

# Complaints Policy

DATE APPROVED:	26 <sup>th</sup> June 2020
APPROVED BY:	Board of Trustees
NEXT REVIEW DATE:	June 2021

## Covid-19 Statement

As stated by the Department for Education, schools may not be able to handle new or existing complaints in their usual manner during partial closure due to the coronavirus outbreak. However, we will endeavour to meet our normal timescales. If we are unable to do this, we will communicate the delay to you.

### 1. Rationale and Aim

Bedfordshire Schools Trust (BEST) take all comments seriously. The aim of this document is to set out how a complaint from any parent/carer, the general public or pupil/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).

This policy complies with the Funding Agreement and Articles of Association for BEST.

### 2. Introduction

There are two distinct types of complaint – see definitions below.

- a. A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”. The Trust will resolve concerns through day-to-day communication as far as possible
- 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. The Trust aims to resolve complaints at the earliest possible stage.

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.

All complaints relating to individual schools should be initially directed to the school concerned and dealt with in accordance with their complaints policy. If you are unsatisfied with the outcome once the procedure within the policy has been followed, then a formal complaint may be submitted to the Trust.

Complaints about services provided by other providers who use any of the BEST premises or facilities should be directed to the provider concerned.

Concerns raised in the media (including social media) will not be taken into account. The Trust 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 Trust 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 relevant member of Trust leadership or complaints review panel which includes the facts and potential solutions

#### **3.3 Clerk to the Trust Board**

The Clerk will:

- h. Be the contact point for the complainant and the complaints review panel, including circulating the relevant papers and evidence before complaints review panel meetings
- i. Arrange the complaints hearing
- j. Record and circulate the minutes and outcome of the hearing

#### **3.4 Review Panel Chair**

The Chair will:

- k. Chair the meeting, ensuring that everyone is treated with respect throughout
- l. 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

#### **4.1 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.

BEST 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 Trust 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

## **5. Stages of Complaint (not including those made against a Principal)**

### **5.1 Stage 1: Informal**

The Trust 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.

The complainant should raise the complaint as soon as possible with the relevant member of staff or Trust leader as appropriate, 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 Trust office on 01462 628003 or [info@bestacademies.org.uk](mailto:info@bestacademies.org.uk).

The Trust 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.

### **5.2 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:

- 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 Trust office on 01462 628003 or [info@bestacademies.org.uk](mailto: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 Trust of the identity of their companion in advance.

In certain circumstances, the Trust 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 Trust 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 Trust will aim to respond to the complainant within 10-15 school days.

If the complainant is not satisfied with the response and wishes to proceed to the next stage of the procedure, they should inform the Clerk to the Trust Board within five school days. This can be done by:

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

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

### **5.3 Stage 3: Review 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 Trustees and must consist of at least 2 people who were not directly involved in the matters detailed in the complaint. The Trust will endeavour to have 3 panel members where possible. 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.

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; however, the review panel reserves the right to convene at their convenience rather than that of the complainant. At the review panel meeting, the complainant and representatives from the Trust, 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.

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 Trust representative(s) will be given the chance to ask and reply to questions. Once the complainant and Trust 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 CEO.

The school will inform those involved of the decision in writing within five school days.

## **6. Complaints against a Principal, a Governor, Governing Board, Trustee or Trust Board**

### **6.1 Stage 1: Informal**

Complaints made against a Principal<sup>1</sup>, any member of any Local Governing Body or any member of the Trust Board should be directed to the Chief Executive Officer (CEO) of BEST in the first instance.

Complaints against the CEO should be directed to the Chair of the Trust Board. The Chair of the Trust Board can be contacted via the Clerk to the Trust Board ([BEST-Clerk@bestacademies.org.uk](mailto:BEST-Clerk@bestacademies.org.uk) or 01462 628003).

A suitably-skilled and impartial Trust representative will carry out the steps at stage 1 (set out in section 5 above).

### **6.2 Stage 2: Formal**

The Chair of the Trust Board (or Vice Chair if complaint is against the Chair) will deal with any

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<sup>1</sup> Complaints concerning decisions made by the Principal will be dealt with under the usual complaints procedure – please note that the school policy should have been followed prior to escalation to the Trust. This procedure relates to allegations against the conduct of the Principal.

complaint that has not been resolved under stage 1. If the complaint is jointly about the Chair and Vice-Chair of the Trust Board, the entire Trust Board and/or an independent investigator will carry out the steps in stage 2 (set out in section 5 above). The appointed investigator or independent investigator will write a formal response at the end of their investigation.

