Bishop Wilkinson
Catholic Education Trust
Through Christ, in Partnership

Trust
Complaints Policy

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Statutory Policy	**Yes**
Required on Website	**Yes**
Review Period	**3 Years**
Next Review Date	**February 2028**
Reviewed by	**Director of Governance**

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Aim

The aim of this policy is to ensure that a concern or complaint is managed sympathetically, efficiently and at the appropriate level and resolved as soon as possible.

We will try to resolve every concern or complaint in a positive way with the aim of resolving the issue in a transparent manner. The Trust would hope that most concerns can be resolved informally and will treat seriously and confidentially all concerns whether raised informally or formally. In relation to confidentiality we my need to discuss a complaint with other professionals or those involved as part of an investigation process.

We need to know as soon as possible if there is any cause for dissatisfaction. A complainant should never feel, or be made to feel, that a complaint will adversely impact on their opportunities within the Trust.

The policy distinguishes between a concern or difficulty which can be resolved informally and a formal complaint which will require further investigation.

How to raise a concern or make a complaint

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so.

This policy is not limited to parents or carers of pupils at our schools. Any person, including members of the public (excluding staff) may raise a complaint under this policy.

A form is provided in Appendix 1. We would prefer this is used to ensure we capture all relevant information at an early stage. If you require help in completing the form or submitting your concern or complaint in any way, please contact the Director of Governance (governance@bwcet.com) or via telephone at 0191 495 8739.

We will consider making reasonable adjustments if required, to enable complainants to access this complaints policy. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

Time scales

You 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. We will consider complaints made outside of this time frame if exceptional circumstances apply.

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

Scope of this complaints policy

This policy covers all complaints regarding the Executive Team of the Trust or the Board of Directors of the Trust. Complaints related to a specific school must be addressed via the schools own complaints policy which can be found on the school website.

Exceptions	Who to contact
Matters likely to require a Child Protection Investigation	Handled under our Child Protection/Safeguarding Policy and in accordance with relevant statutory guidance. For serious concerns, you may wish to contact your area the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).
Whistleblowing	Handled under the Whistleblowing Policy (all employees, temporary staff and contractors). The Secretary of State for Education is the prescribed person for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus. Volunteers with concerns should complain through this Complaints Policy. You may also be able to complain directly to the Department for Education (see link above), depending on your complaint.
Staff grievances	Handled under the Grievance/Resolution Policy.
Staff conduct	Handled under the Disciplinary Policy, if appropriate. Complainants will not be informed of disciplinary action taken against a staff member as a result of a complaint. The complainant will be notified that the matter is being addressed.

Data Protection related complaints	Complaints regarding Data Protection matters, including those received direct from the Information Commissioner's Office (ICO), must be referred to the Trust DPO immediately upon receipt (GDPR@BWCET.com). In certain circumstances, the ICO may invoke tight timescales for a response therefore it's important to act immediately.

If other bodies are investigating aspects of the complaint, for example the police, Diocese, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations. If this happens, we will inform you of a proposed new timescale.

If a complainant commences legal action against the Trust in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

Resolving complaints

It is important that any complainant co-operates with the Trust in seeking a solution. At each stage, the Trust wants to resolve the issue. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the issue will not recur
- an explanation 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 any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology

Complainants should be clear on the resolution they are seeking at all stages of a complaint and will be asked to state the desired outcome if escalating a complaint.

Withdrawal of a complaint

Complainants who wish to withdraw their complaint are asked to confirm this in writing.

Stage 1 – Informal

Most concerns or complaints can be resolved informally. Therefore it is recommended that they are raised with the appropriate member of the Executive Team. If this is not possible or appropriate the following procedures apply:

- Complaints against Trust staff (except the Chief Executive Officer (CEO)) should be made to the CEO via the Trust Office (Bishop Wilkinson Catholic Education HQ, Barmston Court, Turbine Business Park, Nissan Way, Washington, SR5 3NY). Please mark them as Private and Confidential.

- Complaints that involve or are about the CEO should be addressed to the Chair of the Trust Board, via the Trust Office. Please mark them as Private and Confidential.

- Complaints about the Chair of the Trust Board, other Directors or the whole Trust Board should be addressed to the Clerk to the Trust Board via the Trust Office. Please mark them as Private and Confidential.

Complainants should not approach individual Trust Board Directors to raise concerns or complaints.

