

COMPLAINTS POLICY

RESPONSIBLE DIRECTOR

Chief Executive Officer

RATIFIED BY BOARD

September 2023

REVIEW DATE

September 2024

Our Vision

“Our vision is to provide all of our pupils with a first-class academic education comparable with the very best schools nationally. We also aim to develop those skills and qualities in our pupils’ character which, hand-in-hand with exam qualifications, will deliver success and resilience in later life”.

1. Purpose

It is in everyone’s interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to invoke formal procedures. The aim of this policy is to provide guidance to Bedford College Academies Trust (BCAT) staff in dealing with complaints made against teaching staff, Principal / Headteacher, members of the BCAT Trust (including directors of BCAT and members of the Local Advisory Bodies, herein after referred to as “Governing Body”), or the Secretary of State.

2. Definition of a Complaint

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

3. Policy Statement

At BCAT we believe that:

- We work in partnership with parents and seek to improve our Schools by paying close attention to their concerns.
- All complaints from parents should be received courteously.
- Parents should feel that their complaint has received full attention.
- All complaints should be fully investigated.
- Parents should receive prompt feedback.
- Urgent complaints should receive immediate attention.
- Complaints, wherever possible, should be resolved through open, informal discussion between the parent and the class teacher.

4. Complaints Procedure

4.1. Timescales

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.

4.2. Nature of complaint

Complaints about the education provided for pupils are to be considered as complaints about the Governing body's responsibilities in respect of the school curriculum, but will not cover complaints about the actions of individual teachers or the Principal/Headteacher. If, in the course of consideration of a complaint, the Principal/Head-teacher and/or Governing body conclude that disciplinary or other proceedings should be initiated, they should take separate action as appropriate.

4.3. Concern or 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.'*

Governing Body for the purpose of the policy refers to the Trust Board and the appointed Local Advisory Body for the relevant school. Directors and Local Advisory Body members will be referred to generically as "Governors" for the purposes of this policy. 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. BCAT schools takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

4.4. 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 on a complainant, as long as they have appropriate consent to do so. A template Complaint Form is included at the end of this procedure.

4.5. Stages of Complaint

There are three stages which define the procedure for making a complaint, informal, formal stage 1 and formal stage 2.

Informal complaints

May be made verbally or in writing to a teacher, senior member of staff or Principal/Headteacher. If parents have any concerns about their child's educational progress, they should first discuss their concerns with the class teacher. If,

following discussion with the class teacher, the parent is still not satisfied, they may wish to bring their concerns to the attention of the Principal / Headteacher.

4.6. Formal Stage 1

Formal complaints must be made to the Principal/Headteacher (unless they are about the Principal/Headteacher), via the school office. This must be done **in writing** (preferably on the Complaint Form). The Principal/Headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within five school days. A suggested format for the complaint is provided in Appendix A.

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

Note: The Principal/Headteacher 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 Principal/Headteacher (or investigator) will:

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

At the conclusion of their investigation, the Principal/Headteacher will provide a formal written response within ten school days of the date of receipt of the complaint.

If the Principal/Headteacher 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 Principal/Headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

If the complaint is about the Principal/Headteacher, or a member of the Governing body, a suitably skilled governor will be appointed to complete all the actions at Stage 1.

Complaints about the Principal/Head-teacher or member of the Governing body must be made to the Governance Professional of BCAT, via the school office.

If the complaint is:

- Jointly about the Chair of BCAT
- The entire Governing body or
- The majority of the Governing body

Stage 1 will be considered by an independent investigator appointed by the Governing Body. At the conclusion of their investigation, the independent investigator will provide a formal written response.

4.7. Formal Stage 2

If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2 – a meeting with members of the Governing body's Complaints Committee, which will be formed of the first three impartial Governors available. This is the final stage of the Complaints Procedure.

A request to escalate to Stage 2 must be made to the Governance Professional of the Trust, via the school office, within five school days of receipt of the Stage 1 response. The Governance Professional of the Trust will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 15 school days. Requests received outside this time frame will only be considered if exceptional circumstances apply.

The Governance Professional will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within five school days of receipt of the Stage 2 request. If this is not possible, the Governance Professional of the Trust will provide an anticipated date and keep the complainant informed. If the complainant rejects the offer of three proposed dates, without good reason, the Governance Professional of the Trust will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

The Complaints Committee will consist of at least three governors with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee. If there are fewer than three governors from the school available, the Governance Professional of the Trust will source any additional, independent governors through another local school or through their LA's Governor Services team, in order to make up the Committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 2.

The Committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs. If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend.

Generally, neither party is encouraged to bring legal representatives to the committee meeting. 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.

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 staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

Representatives from the media are not permitted to attend.

At least ten school days before the meeting, the Clerk will:

- Confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible.
- Request copies of any further written material to be submitted to the committee at least eight school days before the meeting.

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

The Committee will consider the complaint and all the evidence presented. The committee 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 Committee will provide the complainant and the school with a full explanation of their decision and the reason(s) for it, in writing, within ten school days. The letter to the complainant will include details of how to contact the

Department for Education if they are dissatisfied with the way their complaint has been handled by the school.

If the complaint is:

- Jointly about the Chair; or
- The entire Governing body; or
- The majority of the Governing body

Stage 2 will be heard by a committee of independent, co-opted governors. 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 response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

If the complainant believes the school 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 Department for Education after they have completed Stage 2.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by BCAT schools. They will consider whether the school has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at: www.education.gov.uk/contactus, by telephone on 0370 000 2288 or by writing to:

Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD.

What to do if you are not satisfied

If you are concerned about the way the ESFA handled your complaint you can let us know via:

The ESFA's Contact Us form:

<https://www.gov.uk/government/publications/complainabout-an-academy/complain-about-an-academy#contacting-esfa>

Or by writing to:

ESFA Complaints
Chief Executive's Office
Cheylesmore House

Quinton Road
Coventry
CV1 2WT

Or you can email: complaints.efa@education.gsi.gov.uk

5. Policy Monitoring & Review

5.1. Recording complaints

The Principal/Headteacher will monitor all written complaints and keep a copy of all relevant correspondence.

5.2. Governing body review

The Governing body will monitor the level and nature of all written complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary.

6. Further Information

The Education Funding Agency is an Executive Agency of the Department for Education and is accountable to the Secretary of State.

Appendix A – Formal Complaint Form

If making a complaint in writing the following form identifies the key information required.

Name:	
Pupil's name:	
Relationship to the pupil:	
Address:	
Contact telephone Number	
Please give details of your complaint.	
What action if any have you already taken to try and resolve your complaint? (I.e., 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 paperwork? If so, please give details.	

Signature:

Date:

Official use:

Date note of receipt sent:

Sent by:

Complaint referred to:

Date:

Appendix B – Complaints Panel Guidelines

The Complaints Panel

- The Governing body will nominate a number of members with delegated powers to hear a formal complaint.
- The panel will consist of an uneven number of governors, usually three.
- No governor may sit on the panel if they have had a prior involvement in the complaint or the circumstances surrounding it.
- In deciding the make-up of the panel, every effort will be made to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.
- The complaints panel will select their own chair.

The Remit of the Complaints Panel

- It is important that the panel hearing is independent and impartial and that it is seen to be so.
- The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it is recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- The panel can:
 - Dismiss the complaint in whole or in part.
 - Uphold the complaint in whole or in part.
 - Decide on the appropriate action to be taken to resolve the complaint.
 - Recommend changes to the school's systems or procedures to mitigate against problems of a similar nature reoccurring.

The Role of the Clerk

- The complaints panel will normally be clerked by the nominated Clerk to the Governors unless that person is either unavailable or part of the complaint. In such cases alternative clerking arrangements will be made.
- The Clerk will be the contact point for the complainant and will be required to:
 - Set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible.
 - Collate any written material and send it to the parties in advance of the hearing.
 - Meet and welcome the parties as they arrive at the hearing.
 - Record the proceedings.
 - Notify all parties of the panel's decision.

The Role of the Chair of the Complaints Panel

The Chair of the panel will ensure that:

- The remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption.

- The issues are addressed.
- Key findings of fact are made.
- The panel seeks to assist parents and others who may not be used to speaking at such a hearing to feel at ease.
- The hearing is conducted in an informal manner with each party treating the other with respect and courtesy.
- The panel is open minded and acting independently.
- No member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure.
- Each side is given the opportunity to state their case and ask questions.
- Written material is seen by all parties and, if any new and relevant issue arises, give all parties the opportunity to consider and comment on it.
- Notify the complainant of the panel's decision, in writing. The letter will also explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

Checklist for a Complaints Panel Hearing

The panel needs to take the following points into account:

- The hearing should be as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The Principal/Head-teacher may question both the complainant and the witnesses after each has spoken.
- The executive Principal/Head-teacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the Principal/ Head-teacher and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The Principal/Head-teacher is then invited to sum up the school's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The Chair explains that both parties will hear from the panel within a set timescale.