



THE BENTLEY WOOD TRUST

COMPLAINTS PROCEDURE

GB Committee Responsible:

Reviewed by:

Review Date:

Approved by HR Committee:

Ratified by the Board:

Next Review Date:

Board of Directors

Dr Janice Howkins and Clive Westall

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BWHS – 20.01.2022

APS – 27.01.2022

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1. Introduction and statement of intent

The Bentley Wood Trust ((TBWT) comprising of Bentley Wood High School and Aylward Primary School) takes all concerns or complaints seriously. Taking informal concerns seriously at the earliest stage reduces the number of formal complaints and reflects the commitment to working effectively with all members of the community.

This policy aims to ensure that:

- as far as possible all concerns are dealt with as informally as possible;
- all complaints are dealt with as quickly and sensitively as possible, and by the person best able to do so;
- where a formal process is required, the steps involved are clearly outlined;
- people are aware of their responsibilities.

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.

2. Scope and applicability

This policy applies to all complaints received by TBWT. Any person, including members of the general public, may make a complaint about the provision of a school, unless separate statutory procedures apply (such as exclusions or admissions).

Any third-party providers would have their own complaints procedures in place if they are using the school facilities or premises to offer services or community facilities.

Areas of complaints not covered by this Policy include:

- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Admissions
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

Please see **Section 6** below for more details, and our separate policies for procedures relating to these types of complaint.

3. The policy

a. Concerns and Complaints

It is important to distinguish between a “concern” and a “complaint”.

- A **concern** is defined as an expression of worry or doubt over which reassurances are sought.
- A **complaint** is an expression of dissatisfaction, however made, regarding actions taken or a lack thereof.

Most concerns can be made informally to the initial member of staff and be resolved without the need to go through the formal complaint procedures. Initial concerns should be made with the school as soon as possible to allow for a proper investigation if the need should arise.

A concern may arise (for example): -

- from uncertainty regarding the application of school rules or disciplinary procedures;
- from misunderstanding or misrepresentation of an incident which has taken place inside or outside the classroom;
- where a parent believes that their child has been misunderstood or treated unfairly and feels it necessary to raise the matter so that steps may be taken to restore goodwill;
- where a parent believes that their child is being bullied or has suffered some form of discrimination and brings the matter to the school’s notice so that action can be taken to prevent a recurrence;
- Concerns should normally be raised with the member of teaching staff most directly involved in the situation giving rise to the concern. Parents will appreciate that it is helpful if a concern is expressed as soon as possible after the relevant incident. The staff member will respond as soon as practicable, and in any case within three working days.

A complaint may arise (for example): -

- when an individual has previously raised a concern, and is not satisfied with the response offered;
- where an individual has serious disquiet over an incident that has taken place, or a decision made in the school and believes the school has fallen short of appropriate standards.

b. Types of complaint

The majority of complaints received are likely to fall into the following categories:

- financial and administrative;
- academic (course programme, unsatisfactory teaching, too much/too little homework, progress in a particular subject etc);
- pastoral (discipline/indiscipline, inappropriate sanctions, bullying, overall progress of the student, unhappiness of child etc);
- child protection (allegations against staff, handling of sensitive issues); and
- health and safety

c. Reporting and recording

A complaint may be made in person, (by telephone or in writing) or by a third party

acting on behalf of the complainant. Written consent needs to be obtained from complainants before any information is disclosed to a third party.

Complaints are expected to be made as soon as possible after an incident arises to amend the issue in an appropriate timescale. The school upholds a **three-month** time limit in which a complaint can be lodged regarding an incident. Complaints made outside this time limit will not be automatically refused and exceptions will be considered.

In the case of any timescales changing, all parties involved will be informed of the changes in a timely manner.

Complaints should be made using the appropriate channels of communication, including the use of the Complaint Form (Appendix A).

At the end of a meeting or telephone call, the member of staff involved would ensure that the complainant and the Academy have the same understanding of what was discussed and agreed, including the completion of a Complaint Form (with any additional information appended).

All complaints, including all Complaint Forms, will be held securely by the person nominated by the Head teacher as follows: -

- Bentley Wood High School – Paola Boyadjian (Operations Manager)
- Aylward Primary School - Marion Tam (School Business Manager).

Any complaint made against a member of staff will be initially dealt with by the Headteacher, and then by a committee of the Governing Body.

