



**THE BAY  
LEARNING TRUST**

## **Complaints Policy Statement**

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## Document Control

<b>This document has been approved for operation within:</b>	<b>All Trust Establishments</b>
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## The Bay Learning Trust Complaints Policy Statement

### Contents

Section	Contents
1.	Compliance
2.	About the Policy
3.	Who this Policy Applies to
4.	Stage One - Informal
5.	Stage Two – Formal Complaint
6.	Stage Three - Complaint
7.	Stage Four - Complaint
8.	Unreasonably persistent complaints
9.	Duplicate complaints
10.	Complaints campaigns
11.	Record keeping
12.	Complaints to the Education and Skills Funding Agency
Appendix one	Stage Two Complaint Form
Appendix two	Stage Three Complaint Form

1. Compliance
  - 1.1 This complaints policy statement has been drafted with regard to the following statutory provisions and guidance: -
    - 1.1.1 This document meets the requirements of section 29 of the Education Act 2002, which states that schools must have and make available a procedure to deal with all complaints relating to their academy and to any community facilities or services that the school provides.
    - 1.1.2 Education (Independent School Standards) (England) Regulations 2014
    - 1.1.3 Education and Skills Funding Agency's guidance, "Best practice guidance for academies complaints procedures" 12 March 2021
    - 1.1.4 This policy complies with our funding agreement and articles of association.
2. **About this Policy**
  - 2.1 **The Bay Learning Trust** ("the Trust") is committed to attaining and maintaining the highest standards achievable. The following Academies are part of the Trust: Carnforth High Academy, Central Lancaster High Academy, Morecambe Bay Academy and Ripley St Thomas C of E Academy. Each of our academies adopts this complaints policy for complaints at a local level and also for those relating to the Trust and its personnel.
  - 2.2 There can be occasions when matters fall short of the required standard. This complaints policy has been prepared to allow those with issues to raise them with the relevant Academy or Central Team, and provides a set of stages for how complaints will be dealt with in an efficient and fair way. This policy also sets out how a complainant may raise concern or a complaint with Trust personnel.
  - 2.3 Complainants must raise a complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. The relevant Academy or the Trust (as the case may be) may consider complaints made outside of this time frame only if exceptional circumstances apply.
  - 2.4 There are four stages to this complaints policy. It is our aim to ensure that the vast majority of complaints raised are dealt with informally at Stage One.
  - 2.5 In the event that the complaint cannot be resolved at an informal level, this policy sets out a formal procedure for complaints to be investigated and resolved.
  - 2.6 "Academy days" means an Academy day during term time and does not include inset days, weekends, bank or public holidays or any other days that are outside term time. For the avoidance of doubt and ease of operation, complaints about the Trust will also be subject to Academy days.

- 2.7 Whilst this policy permits a complainant to be joined by a representative at any stage two, stage three or stage four meeting, legal representation is discouraged.
- 2.8 Anonymous complaints will not be accepted. However, the person responsible for determining the complaint at stage two may determine that the information provided warrants an investigation outside of this complaints policy.
- 2.9 All parties must observe mutual dignity and respect throughout the complaints policy's procedures.

### **3. Who this policy applies to**

- 3.1 This policy applies to parents and individuals who have a complaint regarding the pupils, employees, governors, trustees, premises of the relevant Academy, whether he/she is a parent or guardian of a pupil, or a member of the Academy's local community ("the Complainant").
- 3.2 This policy does not apply to complaints arising from:
  - 3.2.1 admissions;
  - 3.2.2 child protection and safeguarding investigations;
  - 3.2.3 exclusions;
  - 3.2.4 academy re-organisation proposals;
  - 3.2.5 services provided by third party suppliers/contractors who may use the Trust's premises;
  - 3.2.6 employee grievances and disciplinary procedures;
  - 3.2.7 statutory assessment of special educational needs; and,
  - 3.2.8 Whistleblowing.
- 3.3 We reserve the right to reject a vexatious complaint. Vexatious complaints may be characterised (but are not limited to) the following:
  - 3.3.1 complaints which are obsessive, persistent, harassing, prolific, repetitious;
  - 3.3.2 insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason;
  - 3.3.3 insistence upon pursuing meritorious complaints in an unreasonable manner;
  - 3.3.4 complaints which are designed to cause disruption or annoyance; and/or

- 3.3.5 The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.

