# Complaints Policy Statement

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## Document Control

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| **This document has been approved for operation within:** | **All Trust Establishments** |
| **Date effective from** | **15th June 2026** |
| **Date of next review** | **15th June 2027** |
| **Review period** | **1 year** |
| **Status** | **Statutory** |
| **Owner** | **The Bay Learning Trust** |
| **Version** | **V1.1** |

1. **Compliance**

1.1. This complaints policy statement has been drafted with regard to the following statutory provisions and guidance:-

1.1.1. Education (Independent School Standards) (England) Regulations 2014

1.1.2. Education and Skills Funding Agency's guidance, "Best practice guidance for academies complaints procedures" 12 March 2021

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:

2.1.1 Barnacre Road Primary School;
2.1.2 Carnforth High Academy;
2.1.3 Lancaster High Academy;
2.1.4 Longridge High School
2.1.5 Morecambe Bay Academy; and
2.1.6 Ripley St Thomas C of E Academy.

2.1. 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 Academy 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.

2.2. 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 Academy

or the Trust (as the case may be) may consider complaints made outside of this time frame only if exceptional circumstances apply.

2.3. There are three 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.

2.4. 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.

2.5. "Academy days" means a school 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.

2.6. Whilst this policy permits a complainant to be joined by a representative at any stage two or stage three meeting, legal representation is discouraged.

2.7. 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.

2.8. All parties must observe mutual dignity and respect throughout the complaints policy's procedures. Please also see the Code of Conduct (Parents and Carers).

2.9. For the avoidance of doubt, electronic recordings that have been obtained covertly and without the informed consent of all parties being recorded, will not be accepted, or considered as evidence.

## 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 Academy, whether they are 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. school 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. withdrawal from the curriculum;

3.2.8. statutory assessment of special educational needs; and,

3.2.9. whistleblowing.

3.3. We reserve the right to reject a vexatious complaint. Vexatious complaints may be characterised (but are not limited to) as complaints which are:

3.3.1. are obsessive, persistent, harassing, prolific, repetitious;

3.3.2. insistent upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason;

3.3.3. insistent upon pursuing meritorious complaints in an unreasonable manner;

3.3.4. designed to cause disruption or annoyance; and/or

3.3.5. demands for redress that lack any serious purpose or value.

4. **Stage One – informal**

4.1. The Complainant should first approach the class teacher of the pupil concerned or alternatively another member of the 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, they should direct their complaint to the Headteacher or the CEO of the Trust as applicable.

4.2. The Complainant may raise their complaint in person, by telephone or in writing.

4.3. The Complainant will be invited to an initial meeting to discuss the issues face-to-face-or virtually. Failure by the Complaint to attend this meeting may result in the Complaint being closed.

4.4. The Complainant should be prepared to give details of the circumstances which have given rise to the complaint that they wish to raise, and express how they would like the matter to be dealt with or how they see a resolution being achieved. It may be necessary to put these details in writing.

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 their understanding of the Complaint raised;

4.7.2. a summary of the information which they have discovered as part of their 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.

4.8. For the avoidance of doubt, the steps identified at 4.7 can be completed with the Complainant orally or in writing.

4.9. If the Complainant is a parent or carer of a pupil at the Academy and they require reasonable adjustments or other support during any stage of the Complaint they should let the Trust know so that necessary support or modifications can be provided, where reasonable.

## 5. Stage Two – formal complaint

5.1. If the Complainant is not satisfied that the matter has been resolved at Stage One, they can progress their Complaint to the formal procedure under Stage Two ("Stage Two Complaint") within five Academy days of being notified of the outcome of Stage One.

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 Stage Two Complaint form is to be addressed to the Headteacher of the Academy. If the Complaint concerns the Headteacher, the form should be addressed to the Chair of the Trust marked 'private and confidential'.

5.4. The completed Stage Two Complaint Form should give details of the circumstances which have given rise to the Stage Two Complaint, and in particular, which parts of the Stage One Complaint remain unresolved and express how they would like the matter to be dealt with or how they see a resolution being achieved. It may be necessary to put these details in writing.

5.5. 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.

5.6. 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 rejecting a complaint.

