



# Complaints Policy

## 1. Rationale and Aim

Samuel Whitbread Academy (SWA) take all comments seriously. The aim of this document is to set out how a complaint from any parent/carer, the general public or student is dealt with, and to ensure that it is handled in the most appropriate, and efficient, manner possible.

This document meets the requirements set out in part 7 of the schedule to the Education (Independent School Standards) Regulations 2014 and takes into account the guidance published by the Education and Skills Funding Agency (ESFA) on creating a complaints procedure that complies with the above regulations, and good practice guidance on setting up complaints procedures from the Department for Education (DfE).

## 2. Introduction

There are two distinct types of complaint under this document:

- a. Informal 'Concern', which is an informal complaints procedure to allow concerns to be expressed quickly and in complete confidence to a member of Academy Staff. The process is kept informal with the aim of resolving the complaint as quickly as possible.
- b. The Formal Complaints Procedure

All complaints, no matter what their nature, whether formal or informal will be treated in the strictest confidence.

This policy does **not** cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

Please see our separate policies for procedures relating to these types of complaint. Concerns raised in the media (including social media) will not be taken into account. SWA will only respond to complaints raised in accordance with this document.

No form of physical or verbal abuse towards staff will be tolerated and if there is any danger of any, the police will be notified immediately and the perpetrator may be removed and banned from any of the Bedfordshire Schools Trust (BEST) sites. They may also face criminal prosecution if any damage is caused.

## 3. Roles and Responsibilities

### 3.1 The complainant

The complainant will get a more effective and timely response to their complaint if they:

- a. Follow these procedures
- b. Co-operate with the Academy throughout the process, and respond to deadlines and communication promptly
- c. Treat all those involved with respect

### **3.2 The investigator**

An individual will be appointed to look into the complaint, and establish the facts. They will:

- d. Interview all relevant parties, keep notes
- e. Consider records and any written evidence and keep these securely
- f. Prepare a comprehensive report for the relevant member of Trust leadership or complaints committee which includes the facts and potential solutions

### **Principles of Investigation**

When investigating a complaint, we will try to clarify:

- a. What has happened
- b. Who was involved
- c. What the complainant feels would put things right

### **Time scales**

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.

The Academy will consider exceptions to this time frame 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.

In all cases, once a Concern or Formal Complaint is received, an acknowledgement will be sent within two working days.

Depending upon the type of complaint, a response will be sent within 10 to 15 working days. However, in some cases which are complex or where more time is required, SWA will contact the complainant to let them know. At that time, a reasonable estimate of when a resolution or decision is likely will be given.

For the purposes of this document, a 'working day' is a day when the Academy is open for teaching students in formal lessons from Monday to Friday and excludes Saturdays, Sundays, and any school holidays and bank holidays.

## **3. Procedure**

Any Concern should be raised by following the procedure below.

### **Informal Procedure**

#### Stage 1

The Academy will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

In the first instance, any Concern should be raised with the class teacher or appropriate staff member. The complainant should raise the complaint as soon as possible with the relevant member of staff, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the Academy office on 01462 629900 or SWA-Info@bestacademies.org.uk.

However, in the circumstances listed below, a formal letter should be immediately sent to the Principal.

- If the Concern is about the actions of a member of staff and it would be difficult to discuss the issue with that member of staff (at this stage it may be deemed necessary to revert to BEST's internal disciplinary procedures to investigate the matter rather than follow the complaints procedure outlined in this document); or
- If the Concern places the health, well-being or safety of students at risk.

If the Concern relates to the Principal or Chair of Governors, the Concern should be raised with the Chief Executive Officer of BEST (CEO, BEST, c/o Samuel Whitbread Academy, Clifton Road, Shefford, Beds, SG17 5QS).

## Stage 2

If the Concern has not been resolved to the person's satisfaction under stage 1 of the informal procedure, they should contact the Head of Year (HoY) or if the matter is subject specific, Head of Department (HoD).

The Academy will acknowledge informal complaints within two school days, and investigate and provide a response within 10-15 school days.

If the complaint is not resolved informally, it will be escalated to a formal complaint.