Any complaint made against the Headteacher shall be initially dealt with by the Chair of the Governing Body.

Any complaint made against the Chair of governors or any other member of the Governing Body should be made in writing to the clerk to the Governing Body via the school office.

Any complaint made against the entire Governing Body, or complaints involving the Chair and the Vice chair, should be made in writing to the clerk. The clerk will then determine the most appropriate course of action, depending on the nature of the complaint. This action may involve sourcing an independent investigator to initially deal with the complaint and then getting the complaint to be heard by co-opted governors from another school.

d. Complaints about APS' fulfilment of early years requirements

APS 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 5) 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 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>.

APS 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.

All correspondence and material relating to a complaint is confidential and will be stored securely.

d. Investigating complaints

Complainants will be treated fairly and offered a chance to state their case at each stage of the procedure.

Individuals would not take part in the complaints process if they have a conflict of interest, there is reasonable doubt in their ability to act impartially, or they have a financial interest in any related matter.

Complainants can request an independent complaints committee if they believe there is likely to be bias in the proceedings – evidence of this should be provided in the request. If the appearance of bias is sufficient to taint the decision reached, the request will be granted.

The person investigating the complaint will make sure that they:

- establish what has happened so far, and who has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them (if unsure or further information is necessary);
- clarify what the complainant feels would put things right;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct the interview with an open mind and be prepared to persist in the questioning; and
- keep notes of the interview.

e. Resolving complaints

At each stage in the procedure the person attempting to resolve the complaint will keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is a valid complaint (in whole or in part) without admitting liability. In addition, it may be appropriate to offer one or more of the following:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again; and
- an undertaking to review the policies in light of the complaint.

Complainants will be encouraged to state what actions they feel might resolve the problem at any stage. An admission that the Academy could have handled the situation better is not the same as an admission of negligence.

At all stages those hearing the complaint will attempt to identify areas of agreement between the parties, and to clarify any misunderstandings that might have occurred in order to create a positive atmosphere in which to discuss any outstanding issues.

4. Stages of complaint

a. Stage 1: Complaint heard by a member of staff

It is in the interests of everyone that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the academy can be crucial in determining whether their complaint will escalate.

- Staff need to be sensitive to any potential actual or perceived conflicts of interest or difficulties of a particular member of staff being involved in hearing and investigating the complaint.
- To ensure clarity of understanding, a Complaint Form needs to be completed. This ensures that there is no conflict in determining what the complaint consists of and the action taken by members of staff.
- The member of staff hearing the complaint needs to ensure that they have investigated it appropriately.
- It is normally expected that complaints will be acknowledged within three school days, and the Stage 1 process completed within ten school days. If it is clear that the process is going to take longer than this, the reasons for this would be explained to the complainant.
- The member of staff will report back to the complaint with the results of the investigation in writing within 14 school days and will include advice on any escalation options (Stage 2 process).
- If the complaint is resolved, the Complaints Form to be completed and passed, alongside the written response to the complainant, to the person nominated by the Head teacher for retention and secure storage as follows: -
 - Bentley Wood High School - Paola Boyadjian (Operations Manager)
 - Aylward Primary School - Marion Tam (School Business Manager).
- If the complaint is not resolved, the Complaint Form to be passed to the Head teacher for Stage 2, alongside the written response to the complainant of the member of staff hearing the complaint.

b. Stage 2: Complaint heard by the Headteacher or an appropriate senior member of staff appointed by the Headteacher

If the complaint is against the Headteacher, the complainant will initially need to write, in confidence, to the Chair of the Local Governing Body. The Chair will seek to resolve the issue informally before moving directly to stage three of the procedure.

The Headteacher will record the date the Stage 2 complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 3 school days.

The Headteacher/designated senior member of staff will consider both the original complaint and the process followed during Stage 1. The Complainant will be given the opportunity to complete the complaints procedure in full unless there is clear evidence that it falls within Duplicate complaints or Serial and persistent complaints described at Point 8 and 9 below.

It is normally expected that the Stage 2 process would be completed within ten school days of initiating Stage 2. If it is clear that the process is going to take longer than this, the reasons would be explained to the complainant.

The Headteacher/designated senior member of staff will contact the complainant within 7 school days to establish what has happened so far.