We will consider exceptions to this timeframe in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

When complaints are made out of term time, we will consider them to have been received on the first academy day after the holiday period.

If at any point we cannot meet the timescales we have set out in this policy, we will:

- Set new time limits with the complainant
- Send the complainant details of the new deadline and explain the delay

#### 4. **Stage One - informal**

##### **Before You Proceed; have you attempted to resolve the issue informally by contacting the person/department concerned?**

- 4.1 The Complainant should first approach the class teacher of the pupil concerned or alternatively another member of the relevant Academy's employees or Trust personnel if the complaint is not Academy specific ("Member of Staff"). If the Complainant is not a parent or guardian of a pupil, he/she should direct his/her complaint to the Executive Headteacher/Headteacher or the CEO of the Trust as applicable.
- 4.2 The Complainant may raise his/her complaint in person, by telephone or in writing.
- 4.3 The Complainant should be prepared to give details of the circumstances which have given rise to the complaint that he/she wishes to raise, and express how he/she would like the matter to be dealt with or how he/she sees a resolution being achieved. It may be necessary to put these details in writing ("the Complaint").
- 4.4 The Complainant will receive an acknowledgement of the complaint in writing within five Academy days.
- 4.5 There may be some occasions where the Complaint can be resolved on the spot. If that is achievable, details of the concern and the resolution will be recorded by the Member of Staff for monitoring purposes.
- 4.6 There may be some complaints which require further enquiries, with accounts being taken from other parties involved. The Member of Staff dealing with the Complaint at Stage One will make a record of the issues raised, and will carry out those enquiries. The Member of Staff shall endeavour to conclude the enquiries within ten Academy days from the date when the Complaint was made.
- 4.7 Once the enquiries have been concluded, the Member of Staff will contact the Complainant and provide:

- 4.7.1 a summary of his/her understanding of the Complaint raised;
- 4.7.2 a summary of the information which he/she has discovered as part of his/her Stage One enquiries (if required to be undertaken);
- 4.7.3 provide a response to the Complaint and an explanation as to how the response has been reached;
- 4.7.4 confirm whether any action is to be taken; and,
- 4.7.5 confirm that the matter will be logged and that a record will be retained to ensure that steps can be taken to avoid the issue arising again.

## 5. **Stage Two – formal complaint**

**The complainant puts their concern in writing using the Stage 2 Complaints Form, found at the end of this Policy within five Academy days of being notified of the outcome of Stage One.**

- 5.1 If the Complainant is not satisfied that the matter has been resolved at Stage One, he/she can progress his/her Complaint to the formal procedure under Stage Two (“Stage Two Complaint”).
- 5.2 The Complainant will be required to complete the Stage Two Complaint form. A copy of the form is attached at appendix one of this policy. When the Complainant has raised an issue with completing the **Stage Two Complaint Form** then we will make reasonable adjustments if required under equality law.
- 5.3 The completed form should be addressed to the Executive Headteacher/Headteacher of the relevant Academy. If the Complaint concerns the Executive Headteacher/Headteacher, the form should be addressed to the Chair of the Local Governing Board marked ‘private and confidential’.
- 5.4 For Stage Two Complaints which relate to the Trust, the Stage Two Complaint Form should be directed to the CEO. In the event that the complaint is about the CEO the form should be addressed to the Chair of Trustees.
- 5.5 Complainants which fail to properly particularise a complaint may be rejected. We will invite complainants to address any lack of detail or information to allow for the complaint to be considered prior to making a decision to reject a complaint.
- 5.6 The Stage Two Complaint form will be acknowledged in writing within five Academy days.
- 5.7 The Letter of Acknowledgement will provide:
  - 5.7.1 the contact details of the person dealing with the Complaint at Stage Two; and,
  - 5.7.2 specify that the Complaint will be investigated within ten Academy days of the written acknowledgement of receipt of your Stage 2 Complaint.

