
Title of Policy/Procedure Complaints Procedure

Reviewer(s): Chief Executive Officer/Head of Governance

To be read in conjunction with the following policies: N/A

Consultation Process A consultation has taken place with the trust board

Policy Date: March 2021

Review Date: March 2023

This policy has been ratified by (please delete as appropriate):

- ~~• Local Governing Body~~
- Trust Board

Rationale

The Blue Kite Academy Trust endeavours to provide the best education possible for all of its pupils in an open and transparent environment and is committed to maintaining positive relationships with parents and carers. It is important to us that our schools establish and maintain strong home/school partnerships to ensure the best education for all pupils.

We welcome feedback from parents, pupils and third parties, and we accept that not all of this will be positive. Where concerns are raised the school intends for these to be dealt with fairly, openly, promptly and without prejudice.

We will ensure that we try to resolve any issues as quickly and sympathetically as possible. We also want to reassure parents and carers that we do take any concerns or complaints very seriously.

We would like to let you know that this procedure applies to all schools within The Blue Kite Academy Trust and is compliant with The Education (Independent School Standards) Regulations 2014.

Complaints' Procedure

Our Complaints' Procedure has four stages which are outlined below.

These four stages are:

Stage One: Informal concerns

Stage Two: Formal Complaint at school level

Stage Three: Formal Complaint to the CEO

Stage Four: Formal Appeal to the Complaints' Panel of The Blue Kite Academy Trust

Sometimes, where concerns are more specific, there are alternative and more appropriate policies for dealing with them. The following list details specific topics of complaints, and the correct policy to refer to. You can access these policies on the Trust's website or request a copy from the Clerk to Directors.

- Pupil admissions
- Pupil exclusions
- Staff grievance, capability or disciplinary
- Where the complaint concerns a third party used by the school. A complaint should be made directly to the third party
- Anonymous complaints. Please refer to the whistleblowing policy
- Subject access requests and freedom of information requests

Stage One: Informal Concerns

The majority of concerns can be dealt with without resorting to the procedure. As a parent/carer our hope is that a discussion with the appropriate member of school staff would normally resolve your concern (including actions that can be taken to resolve any concerns, possibly including an apology) or you will be provided with an explanation on the situation. All concerns are dealt with confidentially, although the staff member may need to take notes if they feel that the matter may need to be taken further or it may arise again in the near future. Any such notes will be kept in accordance with the principles of the General Data

Protection Regulation. However, such notes would be able to be referred to as evidence if further investigation was required, or if the concern became a formal complaint.

Safeguarding

Wherever a complaint indicates that a child's wellbeing or safety is at risk, the school is under a duty to report this to the local authority. Any action taken will be in accordance with the school's Child Protection & Safeguarding policy which can be found on the school website.

Social Media

In order for complaints to be resolved as quickly and fairly as possible, we request that the complainant(s) do not discuss complaints publicly via social media platforms such as Twitter and Facebook. Complaints will be dealt with confidentially for those involved and we expect complainants to observe confidentiality also.

Complaints that result in staff capability or disciplinary

If at any formal stage of the complaint it is determined that staff disciplinary or capability proceedings are necessary in order to resolve the issue, the details of this action will remain confidential to the Headteacher and/or individual's line manager. The complainant is not entitled to participate in the proceedings or receive any detail about them.

If you feel that your concern has not been resolved at this informal stage then you have the option of making a formal complaint under Stage 2 of this Procedure.

Please note that the Chair of the Local Governing Body does have the discretion not to allow a complaint to be dealt with under Stage 2 of the Procedure where there has not been any informal discussion at local school level.

The Chair also has the discretion to disallow a complaint to proceed to Stage 2 where a parent/carer has not acted in a way that is reasonable and measured. Such a decision would not be taken lightly.

