

---

**Title of Policy/Procedure**      Complaints Procedure

---

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

---

**To be read in conjunction with the following guidance:**      Role and Responsibilities of those involved in complaints and Panel Hearing Procedures

---

**Consultation Process**      A consultation has taken place with the trust board and Local Governing Bodies

---

**Policy Date:**      July 2023

---

**Review Date:**      July 2025

---

**This policy has been ratified by:**      Trust Board

---

## Rationale

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

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

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

## Who can make a complaint?

This complaints procedure is limited to parents or carers of children that are registered at the school. Any other person, including members of the public, may make a complaint about any provision of facilities or services that we provide using the Third Party Complaints policy that can be found on the website <https://bluekitetrust.org.uk/policies-and-reports/> Please note some complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), these are detailed on page 3.

## The difference between a concern and a complaint

A concern may be defined as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*.

A complaint may be defined as *'an expression of dissatisfaction however made, about actions taken or a lack of action'*.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. All Blue Kite Academy Trust schools takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the headteacher will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the headteacher will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, the school will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

## How to raise a concern or make a complaint

A concern or complaint can be made in person, in writing/email 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.

**Complaints against school practice, procedure or staff**, (except the headteacher) should be made in the first instance, to the headteacher via the school office or the headteacher's email address. Please mark them as Private and Confidential.

**Complaints that involve or are about the headteacher** should be addressed to the CEO via the Trust office or email: [admin@bluekitetrust.org](mailto:admin@bluekitetrust.org) Please mark them as Private and Confidential.

**Complaints about the Chair of Trustees, Chair of Governors, any individual Trustee or Governor or the whole Trust Board or Local Governing Body** should be addressed to The Head of Governance via the Trust office or email [admin@bluekitetrust.org](mailto:admin@bluekitetrust.org) Please mark them as Private and Confidential.

**Complaints about the Chief Executive Officer (CEO)** should be addressed to the Chair of Trustees, via the Trust office or email [admin@bluekitetrust.org](mailto:admin@bluekitetrust.org) Please mark them as Private and Confidential. The address for the Trust Office is:

The Blue Kite Academy Trust  
C/O Ferndale Primary and Nursery School  
Wiltshire Avenue  
Swindon  
Wilts SN2 1NX

For ease of use, a template complaint form is included at the end of this policy, we would encourage you to use this form. If you require help in completing the form, please contact the school or Trust office. You can also ask a third-party organisation for example like the Citizens Advice to help you.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

## Anonymous complaints

We will not normally investigate anonymous complaints. However, the head teacher or CEO, if appropriate, will determine whether the complaint warrants an investigation.

## Time scales

You must raise the 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.

## Complaints received outside of term time

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 procedure

This procedure covers all complaints about any provision of community facilities or services by any school within the Blue Kite Academy Trust and the Trust, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>Admissions to schools</li> </ul>	Concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority.
<ul style="list-style-type: none"> <li>Matters likely to require a Child Protection Investigation</li> </ul>	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.
<ul style="list-style-type: none"> <li>Exclusion of children from school</li> </ul>	Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a> .
<ul style="list-style-type: none"> <li>Whistleblowing</li> </ul>	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.
<ul style="list-style-type: none"> <li>Staff grievances</li> </ul>	Complaints from staff will be dealt with under the school's internal grievance procedures.
<ul style="list-style-type: none"> <li>Staff conduct</li> </ul>	Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.
<ul style="list-style-type: none"> <li>Support provided by the school for pupils with Special Education Needs and Disability</li> </ul>	Refer to the Annual SEND Report in the first instance this can be found on the school's website.
<ul style="list-style-type: none"> <li>Third Party Complaints e.g. a complaint made by a local resident</li> </ul>	Please refer to the BKAT Third Party Complaint Policy <a href="https://bluekitetrust.org.uk/policies-and-reports/">https://bluekitetrust.org.uk/policies-and-reports/</a>
<ul style="list-style-type: none"> <li>Members, Trustees, Trust Board, Governors, Local Governing Body</li> </ul>	If a formal complaint is made against the Members, an individual Trustee or the Trust Board, an individual Governor or the Local Governing Body then the BKAT Head of Governance should be contacted who will make appropriate arrangements, depending on the nature of the complaint for it to be investigated. admin@bluekitetrust.org

If other bodies are investigating aspects of the complaint, for example the police, 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 Blue Kite Academy Trust or any school in the Trust in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

## Social Media

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

## Resolving complaints

At each stage in the procedure, the school wants to resolve the complaint. 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 event complained of 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.

