

Complaints Policy

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Contents

1. Rationale and Aim	3
2. Introduction	3
3. Roles and Responsibilities	4
3.1 The complainant	4
3.2 The investigator	4
3.3 The Complaints Co-ordinator	4
The complaints co-ordinator can be the Principal, designated member of staff or any other staff member providing administrative support.	4
The complaints co-ordinator will:	4
3.4 Governance Professional (Clerk) to the Trust Board	4
3.5 Review Panel Chair	4
4. Principles of Investigation	4
5. Time scales	5
6. Stages of Complaint (not including those made against a Principal)	5
6.1 Stage 1: Informal	5
6.2 Stage 2: Formal	5
6.3 Stage 3: Review Panel	7
7. Complaints against a Principal, a Governor, Governing Board, Trustee or Trust Board	8
7.1 Stage 1: Trust level investigation	8
7.2 Stage 2: Review Panel	8
8. Referring complaints on completion of the Trust’s procedure	9
9. Escalation of complaints on completion of the school’s procedure	9
10. Persistent & Vexatious Complaints	10
11. Record Keeping	10
12. Handling Complaints Fairly	11
13. Monitoring	11
14. Links to other policies	11
15. Author and Date	11
16. Appendices	11
Appendix A – Complaints Flowchart	12
Appendix B – Concern / Complaint Form	14

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 best practice guidance for academies 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 is not limited to only parent/carer complaints. Anonymous complaints will be reviewed on a case-by-case basis to determine if it warrants investigation.

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

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

All complaints relating to individual a school or nursery must be initially directed to the school/nursery concerned and dealt with in accordance with their complaints policy. If you are unsatisfied with the outcome once the procedure within the school/nursery policy has been followed, then a formal complaint may be submitted to the Trust – see section 9 of this policy.

Complaints relating to the actions or conduct of the central team should be submitted as outlined in the complaints procedure below. However, the investigation may revert to a different staff policy if deemed necessary.

Complaints about services provided by other providers who use any of the BEST premises or facilities must 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.

If at any point during the processes outlined in this policy, the complainant wishes to withdraw their complaint, they must do so in writing.

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. Do 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 The Complaints Co-ordinator

The complaints co-ordinator can be the Principal, designated member of staff 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, LGBs and Trust Boards 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 Trust Board

The Governance Professional will:

- l. Be the contact point for the complainant and the complaints review panel, including circulating the relevant papers and evidence before complaints review 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.

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

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

6.1 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 413517 or 413518, or info@bestacademies.org.uk.

The Trust 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.

The Complaints Co-ordinator(s) must be informed of any complaint to ensure that issues raised and subsequent actions are recorded.

If the complaint is not resolved informally, it will be escalated to a formal complaint. If the Trust do not hear from the complainant within 10 school 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 Trust via the following methods (contact details included below).

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

BEST House
Shefford Road
Clifton
Bedfordshire
SG17 5QS

Email: info@bestacademies.org.uk

Telephone: 01462 413517 or 413518

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 using the contact details above.

Complaints Policy

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

The Complaints Co-ordinator(s) must be informed of any complaint received to ensure that issues raised and subsequent actions are recorded.

The assigned member of central staff or Complaints Co-ordinator will acknowledge the complaint in writing (either by letter or email) within two school days.

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 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.

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, we may ask that written consent is 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 member of staff will produce a written report of their investigation. The Trust 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 should inform the Governance Professional (Clerk to the Trust Board) 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 to the Trust Board
c/o BEST House
Shefford Road
Clifton
Bedfordshire
SG17 5QS

Email: best-clerk@bestacademies.org.uk

Telephone: 01462 413517

The Governance Professional will need the details of the complaint as set out in Appendix B, 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/Complaints Co-ordinator will acknowledge receipt of the request within two school days.

6.3 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 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/Complaints Co-ordinator 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/Complaints Co-ordinator will set a date and the hearing will go ahead. The panel will accept 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 unless a late submission is agreed by all parties.

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 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. We do not encourage either party to bring legal representation, but will consider it on a case-by-case basis. For instance, if an 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 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.

Complaints Policy

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 Trust's system and/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 of appeal.

The Governance Professional will inform the Complaints Co-ordinator(s) of the outcome of the panel to ensure that the actions and decisions have been recorded.

If the Trust or panel do not hear from the complainant within 10 school days, it will be assumed that the complaint has been resolved.

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

7.1 Stage 1: Trust level investigation

Complaints made against a Principal¹, 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 Governance Professional to the Trust Board (BEST-Clerk@bestacademies.org.uk or 01462413517).

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 set out in section 6 above.

