





Bridgwater & Taunton College Trust

Complaints Procedure

Sept 2022

Written by: Greg Jones

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| Signature of Andy Berry On behalf of sponsor |  | Date 29/09/22 |
| Signature of Peter Elliott On behalf of Bridgwater College Trust |  | Date 29/09/22 |

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| Review by full Board of Trustees | |
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1 Introduction

- 1.1 Within Bridgwater & Taunton College Trust we aim to make all decisions which affect parents and the local community in a fair and transparent way. Where any stakeholder feels that this is not the case, we have a robust procedure through which any complaint can be considered and resolved. Complaints are a key part of a constructive process that allows schools to improve and, as such, it is crucial that there is a process to handle them fairly and respectfully.
- 1.2 This policy details the complaints procedure for all parents/carers of Trust pupils, members of each school's local community, ex-pupils and any third party who has concerns about the school. Members of Trust staff should consult the Whistle Blowing Policy and will not be considered in this document.
- 1.3 Throughout this policy the term 'working day's' shall refer to weekdays during term-time (including INSET days).
- 1.4 Complaints relating to pupil exclusions will be dealt with under the statutory guidance [Exclusion from maintained schools, academies and pupil referral units in England](#)
- 1.5 During the Covid-19 pandemic – Complaints panels may be held using a virtual meeting platform. Complainants have the right to request a face-to-face meeting; but this may lead to a delay in the meeting being held.

2 Aims of this Policy

The aims of this policy are:

- to provide clear guidelines for individuals wishing to make a complaint, as to how a complaint may be lodged and to whom;
- to clarify to the individual making a complaint how and when the Trust will respond;
- to advise individuals who have complaints about issues that are out of the Trust's control how and to whom they can register their complaint;
- by doing the above, encourage a process of constructive criticism with the ultimate aim of improving practice within the school; and
- to provide clarity and support to members of staff about how to deal with complaints.

3 The Complaints Process

3.1 Stage 1: Registering an informal complaint

The Trust encourages informal resolution of complaints wherever possible. Any individual wishing to make a complaint should therefore do so in person, by phone or in writing to an appropriate member of Trust staff for the nature of the complaint. For a parent this is often the child's teacher. Any individual who is unsure with whom it is appropriate to discuss a complaint should speak to a member of front office staff at the relevant school.

3.2 Stage 1: How the School will respond

At the conclusion of their investigation, the appropriate person investigating the complaint will provide an informal written response within 15 school days of the date of receipt of the complaint.

If the complaint cannot be resolved, either because the member of staff does not feel able to do so or because complainant is not satisfied, the complaints process will move to stage 2 (see 3.3).

3.3 Stage 2: Registering a formal complaint

Except when a complaint is judged by the CEO or head teacher to be particularly serious, a formal complaint will not be accepted unless an informal complaint has been already been registered. A formal complaint should be made to the school's Head Teacher in writing, in person (by appointment) or by telephone. The complainant should make it clear that they are making a formal complaint. On receipt of a complaint, a log will be opened and all subsequent meetings and communications with the complainant will be logged.

3.4 Stage 2: How the school will respond

The Head Teacher will respond to the complaint within five working days. During school holidays this timescale may not be possible, but the response will not be unreasonably delayed. Depending on the nature of the complaint this response may address the issue directly or may acknowledge receipt of the formal complaint and request more time to consider/investigate the matter. The amount of time requested for any further consideration by the Head Teacher shall not be more than five days unless there are exceptional circumstances.

If the Head Teacher feels that it is appropriate, or because the complainant is not satisfied with the outcome of stage 2, the complaints process will move to stage 3.

3.5 Stage 3: Local Mediation

If the complainant is not satisfied with the outcome of stage 2, the process will move to the local mediation stage. The complainant will be invited to meet with a member of the Local Governing Body who will contact the complainant within five working days and arrange to meet within ten working days. The purpose of this meeting is to allow the complainant to outline the complaint to a person who is not involved in the issue. The mediator will talk to all parties involved and then meet the complainant to try to find a reasonable solution to the complaint.

3.6 Stage 3: How the mediator will respond

Following the meeting, the mediator will write to the complainant with a summary of any agreed actions or decisions. The mediator will ensure that all agreements are communicated to the relevant members of staff. The mediator will follow up the situation at a later date agreed by both parties, either by 'phone, email or in a meeting.

3.7 Stage 4: Local Governing Body panel

If the complainant is not satisfied with the outcome of stage 3, the process will move to a Local Governing Body panel to review the outcome of Stage 3. The panel will consist of at least three governors who were not directly involved in the matters detailed in the complaint.

3.8 Stage 4: How the Local Governing Body will respond

Following the meeting, the Chair of the Local Governing Body panel will write to the complainant with a summary of any agreed actions or decisions. The LGB Chair will ensure that all agreements are communicated to the relevant members of staff. The Chair will follow up the situation at a later date agreed by both parties, either by 'phone, email or in a meeting.

3.9 Stage 5: Mediation

If the complainant is not satisfied with the outcome of stage 4, the process will move to the mediation stage. The complainant will be invited to meet with a member of the Trust's Executive Leadership Team and this will usually be the CEO or a Trust head teacher who will contact the complainant within five working days and arrange to meet within ten working days. The purpose of this meeting is to allow the complainant to outline what they are not satisfied with in the outcome of Stage 4. The mediator will talk to all parties involved and then meet the complainant to try to find a reasonable solution to the complaint.