## Withdrawal of a complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

## Complaints Procedure

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

These four stages are:

**Stage One:** Informal concerns

**Stage Two:** Formal Complaint at school level

**Stage Three:** Formal Complaint to The Blue Kite Academy Trust

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

## Stage 1 – Informal concerns

It is to be hoped that most concerns can be expressed and resolved on an informal basis.

Concerns should be raised with either the class teacher or headteacher. Complainants should not approach individual trustees or governors to raise concerns or complaints. They have no power to act on an individual basis.

All concerns are dealt with confidentially, although the staff member may need to take notes if they feel that the matter may need to be taken further or it may arise again in the near future. Any such notes will be kept in accordance with the principles of the General Data Protection Regulation. However, such notes would be able to be referred to as evidence if further investigation was required, or if the concern became a formal complaint.

At the conclusion of their investigation, the appropriate person investigating the complaint will provide an informal written response within 15 school days of the date of receipt of the complaint.

If the issue remains unresolved, the next step is to make a formal complaint.

## Stage 2 – Formal complaints at school level

Formal complaints must be made to the headteacher (unless they are about the headteacher), via the school office or headteacher's email. This may be done in person or in writing (preferably on the complaint form). Briefly state the facts and what actions you feel might resolve the issue at this stage.

The headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

Within this response, the head teacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The headteacher can consider whether a face to face meeting is the most appropriate way of doing this.

*Note: The head teacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.*

During the investigation, the headteacher (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.

At the conclusion of their investigation, the headteacher will provide a formal written response within 15 school days of the date of receipt of the complaint or the date of the meeting (if held).

If the head teacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the school will take to resolve the complaint.

The head teacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

The Headteacher will inform the Chair of the LGB that a formal complaint has been received.

Please note that any complaint about the headteacher of a school within the Trust must be raised in the first instance with the Chief Executive Officer who will, if the issue cannot be resolved under Stage One, work with a member of the Local Governing Body (if appropriate) to investigate your complaint under Stage Three of the Complaints' Procedure as explained below. If appropriate the CEO can delegate this investigation to the Deputy CEO or Director of Education.

## Stage 3 – Formal Complaint to the Trust

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

Put the complaint in writing to the Head of Governance [admin@bluekitetrust.org](mailto:admin@bluekitetrust.org) using where possible the complaints form and ensuring that you briefly set out the facts and state what you think should have been done and why you think that the school has not resolved your complaint.

A request to escalate to Stage 3 must be made within 15 school days of receipt of the Stage 2 response.

The investigation of the complaint will be delegated to a member of the Senior Leadership Team of the Trust who will be known as the Investigator.

The investigation may include the offer of speaking with you either in person or by telephone (normally within 15 school days from the receipt of your complaint).

The Investigator will speak to those who were involved in the situation.

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

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

The CEO will advise the Trust Board a stage 3 complaint has been received but no further details will be provided at this stage.

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

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

## Stage 4 – Panel Hearing

If the complainant is dissatisfied with the outcome at Stage 3 and wishes to take the matter further, they can escalate the complaint to Stage 4 – a panel hearing consisting of at least three people who were not directly involved in the matters detailed in the complaint with one panel member who is

The Blue Kite Academy Trust, C/o Ferndale Primary and Nursery School, Wiltshire Avenue, Swindon SN2 1NX  
Company Number 09889819

independent of the management and running of the school, (this could be a governor from a Local Governing Body within the Trust with no connection to the school). The panel will principally consider how the complaint was handled at the previous stages but has discretion to review other aspects of the complaint as it sees fit. This is the final stage of the complaints procedure.

A request to escalate to Stage 4 must be made to the Head of Governance, via the Trust office, or email [admin@bluekitetrust.org](mailto:admin@bluekitetrust.org) within 10 school days of receipt of the Stage 3 response.

The Head of Governance will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Head of Governance will contact the complainant to arrange the date of the panel hearing and request any supporting papers they want the panel to see. The aim will be to convene a panel hearing within 15 school days of receipt of the Stage 4 request.

