

## Bishop Bewick Catholic Education Trust

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1.1	Aug 2022	COO	Updated to include reference to: First point of contact: Head of Governance
1.2	Nov 2022	COO	Full revision Oct 22 Policy supersedes all previous BBCET & separate school complaints policies Policy includes: <ul style="list-style-type: none"> <li>• New 4 Stage process</li> <li>• Clarification of DfE 'concern' &amp; 'complaint'</li> <li>• Policy on managing serial and unreasonable complaints</li> </ul>
1.3	July 2023	COO	Amended to permit use of alternative/independent investigator where staffing circumstances require
1.4	December 2023	HoG	Updates to clarify process for complainant and Chairs of Governors, plus definitions moved to end of policy



## Contents

### Contents

1. Statement of Intent.....	3
2. Scope of the policy.....	4
3. Roles and responsibilities .....	6
4. Complaints procedure.....	9
5. Making a complaint.....	11
6. Resolving complaints .....	16
7. Withdrawal of a complaint.....	17
8. Record keeping.....	17
9. Interviewing witnesses .....	17
10. Recording a complaint.....	17
11. Managing unreasonable complaints .....	19
12. Complaints campaigns .....	21
13. Barring from the premises .....	21
14. Availability of this policy.....	22
15. Monitoring and Review.....	22
16. DfE/ESFA complaints .....	22
17. Definitions .....	23



## Trust Complaints Policy

### 1. Statement of Intent

This policy outlines the procedures which individuals should follow when raising a complaint with a school within the Bishop Bewick Catholic Education Trust (BBCET), a member of BBCET or with BBCET itself. The Trust's aim is to resolve complaints at the earliest possible stage and wherever possible, informally, at school level.

This policy has been created to handle complaints relating to any aspect of the provision of facilities or services by BBCET against:

- Any member of staff
- Any school within the Trust
- Any Local Governing Committee of the Trust
- Individual Directors or the Board of Directors
- The Trust as a whole

It is designed to ensure that the Trust's complaints procedure is straightforward, impartial, non-adversarial, allows a full and fair investigation, respects confidentiality and delivers an effective response and appropriate redress where necessary.

This policy outlines the procedure that the complainant and schools within the Trust should follow. Once a complaint has been made, it can be resolved or withdrawn at any stage.

#### Legal framework

This policy has due regard to all relevant legislation and statutory guidance including, but not limited to, the following:

- Education Act 2002
- Freedom of Information Act 2000
- Immigration Act 2016
- Equality Act 2010
- UK General Data Protection Regulation (UK GDPR) / Data Protection Act 2018
- Part 7 of the Education (Independent School Standards) Regulations 2014

The policy is detailed due to the complex nature of complaints and the fact that no two cases are the same. However the flow chart in section 5 provides complainants, headteachers and Chairs of Governors with clarity about the process and their role.

This policy also has due regard to good practice guidance including, but not limited to, the ESFA's (2021) Best practice guidance for Schools complaints procedures.



## 2. Scope of the policy

Any person, including a member of the public, can make a complaint about the provision of facilities or services that BBCET provides. Complaints may also be made by a third party on behalf of a complainant, contingent on appropriate consent having been obtained to do so. All complaints made will be handled via the procedures outlined in this policy.

Any complaint or concern will be taken seriously, whether raised formally or informally, and the appropriate procedures will be implemented.

The Trust will not normally investigate anonymous complaints.

Some complaints fall outside the Trust's complaints procedure. Therefore, individuals making complaints about issues relating to separate statutory procedures will be referred as follows:

- **Admissions** – referred to the appeals process outlined in the Admissions Policy of the relevant school.
- **Child protection** – referred to safeguarding procedures outlined in the Child Protection and Safeguarding Policy of the relevant school.
- **Exclusion** – referred to the procedures outlined in the Behavioural Policy and Exclusion Policy of the relevant school.
- **Whistleblowing** – referred to the internal whistleblowing procedures outlined in the Whistleblowing Policy of the relevant school and/or Trust level policy.
- **Staff grievances** – referred to the internal grievance procedures outlined in the Grievance Policy of the relevant school.
- **Staff conduct** – referred to the internal disciplinary procedures outlined in the Disciplinary policy of the relevant school.
- **Third-party suppliers using school premises or facilities** – the school will ensure any third-party supplier using school premises or facilities to offer community facilities or services has its own complaints procedures in place and such complaints do not fall within the scope of this policy.

All other complaints will be directed towards the procedures laid out in this policy.

Complainants may make initial complaints in person, writing or by telephone. However, to ensure we handle complaints with clarity of the issue(s) raised, these should be also be made via the appropriate Complaints Form (see Annex to this policy).

