



Complaints Policy

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1. Rationale and Aim

Samuel Whitbread Academy take all complaints seriously. The aim of this document is to set out how a complaint from any parent/carers, 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, which states that we must have and make available a written procedure to deal with complaints from parents of students in the school.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on creating a complaints procedure that complies with the above regulations, and refers to good practice guidance on setting up complaints procedures from the Department for Education (DfE).

This policy complies with our Funding Agreement and Articles of Association.

2. Introduction

The DfE guidance explains the difference between a concern and a complaint – see definitions below.

- a. A **concern**¹ is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”
- b. A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”

All complaints, no matter what their nature, whether formal or informal will be treated in the strictest confidence. Samuel Whitbread Academy aims to resolve complaints at the earliest possible stage.

Please note that there are specific procedures in place for the following matters and any complaint, dependent on the context, may need to be dealt with outside of this policy:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Exclusion
- Whistle-blowing
- Withdrawal from the curriculum

Any employee related matters such as complaints and grievances must be dealt with via the BEST HR policies.

Complaints about services provided by third parties who use any of the school premises or facilities should be directed to the provider concerned.

Concerns raised in the media (including social media) will not be taken into account. Samuel Whitbread Academy 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 this occurring, 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.

¹ To register a concern (not a complaint), please complete the form in Appendix B of this policy and submit to SWA-Info@bestacademies.org.uk. Please note that concerns will be informally managed at school level.

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 school throughout the process, and respond to deadlines and communication promptly
- c. Treat all those involved with respect
- d. Not publish details about the complaint on social media

3.2 The Investigator

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

- e. Interview all relevant parties, keep notes
- f. Consider records and any written evidence and keep these securely
- g. Prepare a comprehensive report for the Principal or complaints review panel which includes the facts and potential solutions

3.3 The Complaints Co-ordinator

The complaints co-ordinator can be the Principal, designated complaints governor or any other staff member providing administrative support.

The complaints co-ordinator will:

- h. Keep the complainant up to date at each stage of the procedure
- i. Make sure the process runs smoothly by liaising with staff members, the Principal, Chair of Governors, Governance Professional (Clerk to the LGB) and the Trust as appropriate.
- j. Be aware of issues relating to the sharing of third party information and additional support needed by complainants (for example interpretation support or where the complainant is a child or young person)
- k. Keep records

3.4 Governance Professional (Clerk to the LGB)

The Governance Professional will:

- l. At the point of a review panel, be the contact point for the complainant and the complaints review panel, including circulating the relevant papers and evidence before the panel meetings
- m. Arrange the complaints hearing
- n. Record and circulate the minutes and outcome of the hearing

3.5 Review Panel Chair

The Chair will:

- o. Chair the meeting, ensuring that everyone is treated with respect throughout
- p. Make sure all parties see the relevant information, understand the purpose of the panel, and are allowed to present their case

4. 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

5. 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.

Samuel Whitbread 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.

When complaints are made out of term time, they will be considered as received on the next school day.

If at any point the school cannot meet the time scales set out in this policy, the following action will be taken:

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

6. Stages of Complaint (not including those made against a Principal)

6.1 Stage 1: Informal

The school will take informal complaints 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.

The complainant should raise the complaint as soon as possible with the relevant member of staff or Principal, 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 school office on 01462 629900 or SWA-Info@bestacademies.org.uk.

The school will acknowledge informal complaints within two school days, and investigate and provide a response within 15 school days. The complainant will be notified how to escalate their complaint if they are not satisfied with the response.

If the complaint is not resolved informally, it will be escalated to a formal complaint. If the school do not hear from the complainant within 30 calendar days, it will be assumed that the complaint has been informally resolved.

6.2 Stage 2: Formal

If the complainant is unhappy with the outcome and wishes to proceed to the next step, a formal complaint can be raised with the school via the following methods.

- By letter or email
- Over the telephone
- In person
- By a third party acting on behalf of the complainant

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 school office on 01462 629900 or SWA-Info@bestacademies.org.uk.

The Principal or Complaints Co-ordinator will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within two school days.

The Principal (or other person as delegated by the Principal for this purpose) may assign an appropriate member of staff to conduct an investigation.

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 must inform the school of the identity of their companion in advance.

In certain circumstances, the school 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 school will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.

Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Complainants must make sure they obtain consent from all parties present before recording conversations or meetings, and this must be recorded in any minutes.

If the complainant wishes to submit electronic recordings (audio or video) as evidence as part of an investigation, written consent must be provided by all recorded parties. We may accept independently notarised transcriptions of recordings but these must not have been obtained covertly or without the informed consent of all parties being recorded.