Stage Two: Formal Complaint – School level (Investigation by a member of the Senior Leadership Team)

If you wish to make a formal complaint under Stage Two of the Complaints' Procedure then please can you:

- Put the complaint in writing using the form at Appendix 1;
- Address it to the Headteacher of the school;
- Briefly state the facts and what actions you feel might resolve the issue at this stage.

An investigation will be carried out by a member of the senior leadership team which may include a meeting with you (in which case a meeting would normally be held within 15 school days from the receipt of your complaint). This person will speak to those who were involved in the situation. Following the investigation, you will receive the findings of the senior leadership team member who has investigated your complaint, which will include any steps that have been taken or may need to be taken to seek to resolve your complaint. Normally you will receive this within 15 school days of any meeting held with you; however, if a meeting has not been held with you then you can expect that normally you will receive the findings within 15 days from the receipt of your written complaint.

After considering the available evidence, the senior leadership team member can:

- Uphold the complaint and direct that certain action can be taken to resolve it
- Reject the complaint and provide the complainant with details of the stage three appeals process
- Uphold the complaint in part. The SLT member may find one aspect of the complaint to be valid, but not another aspect. They may direct for certain action to be taken to resolve the aspect that they find in favour of the complainant.

Please note that any complaint about the Headteacher of a school within the trust must be raised in the first instance with the Chief Executive Officer who will, if the issue cannot be resolved under Stage One, work with a member of the Local Governing Body to investigate your complaint under Stage Three of the Complaints' Procedure as explained below.

If the complaint is against the Chief Executive Officer then it will be considered by the Chair of Trustees at Stage Three of the Complaints' Procedure.

If you feel that your complaint has not been resolved at Stage Two then you can request for this to be dealt with under Stage Three of the Complaints' Procedure.

Stage Three: Formal Resolution Chief Executive Officer (CEO)

Where you feel that your complaint has not been resolved under Stage Two then please:

- Put the complaint in writing (you may wish to use the optional form at Appendix 1);
- Address it to the CEO ;
- Briefly set out the facts;
- State what you think should have been done and why you think that the school has not resolved your complaint.

The CEO will work with a member of the Local Governing Body of the school to investigate the complaint. The CEO will advise the Trust Board a complaint has been received and escalated to stage three (no further details will be provided at this stage).

If the complaint has been made against the Chief Executive Officer then the complaint should be addressed to the Chair of the Board of Trustees who will either investigate your complaint or will nominate another trustee for this role.

The investigation may include the offer of a meeting with you (in which case a meeting would normally be held within 15 school days from the receipt of your complaint). The CEO and governor who is investigating your complaint will speak to those who were involved in the situation.

You will receive the findings of the investigation in writing (from the CEO) which will include any steps that have been taken or may need to be taken to seek to resolve your complaint or an explanation of the situation.

Normally you will receive this within 15 school days of any meeting held with you; however, if a meeting has not been held with you then you can expect that normally you will receive the findings within 15 days from the receipt of your written complaint.

If you consider that your complaint has not been resolved then you may request that your complaint is dealt with at Stage Four of the Complaints' Procedure.

Stage Four: Complaints' Panel Hearing

Where you consider that your complaint has not been resolved under Stage Three, then please:

- Put your request in writing using the form at Appendix 1;
- Address it to the Clerk to the Trust Board within 10 school days of you receiving the findings of the investigation at Stage Three in writing;
- State why you think that your complaint has not been resolved;
- State the actions that you think should be taken to resolve your complaint.

The Complaints' Panel of The Blue Kite Academy Trust will consider all complaints that reach Stage Four.