Complaints are expected to be made as soon as possible after an incident arises, allowing school to investigate and potentially amend or rectify the issue in an appropriate timescale. The Trust upholds a three-month time limit in which a complaint can be lodged regarding an incident. Complaints made outside this time limit will be considered in exceptional



circumstances. In the case of any timescales changing, all parties involved will be informed of the changes in a timely manner. Complaints received outside of term time will be treated as being received on the first school day after the holiday period.

A complaint can progress to the next stage of the procedure even if it is not viewed as “justified”. All complainants are given the opportunity to fully complete the complaints procedure.



## **Complaints about employees, Governors or Trustees**

Complaints against staff of a School in the Trust will:

- Be dealt with by the Headteacher of the School.
- Follow the complaints procedure, including a Panel hearing where applicable.

Complaints against a Headteacher of a School in the Trust will:

- Be dealt with by the chair of the Local Governing Committee of the School.
- Follow the complaints procedure, including a Panel hearing where applicable.

Complaints against Local Governors or Trustees will:

- Be made in writing to the relevant Clerk (school or Trust), who will arrange for them to be heard.
- Be dealt with by the Chair of the Local Governing Committee or the Chair of Trustees of the Trust, respectively.
- Potentially involve escalation to the Trust board to conduct an investigation – this will be handled by the Chief Executive.
- Involve a Panel hearing where applicable.

Complaints against the Chair of Trustees of the Trust, or an entire Local Governing Committee will:

- Be made in writing to the relevant Clerk, who will determine the most appropriate course of action dependent on the nature of the complaint.

Complaints against the CEO will:

- Be dealt with by the Chair of Trustees, with a Panel hearing where applicable.

Complaints against the Trust will:

- Be dealt with by the CEO.
- Begin with Stage 2 of the complaints procedure outlined in this policy, i.e. via a formal, written complaint.

## **3. Roles and responsibilities**

The complainant is responsible for:

- Cooperating with the School/Trust in seeking a solution or resolution to the complaint.
- Outlining the complaint and expressing their concerns in full at the earliest opportunity.



- Promptly responding to any requests for information and meetings.
- Asking for assistance as needed.
- Treating any person(s) involved in the complaint with respect.

The role of the investigator will differ depending on the nature of the complaint and who it is directed at.

- For complaints against staff of Schools within the Trust, the investigator will be the Headteacher (or delegated Senior Leader) of that school.
- For complaints against Headteachers of Schools in the Trust, the investigator will be the chair of the Local Governing Committee of that school.
- For complaints against Local Governors, the investigator will be the chair of the Local Governing Committee of that school.
- For complaints against Trustees, the investigator will be the Chair of Trustees of the Trust.
- For complaints against the Chair of Trustees, the Clerk will appoint an appropriate person to be the investigator.
- For complaints against the CEO, the investigator will be the Chair of Trustees of the Trust.

The investigator of the complaint is responsible for:

- Providing a sensitive and thorough interviewing process of the complainant to establish what has happened and who is involved.
- Considering all records, evidence and relevant information provided.
- Interviewing all relevant parties that are involved in the complaint, including staff and pupils and any relevant third party.
- Analysing all information in a comprehensive and fair manner.
- Liaising with the complainant and clarifying an appropriate resolution to the problem.
- Identifying and recommending solutions and courses of actions to take.
- Being mindful of timescales and ensuring all parties involved are aware of these timescales.
- Responding to the complainant in a clear and understandable manner.

Where complaints are escalated to an independent panel hearing at stage 4 of the complaints process, all complaints panel members will be aware that:

- The stage 4 independent review panel hearing is impartial and at least one panel member is independent of the management and running of the school.



- No individual with prior involvement in the complaint, or the circumstances surrounding it, is permitted to sit on the panel.
- The aim of the stage 4 panel is to achieve a reasonable resolution and, ultimately, attain reconciliation between the parties involved, where possible.
- Reconciliation between the Trust and complainant is not always achievable, and that it may only be possible to establish facts and make recommendations to reassure the complainant that their case has been taken seriously.
- The stage 4 panel can:
  - Dismiss or uphold the complaint, in whole or in part.
  - Decide on appropriate action to be taken.
  - Recommend changes that the Trust and / or a School within the Trust can make to prevent reoccurrence of the problem.
- Complainants may feel nervous or inhibited in a formal setting and, therefore, the proceedings should be as welcoming as possible.
- When a child is present at the hearing, extra care needs to be taken to ensure that the child does not feel intimidated, as well as ensuring the child's view is represented equally.

The panel chair of an independent stage 4 panel hearing will:

- Ensure that minutes of the hearings are taken on every occasion, which may be delegated to a clerk or minute taker.
- Explain the remit of the panel to the complainant.
- Ensure that all issues are addressed and that outcomes are reached based on facts and evidence available.
- Help to put at ease and console individuals involved who are not used to speaking at such hearings, particularly any pupils involved.
- Conduct the stage 4 hearing in a manner that ensures everyone is treated with respect and courtesy.
- Ensure that the room's layout and setting is non-adversarial, yet still sets the appropriate tone.
- Confirm that no member of the stage 4 panel has previously been involved in the earlier stages of the procedure or has an external interest in the outcome of the proceedings.
- Give both the complainant and the Trust / school the opportunity to state their case and seek clarity without undue interruption.
- Provide copies of any written material or evidence to everyone in attendance of the meeting, ensuring that everyone has seen the necessary material.
- Organise a short adjournment of the hearing if required.