The appointed investigator will produce a written report of their investigation. The school will aim to respond to the complainant within 15 school days. The complainant will be notified how to escalate their complaint if they are not satisfied with the response.

If the complainant is not satisfied with the response and wishes to proceed to the next stage of the procedure, they must inform the Governance Professional (Clerk to the Local Governing Body) **within five school days**. This can be done via the following methods (contact details below).

- letter or email
- over the phone
- in person
- through a third party acting on behalf of the complainant

Governance Professional (Clerk to the Local Governing Body)

Email: SWA-Clerk@bestacademies.org.uk

Telephone: 01462 629900

The Governance Professional 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 Governance Professional will acknowledge receipt of the request within two school days.

6.3 Stage 3: Review Panel

Convening the panel

Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at the second, formal, stage.

The panel will be appointed by or on behalf of the proprietor and must consist of at least 3 people who were not directly involved in the matters detailed in the complaint. At least 1 panel member must be independent of the management and running of the school. The panel cannot be made up solely of Trust Board members, as they are not independent of the management and running of the school. In accordance with government guidance, this may be a governor from a local governing body at a different school within the MAT, who has no conflict of interest or prior knowledge of the complaint.

The panel will have access to the existing record of the complaint's progress.

The complainant must have reasonable notice of the date of the review panel. The Governance Professional will aim to find a date within 15 school days of the request, where possible.

If the complainant rejects the offer of three proposed dates without good reason, the Governance Professional will set a date. The hearing will go ahead using written submissions from both parties.

Any written material will be circulated to all parties at least five school days before the date of the meeting.

At the meeting

The meeting will be held in private. As per the second, formal, stage, 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 will be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

At the review panel meeting, the complainant and representatives from the school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied if they wish. We do not encourage either party to bring legal representation, but will consider it on a case-by-case basis. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by their union.

Representatives from the media are not permitted to attend.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called, as appropriate, to present their evidence.

The panel, the complainant and the school representative(s) will be given the chance to ask and reply to questions. Once the complainant and school representative(s) have presented their cases, they will be asked to leave and evidence will then be considered.

The panel will then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint, and make a copy available for inspection by the proprietor and Principal.

The outcome

The panel can:

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

If the complaint is upheld, the panel will:

- Decide the appropriate action to resolve the complaint
- Where appropriate, recommend changes to the school's system or procedures to prevent similar issues in the future

The panel will inform those involved of the decision in writing within five school days. The complainant will be informed of any rights appeal.

If the panel/school do not hear from the complainant within 30 calendar days, it will be assumed that the complaint has been resolved.

7. Complaints against a Principal, a Governor or Governing Board

Complaints made against a Principal² or any member of any Local Governing Body must be directed to the Chief Executive Officer (CEO) of BEST in the first instance (via info@bestacademies.org.uk or 01462 628003).

² Complaints concerning decisions made by the Principal will be dealt with under the school complaints procedure – if the complaint is about the conduct of the Principal, the CEO of Bedfordshire Schools Trust should be contacted and the Trust policy followed.

8. Referring complaints on completion of the school's procedure

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the Chief Executive Officer (CEO) of Bedfordshire Schools Trust (BEST).

BEST House
Shefford Road
Clifton
Bedfordshire
SG17 5QS

Email: info@bestacademies.org.uk

Telephone: 01462 628003

The Trust procedure makes provision for the onward reporting to the ESFA if the complainant remains unsatisfied with the outcome. Further detail can be found in the Trust complaints policy. The ESFA will check whether the complaint has been dealt with properly by the school and Trust. The ESFA will not overturn a decision about a complaint. However, it will look into:

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

If the Trust did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the Trust's complaints procedure is found to not meet regulations, the Trust will be asked to correct its procedure accordingly.

9. Persistent & Vexatious 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 school and/or Trust'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 school deems the complaint 'persistent' or 'vexatious', a final response statement will be issued and if further communication is received, the school may decide to stop responding. Where this action is deemed appropriate, the school will notify the individual and explain that only new complaints will be considered.

In response to any serious incident of aggression or violence, the school will immediately inform the police and communicate the actions in writing. This may include barring from the school site.

If an individual's behaviour is a cause for concern and a decision to bar an individual from the school is made, the decision will be reviewed by the Chair of the Local Governing Body. If the Chair confirms that the decision is appropriate, the individual will be notified in writing, explaining:

- How long the bar will be in place
- When the decision will be reviewed

The Principal will notify the Trust of any intended action.