The Headteacher/designated senior member of staff will investigate as above and put their judgement and rationale, including details of the process followed, in writing to the complainant within 14 school days and will include advice on any escalation options (Stage 3 process).

If the complaint is resolved, the Complaints Form is to be completed and passed, alongside the written response to the complainant, to the person nominated by the Headteacher for retention and secure storage as follows:

- Bentley Wood High School - Paola Boyadjian (Operations Manager)
- Aylward Primary School - Marion Tam (School Business Manager).

If the complaint is not resolved, the complainant has the option of appealing to the Governing Body (stage 3 below.)

c. Stage 3: Appeal heard by Complaints Appeal Panel (CAP)

The complainant should write to the Chair of Governors not more than 7 school days after the feedback following Stage 2 giving details of the complaint and the process followed to that point.

The Chair, or a nominated Governor, will convene a CAP; none of whose members will have been directly involved in previous consideration of the complaint. The panel shall consist of two governors and an appropriately qualified independent person. The panel will have the powers to determine the complaint.

Individual complaints would not be heard by the whole Governing Body at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

Details of complaints would not be shared with the whole Governing Body while they are still being considered, unless a complaint is made against the whole body and they need to be made aware of the allegations. If the whole Governing Body is aware of specific details of a complaint (where it is not about the whole body), schools would consider arranging an independent committee to hear the complaint.

Where a complaint will be heard by a committee of governors, neither the complainant or the school would bring legal representation. The aim of the committee of governors is reconciliation, to put right things that may have gone wrong. Legal representation may be appropriate in some cases, e.g. where a school employee is a witness, they may be entitled to bring union or legal representation.

The appeal hearing should be heard within 20 school days of the Chair receiving notice of the complaint.

The complainant must have reasonable notice of the date of the review panel. The clerk will aim to find a date within 20 school days of the request, where possible.

If the complainant rejects the offer of 3 proposed dates without good reason, the clerk will set a date. The hearing will go ahead using written submissions from both parties.

At the hearing, all participants will be given the opportunity to put their case across and discuss any issues. The CAP will consider issues raised in the original complaint and any issues which have been highlighted during the Complaints Procedure.

The appeal hearing will be heard in private, will give careful consideration to the substance of the complaint, consider all the views expressed, and decide the outcome. The complainant may be accompanied by a friend / colleague.

Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending will be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The panel can:

- Dismiss the complaint in whole or in part;
- Uphold the complaint in whole or in part;
- Decide on appropriate action to resolve the complaint; or
- Recommend changes to TBWT systems or procedures.

The decision of the panel is binding. The decision must be communicated in writing within 14 school days of the hearing to the complainant and to the school (to the Chair of Governors and the Headteacher). Within the letter the CAP will outline their findings and, if appropriate, their recommendations for changes to TBWT systems or procedures. A copy of the CAP letter, including their findings and any recommendations made by the Panel, will be retained at the school for inspection by Trustees and Headteachers. This letter will also explain whether there are any further rights of appeal.

If a complainant has exhausted the academy's complaints procedure, they will be advised that they can submit a 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, but will intervene if a school or trust has:

- Breached a clause in its funding agreement
- Failed to act in line with its duties under education law
- Acted (or is proposing to act) unreasonably when exercising its functions

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>

We will include this information in the outcome letter to complainants

5. Responsibilities under the policy

a. Governing Body

- ✓ The Governing Body is responsible for:
 - approving the policy, procedures, and guidelines through the HR Committee for final approval by the Board of Directors;
 - hearing and deciding on appeals at "Stage 3" of the Complaints Procedure;
 - monitoring the level and nature of complaints and review the outcomes annually or earlier if so determined by the Chair.
- ✓ The Chair of the Governing Body is responsible for:
 - receiving complaints at Stage 3 of the Complaints Procedure;