5.7. The Stage Two Complaint form will be acknowledged in writing within five Academy days.

5.8. The Letter of Acknowledgement will:

5.8.1. provide the contact details of the person dealing with the Complaint at Stage Two; and,

5.8.2. specify that the Complaint will be investigated and the outcome will be reached, as far as possible, within ten Academy days ("the Stage Two Investigation").

5.9. 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.

5.10. 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 they have not been involved with the Complaint at Stage One or in any other way ("the Investigating Officer").

5.11. In the event that the Stage Two Complaint is about the Headteacher, 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 Academy's senior management team, another member of the Local Governing Body or Trust, whichever is deemed to be more appropriate in the circumstances.

5.12. The Complainant may be invited to attend a meeting with the Investigating Officer ("Stage Two Meeting"). Please note this is not a compulsory part of Stage Two and entirely at the discretion of the Investigating Officer.

5.13. If deemed necessary to hold a Stage Two Meeting we will endeavour to arrange it at a time and location convenient for the Complainant. Meetings may also take place by telephone or remote meeting platform.

5.14. The Complainant will be entitled to be accompanied at the Stage Two Meeting by one of the following:

5.14.1. a relative;

5.14.2. a friend; or,

5.14.3. a representative.

5.15. 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.

5.16. If further investigations are necessary and published timescales cannot be met, the Investigating Officer will:

5.16.1. set new time limits; and,

5.16.2. send the Complainant details of the new deadline and explain the delay.

5.17. 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 Academy or Trust team for six years (as applicable)**.**

6. **Stage Three – Complaints Panel (parental/legal guardian complaints only)**

6.1. If the Complainant is not satisfied with the outcome at the conclusion of Stage Two, they may progress the Complaint to Stage Three ("the Stage Three Complaint") within five Academy days of being notified of the outcome of Stage Two.

6.2. The Complainant will be required to write to the Governance Professional of the Trust Board ("the Governance Professional") to request that the Complaint be dealt with at Stage Three. (Contact details for the Governance Professional will be available from the Academy or from the Trust Central Office). The Complainant must set out why they are not satisfied with the outcome of the Stage Two Complaint and why they seek for the Complaint to be dealt with at Stage Three.

6.3. The Stage Three Complaint will be considered by a complaints panel ("the Panel").

6.4. The Panel will have three members:

6.4.1. two members from the Local Governing Body or the Trust, as the case may be**,** who have had no involvement with the Stage Three Complaint at Stage One or Stage Two; and

6.4.2. 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, an member independent of the Trust shall be appointed.

6.5. Within three Academy days of a written request for the Complaint to be considered at Stage Three, the Governance Professional will acknowledge the request in writing and will endeavour to arrange for a meeting of the Panel to take place within ten Academy days ("the Panel Meeting").

6.6. The Complainant will be entitled to be accompanied at the Panel Meeting by one of the following:

6.6.1.a relative;

6.6.2.a friend; or,

6.6.3.a representative.

6.7. For the purpose of this section the party which is the subject of the Stage Three Complaint will be referred to as the 'Respondent'.

6.8. 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 Governance Professional three clear Academy Days before the date of the Panel Meeting.

6.9. 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.

6.10. 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 Governance Professional and other party three clear Academy days before the Panel Meeting.

6.11. 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 6.8, 6.9 or 6.10 of this policy.

6.12. Minutes of the Panel Meeting will be taken by the Governance Professional.

6.13. 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 6.8 and 6.9, and to call on any witnesses they have identified in accordance with paragraph 6.10 of this policy statement. The Complainant will be entitled to put questions to their witnesses. The Respondent and the Panel will also have the right to put questions to the Complainant's witnesses once the Complainant has concluded their questions.

6.14. The Respondent will be invited to make its submissions once the Complainant has concluded their submissions to the Panel.

6.15. 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 6.10 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.

6.16. When the Panel has heard the Complainant and the Respondent's submissions, it will be entitled to adjourn to consider its decision.

6.17. A copy of the decision will be provided in writing within five Academy days to the Complainant and the Respondent. The outcome will also be delivered to any other relevant party as the Chair of the Panel deems necessary.

6.18. A record of the Stage Three Complaint, along with documentation submitted to the Panel, and the Panel Meeting minutes, will be retained by the Academy for six years.