- Continuously liaise with the Clerk to ensure the procedure runs smoothly.
- Help to provide the support necessary where the complainant is a child.

#### 4. Complaints procedure

The Trust will seek to ensure that the complaints procedure is:

- Easily accessible and publicised on the Trust and School websites
- Simple to understand and put into practice
- Impartial and fair to all parties involved
- Respectful of confidentiality duties
- Continuously under improvement, using input from the SLTs of all individual Schools within the Trust
- Fairly investigated, by an independent person where necessary
- Used to address all issues to provide appropriate and effective responses where necessary.

The Trust's complaints procedure consists of four stages (further details of which are set out below under section 6 'Making a Complaint'):

- **Informal (Stage 1)** – a meeting between a representative of an individual School and the complainant.
- **Formal (Stage 2)** – a formal investigation/review by the Headteacher or delegated senior leader (or independent investigator e.g. Clennell Services where the Headteacher is the focus of the complaint) is undertaken. An outcome meeting is arranged where and a formal response to the complaint is given to the complainant by the investigator (normally within 15 school days).
- **LGC Panel (Stage 3)** – The Chair of Governors will convene a Panel of three governors, one of which shall be independent of the management and running of the school (i.e not a Governor from the School to which the complaint relates. The other two panel members will be formed from the Local Governing Committee (LGC) of the school. The panel will have had no prior direct involvement in the matter. The panel will hear from the complainant, read the Stage 2 report and will investigate with relevant witness(es). The appointed chair of the LGC panel will write to the complaint with the outcome of their investigation, usually within 15 school days.
- **Independent panel (Stage 4)** – Where a complainant feels that the school has not resolved their complainant, the Chair of Trustees will convene an independent Panel of at least three people who were not directly involved in the matter detailed in the complaint, and at least one of the panel members shall be independent of the management and running of the school. (NB: The DfE state that a governor from a local governing committee at a different School within the Trust, who has no conflict



of interest or prior knowledge of the complaint, can be an independent panel member for this purpose). The independent Stage 4 panel will:-

- read the Stage 2 report and Stage 3 outcome letter and any evidence provided by the Complainant;
- allow for the complainant to attend the Stage 4 panel hearing and be accompanied at a panel hearing if they so wish;
- call relevant person(s) as a witness in support of their complaint.
- the chair of the stage 4 panel will write to the complaint with the outcome of the Stage 4 investigation, setting out their findings and recommendations (normally within 15 school days). Such findings and recommendations shall be available for inspection on the school premises by the Trust and headteacher and may be provided to the person complained about were relevant and appropriate.

At each stage, complainants will be informed by the school of their options for escalation if they are unsatisfied with the outcome of their complaint. The appropriate person will communicate the details of the next stage of the process when delivering the outcome of the current stage, where applicable.

To prevent later challenge or disagreement over what was said in any in-person meetings or telephone conversations at any stage of the procedure, brief notes / minutes will be kept, and a copy of any written response will be added to the record of the complaint. Notes and paper copies of any complaints and/or responses are kept securely.



## 5. Making a complaint

### Principles

Anyone who has concerns of any kind, should first discuss the matter with a member of staff at the school (typically this will be a Form Tutor, teacher or Pastoral Leader) and, in the spirit of the DfE guidance and best practice, every effort will be made to resolve the matter informally first under stage 1 of our process.

If you are subsequently unhappy with the way your concern has been dealt with, you may wish to make a formal complaint. Details of how to make a complaint are outlined below.

The chart below summarises the complaints procedure:

Stage	Action & Outcomes
<b>Stage 1 Informal</b>	<p><b>Establish the situation/investigate/resolve</b></p> <p>The initial complaint should be submitted to a member of staff at the school. The school will ask the complainant to state the nature of their complaint using the Stage 1 Complaint Form.</p> <p>A member of staff who is not the subject of the complaint or directly involved will be assigned, impartially and objectively and keeping accurate notes, to:</p> <ol style="list-style-type: none"> <li>Meet with the complainant or contact them to establish: <ul style="list-style-type: none"> <li>What has happened so far and who has been involved.</li> <li>The nature of the complaint and what remains unresolved.</li> <li>What the complainant feels would put things right.</li> </ul> </li> <li>Interview those involved in the matter and those complained of, allowing them to be accompanied if they wish: <ul style="list-style-type: none"> <li>All efforts will be made to arrive at a fair appraisal.</li> <li>Areas of agreement and of misunderstanding will be noted.</li> </ul> </li> <li>Identify steps to resolve the issues, communicating and acting upon them in a positive, reassuring manner. These may include: <ul style="list-style-type: none"> <li>An explanation which warrants no further action.</li> <li>An apology.</li> <li>An acknowledgement that the matter could have been handled differently.</li> <li>A description of steps to be taken to ensure that it will not happen again.</li> <li>An undertaking to review school policies in light of the complaint.</li> </ul> </li> </ol> <p>If an appropriate resolution cannot be sought at this stage 1 informal level, or if the complainant is dissatisfied with the outcome following Stage 1 of this complaints policy, the person managing the response to the complaint will inform the complainant that they have the right to escalate their complaint to Stage 2.</p>
	↓
<b>Stage 2 Formal</b>	<b>Referral to Head teacher or a member of the Senior Leadership Team</b>



