



BONITAS
Multi-Academy Trust

COMPLAINTS PROCEDURE

Date approved/adopted by Board of Trustees	17.10.19
Date of next review	January 2021
Published	Bonitas website Website of each school Internal network of each school

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1 Policy Statement

Aim

The aim of this policy is to ensure that any complaint against the trust, an academy within the trust, or any individual connected with it, is dealt with fairly and efficiently and is resolved as soon as possible.

Scope

The policy applies to complaints from the parents/carers of pupils attending any academy within the trust at the time at which the complaint is made and to complaints from those accessing the services of the trust at the time at which the complaint is made.

The policy does not apply to concerns and complaints relating to the following, which are dealt with under separate policies

- Admissions
- Exclusions
- Issues related to child protection
- EHC plans
- Staff grievances or disciplinary procedures

Key principles

Parents should never feel or be made to feel that a complaint made in a reasonable and appropriate way will cause offence or reflect adversely on the pupil or his/her opportunities at the relevant academy. The academy will endeavour to investigate and resolve every complaint in a positive manner and will treat every complaint as an opportunity to improve the service it provides.

It is important to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest opportunity will reduce the likelihood of them developing into formal complaints. The underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally.

Definitions

In this policy:

- “school days” excludes weekends, bank holidays and academy holidays
- “parent” means a parent, carer or anyone with legal responsibility for a child

2 Procedures

Investigating complaints

To enable a proper investigation, concerns or complaints should be brought to the attention of the individual academy or the Bonitas Multi-Academy Trust (for trust complaints) as soon as possible. An anonymous concern or complaint will not be investigated under this procedure unless there are exceptional circumstances.

At each stage, the person investigating the complaint must ensure 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 (where clarification or further information is necessary);
- clarify what, in the complainant's view, 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;
- keep notes of the interview.

Resolving complaints

At each stage in the procedure, the trust/individual academy will keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. 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 explanation of the steps that have been taken to ensure that the situation will not recur;
- an undertaking to review academy/trust procedures/policies in light of the complaint.

It would be useful if complainants were encouraged to state what actions they feel might resolve the problem at any stage. An admission that the academy/trust could have handled the situation better is not the same as an admission of negligence.

Vexatious complaints and unreasonable complainant behaviour

The trust is committed to dealing with all complaints fairly and impartially, in a friendly, respectful and professional way. Complainants are expected to understand the need to

behave in a similar way; it is in everyone's best interests to help ensure that the matter can be resolved as quickly and informally as possible.

The procedures described in this policy should limit the number of complaints that become protracted. However, there will be occasions when, despite having followed all stages of the procedure, the complainant remains dissatisfied. If, at any stage, the trust or the academy believes that the concern or complaint is vexatious, has insufficient grounds, has already been considered in full or has been closed, under this policy, the CEO, Headteacher or Chair of Governors/Trustees (as appropriate) may write to the complainant to refuse to consider the concern or complaint further, giving reasons why they are refusing to do so.

Timescales

Complaints need to be considered and resolved as quickly as possible using the timescales published in this policy. If it becomes necessary to alter the published timescales and deadlines, the complainant will be advised accordingly, given an explanation as to why this has been necessary and provided with revised timescales.

Record keeping and confidentiality

A written record will be kept of all complaints, including at what stage they were resolved. Correspondence, statements and records relating to individual complaints will be kept confidential except where access is requested by the Secretary of State or where disclosure is required in the course of an academy inspection or under other legal authority.

3 Framework for dealing with complaints

Stage One: Informal Stage – initial complaints and minor concerns

In many cases, a concern can be resolved quickly and will not reach the stage of becoming a formal complaint. Many concerns can be resolved by simple clarification or the provision of information.

In situations in which a complaint is about the trust, it is normally appropriate to communicate directly via the Company Secretary. This may be by email, letter, by telephone or in person by appointment, requested via the trust office. Where the complaint is about a member of the trust's staff, it is normally appropriate to communicate directly with them in the first instance. This may be by email, letter, telephone or in person, by appointment requested via the trust office.

In situations in which a complaint concerns a child attending an academy, it is normally appropriate to communicate directly with the child's class/form teacher, head of year, a member of the academy's senior staff or the Headteacher.

Where the complaint is about a member of academy staff, it is normally appropriate to communicate in the first instance directly with that member of staff. This may be by email, letter, by telephone or in person by appointment, requested via the academy office.

Informal meetings and discussions are very valuable and parents are encouraged to approach staff with any concerns they may have, the aim being to resolve all issues with open dialogue and mutual understanding.