A suitably-skilled and impartial Trust representative will be assigned to investigate (in line with the procedure set out in section 6 above).

7.2 Stage 2: Review Panel

If the complainant is not satisfied with the response and wishes to proceed to the next stage of the procedure, they should inform the Governance Professional (Clerk to the Trust Board) 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 to the Trust Board
c/o BEST House
Shefford Road

¹ Complaints concerning decisions made by the Principal will be dealt with under the school complaints procedure (the school procedure must have been followed prior to escalation to the Trust – see section 9). This complaint policy deals with complaints about the Principal's conduct only.

Complaints Policy

Clifton
Bedfordshire
SG17 5QS

Email: best-clerk@bestacademies.org.uk

Telephone: 01462 413517

The Governance Professional will need the details of the complaint as set out in Appendix B, 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/Complaints Co-ordinator will acknowledge receipt of the request within two school days. The panel will be convened in line with section 6.3 of this policy.

8. 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/government/publications/complain-about-an-academy/complain-about-an-academy>.

9. Escalation of complaints on completion of the school's procedure

If the complainant has completed the school complaints procedure and remains unsatisfied with the outcome, 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 413517

Any complaint should be escalated to the Trust within 10 school days of receiving the outcome of the review panel. Any complaints escalated outside of this time frame will be judged on a case-by-case basis.

The Trust will acknowledge receipt of the complaint within two school days.

A suitably skilled and impartial member of central staff will be appointed to investigate the issues raised. The 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.

Complaints Policy

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

If the complainant remains unsatisfied with the outcome of Trust investigation, they are entitled to refer to ESFA (see section 8 above).

10. 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 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' or 'vexatious', 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.

If an individual's behaviour is a cause for concern and a decision to bar an individual from BEST sites is made, the decision will be reviewed by the Chair of the Trust Board. 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

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.

11. 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 1998 or

Complaints Policy

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.

12. Handling Complaints Fairly

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

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

13. 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 or as required. At each review, the policy will be approved by the Trust Board.

14. 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
- Data protection (GDPR) policy and privacy notices
- Managing allegations of abuse against staff policy

15. Author and Date

COO/Compliance Officer – reviewed May 2019
COO/Compliance Officer – reviewed May 2020

COO/Compliance Officer – reviewed May 2021

COO/Compliance Officer – reviewed May 2022 (updated Dec 2022)

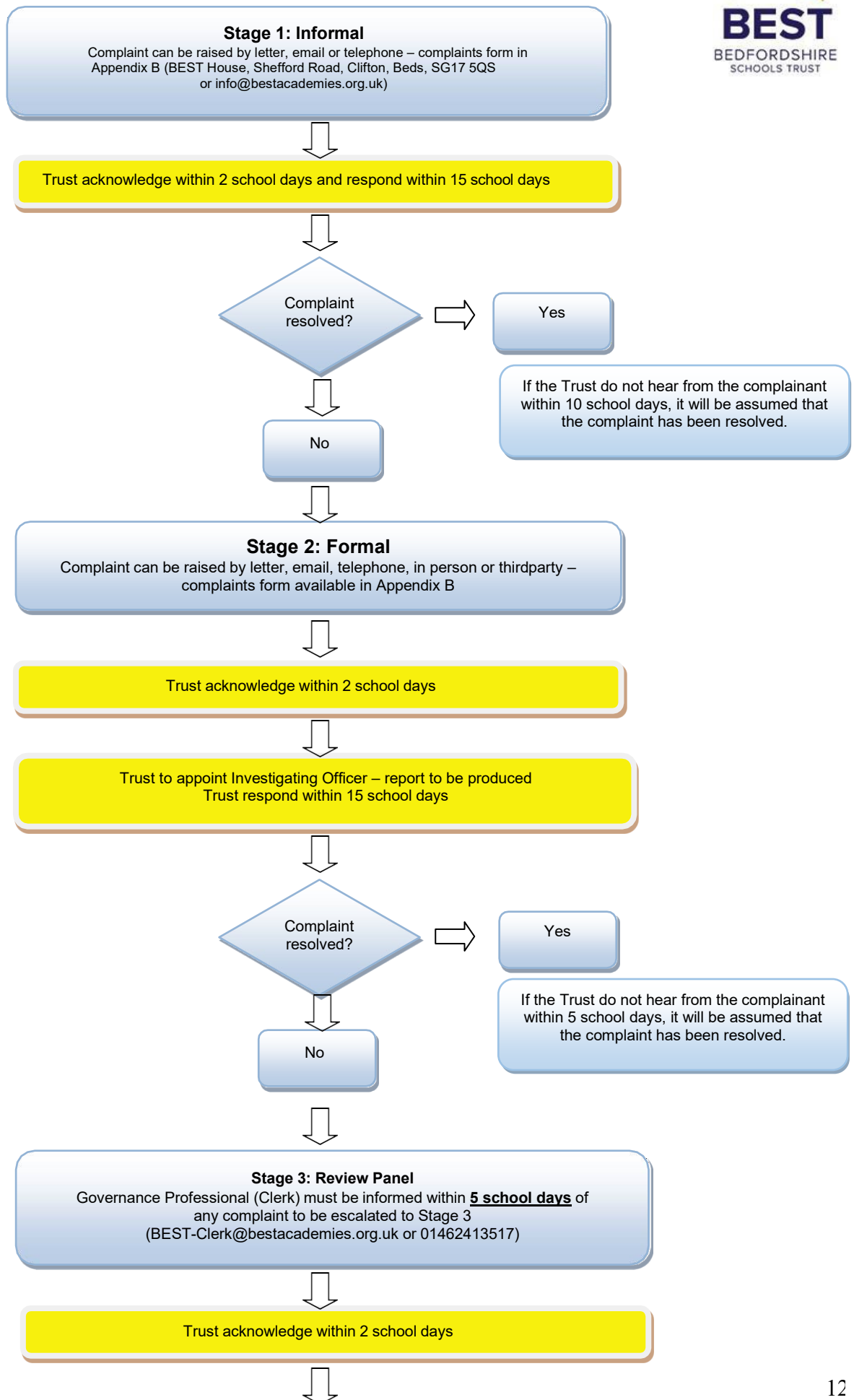
COO/Compliance Officer – reviewed November 2023