	<p>If the complainant is not satisfied with the outcome/process in Stage 1, the matter will be referred to the Headteacher (or designated Senior Team member) for investigation. If the complaint is submitted to the Chair of Governors, it will be passed directly to the Headteacher and a response will be sent to the complainant by the Chair of Governors to clarify that this has been done.</p> <p>In cases where the Headteacher is the subject of the complaint, the school will seek an independent investigator). The investigator will:</p> <ul style="list-style-type: none"> <li>• Acknowledge receipt of the complaint.</li> <li>• Investigate and evaluate the complaint and determine whether the process has been followed.</li> <li>• Determine through investigation/review, obtaining additional information as necessary, to determine if Stage 1 was handled appropriately, and outcomes were appropriate.</li> <li>• Decide upon further action if necessary.</li> <li>• Inform the complainant and those involved by producing a Stage 2 written report (normally within 15 school days)</li> <li>• The complainant should acknowledge in writing to the School they have received and understood the outcomes Stage 2 report.</li> </ul> <p>After reading the Stage 2 report, if the complainant still feels there are inaccuracies and/or misrepresentations within the process or if they are dissatisfied with the outcome, then he/she can write to the Chair of Governors – requesting a Stage 3 complaint LGC panel hearing. Any request for a Stage 3 hearing must be made by the complainant within 15 school days of being notified of the Stage 2 outcome.</p>
<p><b>Stage 3 LGC Panel</b></p>	<p><b>Referral to Local Governing Committee (LGC)</b></p> <p>If the complainant still feels there are inaccuracies and/or misrepresentations within the Stage 2 process, or if they are dissatisfied with the outcome, then he/she can write to the Chair of Governors of the school, giving details of the complaint and requesting a stage 3 hearing. The Chair of Governors (or a representative) will convene a Stage 3 Complaints Panel.</p> <p>Complaints must <b>not</b> be raised with the whole Local Governing Committee at any stage since this could potentially compromise the impartiality of a panel, should any internal staffing processes be required (including for example any internal staff grievance or staff disciplinary hearing).</p> <p><b>Stage 3 panel:</b></p> <ul style="list-style-type: none"> <li>• The panel will comprise three Governors. One Governor shall be independent of the management and running of the school (in accordance with DfE guidance and Part 7 of the Education (Independent School Standards) Regulations 2014).</li> <li>• A Chair will be agreed at the meeting.</li> <li>• No governor with any prior involvement or relationship with those involved may sit on the panel.</li> <li>• The hearing will be in private, and the tone will be non-adversarial.</li> </ul>



- The aim is to consider the complaint and to achieve reconciliation between the School and the complainant.
- If not possible, the Panel will establish the facts and assure the complainant that the complaint has been taken seriously.

**Protocol:**

- The complainant will be invited into school and should be available to attend within a reasonable time scale.
- The complainant may be accompanied at a panel hearing if they wish.
- Others involved (typically staff) may be invited if the Panel considers this helpful.
- The meeting will be clerked.

**Roles for Stage 3**

**The Clerk will:**

- Set the time, date and venue, normally within 15 school days of a request for a Stage 3 hearing.
- Collate relevant paperwork and send them to all parties in advance.
- Record the proceedings.
- Notify all parties of the Panel's decision.

**The Chair of Governors will:**

- Notify the Clerk to arrange the Panel.
- Check that correct procedure is followed.

**The Chair of the Panel will:**


- Explain the remit of the panel to all parties
- Check that no Panel member has had any involvement or has any vested interest.
- Maintain a tone of courtesy and respect in keeping with a Catholic School.
- Give each party the opportunity to put the case and ask questions.
- Ensure that issues are addressed.
- Identify key findings based upon fact.
- See that the Clerk notifies all parties of the Panel's decision in writing, normally within five school days of the hearing.

**Checklist for the Panel Hearing**


The panel needs to take the following points into account:

- The hearing is as informal as possible.
- Witnesses are only required to attend for that part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain the complaint, and call his/her witnesses where required.
- The Headteacher and/or Senior Team members may question both the complainant and the witnesses after they have spoken.