### **6.3 Stage 3: Review Panel**

A panel of independent Trustees or Governors will hear the complaint. They will be sourced from local schools/organisations or the local authority and will carry out the steps at stage 3 (set out in section 5 above).

## **7. Referring complaints on completion of the Trust's procedure**

If the complainant is unsatisfied with the outcome of the Trust's complaints procedure, they can refer their complaint to the ESFA. The ESFA will check whether the complaint has been dealt with properly by the Trust. The ESFA will not overturn a Trust's decision about a complaint. However, it will look into:

- a. Whether there was undue delay, or the Trust did not comply with its own complaints 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.

For more information or to refer a complaint, see the following webpage <https://www.gov.uk/complain-about-school>

## **8. 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 Trust deems the complaint 'persistent' a final response statement will be issued and if further communication is received, the Trust may decide to stop responding. Where this action is deemed appropriate, the Trust will notify the individual and explain that only new complaints will be considered.

In response to any serious incident of aggression or violence, the Trust will immediately inform the police and communicate the actions in writing. This may include barring an individual from BEST sites.

In response to duplicate complaints (such as a complaint on the same subject from a partner, family member or other individual), the Trust 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 Trust receives a large volume of complaints about the same topic or subject), the Trust will publish a single response on the Trust 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.

## **9. Record Keeping**

The Trust 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 held centrally, 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 Trust Board in case a review panel needs to be organised at a later point.

Where the Trust Board is aware of the substance of the complaint before the review panel stage, the Trust 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 Trust Board, who will not unreasonably withhold consent.

## **10. Monitoring**

The COO will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. This policy will be reviewed by the COO annually.

At each review, the policy will be approved by the Trust Board.

## **11. Links to other policies**

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admission policy
- School exclusion policy
- Staff grievance policy
- Staff disciplinary policy
- School SEN policy and information report
- GDPR policy and privacy notices

## **12 Author and Date**

COO/Compliance Officer – reviewed May 2019

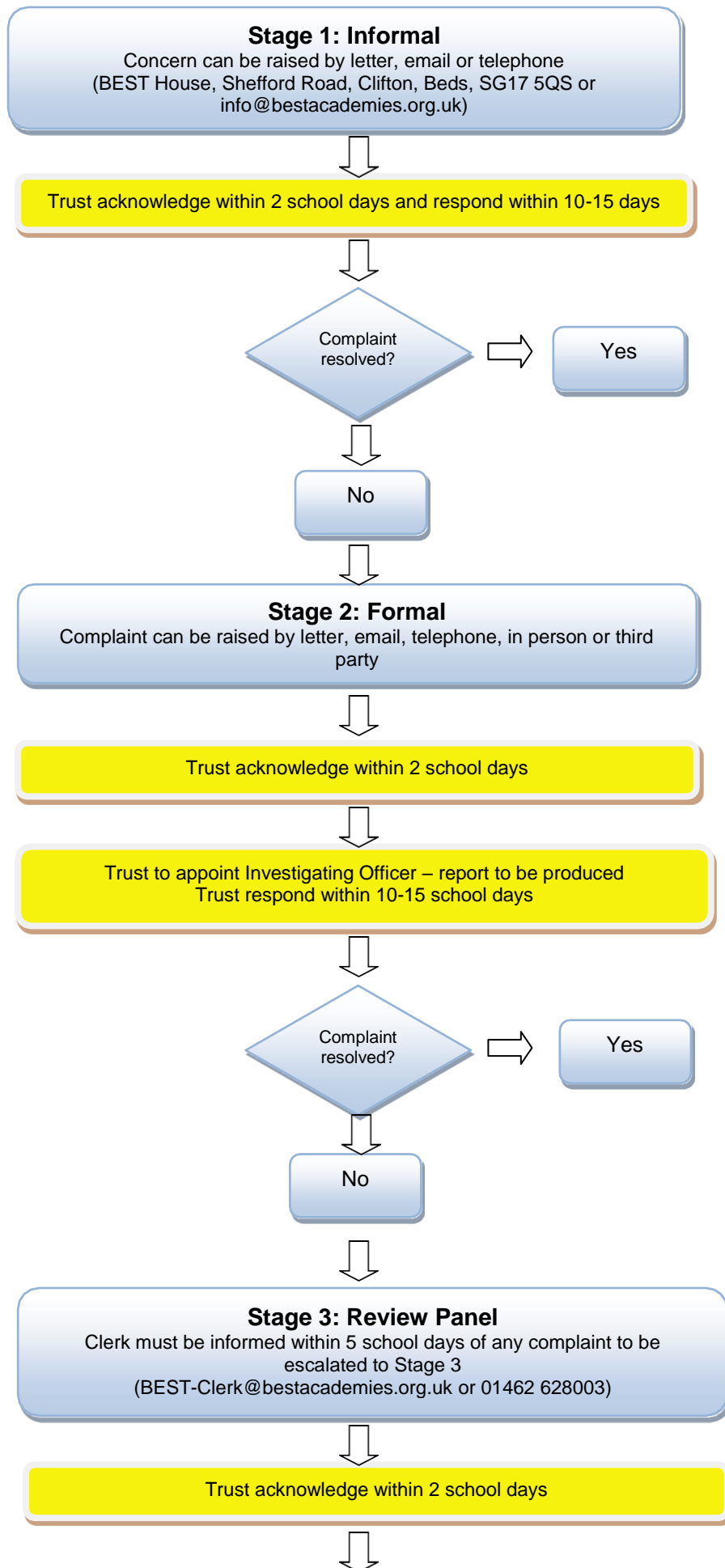
COO/Compliance Officer – reviewed May 2020