In the case of serious concerns, it may be appropriate to address them directly to the Headteacher (or to the CEO of the trust, via the Company Secretary, if the complaint is about a Headteacher, or Chair of Governors or the Chair of Trustees, if the complaint is about the CEO). Advice about who to contact should be sought from the Company Secretary of the trust or the Clerk to Governors of the appropriate academy.

It is anticipated that most complaints will be resolved by this informal stage within 15 working school days of an academy/the trust being notified of the complaint. Should the matter not be resolved informally, or where parents are not satisfied with the response to the complaint raised informally, they may proceed to Stage 2 of the procedure.

Stage Two: Formal Stage

If a concern or complaint is not resolved to the satisfaction of the parent at the informal stage, or if a complainant expresses a wish for the complaint to be dealt with immediately as a formal complaint, the complaint should be put in writing.

- complaints about the CEO should be sent to the Chair of the Bonitas Trustees, via the Company Secretary.
- complaints about a Headteacher, should be sent to the Bonitas Trust CEO, via the Company Secretary.

Written complaints should include details which might assist the investigation, such as the nature of the complaint, details of how the matter has been dealt with so far, the names of potential witnesses, dates and times of events and copies of all relevant documents. It is very important that there is a clear statement of the actions that the complainant would like the academy/trust to take in order to resolve the concern.

Written complaints will be acknowledged within 5 school days of receipt. The complainant may be invited to a meeting to clarify their concerns and to explore the possibility of an informal resolution. If a parent accepts the invitation, they may be accompanied by one other person such as a relative or friend, who should not be legally qualified, to assist in explaining the nature of the concerns.

Where possible, this meeting will take place within 10 school days of receipt of the written complaint. Where a complainant declines the invitation to a meeting or the complaint cannot be resolved through a meeting, arrangements will be made for the matter to be formally investigated. If necessary, witnesses will be interviewed and statements taken from those involved.

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

Once all the relevant facts have been established as far as possible, the complainant will be provided with a written response to the complaint, including a full explanation of the decision and the reasons for it. This will include what action the academy/trust will take to resolve the complaint (if any). The complainant will be advised that if they are dissatisfied with the outcome of the complaint, they may request that their complaint be heard by the Review Panel.

Following investigation, the Headteacher, CEO or Chair of Governors/Trustees (as appropriate) will notify the complainant in writing of their decision and the reasons for it. Where possible, this will be within 15 school days of receipt of the complaint.

If, in the early stages of the investigation, the Headteacher/CEO considers that the complaint is best dealt with immediately at Stage 3, it will be passed to the Chair of Governors/Trustees and the complainant will be informed of this action without delay.

What if the complaint is about the CEO or a Headteacher?

In the case of complaints regarding the Bonitas Trust, the CEO or a Headteacher, documentation should be forwarded to:

Company Secretary
Bonitas Multi-Academy Trust
c/o Ranelagh School
Ranelagh Drive
Bracknell
RG12 9DA
cgovernors@ranelagh.bracknell-forest.sch.uk

What if the complaint is about a Governor?

Where a complaint concerns a governor, the Chair of the Local Governing Body (LGB) should be contacted. They will then investigate the concerns in accordance with Stage 2 of these procedures. If the complaint is about the Chair of the Local Governing Body (LGB) the complainant should contact the Vice Chair of the LGB, via the appropriate Clerk to Governors of the academy.

If the complaint is about the LGB as a whole, it should be sent to the Chair of Trustees, via the Company Secretary (contact details shown above)

Stage Three: Review Panel Hearing

If a complainant is dissatisfied with the decision of the Headteacher/Chair of Governors (in the case of individual academy complaints), under the Formal Stage, it is possible to request that a Review Panel of the governing body is convened to reconsider the complaint. A request will only be considered if the complainant has completed the relevant procedures at Stages 1 and 2. A request for a hearing by the Review Panel should be made in writing to the the Clerk to Governors within 10 school days of receiving notice of the outcome of the Formal Stage.

If a complainant is dissatisfied with the decision of the CEO/Chair of Trustees (in the case of complaints which relate to the Bonitas Multi-Academy Trust), under the Formal Stage, it is possible to request that a Review Panel of the trust is convened to reconsider the complaint. A request will only be considered if the complainant has completed the relevant procedures at Stages 1 and 2. A request for a hearing by the Review Panel should be made in writing to the Company Secretary within 10 school days of receiving notice of the outcome of the Formal Stage.