	<ul style="list-style-type: none"><li>• The Headteacher and/or Senior Team Members are then invited to explain the School’s actions and call any School witnesses.</li><li>• The complainant may question both the Head Teacher/Senior Team Members and the witnesses after each has spoken.</li><li>• The Panel may ask questions at any point.</li><li>• The complainant is then invited to sum up his/her complaint.</li><li>• The Headteacher is then invited to sum up the school’s actions and response to the complaint.</li><li>• The Chair explains that both parties will hear from the panel within a set time scale, normally within 5 school days.</li><li>• Both parties leave together while the panel decides on the issues.</li></ul> <p>The Chair of the panel will write to the complainant and outline outcomes/actions.</p> <p><b>Stage 3 marks the end of the process at school level</b></p> <p>After reading the Stage 3 outcome, if the complainant still feels there are inaccuracies and/or misrepresentations within the process, then he/she can write to the Trust Board requesting a Stage 4 independent panel. A stage 4 panel is concerned only with process and will only consider whether the correct protocols have been followed at stages 1 to 3.</p> <p>Any request for a Stage 4 independent panel must be made by the complainant within 15 school days of being notified of the Stage 3 outcome.</p>
	
<b>Stage 4 Independent Panel</b>	<b>Referral to the Trust</b> <b>Process</b> The Clerk to the Trust Board will record the date the escalation request was received from the complainant, acknowledge receipt of the complaint, and inform the complainant of the scheduled time and date of the Panel hearing in writing.  The meeting will usually be convened within 15 school days of the receipt of the request to proceed to Stage 4 of the Complaints procedure (or, where this is not possible, as soon as practicable thereafter). Where this is not possible, the Clerk will provide an anticipated date and ensure the complainant is kept up-to-date.  Usually, 5 school days’ notice will be given to all parties attending the Panel hearing, including the complainant. Prior to the hearing, the Clerk will write to the complainant informing them of how the review will be conducted. All parties involved will also receive a copy of this letter.



	<p><b>The panel</b> The Chair of Trustees will convene a Panel, constituted to hear the complainant.</p> <ul style="list-style-type: none"> <li>• The panel will consist of at least three individuals who were not previously directly involved in the matters detailed in the complaint.</li> <li>• The panel will select its Chair.</li> <li>• Where the complaint concerns an individual School or staff member, the Panel member will have no clear connection with that School, such as having conducted work for the school. In line with the DfE/ESFA's guidance, a local governor serving on the Local Governing Committee of a different School within the Trust may occupy this role, as they will be sufficiently separate from the school being complained about (which meets the DfE guidance and legislation that one panel member is independent of the management and running of the school).</li> </ul> <p><b>The hearing</b> At the hearing, all participants will be given the opportunity to put their case across and discuss any issues. The meeting will allow for:</p> <ul style="list-style-type: none"> <li>• The complainant to be present and accompanied at the hearing if they wish.</li> <li>• The complainant to explain their complaint and the individual handling the complaint to explain the reasons for their decision.</li> <li>• The complainant to question the individual handling the complaint, and vice versa, about the complaint.</li> <li>• Any evidence, including witnesses who have been prior approved by the chair of the Panel, to be questioned.</li> <li>• Members of the Panel to question both the complainant and the individual about whom the complaint was made.</li> <li>• Final statements to be made by both parties involved.</li> </ul> <p>Neither the complainant nor the Trust will bring legal representation to this hearing, unless in exceptional circumstances, where this will be agreed beforehand by the Trust. A member of staff who may be a witness to the complaint can bring a union or legal representative or colleague for support if desired; this will be agreed before the hearing.</p> <p>The complainant will receive a written response explaining the outcome and Panel's findings and recommendations, usually within 15 school days (or, where this is not possible, as soon as practicable thereafter). The Panel findings and recommendations will be made available for inspection by the Board of Trustees.</p>
	
<p><b>ESFA</b></p>	<p>A complaint to the ESFA is the final option for a complainant where they feel there has been a failure to follow the Trust's complaints processes. Further details can be found in Section 16 of this policy.</p>



### **Additional guidance/notes:**

In line with DfE guidance, complainants should note that any acknowledgement by the School (or Trust) that it could have handled the situation better, is not an admission of unlawful or negligent action.

Where a complaint is being made about a member of staff, the complainant should discuss the concern with a member of the school's leadership team. Where a complaint is made initially to a Governor or Trustee, the complainant will be referred by them to the appropriate person within the school/Trust. No member of staff or Trustee will act alone on a complaint outside of the procedure; if they do, they cannot be involved if the complaint is subject to a hearing at a later stage of the procedure.