The concern or complaint will be investigated and an informal response will be provided within 5 school days of the date of receipt of the concern/complaint. If the issue remains unresolved, the next step is to make a formal complaint.

The Executive Team may ask a representative from the Trust to support or mediate at any stage of a concern or complaint to ensure appropriate resolution for all parties.

Stage 2 – Formal Complaints

Formal complaints must be made to the CEO (unless they are about the CEO), via the Trust Office. This may be done in person or in writing (preferably on the Complaint Form in Appendix 1).

The CEO will record the date the complaint is received and will acknowledge receipt of the complaint. They will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see, either by letter or email within 5 school days, if necessary. The CEO can consider whether a face to face meeting is the most appropriate way of doing this.

The CEO will investigate the complaint or they may delegate this to another member of the Executive Team or appoint an investigating officer to investigate the complaint. They will not delegate the decision to be taken.

During the investigation, the CEO (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation.

The CEO will provide a formal written response within 10 school days of receipt of the Stage 2 complaint. If unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will:

- detail actions taken to investigate the complaint;
- provide a full explanation of the decision made and the reason(s) for it;

- where appropriate, will include details of actions the school will take to resolve the complaint;
- will include how the complainant can escalate their complaint if they remain dissatisfied with the outcome of Stage 2.

Complaints about the CEO must be made to the Chair of the Trust Board, via the Trust Office and the Chair of the Trust Board will complete all the actions at Stage 2.

Complaints jointly about the Chair of the Trust Board and Vice Chair, the entire Board of Directors or the majority of the Board of Directors must be made to the Diocesan Acting Director of Education, Catherine Craig, marked private and confidential via the Trust Office and she will complete all actions at Stage 2.

Where there is a group complaint one spokesperson from the group should be agreed by the group to take the matter on behalf of the group.

Stage 3 – Committee Hearing

If the complainant is dissatisfied with the outcome at Stage 2 they can escalate the complaint to Stage 3. This request must be addressed to the Clerk to the Trust Board, via the Trust Office, within 10 school days of receipt of the Stage 2 response. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

A committee will be convened, consisting of at least three people who were not directly involved in the matter detailed in the complaint (two Trust Board Directors and one person independent of the Trust).

The Stage 3 request will be acknowledged by letter or email within 5 school days.

The Clerk will aim to convene a meeting within 15 school days of receipt of the Stage 3 request and will write to the complainant to inform them of the date. If that is not possible, the Clerk will provide an anticipated date. The Clerk will request further written material to be submitted to the Committee from the complainant in advance of the meeting.

All meetings are held in person. Any party may request the meeting be virtually (via Teams or Zoom). Where this is requested, agreement will be sought from all parties.

The complainant will be invited to the meeting. If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions. A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend.

Any written material will be circulated to all parties at least 7 days before the meeting. The Committee will not accept as evidence recordings of conversations that were obtained without the informed consent of all parties being recorded. Parties may be asked to provide a timeline where there have been multiple communications/meetings to ensure clarify for all parties.

If the complaint is jointly about the Chair and Vice Chair of the Trust Board, the entire Board of Directors or the majority of the Board of Directors Stage 3 will be heard by the two Members of the Trust and an independent panel member.

The Committee will only examine the Stage 2 outcome and process in relation to the original complaint. The Committee will not accept new complaints at Stage 3 or consider evidence unrelated to the initial complaint. New complaints must be raised at Stage 1.

The meeting will be held in private. Electronic recordings of meetings or conversations are not permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before any recording would take place and consent recorded in the minutes.

The Committee can uphold the complaint in whole or in part or dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee will decide on appropriate action to resolve the complaint and where appropriate, recommend changes to systems/procedures to prevent similar issues in the future.

The Chair of the Committee will respond to the complaint in writing by letter or email (copied to the CEO and person/s complained about) within 10 school days of the meeting giving:

- an explanation of the Committee decision and the reason/s for it;
- where appropriate, details of actions the school will take to resolve the complaint;
- details of how to contact the Education and Skills Funding Agency (ESFA) if they complainant is dissatisfied with the way their complaint has been handled.

A copy of the response will be retained for inspection. A written record will be kept of all complaints, and at what stage they were resolved.

Where there is a group complaint one spokesperson from the group should be agreed by the group to take the matter on behalf of the group.