- 5.8** During the Stage Two Investigation, the Complainant is required to keep the details of the Complaint private and confidential. This is to enable a just and fair investigation to be undertaken. Any steps taken by the Complainant which do not preserve the confidentiality of the Complaint may undermine the efficiency and effectiveness of the Stage Two Investigation and could require separate action to be taken to address any such breach of confidentiality.
- 5.9** The applicable decision maker at Stage Two is entitled to delegate the Stage Two investigation to another senior Member of Staff or, if applicable, a Local Governor or Trustee, so long as he/she has not been involved with the Complaint at Stage One or in any other way (“the Investigating Officer”).
- 5.10** In the event that the Stage Two Complaint is about the Executive Headteacher/Headteacher, Executive Director, Chair of the Local Governing Board, CEO or Chair of Trustees or if any of the aforementioned has dealt with the matter at Stage One, the Stage Two Complaint will be dealt with by another member of the relevant Executive team, another member of the Local Governing Board or Trust Board, whichever is deemed to be more appropriate in the circumstances.
- 5.11** The Complainant may be invited to attend a meeting with the person appointed to deal with the Complaint at Stage Two to discuss the Stage Two Complaint (“Stage Two Meeting”).
- 5.12** If deemed necessary to hold a Stage Two Meeting we will endeavour to arrange it within ten Academy days.
- 5.13** The Complainant will be entitled to be accompanied at the Stage Two Meeting by one of the following:
- 5.13.1** a relative;
  - 5.13.2** a friend; or,
  - 5.13.3** a representative
- 5.14** At the conclusion of the Stage Two Investigation a decision regarding the Stage Two Complaint will be issued to the Complainant. The decision will be confirmed in writing. The outcome will be shared with all relevant parties.
- 5.15** If a Stage Two Meeting is held minutes will be taken by an appropriate person that we appoint.
- 5.16** A record of the Stage Two Complaint, along with any documentation prepared during the Stage Two Investigation, and (if applicable) the Stage Two Meeting minutes, will be retained by the relevant Academy or central Trust team for six years (as applicable).

## **6. Stage Three – complaint**

- 6.1** If the Complainant is not satisfied with the outcome at the conclusion of Stage Two, he/she may progress the Complaint to Stage Three (“the Stage Three Complaint”).



- 6.2** The Complainant will be required to send the following, in writing, by post or by e-mail to the Clerk of Local Governors or Clerk of the Trust Board, as applicable (“the Clerk”) to request that the Complaint be dealt with at Stage Three. (Contact details for the Clerk will be available from the relevant Academy or from the Trust central office, as applicable).
- 6.2.1** A copy of the stage 2 complaint form
- 6.2.2** A stage 3 complaints form which provides an outline of why you feel the academy has not met reasonable expectations in relation to your complaint and what resolution you would like
- 6.3** You will receive an acknowledgement of your complaint, in writing, within five Academy days.
- 6.4** An investigation will be carried out by the Executive Headteacher/Headteacher or Member of the Executive team provided that they have not been involved up to this point, in which case another suitable individual will undertake the investigation.
- 6.5** Any complaint relating to the Executive Headteacher/Headteacher or Member of the Executive team, that was investigated by the Governing Body at Stage 2, will be investigated by the Chair (or Vice Chair) of Trustees; Likewise, any complaint regarding the Chair of Governors or a member of the Governing Body will be investigated by the Chair (or Vice Chair) of Trustees.
- 6.6** The Complainant may be invited to attend a meeting with the person appointed to investigate the Stage Three Complaint to discuss matters further. (“Stage Three Meeting”). For the avoidance of doubt, the arrangement of a Stage Three Meeting is entirely at the discretion of the person appointed to deal with the Stage Three Complaint.
- 6.7** The Complainant will not be entitled to be accompanied at the Stage Three Meeting without the prior permission of the appointed person.
- 6.8** If a Stage Three Meeting is held, the Complainant will be able to put forward their Complaint in order to assist the appointed person to consider the issues before making a determination.
- 6.9** Minutes of the Stage Three Meeting will be taken by an appropriate person who we appoint.
- 6.10** The investigator will put their findings, including any resulting actions, in writing and communicate them to the complainant. Whenever reasonably possible, this will be done within 15 academy days of the meeting with the complainant; should more time than this be required, the complainant will be notified of the likely timeframe for receiving a response.
- 6.11** If the Complainant is not satisfied with the outcome at the conclusion of Stage Three they may progress the Complaint to Stage Four.