If the complaint is against the Headteacher of a School within the Trust, the complainant will initially need to write, in confidence, to the Chair of the School's Local Governing Committee. The Chair will seek to resolve the issue informally, e.g. by arranging a meeting with the complainant usually within 15 school days (or, where this is not possible, as soon as practicable thereafter), before moving directly to Stage 3 of the procedure.

Where the appropriate person has made reasonable attempts to accommodate the complainant with dates for a complaint meeting and they refuse or are unable to attend, the meeting will be convened in their absence and a conclusion will be reached based on written evidence alone, in the interests of drawing the complaint to a close within a timely manner.

In terms of a complaint being made against a member of Trust staff, the Chief Operating Officer will discuss the issue with the staff member in question. Where necessary, the COO will conduct interviews with any relevant parties, including witnesses, and will take statements from those involved as necessary and appropriate. All discussions shall be recorded by the COO, and findings and resolutions will be communicated to the complainant either verbally or in writing.

A complainant may be provided with copies of reports and panel findings, subject to any necessary redactions under the Data Protection Act 2018 and the UK GDPR. Any further action the Trust plans to take to resolve the issue will be explained to the complainant in writing.

### **6. Resolving complaints**

At each stage of the complaints procedure, the Trust is committed to resolving the complaint wherever possible. Where appropriate, the Trust will acknowledge that the complaint is upheld in whole or in part, and may offer one of the following:

- An explanation
- Mediation (BBCET schools work with Clennell Solutions to offer independent support)
- An admission that the situation could have been handled better
- An assurance that the Trust will try and ensure the incident will not occur again





- An outline of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which changes will be made
- An undertaking to review Trust policies in light of the complaint
- An apology

## **7. Withdrawal of a complaint**

Where a complainant wishes to withdraw their complaint, the Trust will ask them to confirm this in writing. Despite the complaint having been withdrawn, the Trust and School will still take the complainant's complaint seriously and take any steps considered reasonably necessary in relation to the complaint. The Trust and School will not under any circumstances ask, or pressure an individual, to withdraw a complaint.

## **8. Record keeping**

A written record will be kept of all complaints that are made, regardless of the stage at which they are resolved, including any action taken by the Trust as a result of those complaints whether they are upheld or not.

All correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or an inspectorate requests access to them.

Schools are data controllers in their own right and must decide for themselves how long to keep records, unless statutory regulations apply. The Trust and its schools will retain records of complaints and related documents in line with the BBCET Data Protection Policy and Retention Policy. Personal data will only be kept for as long as necessary.

## **9. Interviewing witnesses**

When interviewing pupils to gather information regarding a complaint, the interview should usually be conducted in the presence of another member of staff or, in the case of serious complaints, e.g. where the possibility of criminal investigation exists, in the presence of their parents. All pupils interviewed will be made fully aware of what the interview concerns and their right to have someone with them.

The Trust will ensure that the conduct of interviews does not prejudice an LA designated officer's (LADO) or police investigation. It may be necessary to pause or adjourn a complaints process, to avoid prejudice to external investigation processes.

The Trust understands the importance of ensuring a friendly and relaxed area which is free from intimidation. Staff are allowed a colleague or trade union representative to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager. The interviewer will not express opinions in words or attitude, so as to not influence the interviewee. The interviewee will be asked to sign a copy of the transcription of the interview.

## **10. Recording a complaint**



A written record shall be kept of any complaint made, whether made via phone or in writing, detailing:

- The main issues raised, the findings and any recommendations.
- Whether the complaint was resolved following an informal route, formal route or Panel hearing.
- Actions taken by the Trust as a result of the complaint (regardless of whether the complaint was upheld).
- a copy of any panel findings and recommendations (Stage 3 / Stage 4) will be provided to the complainant and, where relevant, the person complained about; and available for inspection on the school premises by the proprietor and the headteacher.



## 11. Managing unreasonable complaints

The Trust and its schools are committed to dealing with all complaints fairly and impartially, providing a high-quality service to those who complain. The Trust will not normally limit the contact complainants have with the Trust itself or any of its schools; however, the Trust does not expect staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

For the purposes of this policy, “**unreasonable complaints**” include:

- Vexatious complaints, which:
  - Are obsessive, persistent, harassing, prolific, or repetitious.
  - Insist upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason.
  - Insist upon pursuing meritorious complaints in an unreasonable manner.
  - Are designed to cause disruption or annoyance.
  - Demand for redress which lacks any serious purpose or value.
- Serial or persistent complaints, which are:
  - duplicated, sent by the same complainant once the initial complaint has been closed.
  - new complaints that are submitted additionally, as part of an existing open complaint, by the same complainant.