3.10 Stage 5: How the mediator will respond

Following the meeting, the mediator will write to the complainant with a summary of any agreed actions or decisions. The mediator will ensure that all agreements are communicated to the relevant members of staff. The mediator will follow up the situation at a later date agreed by both parties, either by 'phone, email or in a meeting.

3.11 Stage 6: Appeal to the Board of Trustees

A complaint can usually only progress to stage 6, after passing through stages 1, 2, 3, 4 and 5 as detailed above. However, in exceptional circumstances, e.g. if a serious complaint is made against a Head Teacher, it may be appropriate for a complaint to be elevated to the Board of Trustees without having progressed through the earlier stages of the complaints process. If a complainant wishes to elevate his/her complaint to the Chair of the Board, a request in writing to do so should be given to the Clerk to the Trust (contactable via the front office of any Trust academy) within 5 working days of receipt of the mediator's response to the complaint.

3.12 Stage 6: How the Chair of Trustees will respond

The clerk shall acknowledge receipt of the request within 5 working days. The Chair of Trustees shall, at that point, convene a panel to hear the complaint within 10 school days where possible. In doing so, The Chair of Trustees shall ensure that:

- i the individual making the complaint is invited to attend the hearing at least 5 days before the date of the hearing;
- ii it is made clear to the individual making the complaint that s/he may be accompanied at the hearing by one other individual if they wish; and
- iii the panel will consist of at least two Trustees who have not been directly involved in the matters detailed in the complaint. An additional

panel member will be independent of the management and running of the school.

The panel's judgement is the ultimate decision that can be obtained within the Trust structure.

3.13 Complaint findings and recommendations

- i. of the panel will be made available to the complainant and where relevant the person complained about.
They will also be available for inspection in the school.
- ii. A written record will be kept of all complaints along with details of whether they were resolved following a formal procedure or panel hearing.
- iii. The Academy will record the action it takes as a result complaints (regardless of whether they are upheld)
- iv. Correspondence, statements and records relating to individual complaints are to be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them

4 Referral to the ESFA

4.3 If the complainant is not satisfied with the Trust's final response, he/she may make a complaint to the Education & Skills Funding Agency (ESFA) Please visit: <https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy> for more information.

4.2 Please note that the ESFA will not usually consider complaints unless the complainant has attempted to resolve the issue with the school directly.

5 Complaints that are Handled Externally

5.1 Some complaints either cannot be dealt with by the Trust (because the Trust is not the ultimate decision-making authority) and/or should be directed to the ESFA. The following are examples of complaints that are handled externally:

- Complaints about the content of the school curriculum. Complainants should address their complaints to the DfE.
- Complaints about admissions into an academy's Reception year group. Complainants should address their complaints to the Local Authority in which the school subject to the complaint is situated.
- Complaints from parents about the school's support of pupils with SEN are within the scope of this complaint's procedure. However, where parents have specific complaints about the Education Health and Care (EHC) plan procedures, or about the content of their child's EHC plan, these should be referred to the Local authority. This is in accordance with the SEND Code of Practice.
- When the Trust is not complying with its own Complaints Policy. Complainants should address their complaints to the ESFA.
- When any of the Trust's academies is in breach of its funding agreement with the Secretary of State. Complainants should address their complaints to the ESFA.

5.2 More information about serious complaints relating to the overall running of the school can be found in the Trust's Whistleblowing Policy which can be found on the Bridgwater College Trust website

6 Monitoring and Review

6.1 The Complaints Policy shall be reviewed by the Board of Trustees every three years, following any major procedural change or following any serious incident that requires action.

Appendix A – Contacts

| Academy | Contact details |
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| Bridgwater College Academy | Parkway Bridgwater Somerset TA6 4QY Tel: 01278 727327 sch.501@educ.somerset.gov.uk |
| Brymore Academy | Brymore Way, Cannington Bridgwater Somerset TA5 2NB Tel: (01278) 652369 office@brymore.somerset.sch.uk |
| Hamp Academy | Rhode Lane Bridgwater Somerset TA6 6JB Tel: 01278 424600 office@hampacademy.somerset.sch.uk |
| West Somerset College | Bircham Road Minehead TA24 6AY Tel: 01643 706061 enquiries@westsomersetcollege.org |
| Otterhampton Primary School | School Lane Combwich Bridgwater TA5 2QS Tel: 01278 652 487 Otterhampton@educ.somerset.gov.uk |
| Maiden Beech Academy | Lyme Road Crewkerne Somerset TA18 8HG Tel: 01460 72677 office@maidenbeech.net |
| Stanchester Academy | Stoke-sub-Hamdon Somerset TA14 6UG Tel: 01935 823200 office@stanchester-academy.co.uk |

Appendix B - Serial or Persistent Complaints

Bridgwater & Taunton College Trust is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. We will not normally limit the contact complainants have with our academy or academies. However, we do not expect our staff to tolerate unacceptable behaviour and will act to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Bridgwater & Taunton College Trust defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the academy, 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 complaint's investigation process
- refuses to accept that certain issues are not within the scope of the complaint's procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaint's procedure or with good practice
- introduces trivial or irrelevant information which they expect to be considered 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
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- refuses to accept the findings of the investigation into that complaint where the academy's complaint procedure has been fully and properly implemented and completed including referral to the Education, Skills and Funding Agency
- seeks an unrealistic outcome
- makes excessive demands on academy 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
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the academy that relates to their complaint, while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.

Whenever possible, the Headteacher or Chair of the governance board will discuss any concerns with the complainant informally before applying an '*unreasonable*' marking.

If the behaviour continues, the Headteacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact one of the Trust's Academies causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

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 all of the Trust's Academies