## **7. Stage Four - complaint**

- 7.1** The Stage Four Complaint will be considered by a complaints panel (“the Panel”).

- 7.2** The Panel will have three members:
- 7.2.1** two members from the Local Governing Board or the Trust Board, as the case may be, who have had no involvement with the Stage Three Complaint at Stage One or Stage Two; and
  - 7.2.2** one independent member who has no involvement with the management and running of the applicable Academy. In the event that the complaint is about the Trust, a member independent of the Trust shall be appointed.
- 7.3** Within five Academy days of a written request for the Complaint to be considered at Stage Four, the Clerk will acknowledge the request in writing and will endeavour to arrange for a meeting of the Panel to take place within 15 Academy days (“the Panel Meeting”).
- 7.4** The Complainant will be entitled to be accompanied at the Panel Meeting by one of the following:
- 7.4.1** a relative
  - 7.4.2** a friend; or,
  - 7.4.3** a representative, (non-legal)
- 7.5** For the purpose of this section the party which is the subject of the Stage Four Complaint will be referred to as the ‘Respondent’
- 7.6** The Complainant and the Respondent will be entitled to submit any relevant documentation for the Panel’s consideration. The documentation must be submitted to the Clerk five clear Academy Days before the date of the Panel Meeting.
- 7.7** The Complainant and the Respondent must provide copies to each other of any documents submitted for the Panel’s consideration three clear Academy days before the Panel Meeting.
- 7.8** The Complainant and the Respondent will also be entitled to call any witnesses which each may reasonably require in order to support their submissions to the Panel. Details of the witnesses must be provided to the Clerk and other party three clear Academy days before the Panel Meeting.
- 7.9** The Panel Chair shall have an absolute discretion as to whether the Panel will consider any party’s documents or hear witnesses where there has been non-compliance with either paragraphs 6.6, 6.7 or 6.8 of this policy.
- 7.10** Minutes of the Panel Meeting will be taken by the Clerk.

- 7.11** At the Panel Meeting, the Chair of the Panel will explain how the Panel Meeting will be structured. The Panel will invite the Complainant to outline the Complaint, to refer the Panel to any of the documents submitted in compliance with paragraphs 6.6 and 6.7, and to call on any witnesses he/she has identified in accordance with paragraph 6.8 of this policy statement. The Complainant will be entitled to put questions to his/her witnesses. The Respondent and the Panel will also have the right to put questions to the Complainant's witnesses once the Complainant has concluded his/her questions.
- 7.12** The Respondent will be invited to make its submissions once the Complainant has concluded his/her submissions to the Panel.
- 7.13** The Panel will invite the Respondent to outline its response to the Complaint, to refer the Panel to any of the documents submitted in compliance with paragraphs 6.6 and 6.7 above, and to call on any witnesses it has identified in accordance with paragraph 6.8 of this policy statement. The Respondent will be entitled to put questions to its witnesses. The Complainant and the Panel will also have the right to put questions to the Respondent's witnesses once the Respondent has concluded its questions.
- 7.14** When the Panel has heard the Complainant's and the Respondent's submissions, it will be entitled to adjourn to consider its decision.
- 7.15** If the Panel is able to, it will deliver its decision at the conclusion of the Panel Meeting. A copy of the decision will be provided in writing within five Academy days to the Complainant and the Respondent.
- 7.16** If the Panel is unable to reach a decision at the conclusion of the Panel Meeting, it will be entitled to adjourn the Panel Meeting and to deliver its decision in writing to the Complainant and the Respondent within ten Academy days. The outcome will also be delivered to any other relevant party as the Chair of the Panel deems necessary.

### **The Outcome**

The committee can:

- Uphold the complaint, in whole or in part
- Dismiss the complaint, in whole or in part

If the complaint is upheld, the committee will:

- Decide the appropriate action to resolve the complaint

Where appropriate, recommend changes to the academy's systems or procedures to prevent similar issues in the future.