Retaining Records Relating to Complaints

The UK Data Protection legislation states that any record that includes personal data must not be kept for any longer period than is necessary to fulfil its purpose. Records relating to complaints must therefore only be retained in line with the Trusts Data Retention Policy and Schedule.

A copy of the response will be retained for inspection by the Trust. A written record will be kept of all complaints, and at what stage they were resolved and any action taken by the Trust as a result of those complaints (regardless of whether they are upheld).

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

Confidentiality

All parties involved in a Stage 3 Complaint Committee Meeting will be reminded that the discussion is confidential. All parties are bound by this confidentiality and will be asked to agree to this as part of the meeting.

Other Invited Parties

In the invitation to the meeting, a complainant will be advised that they may bring someone to the meeting with them to support them or to represent them. Where another party has been brought to the meeting to support a complainant they have no active role in the meeting. Where another party has been brought to the meeting to represent a complainant, they will speak on behalf of the complainant.

Any witness brough to support a presentation will only be present at the appropriate point to give their witness statement and will then be asked to leave the meeting.

Anonymous Complaints & Serial/Unreasonable Complaints

The Trust will not normally investigate anonymous complaints. However, the CEO of Chair of the Trust Board (if appropriate), will determine whether the complaint warrants investigation.

The Trust are committed to dealing with all complaints fairly and impartially. Whilst we will not normally limit the contact complainants have with us we do not tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

The Trust defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the Trust. Details of such behaviour are noted in Appendix 2.

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

Whenever possible, an appropriate party will discuss any concerns with the complainant informally before applying an '*unreasonable'* marking.

Next Steps

Stage 3 is the end of the Trust process. If the complainant believes the Trust did not handle their complaint in accordance with this Complaints Policy or they acted unlawfully or unreasonably they can contact the Department for Education (DfE) after they have completed Stage 3.

The DfE will not normally reinvestigate the substance of complaints or overturn any decisions made but will consider whether the Trust adhered to education legislation and any statutory policies or regulations.

The complainant can refer their complaint to the DfE:

Online at:
https://form.education.gov.uk/service/Contact_the_Department_for_Education

In writing to:
Ministerial and Public Communication Division,
Department for Education,
Piccadilly Gate,
Store Street,
Manchester,
M1 2WD

Consultation

This policy was written by the Director of Governance in consultation with the BWCET Executive Team and BWCET Trust Board.

Legislation and Guidance

- Department for Education – Updated March 2021 - Setting up an academies complaints procedure
- Education (Independent School Standards) (England) Regulations 2014

Monitoring and Review

The Board of Directors are responsible for monitoring implementation of this policy at Trust level. The Diocesan Director of Education is responsible for monitoring implementation of this policy at Member level.

This policy will be reviewed every 3 years or in line with legislative changes as advised by the Department for Education and approved by the Trust Board.

A copy will feature on the Trust website and hard copies made available on request.

Appendix 1

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Concern/Complaint Form

Please complete and return to the CEO, Chair of the Trust Board or Clerk as appropriate (c/o Bishop Wilkinson Catholic Education Trust, Barmston Court, Nissan Way, Turbine Business Park, Washington, SR5 3NY) who will acknowledge receipt within 5 school days and explain what action will be taken.

Your name:
Address: **Postcode:** **Phone number:** **Email address:**
Please give details of your complaint, including whether you have spoken to anybody at the Trust or at any school level about it.

What actions do you feel might resolve the problem at this stage?
Are you attaching any paperwork? If so, please give details.
Signature: **Date:**
Official use
Date acknowledgement sent:
By whom:
Complaint referred to:
Action taken:
Date:

Appendix 2

Serial and Unreasonable Complaints

A complainant may be deemed to be acting in an unreasonable way if they:

- refuse to articulate their complaint, specify the grounds of a complaint or the outcomes sought by raising the complaint
- refuse to co-operate with the complaints investigation process
- refuse to accept that certain issues are not within the scope of the complaints procedure
- insist on the complaint being dealt with in ways which are not compatible with the complaints policy
- raise large numbers of detailed but unimportant questions,
- insist on unrealistic timescales
- make unjustified complaints about staff and seeks to have them replaced
- change the basis of the complaint as the investigation proceeds
- repeatedly make the same complaint, despite previous investigations
- refuse to accept the findings of the investigation that has followed the policy
- make excessive demands on Trust time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- use threats to intimidate
- use abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publish unacceptable information on social media or other public forums.