The Complaints' Panel will consist of at least three individuals and will include one person who is independent of the management and running of The Blue Kite Academy Trust (or any of the schools within The Blue Kite Academy Trust) and two trustees.

ii. None of the members of the Complaints' Panel will have been directly involved in the matters detailed in the complaint.

iii. The Clerk will invite the school or The Blue Kite Academy Trust as appropriate to put in writing its response to your complaint within 15 school days of receiving the request. The Clerk will arrange a meeting of the Complaints' Panel.

iv. That meeting will be held as quickly as possible with the Clerk seeking to find a date that is reasonably convenient for you, the school (or the Trust Board Trustee where the complaint was against the Chief Executive Officer) and the members of the Complaints' Panel.

v. Whenever possible, the meeting will be held within 15 school days at the end of the school's response time. At any meeting, you will be entitled to be accompanied by a friend but legal representation will not be allowed.

vi. The meeting is not a court case, it will be held in private, and will be as informal as possible. The Complaints' Panel will ask you why you consider that your complaint has not been resolved and you will then have the opportunity to explain your reasons for this. You would not be able to introduce new reasons at this stage which have not already been put in writing at an earlier stage of the Complaints' Procedure that is being currently pursued.

vii. The CEO will then be asked to put forward their views on the situation.

viii. The meeting will be structured so that each side, as well as the Panel members, have the opportunity to ask questions.

ix. You will have the opportunity to make final comments to the Panel.

x. The Panel may make findings and, in some cases, may make recommendations. The Clerk will normally provide all relevant individuals with a copy of those findings and recommendations within 10 school days. The response from the Clerk will be: -

- Sent by electronic mail to an email address confirmed as appropriate by you, or sent by post and, where relevant, this will be sent to the individual(s) about whom the complaint was made.
- Made available to the Headteacher and the Chief Executive Officer and located within The Blue Kite Academy Trust.

xi. The decision of the Complaints Panel is final. Where you have exhausted the stages of the Complaint's Procedure but are still dissatisfied then if you feel that it is appropriate to do so then you may wish to complain to the Department for Education:

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

Ofsted will also consider complaints about schools.

Attendance at a Complaints' Panel Hearing

- The Complaints' Panel can only be arranged if you and/or your representative attend (please note that legal representation is not allowed). We would like to make you aware that if you do not confirm attendance or you do not attend on the day specified without compelling reasons, then the Complaints' Panel will not be able to proceed and you will then lose your right to have your complaint heard.
- We need to let you know that if you then wish to re-open the complaint then it will be considered as a serial/persistent complaint as detailed below.

Serial or persistent complainants

Whilst we wish to work positively with parents and carers we do need to work within our Complaints' procedure. This means that if you seek subsequently to reopen a complaint or a closely related issue that has already been dealt with under this complaints procedure, then the Chair of Trustees of The Blue Kite Academy Trust may write to you to let you know that the procedure has been exhausted, the matter closed and that continued correspondence is considered to be vexatious and the trust would not respond to any further correspondence on your complaint or a closely related issue.

Unreasonable complaints include the following scenarios:

- The complainant refuses to co-operate with the school's relevant procedures
- The complainant changes the basis of the complaint as the complaint progresses
- The complainant seeks an unrealistic outcome
- Excessive demands are made on the time of staff and school trustees/ governors and it is clearly intended to aggravate
- The complainant acts in a way that is abusive or offensive

Record Keeping

A written record will be kept of all complaints that were resolved at the relevant formal stage of the Complaints' Procedure. Records will contain details of whether the complaint was resolved at stage two, stage three or proceeded to a stage four - panel hearing. The action taken by the local school or trust as a result of a complaint (regardless of whether or not they have been upheld) will also be recorded.

Confidentiality

Correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the Education and Skills Act 2008 requests access to them.

Appendix 1

Formal Complaint Form

Please complete and return to the Head Teacher/Chief Executive Officer /Chair of Trustees (delete as appropriate) who will acknowledge receipt and explain what action will be taken.

Your name
Pupil name
Your relationship to the pupil
Address
Daytime telephone number
Evening telephone number
Mobile telephone number
Email address
Please give details of your complaint:
What action, if any, have you already taken to try to resolve your complaint. Who did you speak to and what was the response?

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What actions do you feel might resolve the problem at this stage?

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

Signature
Date