- 7.17** A record of the Stage Four Complaint, along with documentation submitted to the Panel, and the Panel Meeting minutes, will be retained by the relevant Academy for six years.

## **8. Unreasonably persistent complaints**

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- Has made the same complaint before, and it's already been resolved by following the academy's complaints procedure
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure, beyond all reason
- Pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refuses to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the timeframes it sets out
- Makes a complaint designed to cause disruption, annoyance or excessive demands on academy time
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value

## 8.1 Steps we will take

We will take every reasonable step to address the complainant's concerns, and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

If the complainant continues to contact the academy in a disruptive way, we may put communications strategies in place. We may:

- › Give the complainant a single point of contact via an email address
- › Limit the number of times the complainant can make contact, such as a fixed number per term
- › Ask the complainant to engage a third party to act on their behalf, such as [Citizens Advice](#)
- › Put any other strategy in place as necessary

## 8.2 Stopping responding

We may stop responding to the complainant when all of these factors are met:

- › We believe we have taken all reasonable steps to help address their concerns
- › We have provided a clear statement of our position and their options
- › The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

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 our academy site.

## **9. Duplicate complaints**

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.

**9.1** If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and that the local process is complete
- Direct them to the DfE if they are dissatisfied with our original handling of the complaint

**9.2** If there are new aspects, we will follow this procedure again.

## **10. Complaints campaigns**

Where the academy receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the academy, the academy may respond to these complaints by:

- Publishing a single response on the academy website
- Sending a template response to all of the complainants

If complainants are not satisfied with the academy's response, or wish to pursue the complaint further, the normal procedures will apply.

## **11. Record keeping**

**11.1** As stated in this policy statement, records of concerns and complaints will be kept for monitoring and inspection purposes.

**11.2** Records will include outcomes, relevant documents and any actions taken as a result of the concern or complaint being raised.

**11.3** Records will be kept secure and confidential. However, there may be occasions when there is a legal obligation to permit a third party to inspect the records or for them to be provided as evidence to relevant agencies or in judicial proceedings.

## **12. Complaints to the Education and Skills Funding Agency**

If the complainant is unsatisfied with the outcome of the academy's complaints procedure, they can refer their complaint to the Education and Skills Funding Agency (ESFA). The ESFA will check whether the complaint has been dealt with properly by the academy. The ESFA will not overturn an academy's decision about a complaint, but will intervene if a academy or trust has:

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

If the academy's complaints procedure is found to not meet regulations, the academy will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage:

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

We will include this information in the outcome letter to complainants.

**12.1** Preferably, the Complainant should put the Complaint to the ESFA in writing.

**12.2** The Complaint can be submitted electronically using the enquiries form on the ESFA's website, or alternatively by sending it to the address below:

ESFA – Academies Complaint and Customer Insight Unit  
Cheylesmore House  
Quinton Road  
Coventry  
CV1 2WT

**Appendix One**

**[Academy]**

**Stage Two Complaint Form**

<b>Name of Complainant</b>	
<b>Complainant's Address</b>	
<b>Complainant's contact number</b>	
<b>Relationship to [Academy/Trust]</b>	
<b>Name of Pupil [if appropriate]</b>	
<b>Reason for complaint</b>	

<b>Details of complaint to be considered/investigation)</b>



The Stage Two Complaint Form should be completed and sent to the Executive Headteacher/Headteacher of the relevant Academy. In the event that the complaint is about the Executive Headteacher/Headteacher, the form should be submitted for the attention of the Chair of the Governing Board. Should the complaint be about the Trust generally the form should be sent to the Clerk to the Trust Board.