- receiving a complaint in respect of the Headteacher and initially dealing with it.
 - nominating a panel from the Governing Body to hear the appeal; and
 - checking that the correct procedure is followed.
- ✓ The Chair of the Governors Panel at Stage 3 is responsible for ensuring that:
 - the parties understand the procedure;
 - the issues are addressed;
 - key findings of fact are established;
 - complainants are put at ease;
 - the hearing is conducted as informally as possible;
 - the panel is open-minded and acts independently;
 - no member of the panel has a vested interest in the outcome, or has been involved in the issues previously;
 - all parties have the chance to be heard;
 - any written material is seen by all parties; and
 - related Child Protection and Data Protection rules are observed and maintained.
 - ✓ The Clerk to the Governing Body is responsible for:
 - Receiving a complaint in respect of the Chair, or any individual Governor or the entire Governing Body.
 - Keeping the complainant up to date at each stage in the procedure
 - Making sure the process runs smoothly by liaising with staff members, the headteacher, chair of governors, clerk and chair of trustees
 - Be aware of issues relating to:
 - Sharing third party information
 - Additional support needed by complainants, for example interpretation support or where the complainant is a child or young person
 - Keeping records

b. Head teacher

- ✓ The Head teacher is responsible for:
 - the overall internal management of the procedures, including the written record of complaints and confidential storage of complaints being maintained by the Person Nominated by the Head Teacher;
 - dealing with complaints against school staff (Stage 2) then by CAP (Stage 3);
 - hearing the complaint at Stage 2 of the process or appointing an appropriate senior member of staff;
 - ensuring that the procedures are monitored and reviewed, and reports made to the Governing Body as appropriate.

c. The Person Nominated by the Head teacher

- To retain, in a confidential manner (except when requested by the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them) the material relating to complaints, including Complaints Forms, all written judgements from Stages 1, 2 and 3, and the requests from the complainant to initiate Stages 2 and 3, so that they can be made available as appropriate.
- To retain the written decisions of any Complaints Appeal Panels, including their findings and any recommendations, at the school premises for inspection by Trustees or Headteachers.

- To maintain a written record of all complaints that have been made in writing to the school, and for each complaint to record a) whether they were resolved at Stage 1, Stage 2 or proceeded to a panel hearing, and b) whether any action was taken by the school as a result of the complaints (regardless of whether the complaint was upheld), such as changes to processes or systems.

d. All staff

- All staff are responsible for:
 - listening to any concerns brought to them;
 - reassuring them that they will be dealt with as soon as possible by the appropriate member of staff;
 - for informing the relevant staff of the concerns being raised; and
 - passing any complaints received from other people who are not parents or students to the Complaints Coordinator.

6. Complaints not covered by this procedure

Complaints regarding Statutory assessments of SEND should be directed to the LA.

Complaints about child protection matters will be handled in line with the Child Protection Policy and procedures and in accordance with relevant statutory guidance. Any child protection complaints should be directed to the LA designated officer (LADO) or the multi-agency safeguarding hub (MASH).

Complaints concerning admissions, please see the Admissions Policy available on the school website.

Complaints about pupils being excluded from the school would be dealt with in accordance with the Behaviour and Exclusions Policy available on the school website. The process is explained at: <https://www.gov.uk/school-discipline-exclusions/exclusions>.

The school has an internal whistleblowing procedure for all employees, including contractors and temporary staff within the Suite of HR Policies. These concerns can be directed to Ofsted by telephone on: 0300 123 3155 or via email at: whistleblowing@ofsted.gov.uk.

Volunteers who have concerns about the school or a member of staff should make their complaint in line with this policy. Volunteers may also be able to complain to the LA or DfE, depending on what the complaint is about.

Staff grievances and disciplinary procedures will be dealt with using the school's internal grievance procedure within the Suite of HR Policies. In these cases, complainants will not be informed of the outcome of any investigations; however, they will be notified that the matter is being addressed.

This Complaints Procedure is not to be used when addressing any complaints made about services provided by a third party who may use the school premises or facilities. All complaints concerning this should be directed to the service provider.

Complaints about the content of national curriculum should be made to the DfE.

Complaints about how the school delivers the curriculum, including RE and RSE, will be dealt with using this complaints procedure.

Complaints from parents who are dissatisfied with the handling of a request to withdraw their child from RE or collective worship will be handled in line with this Complaints Procedure.

7. Exceptional circumstances

The DfE expects complainants to have completed the school's complaints procedure before directing a complaint to them. The exceptions to this include when:

- Pupils are at risk of harm.
- Pupils are missing education.
- A complainant is being prevented from having their complaint progress through the school's complaints procedure.
- The DfE has evidence that the school is proposing to act or is acting unlawfully or unreasonably.

If a social services authority decides to investigate a situation, the Headteacher or Governing Body may postpone the complaints procedure.