In response to duplicate complaints (such as a complaint on the same subject from a partner, family member or other individual), the school will notify the new complainant that the matter is being or has already been investigated and confirm whether the complaint has been responded to.

In response to complaint campaigns (where the school receives a large volume of complaints about the same topic or subject), the school will publish a single response on the school website and send a template response to all complainants. If complainants are not satisfied with the response, or wish to pursue the complaint further, the normal procedures will apply.

10. Record Keeping

The school 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 and will be viewed only by those involved in investigating the complaint or on the review panel. 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.

The details of the complaint, including the names of individuals involved, will not be shared with the whole Local Governing Body in case a review panel needs to be organised at a later point.

Where the Local Governing Body is aware of the substance of the complaint before the review panel stage, the school will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the Local Governing Body, who will not unreasonably withhold consent.

11. Handling Complaints Fairly

The school aim to make sure that complainants are treated fairly and offered a chance to state their case either in person or in writing, at each stage of the procedure.

If the school have made reasonable attempts to accommodate the complainant with dates for complaint meetings and they refuse or are unable to attend, the school will:

- convene meetings in their absence
- reach a conclusion in the interests of drawing the complaint to a close.

12. Monitoring

The Principal will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly.

This policy will be reviewed annually or as required. At each review, the policy will be approved by the Local Governing Body.

13. Links to other policies

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admission arrangements
- School exclusion policy
- Staff grievance policy
- Staff disciplinary policy
- School SEN policy and information report
- Data protection (GDPR) policy and privacy notices
- BEST complaints policy (Trust level only)
- Managing allegations of abuse against staff