**Appendix Two**

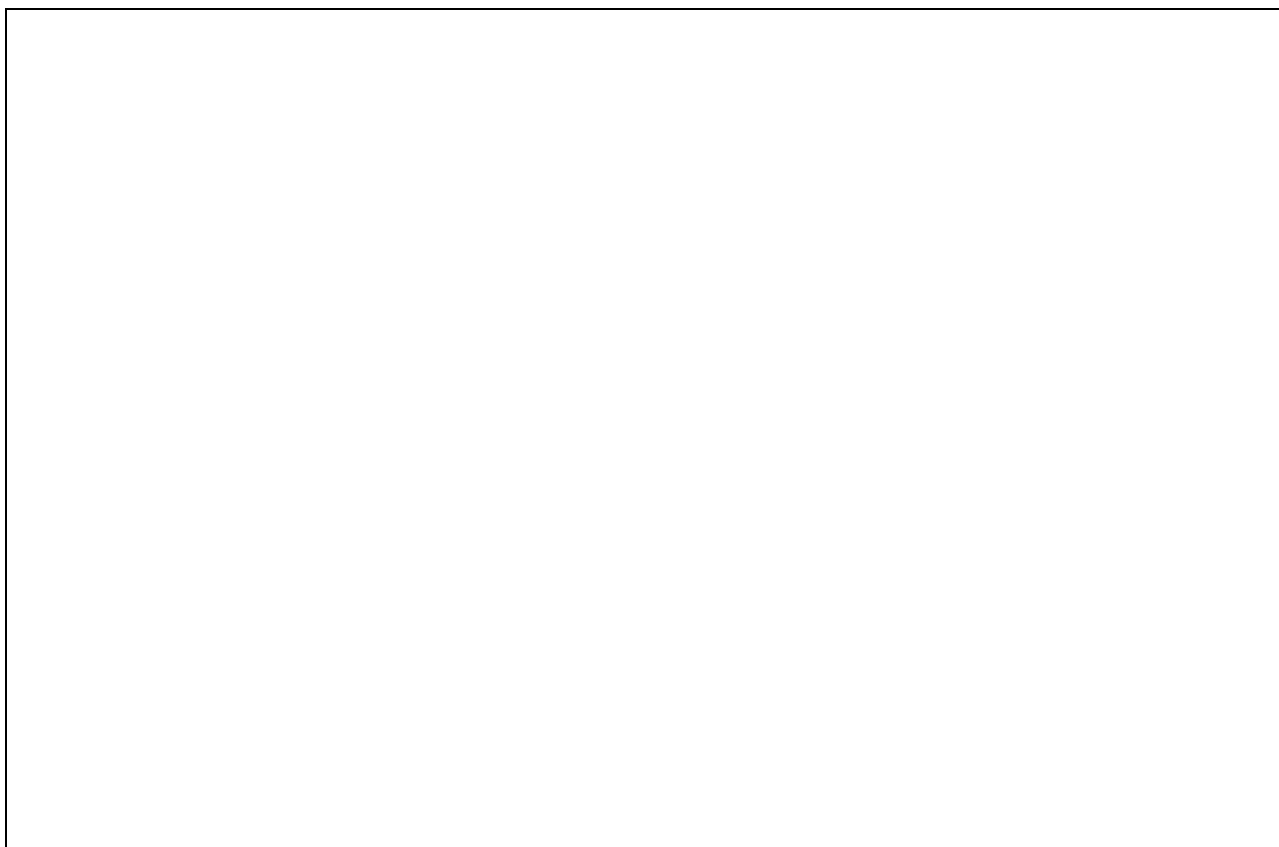
**[Academy]**

**Stage Three Complaint Form**

<b>Name of Complainant</b>	
<b>Complainant's Address</b>	
<b>Complainant's contact number</b>	
<b>Relationship to [Academy/ Trust]</b>	
<b>Name of Pupil [if appropriate]</b>	
<b>Reason for complaint</b>	

**Outline in detail the reasons why the complainant is not satisfied with the Stage Two outcome**

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The Stage Three Complaint Form should be completed and sent to the Clerk of Local Governing Board or Clerk of the Trust Board, as applicable ("the Clerk") to request that the Complaint be dealt with at Stage Three. (Contact details for the Clerk will be available from the relevant Academy or from the Trust central office, as applicable). the Executive Headteacher/Headteacher of the relevant Academy. In the event that the complaint is about the Executive Headteacher/Headteacher, the form should be submitted for the attention of the Chair of the Governing Board. Should the complaint be about the Trust generally the form should be sent to the Clerk to the Trust Board.