## **Formal Procedure**

### Stage 1

If the person raising the Concern feels that it has not been resolved to their reasonable satisfaction under the above informal procedure, they should contact the Academy Principal. This should be submitted in writing on the Complaints Form (Appendix B). An acknowledgement will be sent within two working days. If the Principal deems it necessary, they will discuss the complaint with the Leadership Team and a named person will be appointed to investigate the matter. The named person will:

- carry out an investigation in a timely manner;
- interview all relevant parties;
- only interview children when the nature of the complaint is sufficiently serious to warrant it;
- maintain accurate notes of the investigation;
- consider records and any written evidence and keep these securely; and
- prepare a comprehensive report for the Principal which includes the facts and potential solutions.

The complainant should provide details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents, and what they feel would resolve the complaint. If complainants need assistance raising a formal complaint, they can contact the Academy office on 01462 629900 or SWA-Info@bestacademies.org.uk.

The appointed member of staff investigating the complaint may request a meeting to clarify concerns, and seek a resolution. The complainant may be accompanied to this meeting, and should inform the Academy of the identity of their companion in advance.

In certain circumstances, the Academy may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the Academy will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.

The appointed member of staff will produce a written report of their investigation. The Academy will aim to respond to the complainant within 10-15 school days.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the Clerk to the Governing Body within five school days.

### Stage 2

If the complaint remains unresolved or the outcome of Stage 1 is not to the complainant's satisfaction, they should write a letter or email to the Chair of the Local Governing Body and request that the complaint is considered further. The Chair will need the details of the complaint as set out above, as well as details from the complainant on how they feel the previous stage of the procedure has not addressed their complaint sufficiently, and what they feel would resolve the complaint.

The Chair of Governors will respond within 15 working days.

### Stage 3

How to escalate a complaint:

Complaints can be escalated by contacting the Chief Executive Officer of BEST:

- a. By letter or email
- b. Over the phone
- c. In person
- d. Through a third party acting on behalf of the complainant

If the complaint remains unresolved, after Stage 2, the complainant should contact the Chief Executive Officer of BEST via the Trust office on 01462 628003 or [info@bestacademies.org.uk](mailto:info@bestacademies.org.uk), and the Chair of the Local Governing Body (see BEST Complaints Policy which contains the detailed procedure for this at <https://www.bestacademies.org.uk/page/?title=Governance&pid=7>).

### Referring complaints on completion of the Academy procedure

If the complainant is unsatisfied with the outcome of the complaints procedure, they can refer their complaint to the 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. However, it will look into:

- b. Whether there was undue delay, or the Academy did not comply with its own complaints procedure
- c. Whether the Academy was in breach of its Funding Agreement with the Secretary of State
- d. Whether the Academy has failed to comply with any other legal obligation

If the Academy did not deal with the complaint properly, it will be asked to re-investigate the complaint. 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>.

### 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 Trust and/or school's complaints procedure

- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- Knowingly provides false information
- Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure
- Pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refused 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 time frames it sets out
- Changes the basis of the complaint as the investigation goes on
- Makes a complaint designed to cause disruption, annoyance or excessive demands on school time
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value

If the Academy deems the complaint 'persistent' a final response statement will be issued and if further communication is received, the Academy may decide to stop responding.

#### **4. Monitoring and Evaluation**

The Academy will record all complaints, including information about actions taken at all stages and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential. This is except where the Secretary of State (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act, or where the material must be made available during an inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and GDPR policy.

Trends are analysed and appropriate action taken by senior staff. Complaints analysis/trends are submitted to the Local Governing Body once a term.

#### **5. Implementation and Review**

This policy will be made known to all staff, parents/carers and governors, and published on the Academy website. Copies are also available upon request from the Academy office. This policy will be reviewed every two years or as required.