Meetings can be held virtually (i.e. telephone or video conference where all parties can participate verbally) providing all parties have access to the appropriate equipment to attend and are happy for the meeting to be held virtually.

If a complainant cannot attend due to exceptional circumstances, then reasonable efforts will be made to re-arrange the hearing. If the complainant indicates that they do not wish to attend the hearing then the hearing can proceed in their absence.

If the complainant does not turn up to the panel hearing when expected to do so, the Chair of the panel will decide whether to proceed in the complainant's absence on the basis of written submissions from both parties.

A complainant may bring someone along to the panel hearing to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the panel hearing. However, there may be occasions when legal representation is appropriate.

For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

The complainant will be given the opportunity to speak directly to the panel and ask questions of the Senior Leader who investigated the complaint at stage 3 (the investigator). The Investigator will have the opportunity to explain decisions made and may call upon the Headteacher who dealt with the complaint at stage 2 for further information and clarification.

Both the Investigator and the complainant can ask for witnesses to be present at the panel hearing.

See the Role and Responsibilities of Those Involved in Complaints and Panel Hearing Procedures document for further information.

*Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under BKAT staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.*

Representatives from the media are not permitted to attend.



At least 5 school days before the meeting, the Head of Governance will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that the venue and proceedings are accessible.

Any written material will be circulated to all parties at least 5 school days before the date of the hearing. The panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The panel will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

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

## Procedures for the Panel Hearing

The panel hearing can be held virtually (i.e. telephone or video conference where all parties can participate verbally) providing all parties have access to the appropriate equipment to attend and are happy for the meeting to be held virtually.

1. The chair opens the meeting and explains the procedure to be followed
2. The complainant (or representative) can present their case, including calling any witnesses
3. The investigator presents its case, including calling any witnesses
4. The investigator sums up its defence
5. The complainant sums up their case and explains what they want to happen as a result of the complaint
6. All parties withdraw
7. The panel considers the parties' cases and makes a decision
8. The panel drafts a decision letter

Panel members may ask questions at any time during the meeting.

The panel will consider the complaint and all the evidence presented. The panel can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

The Chair of the panel will provide the complainant and school with a full explanation of their decision and the reason(s) for it, in writing, within 15 school days.

The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by The Blue

Kite Academy Trust.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the school will take to resolve the complaint.

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the school premises by the Trust Board and the headteacher.

A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.

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

## Serial or Persistent Complaints

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

Unreasonable complaints include the following scenarios:

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

## Record Keeping

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

## Confidentiality

Correspondence, statements and records relating to individual complaints will only be shared with the relevant parties investigating or reviewing the complaint and where the Secretary of State or a

body conducting an inspection under section 109 of the Education and Skills Act 2008 requests access to them.

## Next Steps

If the complainant believes the Trust did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the ESFA after they have completed Stage 4.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by The Blue Kite Academy Trust. They will consider whether the school has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed [Part 7 of the Education \(Independent School Standards\) Regulations 2014](#).

The complainant can refer their complaint to the ESFA online at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), by telephone on: 0370 000 2288 or by writing to:

Academy Complaints and Customer Insight Unit  
Education and Skills Funding Agency  
Cheylesmore House  
5 Quinton Road  
Coventry  
CV1 2WT

### Complaints to Ofsted

If you've complained to the school and the problem has not been resolved, you can complain to Ofsted. This does not mean that Ofsted will then inspect the school.

They will record your complaint, and may use the information you've provided to help them decide what areas to focus their next inspection on.

### **Ofsted considers complaints about things that affect the whole school rather than Individuals.**

Ofsted cannot:

- resolve issues between you and the school
- ask the school to respond directly to your complaint or take action on it
- change the outcome of a complaint
- change the school's complaints process because of a complaint

<https://www.gov.uk/complain-to-ofsted>

## Complaint Form

To be used for stage 2 and stage 3 complaints

Please refer to the complaint policy as to who this should be returned to.

Your name
Pupil name
Your relationship to the pupil
Address
Daytime telephone number
Evening telephone number
Mobile telephone number
Email address
Please give details of your complaint:

What action, if any, have you already taken to try to resolve your complaint. Who did you speak to and what was the response?
What actions do you feel might resolve the problem at this stage?
Are you attaching any supporting paperwork? If so, please give details:
Signature
Date