and complaints as follows:

1 **Stage 1** - a concern regarding a school or its operations may be made to any member of staff. That member of staff will attempt to resolve the matter immediately or may, if appropriate, refer the matter to their line manager or member of the senior leadership team (SLT) who is best placed to deal with the concern. It is expected that most concerns will be responded to orally or in writing within 5 school days. If a longer period is required, you will be kept informed of the progress of the investigation.

2 **Stage 2** - where a concern is not resolved at 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 Headteacher of the relevant school to investigate. The Headteacher may delegate the task of investigation and/or responding to the complaint to a member of SLT or may escalate the **complaint** straight to stage 3. A formal response to the complaint will usually be provided within 10 school days of receipt of the letter of complaint although if a longer period is required to respond, you will be kept updated.

3 **Stage 3** - if you are not satisfied with the response at stage 2, you may request a review by writing to the Clerk of the Local Governing Committee of the school. You should write to the Clerk within 10 school days of receipt of the letter at stage 2. Requests received outside of this time frame will only be considered if **exceptional** circumstances apply. The Clerk will arrange for a Governor to consider the complaint alone or may convene a complaints committee on the same terms as set out in Part 1 of this complaints policy. The decision at this stage will usually be sent to you within 20 school days of receipt of the request for a review. The decision at stage 3 exhausts the school's complaints procedure.

Concerns or complaints regarding the Headteacher or the Trust as a whole should be referred direct to the Clerk of the Trustees - c/o BWMAT St Nicholas Church School, Kilmersdon Rd, Radstock, Bath, BA3 3QH or at governance@bwmat.org who will arrange for the stages above to be considered by an appropriate person.

Part 3: Unreasonably persistent complainants and unreasonable complainant behaviour

There are rare circumstances where we will deviate from the Complaints Procedure set out in Parts 1 and 2. These include, but are not necessarily limited to:

- where the complainant's behaviour or language towards staff, members of the Local Governing Committee or Trustees is abusive, offensive, discriminatory or threatening;

- where the complaint's behaviour is hindering our consideration of complaints and/or the proper running of the school because of the frequency or nature of the complainant's contact, such as, if the complainant:

  - refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
  - refuses to co-operate with the complaints investigation process
  - refuses to accept that certain issues are not within the scope of the complaints procedure
  - insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
  - introduces trivial or irrelevant information which they expect to be taken into account and commented on
  - raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
  - makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
  - changes the basis of the complaint as the investigation proceeds
  - seeks an unrealistic outcome, such as the inappropriate dismissal of staff
  - makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
  - knowingly provides falsified information
  - publishes unacceptable information on social media or other public forums
  - seeks to re-open complaints or progress concerns that have previously not been escalated by the complainant within the timescales provided and which are regarded as withdrawn or settled.

- where the complainant's complaint is clearly frivolous, vexatious and/or has patently insufficient grounds. The Office of the Independent Adjudicator defines the characteristics of a 'frivolous' or 'vexatious' complaint as:

  - complaints which are obsessive, persistent, harassing, prolific, repetitious
  - insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason
  - insistence upon pursuing meritorious complaints in an unreasonable manner
  - complaints which are designed to cause disruption or annoyance
  - demands for redress that lack any serious purpose or value

- where the complainant's complaint is the same, similar to or based on the same facts of a complaint which has already been considered in full.

In these circumstances, we 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 school 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. Any such arrangements will be reviewed after six months;

- conduct the Complaints Committee on the papers only i.e. not hold a hearing;
- refuse to consider the complaint and, where Part 1 of this procedure applies, refer the complainant directly to Stage 4.

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.

We may take the decision not to respond to any further correspondence where:

- we have taken every reasonable step to address the complainant's concerns
- the complainant has been given a clear statement of our position and their options and
- the complainant contacts us repeatedly, making substantially the same points each time

The case for ceasing further correspondence is stronger where:

- letters, emails, or telephone calls are often or always abusive or aggressive or make insulting personal comments about or threats towards staff
- we have reason to believe the complainant is contacting us with the intention of causing disruption or inconvenience

Where the behaviour is so extreme that it threatens the immediate safety and welfare of staff, members of the Local Governing Committee or Trustees, 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.

Part 4: Complaint campaigns

For the purposes of this policy, a complaint campaign is defined as a complaint from three or more separate individuals (whether or not connected with a school or the Trust) which are all based on the same subject.

Depending on the subject in question, we may deviate from the procedure set out in this policy and instead:

- send a template response to all complainants and/or
- publish a single response on the school/Trust's website (as applicable)

Annex 1

Matters excluded from scope of this policy

Excluded Matters	Signposting
Admissions	The process for challenging admissions decisions is set out in our admissions policy in accordance with relevant statutory guidance.
Child protection matters	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).
Exclusions	The process for challenging exclusions decisions is set out in the DfE's statutory guidance and information can be found at School suspensions and permanent exclusions - GOV.UK (www.gov.uk)
National Curriculum content	Please contact the Department for Education at www.education.gov.uk/contactus
School re-organisation proposals	Where concerns are not adequately addressed by the Trust, complaints can be raised direct with the Department for Education.
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.
Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.
Staff conduct	Certain complaints about staff may need to 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.
Statutory assessments of Special Educational Needs (SEN)	Concerns about statutory assessments of special educational needs should be raised direct with the local authority.
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 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 should complain through the school's complaints procedure. You may also be able to complain direct to the Department for Education (see link above), depending on the substance of the complaint

Annex 2

Complaints Form

Your name:
Pupil(s) name:
Your relationship to pupil (s):
Your address and postcode:
Your daytime telephone number:
Your evening telephone number:
Your email address:
Date incident causing complaint occurred:
Your complaint is: (if you have more than one complaint, please number these)
What action have you already taken to try and resolve your complaint(s)? (Who did you speak to and what was the response?)
What would you like as an outcome from your complaint(s)?

Are you attaching any paperwork? If so, give details here:

Your signature…… Date ……

All functions of the complaints procedure must adhere to the requirements of the Data Protection Act 2018 and the Freedom of Information Act 2000.

Please complete and return via email or to the school office in a sealed envelope addressed to the Headteacher of the school, Clerk of the Local Governing Committee or Clerk of the Trustees (as appropriate).

Office use

Date received ……

Date acknowledgement sent ……

Responsible member of staff ……..

Annex 3

Summary of Complaints Procedure for Parents & Carers (Part 1)

Stage 1: Informal concerns	Parent brings complaint to attention of member of staff
	Issue to be resolved within 15 school days
	Where no satisfactory solution has been found, parent to be advised that they should proceed to Stage 2
Stage 2: Formal Written Complaint	Parent to put complaint in writing using Complaint Form within 15 school days
	Complaint to be acknowledged within 5 school days
	(Optional) Meeting with parents within 10 school days
	Response to the complaint sent within 15 school days
Stage 3: Referral to Complaints Committee	Parent to request hearing within 15 school days of receiving notice of the outcome of Stage 2
	Request to be acknowledged within 5 school days
	Hearing to take place within 20 school days of receipt of request
	Notification of date, time and place of the hearing and details of the committee members present sent at least 5 school days before the hearing
	School representative and parents to submit evidence in support of their case to Clerk at least 3 school days before the hearing
	Complaints Committee decision sent not more than 5 school days after the hearing