A complaint may also be regarded as unreasonable when 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 cooperate with the complaints investigation process while still wishing their complaint to be resolved.
- Refuses to accept that certain issues are not within the scope of a complaints procedure.
- Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Introduces trivial or irrelevant information which they expect to be taken into account and commented on, or 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 Trust's complaints procedure has been fully and properly implemented and completed, including referral to the ESFA.
- Seeks an unrealistic outcome.
- Makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the complainant:

- Acts maliciously or aggressively.
- Uses threats, intimidation or violence.
- Uses abusive, offensive or discriminatory language.
- Knows the complaint to be false.
- Uses falsified information.
- Publishes unacceptable information in media such as social media websites and newspapers.

The above applies regardless of the method the complaint is made, e.g. face-to-face, by telephone, in writing or electronically.

Complainants should limit the number of communications with the Trust while a 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 member of staff, local governor or trustee leading the response to a complaint will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

Serial or persistent complaints will only be marked as 'serial' once the complainant has completed the complaints procedure. It is the complaint that will be marked as 'serial', meaning the complainant can complain about a separate issue if necessary.

If the behaviour continues, the individual handling the complaint will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the Trust or any of its Schools causing a significant level of disruption, the Trust may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after six months.

A decision to stop responding will only be considered in circumstances where the following statements are true:



- Every reasonable step has been taken to address the complainant's concerns
- The complainant has been given a clear statement of the Trust's position and their options
- The complainant contacts the Trust or any of its Schools repeatedly, making substantially the same points each time

If the above criteria are met, in making a decision to stop responding, the Trust will also consider if the complainant is often abusive or aggressive in their communication, makes insulting personal comments about or threats towards staff, or if the Trust believes their intent is to disrupt or inconvenience the Trust or its Schools.

The Trust will not stop responding to a complainant on the basis that they are difficult to deal with or they ask complex questions.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the premises.

## **12. Complaints campaigns**

Where the Trust becomes the subject of a complaints campaign from complainants who are not connected with the Trust, a standard, single response may be published.

If the Trust receives a large number of complaints about the same subject from complainants who are connected to the Trust, for example parents, then each complainant will receive an individual response.

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

## **13. Barring from the premises**

School and Trust premises are private property and therefore any individual may be barred from entering the premises.

If an individual's behaviour is cause for concern, the Headteacher of the relevant School and/or member of the Trust's executive leadership will ask the individual to leave the premises.

The Headteacher/Executive leader will notify the parties involved in writing, explaining that their implied licence for access to the premises has been temporarily revoked and why, subject to any representations that the individual may wish to make. The individual involved



will be given the opportunity to formally express their views regarding the decision to bar them.

Anyone wishing to make a complaint regarding a barring order can do so in writing, including via email, to the Headteacher or Chair of Governors or Trustees (as appropriate to the premises involved).

#### **14. Availability of this policy**

An electronic or paper copy of this policy will be made available on request. It is also published on the Trust and all BBCET school websites.

#### **15. Monitoring and Review**

The complaints procedure will be reviewed annually, taking into account any legislative changes and the latest guidance issued by the DfE or ESFA.

Responsibility for reviewing the procedure belongs to the Finance & Resources committee of the Board of Trustees. All projected review dates will be adhered to.

Information gathered through reviewing the complaints procedure will be used to continuously improve and develop the process.

The monitoring and reviewing of complaints will be used to help evaluate each School's performance, and the performance of the Trust as a whole.

#### **16. DfE/ESFA complaints**

If a complainant remains dissatisfied once the complaint procedure has been completed, they have the right to refer their complaint to the Secretary of State. If a complainant wishes to escalate a complaint, the Trust will refer them to the relevant contact details (available at the end of this policy), and prompt them to follow the instructions on this form to submit a complaint to the Secretary of State.

The DfE/ESFA will not overturn the Trust or panel's decision about a complaint or re-investigate the original complaint. The DfE/ESFA will only intervene following a complaint if it believes the Trust has:

- breached a clause in its funding agreement; or
- failed to comply with education law or acted unreasonably when exercising related education functions.



When making a final decision about a complaint, the Trust reserves the right to seek advice from the DfE/ESFA on whether they are acting reasonably and lawfully; however, they will not be able to advise on how to resolve the complaint.

A complainant may submit a complaint to the DfE via:

[Contact the Department for Education - Contact type - DfE Online Forms](#)

The DfE expects complainants to have completed the Trust'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 progressed through the Trust's complaints procedure.
- The ESFA has evidence that the Trust is proposing to act or is acting unlawfully or unreasonably.

If a social services authority decides to investigate a situation, the Board of Trustees may postpone the complaints procedure.

## 17. Definitions

The following definitions provided by the DfE are used in this policy: -

- **"Complaint"** is defined as 'an expression of dissatisfaction' towards the actions taken or a perceived lack of action. Complaints can be resolved formally or informally.
- **"Concern"** is defined as 'an expression of worry or doubt' where reassurance is required. For the purpose of this policy, concerns will be classed and addressed as complaints.
- The definition of **"unreasonable complaints"** is outlined in the Managing unreasonable complaints section of this policy (see below).
- **"Duplicate complaints"** are identical complaints received from a complainant's spouse, partner or child. These complaints will not be addressed again and the individual making the second complaint will be informed that the complaint has been dealt with on a local level. If the individual is dissatisfied with the result, they can appeal to the ESFA, as outlined in the role of the ESFA section of this policy. Any new details provided by a complainant's spouse, partner or child, however, will be investigated and managed in line with the complaints procedure.
- **"Complaints campaigns"** are where the Trust, or a School within the Trust, receives large volumes of complaints that are all based on the same subject.