## **13. Appendices**

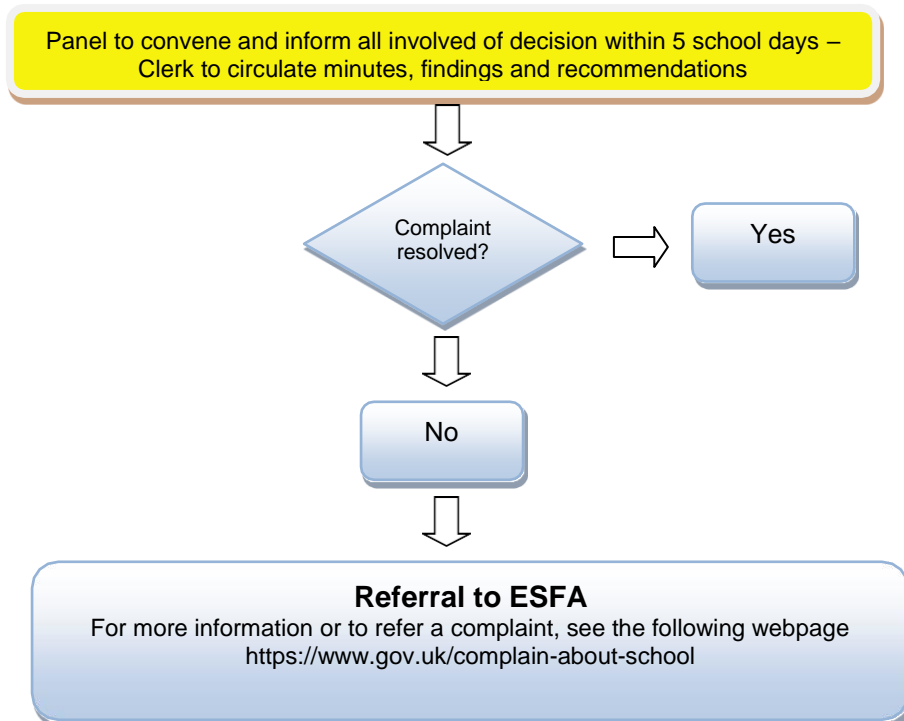
Appendix A – Complaints Procedure Flow Chart

Appendix B – BEST Complaints Form

# Appendix A – Complaints Flowchart



## Appendix A – Complaints Flowchart contd...





## Appendix B – Concern / Complaint Form

**Please complete and return to** Bedfordshire Schools Trust (BEST), BEST House, Shefford Road, Clifton, Beds, SG17 5QS or email [info@bestacademies.org.uk](mailto:info@bestacademies.org.uk).

*Please tick appropriate box:*

**Informal Concern**

**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

**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?**