The complainant should ensure that

- they provide copies of all relevant documentation;
- state all the grounds for the complaint;
- state the outcome that they are seeking.

The Clerk to the Governing Body/Company Secretary will acknowledge the request in writing within 5 school days of receipt.

The review will be conducted by a panel of at least three people. No governor/trustee may sit on the panel if they have had prior involvement in the complaint or in the circumstances surrounding it. In the case of complaints to an academy, the panel will include two governors of the academy. In the case of complaints to the Bonitas Trust, the panel will include two trustees. In both cases, at least one other member of the panel must be independent of the management and running of the trust/academy.

Every effort will be made to enable the hearing to take place within 20 school days of the receipt of a request. As soon as reasonably practical, and in any event at least 5 working days before the hearing, the complainant will be sent written notification of the date, time and place of the hearing, together with brief details of the Panel members who will be present. Fair consideration will be given to any bona fide objection to a particular member of the Panel.

Copies of any additional documents the complainant may wish the Panel to consider should be sent to the Clerk to Governing Body/ Company Secretary at least 3 days prior to the hearing. The Panel reserves the right not to consider any documentation presented after this.

A copy of the complaint and any other documentation provided by the complainant in support of their complaint, or by the academy/trust in defence of the complaint, will be provided to the Review Panel as soon as practicable upon receipt. Copies of these documents shall also be provided to the complainant and Headteacher/ CEO (as applicable) at least 3 school days before the hearing. The Review Panel reserves the right not to consider any documentation presented by either the complainant or the academy, less than 3 school days prior to the hearing.

The aim of the hearing is for the Panel to review the decision reached at Stage 2 with a view to resolving the complaint and achieving reconciliation between the academy/trust and the complainant. The Panel will not consider any new complaints that have not been raised as part of the initial complaint. After due consideration of all facts the Panel considers relevant, the Panel will reach a decision on the balance of probabilities as to whether or not the complaint is substantiated.

The complainant will be asked to attend the hearing and may be accompanied by one other person such as a relative or friend, who should not be legally qualified. The Clerk to Governing Body/Company Secretary or nominated deputy will also attend the hearing in order to keep a record of the proceedings.

The Review Panel will be conducted in such a way as to ensure that all those present have the opportunity to ask questions and make comments in an appropriate manner. The Panel is under no obligation to hear oral evidence from witnesses but may do so and/or may take written statements into account.

Any governor/trustee sitting on a Review Panel needs to remember:

- It is important that the Review Panel hearing is independent and impartial and that it is seen to be so.
- The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the academy/trust and the complainant. However, it has to be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The Chair of the panel will ensure that the proceedings are as welcoming as possible.

Roles and responsibilities

The Role of the Clerk/Company Secretary

The clerk is the contact point for the complainant and is required to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;

- collate any written material and send it to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision.

The Role of the Chair of the Review Panel

The Chair of the Panel has a key role, ensuring that:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the panel is open minded and acts independently;
- no member of the panel has any involvement in an earlier stage of the procedure;
- each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties.

Format of the meeting

Unless otherwise stated, the procedure for an appeal is as follows:

- the complainant and Headteacher/CEO will enter the hearing together;
- the Chair of the Review Panel will introduce the panel members and outline the process;
- the complainant will explain the complaint;
- the Headteacher/CEO and committee members will question the complainant;
- the Headteacher/CEO will explain the academy/trust's actions;
- the complainant and the committee members will question the Headteacher/CEO
- the complainant will sum up their complaint;
- the Headteacher/CEO will sum up the academy/trust's actions;
- the Chair of the panel will explain that both parties will hear from the committee within 5 school days;
- both parties will leave together while the panel decides;
- the Clerk/Company Secretary will stay to assist the panel with its decision making.

After the hearing, the Panel will consider its decision and inform the complainant and the Headteacher/CEO of this in writing within 5 school days. The letter will set out the decision of the Panel together with the reasons underpinning that decision.

The Panel can:

- Request further information from the complainant and/or the academy/trust to assist them in making their decision.
- Dismiss the complaint in whole or in part.

- Uphold the complaint in whole or in part.
- Decide on the appropriate action to be taken to resolve the complaint.
- Recommend changes to the academy/trust's systems or procedures to ensure that problems of a similar nature do not reoccur.

4 Monitoring procedures

The LGB and Bonitas Board of Trustees will monitor the level and nature of complaints within an academy and across the trust. They will review the outcomes on a regular basis to ensure the effectiveness of the policy and procedures.