14. Author and Date

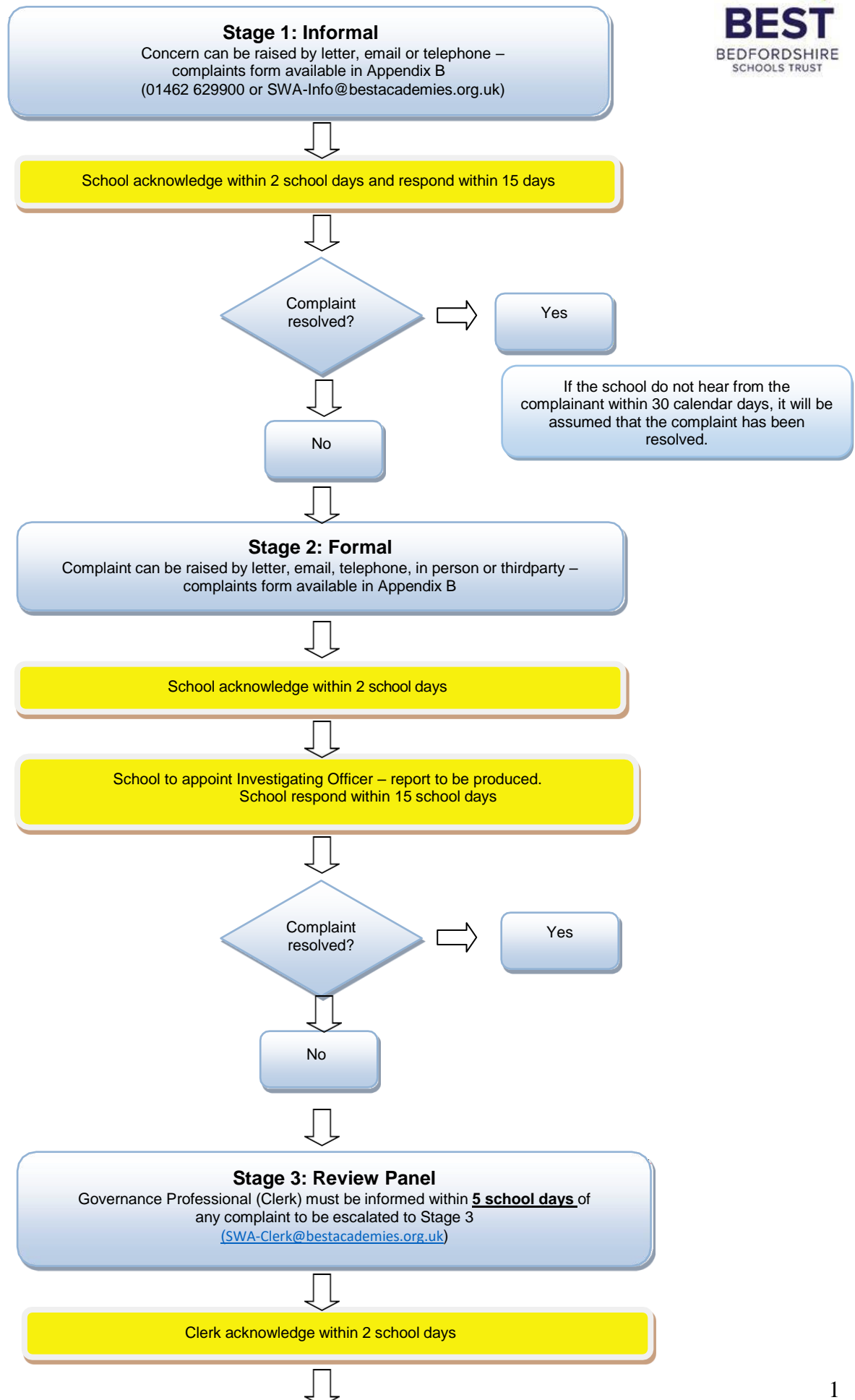
Nick Martin, Principal – November 2022

15. Appendices

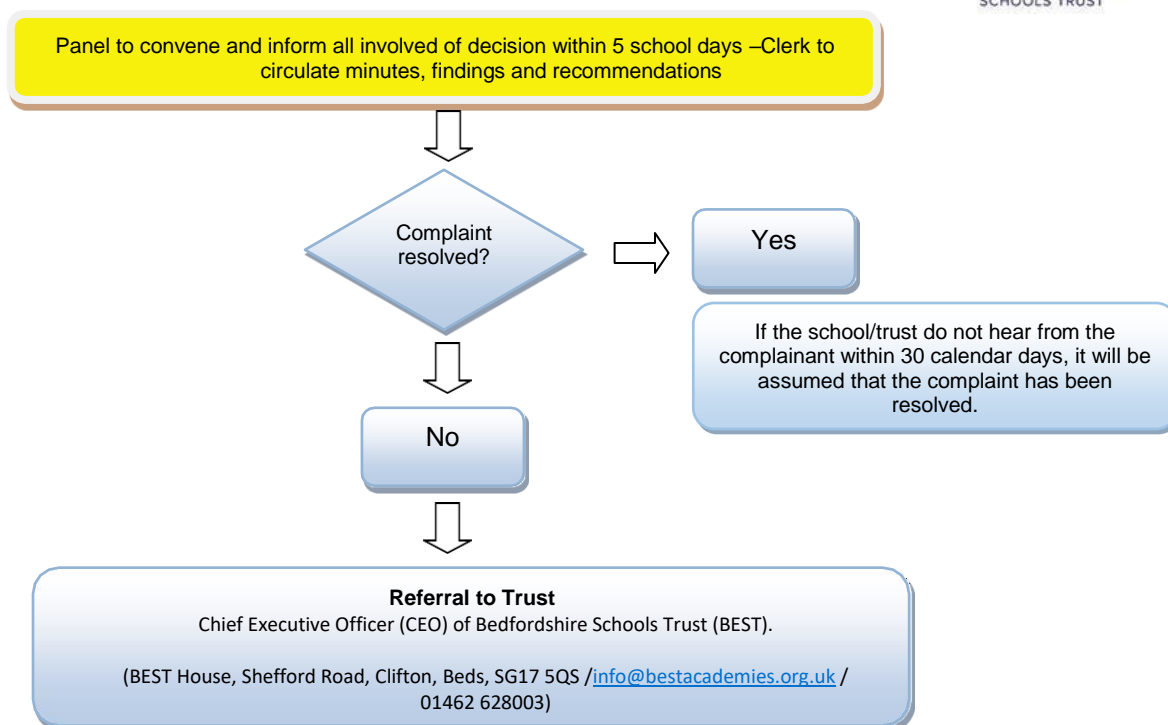
Appendix A – Complaints Procedure Flow Chart

Appendix B – BEST Complaints Form

Appendix A – Complaints Flowchart



Appendix A – Complaints Flowchart contd...



Appendix B – Concern / Complaint Form

Please complete and return to Samuel Whitbread Academy, Shefford Road, Clifton, SG17 5QS or email
SWA-Info@bestacademies.org.uk

Please tick appropriate box:

Informal Concern ☐ **Stage 1 Complaint** ☐ **Stage 2 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

Complainant's name:

Pupil/student's name (if applicable):

Relationship to the pupil/student:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Please give details of concern/complaint:

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)?

How can this matter be resolved satisfactorily?

Please continue on reverse if necessary