



Biggleswade Academy

Complaints Policy

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Introduction

“We can talk with someone about anything even if it’s awful or small”

At Biggleswade Academy we actively encourage pupils and parents to contact us about anything and everything related to learning and school. We welcome news about successes and important events outside of school and we appreciate feedback on all school-related matters. We hope for open, positive, solution-focussed conversations and exchanges of information and we will also provide positive feedback on the great work students are doing. Receiving a phone-call from school is not always a negative experience!

Definitions

- 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’.
- A “grievance” is an issue raised by a member of staff where they feel the school has not implemented a policy or process fairly or properly. Grievances will be dealt with in line with the school’s Grievance Policy.
- Unreasonable complaints include:
 - Vexatious complaints which:
 - Are obsessive, persistent, harassing, prolific, and repetitious.
 - Insist upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason.
 - Insist upon pursuing meritorious complaints in an unreasonable manner.
 - Are designed to cause disruption or annoyance.
 - Demand for redress which lacks any serious purpose or value.
 - Serial or persistent complaints:
 - Are duplicated, sent by the same complainant once the initial complaint has been closed.
- Duplicate complaints are identical complaints received from a complainant’s spouse, partner, grandparent or child. These complaints will not be addressed again, the individual making the second complaint will be informed that the complaint has been dealt with on a local level and if they are dissatisfied with the result, they can appeal to the DfE
- Persistent complainers – a parent/carer or member of the public who complains about issues, either informally or formally, or frequently raises issues that the complainant considers to be within the remit of the Academy, and whose behaviour is unreasonable.

How to raise a concern or make a complaint

At Biggleswade Academy, we aim to resolve all concerns and complaints at the earliest possible stage and we are dedicated to continuing to provide the highest quality of education possible throughout the procedure.

Our policy has been created to deal with any concern or complaint against a member of staff or the school as a whole, relating to any aspects of the school or the provision of facilities or services. It is designed to ensure that the school’s policy is straightforward, impartial, non-adversarial, allows a full and fair investigation, respects confidentiality and delivers an effective response and appropriate redress.

Any person, including a member of the public, is able to make a complaint about the provision of facilities or services that the school provides. This policy outlines the procedure that the complainant and school must follow. NB. We actively discourage the use of social media for airing dissatisfaction with our school – we are fiercely proud of our school and its excellent standing in the community. Where there are concerns and issues, we expect all members of our community to communicate with us by using the procedure outlined in this policy and only through official channels.

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.

We 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, we will consider them to have been received on the next school day.

If at any point we cannot meet the time scales we have set out in this policy, we will:

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

Once a complaint has been made, it can be resolved or withdrawn at any stage.

How to raise a concern

In general, concerns are handled within the school and are best addressed directly to the member of staff involved. A concern may be raised in person, in writing or by telephone. Even with concerns, it is best to use the proforma in Appendix A. This ensures clarity of communication and makes clear what parents/carers/members of the public would like as an outcome of the concern.

How to raise a complaint

In general, complaints are handled within the school. A complaint can be made in person, in writing or by telephone. A complaint may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.

There are three Stages in terms of raising issues, concerns and then a more formal complaints procedure:

- **Stage 1** aims to resolve the complaint through an informal process at the appropriate level.
- **Stage 2** is the first formal stage where a formal written complaint is considered by the Academy Principal (or the Chair of the Trust Board if the complaint is about the Academy Principal), who has responsibility for dealing with complaints. We always advise that Stage 1 has been completed, before issues and concerns are raised as more formal complaints.
- **Stage 3** is the next step once Stage 2 is complete. It involves a review of the complaint by the Chair of Trust Board who will convene a complaint's review panel: one panel member being independent of the management and running of the academy.

Regardless of the stage of the complaint, it is best to use the proforma in Appendix A. This ensures clarity of communication and makes clear what parents/carers/members of the public would like as an outcome of the complaint.

Complaints Relating to Fulfilment of the EYFS Requirements

In order to comply with the statutory framework, written concerns or complaints relating to the fulfilment of the EYFS Requirements will be dealt with in accordance with the following process:

- The written concern/complaint will be acknowledged within 5 days;
- The Academy Principal will investigate the concern or complaint which may include meeting with the complainant and the Head of Early Years. A written response notifying the complainant of the outcome of the investigation will be sent within 28 days of the complaint being received.
- Where the complainant remains dissatisfied, the Academy Principal will ensure that a formal complaints panel will be convened in accordance with stage 3 of this policy.

A record of the written complaints and their outcome will be maintained and made available to Ofsted on request.

Major complaints will be held for the current year, plus 6 years.

Complaints involving negligence will be held for the current year, plus 15 years.

Parents are further advised that where they have concerns regarding the Academy meeting EYFS requirements they may contact Ofsted on 0300 123 4666.

The Academy expect parents/carers/members of the public who raise either informal concerns or formal complaints with the Academy to:

- a) treat all Academy staff with courtesy and respect;
- b) respect the needs and well-being of pupils and staff in the Academy;
- c) avoid any use, or threatened use, of violence to people or property;
- d) avoid any aggression or verbal abuse;
- e) recognise the time constraints under which members of staff in the Academy work and allow the Academy a reasonable time to respond;
- f) recognise that resolving a specific problem can sometimes take some time;

Stage 1 – Informal complaints

It is to be hoped that most complaints can be expressed and resolved on an informal basis. Complaints should be raised with either the class teacher, Progress Leader / subject leader, member of the Senior Leadership Team or Academy Principal. Complainants should not approach individual Trustees to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 3 of the procedure.

Where there are issues to address, we aim to be peaceful problem-solvers, whilst remaining clear and robust in terms of standards and expectations. Keeping the focus on learning always results in great outcomes and positive communication.

The member of staff the complaint has been made against can discuss the complaint with the Academy Principal. The Academy Principal may seek support and/or refer the matter to a senior member of staff to act as a complaints' co-ordinator. If the complaint is about the Academy Principal, the Academy Principal may direct the complainant to the Chair of the Trust Board and/or refer the matter to a member of the Senior Leadership Team to act as a complaints' co-ordinator.

To prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls are kept and a copy of any written response is added to the record. These notes are kept securely on the school's ICT system and, where appropriate, encrypted.

We will aim to acknowledge your complaint as soon as possible. Please be aware that all staff have teaching commitments and/or other responsibilities. An immediate response may not always be possible and, at the very latest, we will respond to your complaint within three working days.

We will arrange a meeting between the complainant and the relevant member of staff to discuss the issue in a respectful and informal manner to seek a mutual resolution. This may be mediated by the Academy Principal and/or another member of staff acting as a complaints' coordinator. We will only arrange a meeting where we think it would be beneficial to both parties.

At this stage, the complainant will be asked what they think might resolve the issue – any acknowledgement that the Academy could have handled the situation better is not an admission of unlawful or negligent action. At the conclusion of their investigation, the appropriate person investigating the complaint will provide an informal written response within 15 school days of the date of receipt of the complaint.

If an appropriate resolution cannot be sought at this informal level, if the issue remains unresolved, or if the complainant is dissatisfied with the outcome following the initial discussions, the complainant may wish to proceed to the next level of the procedure – Stage 2: to make a formal complaint.

Stage 2: Formal Complaints

Formal complaints must be made in writing or in person using the proforma in Appendix A of this policy. Normally, this formal written complaint should be sent to the Academy Principal. If, however, your complaint concerns the Academy Principal personally, it should be sent to the academy marked "For the attention of the Chair of the Trust Board" or sent by email to the Chair of the Trust Board.

The Academy Principal will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) as soon as possible and no later than 3 school days after receipt of the formal complaint.

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

Note 1: The Academy Principal may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.

The Academy Principal will ensure the complaint is investigated thoroughly. During the investigation, the Academy Principal (or investigator) will:

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

As part of the investigation into the complaint, the complainant may be invited to a meeting to discuss the complaint and fill in any further details required. If they wish, the

complainant can ask someone to accompany them to help explain the reasons for the complaint. The Academy Principal or Chair of the Trust Board may also be accompanied by a suitable person if they wish.

At the conclusion of their investigation, the Academy Principal will provide a formal written response, usually no later than 15 school days of the date of receipt of the complaint. If the Academy Principal 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 Biggleswade Academy will take to resolve the complaint.

Where the complainant remains dissatisfied s/he may request the complaint is dealt with at Stage 3. Any such request **must** be set out in writing, stating where the complainant remains dissatisfied, what remedies are being sought and be lodged within 5 school days of the complainant receiving the findings in writing.

If the complaint is about the Academy Principal, or a member of the Trust Board (including the Chair or Vice-Chair), a suitably skilled Trustee will be appointed to complete all the actions at Stage 2.

Complaints about the Academy Principal or member of the Trust Board must be made to the Clerk, via the school office.

If the complaint is jointly about the Chair and Vice Chair or the entire Trust Board or the majority of the Trust Board, Stage 2 will be considered by an independent investigator appointed by the Trust Board. At the conclusion of their investigation, the independent investigator will provide a formal written response.

Stage 3 – Panel Hearing

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3 – a panel hearing consisting of at least three people who were not directly involved in the matters detailed in the complaint, with one panel member who is independent of the management and running of the school. This is the final stage of the complaints' procedure.

A request to escalate to Stage 3 must be made to the Clerk of the Trust Board, via the school office, within 5 school days of receipt of the Stage 2 response. The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 10 school days of receipt of the Stage 2 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed. If the complainant rejects the offer of three proposed dates, without good reason, the Clerk 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.

If the complaint is jointly about the Chair and Vice Chair or the entire Trust Board or the majority of the Trust B, Stage 3 will be heard by a committee of independent, co-opted Trustees.

A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate. For instance, if an Academy 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 the academy's internal confidential procedures, as required by law using our Disciplinary Policy, if appropriate, but outcomes will not be shared with them.

Representatives from the media are not permitted to attend.

At least 5 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 3 school days before the meeting.
- Any written material will be circulated to all parties at least 2 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.

During the meeting, there will be opportunities for the complainant:

- to explain their complaint
- to hear the academy's response from the Academy Principal
- to question the Academy Principal about the complaint and the response
- to be questioned by the Academy Principal about the complaint and the response

In addition, there will be the opportunity for:

- the complainant and the Academy Principal to be questioned by the panel members
- any party to have the right to call witnesses (subject to the chair's approval) and all parties have the right to question all witnesses
- the complainant and the Academy Principal to make a final statement

At the end of the meeting, everyone apart from the committee will leave. 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 Biggleswade Academy with a full explanation of their decision and the reason(s) for it, in writing, within 10 school days.

The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by Biggleswade Academy.

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 Biggleswade Academy will take to resolve the complaint.

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the school premises by the proprietor and the head teacher.

A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing.

Next Steps

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 ESFA after they have completed Stage 3.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by Biggleswade Academy. They will consider whether Biggleswade Academy has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed [Part 7 of the Education \(Independent School Standards\) Regulations 2014](#). It will also look into:

- Whether there was undue delay, or the academy did not comply with its own complaints procedure
- Whether the academy was in breach of its funding agreement with the secretary of state
- 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.

The complainant can refer their complaint to the ESFA online at: [www.education.gov.uk/ contactus](http://www.education.gov.uk/contactus), by telephone on: 0370 000 2288 or by writing to:

Academy Complaints and Customer Insight Unit
Education and Skills Funding Agency
Cheylesmore House
5 Quinton Road
Cove
ntry
CV1
2WT

Anonymous complaints

We will not normally investigate anonymous complaints. However, the Academy Principal or Chair of the Trust Board, if appropriate, will determine whether the complaint warrants an investigation.

Time scales

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.

Complaints received outside of term time

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

Scope of this complaints' procedure

This procedure covers all complaints about any provision of community facilities or services by Biggleswade Academy School, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
Admissions to schools	Concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority.
Matter likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Integrated front door previously MASH (Multi-Agency Safeguarding Hub). LADO – 0300 300 5026 / 0300 300 8142

	<p>Integrated Front Door - 01234 718700 between 8.45am and 5.20pm Monday to Thursday and 8.45 – 4.20 on Fridays. Out of hours calls should be made to the Emergency Duty Team (EDT) on 0300 3008123</p>
Exclusion of children from school *	<p>Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions</p>
Whistleblowing	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters directly with their employer. Referrals can be made at www.education.gov.uk/contactus.</p> <p>Volunteer staff who have concerns about our school should follow this policy. They may also complain directly to the Department for Education (see link above) depending on the substance of their complaint</p>
Staff grievances	<p>Complaints from members of staff will be dealt with under the Academy's grievance policy.</p>
Staff conduct	<p>Complaints about staff will be dealt with under the Academy's disciplinary policy</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations. If this happens, we will inform you of a proposed new timescale.

If a complainant commences legal action against Biggleswade Academy School/LIFE Academies Trust in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

Persistent complaints and unreasonably 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 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

Steps we will take

We will take every reasonable step to address the complainant's concerns, and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

If the complainant continues to contact the school in a disruptive way, we may put communications strategies in place. We may:

- Give the complainant a single point of contact via an email address
- Limit the number of times the complainant can make contact, such as a fixed number per term
- Ask the complainant to engage a third party to act on their behalf, such as Citizens Advice
- Put any other strategy in place as necessary

Stopping responding

We may stop responding to the complainant when all of these factors are met:

- We believe we have taken all reasonable steps to help address their concerns
- We have provided a clear statement of our position and their options
- The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

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

Duplicate complaints

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and the local process is complete
- Direct them to the ESFA if they are dissatisfied with our original handling of the complaint.

If there are new aspects, we will follow this procedure again.

Complaint campaigns

Where the school receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school may respond to these complaints by:

- Publishing a single response on the school website.
- Sending a template response to all of the complainants.

If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the normal procedures will apply.

Resolving complaints

At each stage in the procedure, Biggleswade Academy wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology

Very occasionally, the academy will feel that it needs, regretfully, to close a complaint where the complainant is still dissatisfied and has completed all 3 stages of the complaints procedure.

We will do all we can to help to resolve a complaint against the academy, but sometimes it is simply not possible to meet all of the complainant's wishes. Sometimes it is simply a case of "agreeing to disagree".

If a complainant persists in making representations to the academy - to the Academy Principal, designated trustee, Chair of the Trust Board or anyone else - this can be extremely time-consuming and can detract from our responsibility to look after the interests of all the children in our care.

For this reason, we are entitled to close correspondence (including personal approaches, as well as letters and telephone calls) on a complaint where we feel that we have taken all reasonable action to resolve the complaint and the complaint has completed all 3 stages of the procedure.

Withdrawal of a complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

Main contacts are as follows:

Biggleswade Academy
Mead End
Biggleswade
Beds
SG18 8JU

[email: enquiries@biggleswadeacademy.org](mailto:enquiries@biggleswadeacademy.org)

Key contacts

Progress Leaders

Early Years	Mrs Kumar skumar@biggleswadeacademy.org
Key Stage 1	Mr Lopes elopes@biggleswadeacademy.org
Years 3 & 4	Mrs Price spprice@biggleswadeacademy.org
Year 5	Mr Haydon mthaydon@biggleswadeacademy.org
Year 6	Mr Carter adcarter@biggleswadeacademy.org
Year 7	Mr Roberts gwroberts@biggleswadeacademy.org
Year 8	Mrs Sherman csherman@biggleswadeacademy.org

Senior Leaderships Team

Academy Principal	Ms Flynn sefynn@biggleswadeacademy.org
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Vice Principal	Mr M Steer masteer@biggleswadeacademy.org
Head of Early Years	Mrs E Wyatt ewyatt@biggleswadeacademy.org
Associate Principals	Mrs Briars dabriars@biggleswadeacademy.org
	Mrs Wilson bcwilson@biggleswadeacademy.org
	Mr Whiteway ajwhiteway@biggleswadeacademy.org
	Mr Bilimoria-Mears rabilimoria@biggleswadeacademy.org

Mr Bilimoria-Mears is also our Designated Safeguarding Lead and SENDCO.

Chair of the Trust Board: Mr C Jones
chris.jones@biggleswadeacademy.org

Review

This policy will be reviewed every two years by SLT and the Trust Board. The Trust Board may, however, review the policy earlier than this if they receive recommendations on how the policy may be improved.

Legal Framework

This policy has due regard to statutory legislation, including, but not limited to, the following:

- The Education Act 2002
- The Freedom of Information Act 2000
- The Immigration Act 2016
- The Equality Act 2010
- The General Data Protection Regulation (GDPR)
- The Data Protection Act 2018
- The Education (Independent School Standards) Regulations 2014

This policy also has due regard to guidance including, but not limited to, the following:

- DfE 'Best Practice Advice for School Complaints Procedures 2016' 2016
- Education and Skills Funding Agency (ESFA) 'Creating an academy complaints procedure' 2015
- HM Government 'Code of practice on the English language requirement for public sector workers' 2016

Appendix A: Formal Complaint

This form should be used to submit a formal complaint to the school.

Send the completed formal complaint to the Academy Principal (seflynn@biggleswadeacademy.org).

If your complaint relates to the Academy Principal, send it to the Chair of the Trust Board (chris.jones@biggleswadeacademy.org). You are advised to keep a copy. Please be aware that the information will, in normal circumstances, be shared with any person/s complained about. Please think carefully about what you write.

Name of parent/carer making the complaint:	
Phone Number:	
Email:	
Student's name:	
1. Describe briefly the nature of your complaint. Please include all relevant facts, dates and names of people involved and any witnesses:	
2. Has this complaint been raised at an informal level? Please include the following: - When you first raised the issue and with whom - What action was taken as a result of your informal complaint? - Is this a one-off issue or part of a chain of events?	
3. What actions do you feel might resolve the problem at this stage?	

4. Have you informed any external agency / third party about your complaint? YES / NO

If yes, do you wish the external agency / third party to receive correspondence? YES / NO

If yes, please identify the external agency / third party and provide an email and postal address and telephone number.

Print Name	
Signed	
Date	

Official use	
Date acknowledgement sent:	
By whom:	
Complaint referred to:	
Action taken:	
Date:	

Appendix B: Roles and Responsibilities

Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

Investigator

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
 - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
 - interviewing staff and children/young people and other people relevant to the complaint
 - consideration of records and other relevant information
 - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the Academy Principal or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.
- The Academy Principal or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

Complaints Co-ordinator

(This could be the Academy Principal / designated complaints trustee or other staff member providing administrative support)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, Academy Principal, Chair of the Trust Board or the Clerk and to ensure the smooth running of the complaints' procedure
- be aware of issues regarding:
 - sharing third party information
 - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.

Clerk to the Trust Board

The Clerk is the contact point for the complainant and the committee and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example: stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision.

Committee Chair

The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the committee is explained to the complainant

- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR. If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting
- both the complainant and the academy are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk (and complaints co-ordinator, if the academy has one).

Committee Member

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so
No trustee may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant

We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.

- many complainants will feel nervous and inhibited in a formal setting Parents/carers often feel emotional when discussing an issue that affects their child.
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting

Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.

The committee should respect the views of the child/young person and give them equal consideration to those of adults.

If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.

However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.

- the welfare of the child/young person is paramount.

MODEL LETTER 1:

INITIAL LETTER INFORMING A COMPLAINANT THAT HIS/HER BEHAVIOUR IS CONSIDERED TO FALL BELOW A REASONABLE/ACCEPTABLE STANDARD

Dear

This letter is to inform you that the Academy considers your actions in [*describe actions, dates, behaviour*] on when you to be unreasonable/unacceptable [*delete as appropriate*].

We would ask you to bear in mind the fact that such behaviour on the Academy's site can be disruptive and distressing to pupils, staff and parents/carers [*delete if behaviour complained of did not occur on Academy site e.g. persistent use of e-mail, verbally abusive telephone calls*].

We are aware that you have raised some concerns, and would advise you that these are usually dealt with most effectively through the Academy's Complaints Policy.

At the moment we are dealing with these issues by [*describe actions being taken to resolve concern*].

Please note that the Academy's Policy for Dealing with Persistent or Vexatious Complaints/Harassment sets out standards of behaviour expected of all people in their dealings with the Academy. These include:

- behaving reasonably;
- treating others with courtesy and respect;
- resolving complaints using the Academy's Complaints Policy;
- avoiding physical and verbal aggression at all times.

The Policy also indicates the steps that we may take if these standards are breached. These include:

- making special arrangements for meetings and communication with the Academy;
- considering a ban from the Academy premises;
- considering legal action.

I would ask that you allow the Academy time to resolve the issues according to the correct procedures, and would assure you that we shall take every step to move this process forward as quickly as possible.

Yours sincerely

Academy Principal

**MODEL LETTER 2:
INFORMING A COMPAINANT THAT HIS/HER BEHAVIOUR IS NOW CONSIDERED TO
FALL UNDER THE TERMS OF THE POLICY FOR DEALING WITH PERSISTENT OR
VEXATIOUS COMPLAINTS/ HARASSMENT**

Dear

You will recall that I wrote to you on [*insert date*] telling you that I felt your behaviour was unreasonable.

I am now writing to inform you that in view of your behaviour on [date], when you [*describe actions/behaviour*] it has been decided that the Academy's Policy Complaints Policy (section on dealing with Persistent or Vexatious Complaints/Harassment/Aggressive Behaviour Policy will apply from the date of this letter.

In the circumstances I have made the following arrangements for your future contact with the Academy:

*[*Delete A or B as applicable]*

*A For the foreseeable future, should you wish to meet with any member of staff, I would ask you to note:

- (a) all routine communication, including any request for a meeting between you and the Academy, will be by letter only. Letters from you need to be addressed to at the Academy address; email correspondence will not be responded to;
- (b) an appointment will be arranged and confirmed in writing as soon as possible;
- (c) a third party from the Academy will be present;
- (d) in the interests of all parties, formal notes of this meeting may be made.

*B For the foreseeable future, all meetings arising from any written communication with the Academy will not be conducted by a member of staff, but will be conducted by representing the Academy. I would ask you to note:

- (a) all routine communication, including any request for a meeting between you and the Academy, will be by letter only. Letters from you need to be addressed to at the Academy address; email correspondence will not be responded to;
- (b) an appointment will be arranged and confirmed in writing as soon as possible;
- (c) a third party will be present;

(d) in the interests of all parties, formal notes of this meeting may be made.

Exceptionally, these arrangements do not apply to any emergency involving [*insert name of pupil*] – in which case you should contact the Academy in the usual way.

While these arrangements are in place, with respect to normal access to information available on parents' evenings, this will be provided in a summary written report.

These arrangements take effect straightaway. If you wish to make a representation about the contents of this letter, which may include any expressions of regret on your part and any assurances that you are prepared to give about your future good conduct, you can do so by writing to me at the Academy by [*state ten working days from the date of the letter*]. If on receipt of your comments, I consider that the arrangements outlined above should continue, you will be supplied with details of how to review a circumstance of your case.

I do hope that the difficulties we are currently experiencing can soon be resolved.

Yours sincerely

Academy Principal