16. Appendices

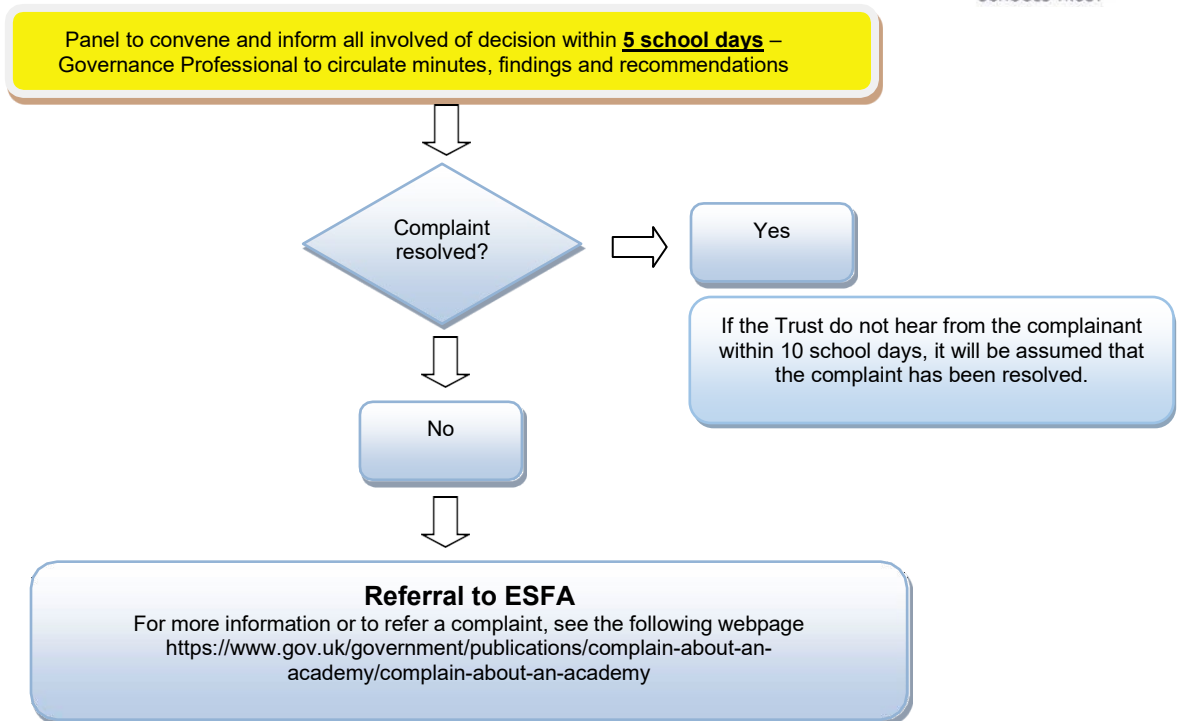
Appendix A – Complaints Procedure Flow Chart

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.

Please tick appropriate box:

Informal Complaint

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 (please include times, dates and details of witnesses if appropriate) – if you have any supporting documents, please attach these to the complaint form:

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