#### **6. Author and Date**

Approved by Academy Principals - January 2014

Updated by Head of Projects Resources Operations and Capital - September 2015

Updated by BEMAT Executive Principal – January 2016

Updated by Principal, SWA (RPR/NJM) – June 2016

Updated by Principal, SWA (NJM) – Nov 2018

Updated by Principal, SWA (NJM) – Nov 2019

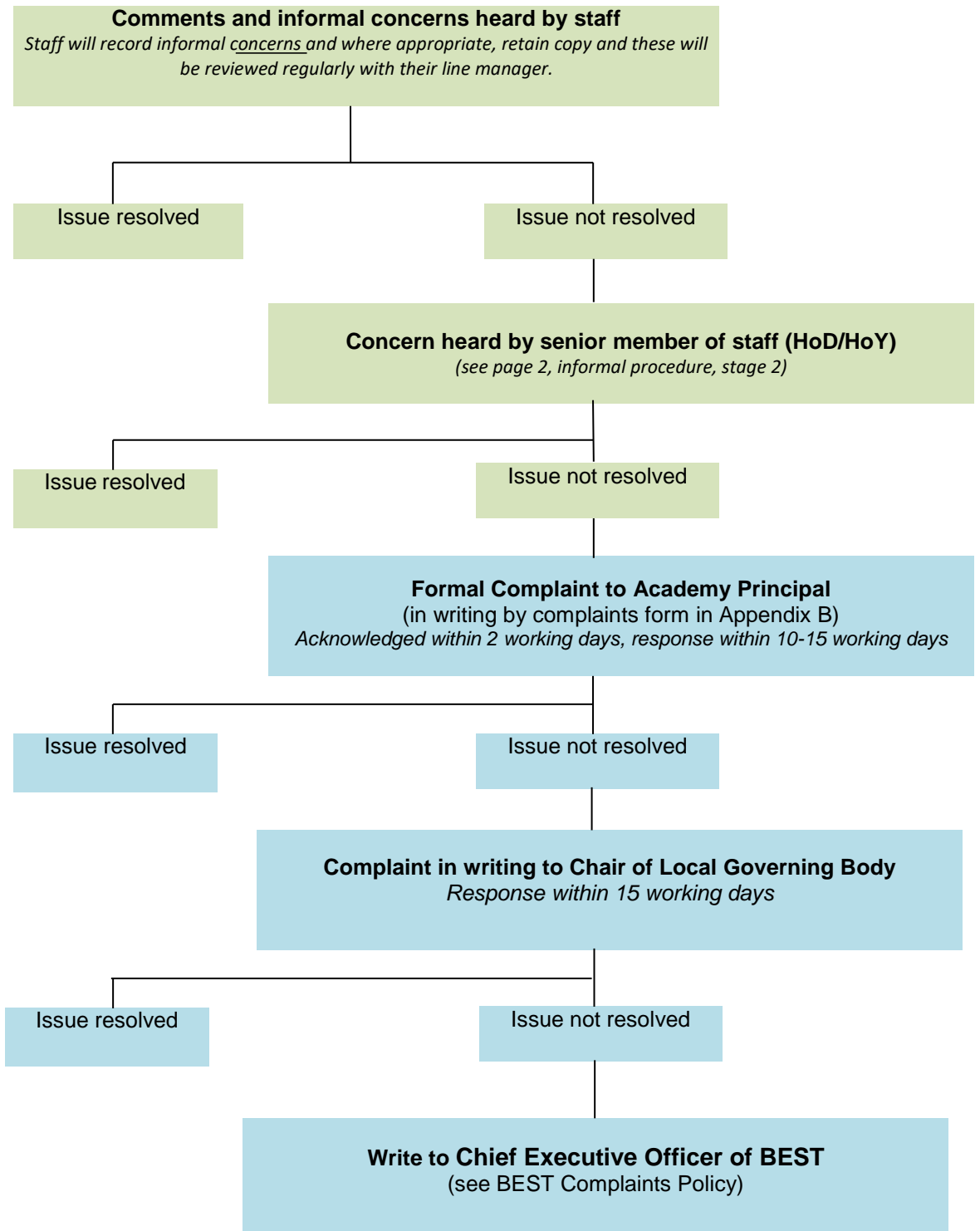
#### **7. Appendices**

Appendix A – Complaints Procedure Flow Chart

Appendix B – Academy Complaints Form

## Appendix A – Complaints Procedure Flow Chart

KEY	
	Informal Stage
	Formal Stage



## Academy Complaints Form Appendix B

Please complete and return to Principal of the Academy

**Formal Complaint (the Informal Procedure within the Complaints Policy should have been followed before a Formal Complaint is lodged unless):**

- the Concern is about the actions of a member of staff
- the Concern places the health, well-being or safety of pupils at risk

Please note that all formal complaints will be given directly to the Principal of the Academy.

<p><b>Complainant's name:</b></p> <p><b>Pupil/Student's name:</b></p> <p><b>Relationship to the pupil/student:</b></p> <p><b>Address:</b></p> <p><b>Postcode:</b> <b>Day time telephone number:</b> <b>Evening telephone number:</b></p> <p><b>Please give details of concern / complaint.</b></p>  <p><b>What action, if any, has already been taken to try and resolve this matter (who has been spoken to and what were the response(s)?)</b></p>  <p><b>What would complainant like to see happen now to resolve the complaint?</b></p>
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*Please continue on reverse if necessary*