Where a matter can be resolved through a legal appeal, it will not be considered as a formal complaint. The key areas are: admissions decisions, certain decisions relating to formal assessment of SEND, and decisions to permanently exclude a child.

If a complainant commences legal action against the school in relation to their complaint, the school will consider whether to suspend the complaints procedure, until those legal proceedings have concluded.

8. Duplicate complaints

There may be some cases where at the end of the complaints procedure, the school receives a duplicate complaint from a complainant's spouse, partner, grandparent or child.

Where the complaint is about the same subject, the new complainant will be informed that the school has already considered that complaint and that the local process has been completed. The new complainant will be advised to contact the DfE if they are dissatisfied with the school's handling of the original complaint.

The school will take care not to overlook any new aspects to the complaint that may not have been previously considered. Any new elements of a complaint will be investigated and dealt with in line with the full complaints procedure.

9. Serial and persistent complaints

The school will act in a manner they believe to be appropriate when dealing with an individual who consistently makes the same complaints or who continuously asks the school to reconsider their position.

If a complainant attempts to re-open an issue which has previously fully completed the complaints procedure, the **Chair of the Governing Body** will inform the complainant that the matter is now closed.

If the complainant contacts the school regarding the same issue again, the complaint may be classed as 'serial' or 'persistent' and the school does not have an obligation to respond.

The school must ensure that a complaint is not classed as 'serial' before they have fully completed the complaints procedure.

The school will not take the decision to stop responding to an individual lightly. The school will ensure that:

- They have previously taken every reasonable step to address the problem.
- They have provided the complainant with a statement of their position.
- The complainant is contacting the school repeatedly with the same complaint.

If the school believes that the complainant is continuously contacting the school to cause disruption or inconvenience, or if the complainant is being abusive or threatening, the school has the right to not respond to the complainant.

Once the school decides to no longer respond to a complainant, the individual will be informed of this decision in writing.

If the school finds it difficult to deal with a complainant due to their unreasonable behaviour, then their complaint can be directed to the LA.

The complainant has the right to a third-party representative, such as the Citizens' Advice Bureau, throughout the complaints procedure.

Any new complaint made by a 'serial' complainant will be responded to.

Complainants hold the right to refer their complaint to their local MP. This would not make the individual a 'serial' or 'persistent' complainant.

10. Complaints campaigns

For the purposes of this policy, "**complaints campaigns**" are where the school receives large volumes of complaints that are all based on the same subject.

Where the school becomes the subject of a complaints campaign from complainants who are **not** connected with the school, **a standard, single response will be published on the school's website.**

If the school receives a large number of complaints about the same subject from complainants who **are** connected to the school, e.g. parents, each complainant will receive an individual response.

If complainants remain dissatisfied with the school's response, they will be directed to
the
DfE.

11. Transferring data

Where complaints are made or continue to be escalated after a child has left the school. On changing schools, the pupil's educational record is transferred to the new school. Records of the complaints will be held separate to their pupil records (while a complaint is ongoing) so that access to them can be maintained.

Personal data would only be kept for as long as is necessary for the immediate purpose of processing. The data would be stored securely and, where appropriate, encrypted to maximise security.

12. Appendices

Appendix A – Complaint Form

Please complete and return to Paola Boyadjian at Bentley Wood High School / Marion Tam at Aylward Primary School who will acknowledge receipt and explain what action will be taken.

Your Name:	
Student's Name:	
Your relationship to the student:	
Address:	
Daytime phone number:	
Evening phone number:	
Mobile phone number:	
Please give details of your complaint:	
What action, if any, have you already taken to try and resolve the complaint? Who did you speak to and what was the response?	
What actions do you feel might resolve the problem at this stage?	
Are you attaching any paperwork? If so, please give details:	
Signature	
Date	

School use only	
Date acknowledgement sent:	
Who sent acknowledgement:	
Signature	
Please complete the following, acknowledge the stages of the complaints procedure that have been followed and make any comments as necessary	
Stage 1 (complaint heard by staff)	Date: Signature:
Stage 2 (complaint heard by senior member of staff)	Date: Signature:
Stage 3 (appeal heard by Governors)	Date: Signature:

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 this form to the school office in a sealed envelope addressed to the Headteacher, Chair of Governors or Clerk to Governors (as appropriate).