## 7. **Stage 3 Complaints - (non-parents/legal guardians)**

7.1. If the Complainant is not satisfied with the outcome at the conclusion of Stage Two, they may progress the Complaint to Stage Three ("the Stage Three Complaint").

7.2. The Complainant will be required to write to the Governance Professional to request that the Complaint be dealt with at Stage Three. The Complainant must set out why they are not satisfied with the outcome of the Stage Two Complaint and why they seek for the Complaint to be dealt with at Stage Three.

7.3. The Governance Professional will arrange for the Chair of the Local Governing Body or Chair of the Trust (as applicable) to review the Stage Two Investigation. In the event that the Chair has dealt with the matter at Stage One or Stage Two, or the Complaint is about him/her, another member of the applicable Board will be appointed to deal with the Stage Three Complaint.

7.4. The Complainant may be invited to attend a meeting with the person appointed to deal with 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.

7.5. The Complainant will not be entitled to be accompanied at the Stage Three Meeting without the prior permission of the appointed person.

7.6. 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.

7.7. Minutes of the Stage Three Meeting will be taken by an appropriate person who we appoint.

7.8. The person appointed to deal with the Stage Three Complaint will endeavour to communicate their decision about the Complaint in writing within five Academy days of the Stage Three Meeting or of being provided with the request for the Complaint to be dealt with at Stage Three. If further time is required then the Complainant will be notified.

8. **Managing Complaint Campaigns**

8.1. It is possible that we may become the focus of a 'campaign' and receive large volumes of complaints, including on social media:

8.2. all based on the same subject;

8.3. from complainants unconnected with the school or Trust.

8.4. The Department for Education acknowledges that there are occasions when it is necessary or reasonable for us to deviate from our published complaints procedure. The Trust considers that a complaint campaign constitutes such an occasion.

8.5. In the event that we believe a complaints campaign is being pursued we will write to the complainants and advise them that we are to adopt an alternative approach to the complaint which addresses the issues raised but also ensure a fair and proportionate use of our resources can be applied.

8.6. If the complaint relates to a school within the Trust, the Headteacher will consider the matters raised and issue a response to the complainants or publish it on the school's website, whichever is deemed to be the most efficient way to respond.

8.7. If the complaint is about the Headteacher then the Chair of the Trust will consider the matters raised and issue a response. If the Chair is the subject of the complaint another Trustee will be appointed to consider the complaint and respond. If the complaint includes all of the Local Governing Body the CEO of the Trust will respond.

8.8. If Complainants remain dissatisfied with the school or Trust's response, they will be directed to the Department for Education.

9. **Artificial Intelligence**

9.1. The Academy will consider whether a complaint has or appears to have been generated by Artificial Intelligence ("AI") programmes such as Chat GPT.

9.2. The Academy will not refuse to deal with a complaint just because it has been generated with the assistance of an AI programme. However, where the volume of correspondence which is or appears to be generated by AI becomes administratively unworkable for the Academy, such that engaging with the correspondence no longer represents a fair and proportionate use of resources, the Academy may not progress the complaint unless the complainant is prepared to narrow the issues in such a way that the Academy could reasonably be expected to respond.

10. **Records keeping**

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

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

10.3. 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.

11. **Complaint to the Education and Skills Funding Agency**

11.1. If the Complainant remains unsatisfied with the outcome of the Complaint at the conclusion of Stage Three, they may raise the Complaint with the Department for Education ("DfE").

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

Department for Education
School complaints compliance unit
Piccadilly Gate
Store Street
Manchester
M1 2WD

11.3. Further information about submitting a complaint to the ESFA can be found on its website.

**Appendix One**

Academy

**STAGE TWO COMPLAINT FORM**

| | |
|---|---|
| **Name of Complainant** | |
| **Complaint's Address** | |
| **Complaint's contact number** | |
| **Relationship to** Academy | |
| **Reason for complaint** | |

| **Details of complaint to be considered/investigation (continue on separate pages)** |
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The Stage Two Complaint Form should be completed and sent to the Headteacher of the Academy. In the event that the complaint is about the Headteacher, the form should be submitted for the attention of the Chair of the Trust.

Should the complaint relate to the Chair of the Trust generally please mark it for the attention of the Governance Professional to the Trust.