- Having “**independence**” from the Trust and its schools is defined as having no association with the Trust, including through being a member, trustee or employee, and having no clear connection with any of the Trust’s schools, including through being an employee or solicitor. Independent panel members will meet the Trust’s and ESFA’s definition of independence.





Annex – Complaint Forms

**Notification of Stage 1 Complaint**

Please complete and return to the Headteacher’s PA, **xxxxxxxxxxxxx**, via the email address **xxxxxxxxxx**, who will acknowledge receipt and explain how this matter will be dealt with.

<b>Your name:</b>	<b>Student’s name:</b>	<b>Year Group:</b>
<b>Your relationship to the student:</b>		
<b>Address:</b>		
<b>Day time telephone number:</b>		
<b>Evening telephone number:</b>		
<b>Please give details of your complaint:</b>  Continue over leaf or write on a separate sheet if preferred		
<b>What action, if any, have you already taken to try and resolve your complaint? (Who did you speak to and what was the response)?</b>		
<b>What actions do you feel might resolve the problem at this stage?</b>		
<b>Are you attaching any paperwork? If so, please give details:</b>		
<b>Signature:</b>	<b>Date:</b>	

<b>For School use only</b>
<b>Date acknowledgement sent:</b>
<b>By whom:</b>
<b>Complaint referred to:</b>
<b>Date:</b>



### Notification of Stage 2 Complaint

Please complete and return to the Headteacher's PA, xxxxxxxxxxxx, via the email address xxxxxxxxxxxx, who will acknowledge receipt and explain how this matter will be dealt with.

<b>Your name:</b>	<b>Student's name:</b>	<b>Year Group:</b>
<b>Your relationship to the student:</b>		
<b>Address:</b>		
<b>Day time telephone number:</b>		
<b>Evening telephone number:</b>		
<p><b>Please give details of your Stage 2 complaint and why you feel process has not been followed in Stage 1.</b></p> <p><b>Continue over leaf or write on a separate sheet if preferred</b></p>		
<b>What actions do you feel might resolve the problem at is Stage 2?</b>		
<b>Are you attaching any paperwork? If so, please give details:</b>		
<b>Signature:</b>	<b>Date:</b>	

<p><b>For School use only</b></p> <p><b>Date acknowledgement sent:</b></p> <p><b>By whom:</b></p> <p><b>Complaint referred to:</b></p> <p><b>Date:</b></p>
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### Notification of Stage 3 Complaint

Please complete and return to the Headteacher's PA, xxxxxxxxxxxx, via the email address xxxxxxxxxxxx, who will acknowledge receipt and explain how this matter will be dealt with.

<b>Your name:</b>	<b>Student's name:</b>	<b>Year Group:</b>
<b>Your relationship to the student:</b>		
<b>Address:</b>		
<b>Day time telephone number:</b>		
<b>Evening telephone number:</b>		
Please confirm you have read the Stage 2 Report and have acknowledged in writing to xxxxxxxx (via email) you have read and understood this report and its outcomes.		
Continue over leaf or write on a separate sheet if preferred		
<b>What actions do you feel might resolve the problem at Stage 3?</b>		
<b>Are you attaching any paperwork? If so, please give details:</b>		
<b>Signature:</b>	<b>Date:</b>	

<b>For School use only</b>
<b>Date acknowledgement sent:</b>
<b>By whom:</b>
<b>Complaint referred to:</b>
<b>Date:</b>

## Notification of Stage 4

### Bishop Bewick Catholic Education Complaints Procedure Form

If you have tried unsuccessfully to resolve your complaint through Stages 1- 3 and wish to take the matter further with the Trust, please complete this form and send it to Nick.Sanders@bbcet.org

If your complaint is against the Trust's Chief Executive, you will need to send the form to the Chair of Trustees. In such a case, please mark your email FAO: Chair of Trustees and send to Nick.Sanders@bbcet.org

<b>Name:</b>	
<b>Address:</b>	
<b>Telephone number:</b>	
<b>Email:</b>	
If applicable <b>The school your child attends:</b>	
Does this Stage 4 complaint follow the outcome of a Stage 3 complaint? Y/N	
If no, please explain why you are writing directly to BBCET before discussing your complaint/concerns with the school	
<b>Details of your complaint</b>	
Please outline your complaint	
What actions have you taken so far to resolve the issue?	
What actions/outcome would you like?	
Signed:	Date: