



POLICY TITLE:

COMPLAINTS POLICY

STATUS:

Statutory

REVIEWED BY:

Local governing body/Principal

DATE OF APPROVAL:

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FREQUENCY OF REVIEW:

Annually

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March 2019

AUTHOR:

Principal

1. Rationale and Aim

Etonbury Academy take all comments seriously. The aim of this document is to set out how a complaint from any parent/carer, the general public or student is dealt with, and to ensure that it is handled in the most appropriate, and efficient, manner possible.

This procedure has been adapted from the recommendations made by the UK government on www.education.gov.uk, complies with section 29 of the Education Act 2002 and is endorsed by the Local Governing Body at Etonbury Academy. This document may be reviewed as deemed appropriate or as required by Law or Regulation.

2. Introduction

There are two distinct types of complaint under this document:

- a. Informal 'Concern', which is an informal complaints procedure to allow concerns to be expressed quickly and in complete confidence to a member of Academy Staff. The process is kept informal with the aim of resolving the complaint as quickly as possible.
- b. The Formal Complaints Procedure

All complaints, no matter what their nature, whether formal or informal will be treated in the strictest confidence.

Concerns raised in the media (including social media) will not be taken into account. Etonbury academy will only respond to complaints raised in accordance with this document.

No form of physical or verbal abuse towards staff will be tolerated and if there is any danger of 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.

This document does not apply to complaints about:

- Pupil admissions
- Pupil exclusions

If there is an allegation or concern about physical or sexual misconduct towards a child, or there is a belief that a child may be at risk of serious harm, the school may immediately refer the case to child protection and welfare services. If it is decided that there is cause for an official investigation, the decisions by these authorities will supersede those made by the school and outlined in this document. Where the complaint relates to a safeguarding referral made by a member of staff at the school, any consideration of that complaint by the school will be limited to a review of the reasonableness of the decision to make the referral in light of the evidence available to the member of staff at that time and in light of the school's safeguarding policies.

For more information on our school's provision for protecting our pupils, read our Child protection and safeguarding policy, and the allegations of abuse against staff policy.

3. Timings

In all cases, once a Concern or Formal Complaint is received, an acknowledgement will be sent within two working days.

Depending upon the type of complaint, a response will be sent within 10 to 15 working days. However, in some cases which are complex or where more time is required, Etonbury Academy will contact the complainant to let them know. At that time, a

reasonable estimate of when a resolution or decision is likely will be given.

For the purposes of this document, a 'working day' is a day when the Academy is open for teaching students in formal lessons from Monday to Friday and excludes Saturdays, Sundays, and any school holidays and bank holidays.

4. Procedure

Any Concern should be raised by following the procedure below.

Informal Procedure

Stage 1

In the first instance, any Concern should be raised with the class teacher or appropriate staff member. However, in the circumstances listed below, a formal letter should be immediately sent to the Principal.

- If the Concern is about the actions of a member of staff and it would be difficult to discuss the issue with that member of staff (at this stage it may be deemed necessary to revert to BEST's internal disciplinary procedures to investigate the matter rather than follow the complaints procedure outlined in this document); or
- If the Concern places the health, well-being or safety of students at risk.

If the Concern relates to the Principal, the Concern should be raised with the Chief Executive Officer of BEST (CEO, BEST, c/o Samuel Whitbread Academy, Clifton Road, Shefford, Beds, SG17 5QS).

All future points of action that have been agreed upon in this meeting are noted and agreed, as well as any outcomes and a plan of action, if one has been agreed.

Stage 2

If the Concern has not been resolved to the person's satisfaction under stage 1 of the informal procedure, they should contact the Head of Year or if the matter is subject specific, Head of Department.

Formal Procedure

Stage 1

If the person raising the concern feels that it has not been resolved to their reasonable satisfaction under the above informal procedure, they should contact the Academy Principal. This should be submitted in writing on the Complaints Form (Appendix C). An acknowledgement will be sent within two working days.

If the Principal deems it necessary, they will discuss the complaint with the Leadership Team and a named person will be appointed to investigate the matter. The named person will:

- carry out an investigation in a timely manner;
- only interview children when the nature of the complaint is sufficiently serious to warrant it; and
- maintain accurate notes of the investigation.

Stage 2

If the complaint remains unresolved or the outcome of Stage 1 is not to the complainant's satisfaction, they should write a letter to the Chair of the Local Governing Body and request that the complaint is considered further. The Chair of Governors will respond within 15 working days.

Stage 3

If the complaint remains unresolved, after Stage 2, the complainant should write to the BEST Clerk to the Board of Directors, and the Chair of the Local Governing Body requesting that the complaint is referred to a Complaints Appeal Panel (see Appendix B which contains the detailed procedure for the Appeal Panel).

Complaining to the Secretary of State

If the complainant believes that the Complaints Appeal Panel has acted unreasonably or illegally a complaint should be made in writing to the Secretary of State for Education.

Any Complaints relating to the BEST Board of Directors and not the academies governed by BEST, should be directed to the Regional Schools Commissioner (rsc.scnwlon@education.gsi.gov.uk).

Vexatious complaints

The Local Governing Body take all complaints raised to them very seriously but, when all stages of this Complaints Process have been followed and the complainant still remains unsatisfied despite reasonable endeavours to resolve the complaint and the same issue is re-opened, then the Academy may determine that the correspondence is of a vexatious nature and no further correspondence will be entered into.

Etonbury Academy will not accept any form of continued harassment of their Staff or Local Governing Body, and will also view this as vexatious in nature, and no further correspondence will be entered into.

The complainant is still entitled to appeal to the Secretary of State.

5. Monitoring and Evaluation

All Complaints are recorded. Trends are analysed and appropriate action taken by senior staff. Complaints analysis/trends are submitted to the Local Governing Body once a term.

In accordance with the Data Protection Act 1998, the academies will keep any personal information relating to a complaint in a secure manner for a period of 6 years.

6. Implementation and Review

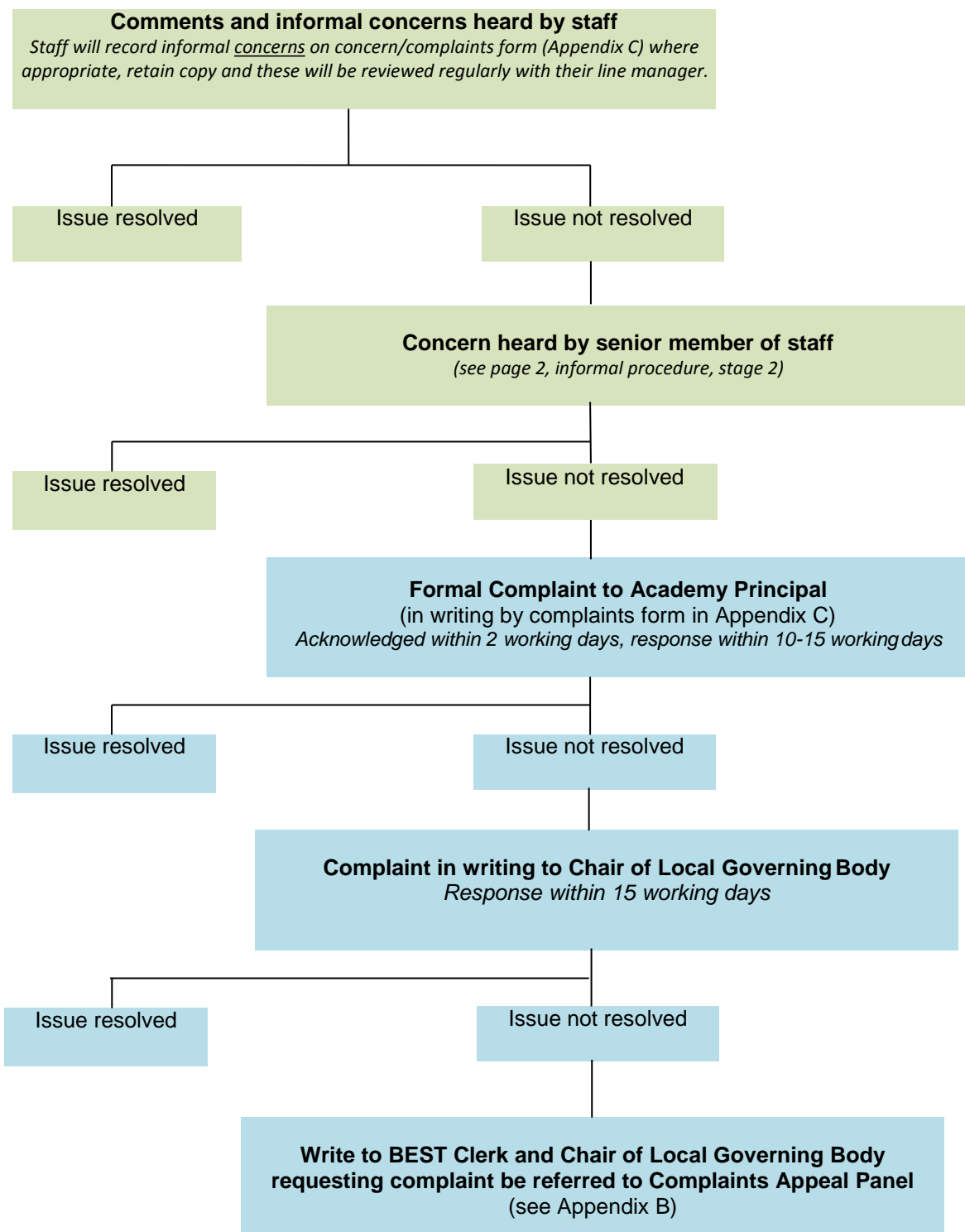
This policy will be made known to all staff, parents/carers and governors, and published on the Academy website. Copies are also available upon request from the Academy office. This policy will be reviewed annually or as required.

7. Appendices

Appendix A – Complaints Procedure Flow Chart
Appendix B – Process for Complaints Appeal Panel
Appendix C – BEST Complaints Form

Appendix A – Complaints Procedure Flow Chart

KEY	
	Informal Stage
	Formal Stage



Appendix B – Process for Complaints Appeal Panel

The last stage of the Complaints Process is when an appeal is made to the Chair of the Board of Bedfordshire Schools Trust [BEST]. The chair will nominate a number of Directors to form an appeals panel with delegated powers to hear the complaint at this stage. The remit of the panel is as follows:

- Dismiss the complaint in whole or in part
- Uphold the complaint in whole or in part
- Decide on the appropriate action to be taken to resolve the complaint
- Recommend changes to BEST's procedures to ensure that problems of a similar nature do not recur

It is important that the appeal hearing is independent and impartial therefore no Local Academy Governor of the Academy involved may sit on the panel if they have had prior involvement in the complaint or in the circumstances surrounding it and at least one panel member will be independent of the management/running of BEST.

The aim of the hearing, which remains private, will always be to resolve the complaint and achieve reconciliation between you and the Academy.

Roles and responsibilities of panel

The role of the Clerk

Once the complaint has been referred to a BEST Complaints Appeal Panel, the Clerk to BEST will act as the contact point for all parties. The Clerk will set the date, time and venue of the hearing, collate any written material and circulate this to all parties in advance of the hearing, record the proceedings and notify all parties of the panel's decision.

The role of the Chair of the Panel

The Chair of the panel will ensure that:

- The remit of the panel is explained to all parties and each party has the opportunity to put their case forward without undue interruption
- The issues are addressed
- Key findings of fact are made
- Parents/carers and others who may not be used to speaking at such a hearing are put at ease (parents/carers may be accompanied at the hearing if they wish and should inform the Clerk of who will be present)
- The hearing is conducted in an informal manner with each party treating the other with respect and courtesy
- The panel is open minded and acting independently
- No member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- Each side is given the opportunity to state their case and ask questions
- Written material is seen by all parties – if a new issue arises it would be useful to give all parties the opportunity to consider and comment on it

Checklist for a Panel Hearing

The panel need to take the following points into account:

- The hearing is as informal as possible.
- Third party witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, you will be invited to explain your complaint, and be followed by your witnesses.
- The Principal may question both you and your witnesses after each has spoken.
- The Principal will then be invited to explain the Academy's actions and be followed by the Academy's witnesses.

- You may question both the Principal and the witnesses after each has spoken.
- The panel may ask questions at any point.
- You will then be invited to sum up your complaint.
- The Principal will then be invited to sum up the Academy's actions and response to the complaint.
- The Chair explains that both parties will hear from the panel within a set time scale.
- Both parties leave together while the panel decides on the issues.

Notification of the panel's decision

The Chair of the Panel needs to ensure that you are notified of the panel's decision, in writing, with the panel's response within 5 school days of the hearing. This letter would explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

BEST Complaints Form

Appendix C – Concern / Complaint Form

Please complete and return to (*individual Academy contact – see appendix*).

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

Formal Complaints should be submitted in writing on this form. Please note that all formal complaints will be given directly to the Principal of the Academy.

Complainant's name:

Pupil/Student's name:

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)?)

What would complainant like to see happen now to resolve the complaint?

Please continue on reverse if necessary