



Biddick
Academy

<i>Name of Policy</i>	Complaints
<i>Aims of Policy</i>	Our school aims to meet its statutory obligations when responding to complaints from parents of pupils at the school, and others.
<i>Date Valid</i>	February 2024 To February 2025
<i>Date of Approval</i>	February 2024 – Headteacher February 2024 – Full Trust Board
<i>Next Review and Approval Date</i>	February 2025
<i>Responsibility for Review</i>	Director of Business and Finance

1. Aims

Our school aims to meet its statutory obligations when responding to complaints from parents of pupils at the school, and others.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect
- To be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals
- Ensure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement evaluation processes

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The school will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will ensure we publicise the existence of this policy and make it available on the school website.

2. Legislation and guidance

This document meets the requirements set out in part 7 of the schedule to [the Education \(Independent School Standards\) Regulations 2014](#), which states that we must have and make available a written procedure to deal with complaints from parents of pupils at the school.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on [creating a complaints procedure that complies with the above regulations](#), and refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE).

This policy complies with our funding agreement and articles of association.

3. Definitions and scope

The DfE guidance explains the difference between a concern and a complaint.

A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”.

The school will resolve concerns through day-to-day communication as far as possible.

A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”.

The school intends to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

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
- Withdrawal from the curriculum (parents and carers can withdraw their child from any aspect of religious education, including the daily act of collective worship. They do not have to explain why)

Please see our separate policies for procedures relating to these types of complaint.

Arrangements for handling complaints from parents of children with SEN about the school's support are within the scope of this policy. Such complaints should first be made to the special educational needs co-ordinator (SENCO) or Headteacher; they will then be referred to this complaints policy. Our SEN policy and information report includes information about the rights of parents of pupils with disabilities who believe that our school has discriminated against their child.

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

4. Principles for investigation

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

We will also:

- Interview those involved
- Conduct the interview with an open mind
- Keep notes of the interview

5. Timescales

We intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage. Complaints received out of term time will be considered to have been received on the first day after the holiday period.

Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

The school expects that complaints will be made as soon as possible after an incident arises and no later than 3 months afterwards. 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.

6. Stages of complaint (excluding complaints against the Headteacher or Trustees)

Stage 1: Informal

The school 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 the Headteacher. If the complainant is unclear who to contact or how to contact them, they should contact the school office.

The informal stage will involve a meeting between the complainant and the Headteacher or designated officer and/or the subject of the complaint, if appropriate.

If the complaint is not resolved informally, it will be escalated to a formal complaint.

Stage 2: Formal

The formal stage involves the complainant putting the complaint to the school.

The complainant should use the complaint form at the end of the policy to provide details such as relevant dates, times and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.

The headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

The headteacher (or other person appointed by the headteacher for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 15 school days.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the clerk to the trust board within 15 school days of receipt of the Stage 2 letter. The clerk will need the 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.

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 clerk will acknowledge receipt of the request within 5 school days.

The panel will be appointed by or on behalf of the proprietor and must consist of at least 3 people who were not directly involved in the matters detailed in the complaint. 1 panel member must be independent of the management and running of the school. The panel cannot be made up solely of Board of Trustees 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 (see section 9).

The clerk will aim to find a date within 20 school days of the date the acknowledgement letter is sent.

The complainant must have reasonable notice of the date of the review panel. At the review panel meeting, the complainant and representatives from the school, 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 invited to attend the panel hearing and be accompanied if they wish. The meeting will go ahead in the absence of the complainant, unless a reason for absence acceptable to the committee is presented prior to or at the beginning of the meeting.

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 clerk should check whether trustees have a conflict of interest (including, but not limited to, being in a relationship with the complainant or having an involvement in the incident that is the basis for the complaint) that would prevent them from sitting on the panel. If they do, they should declare this conflict of interest to the clerk and not sit on the panel. Staff members who are trustees should also not sit on the panel – where there aren't enough trustees to form a panel, trustees from another Trust Board can be used.

The panel, the complainant and the investigating officer will be given the chance to ask and reply to questions. Once the complainant and the investigating officer have presented their cases, they will be asked to leave and evidence will then be considered.

The panel must then put together its findings and recommendations from the case.

The school will inform those involved of the decision in writing within 5 school days.

7. Complaints against the Headteacher, a Trustee or the Board of Trustees

Complaints made against the Headteacher should be directed to the Chair of Trustees.

Where a complaint is against the Chair of Trustees, any member of the Board of Trustees, or the entire Board of Trustees, it should be made in writing to the Clerk to the Board of Trustees in the first instance.

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 Biddick Academy will take to resolve the complaint.

The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

8. Referring complaints on completion of the school's procedure

If the Complaints Policy has been exhausted and the complainant remains dissatisfied following the outcome of Stage 3, they have the right to refer the matter to the ESFA. They will only intervene if the complaint has gone through the complaints procedure and been heard by a panel of trustees (if it hasn't, they will not consider any such complaint and will refer the complainant back to the school's Complaints Policy), and if they then believe that in considering the complaint the panel has acted unlawfully or unreasonably, or the school has breached a clause in its funding agreement.

They will not:

- Overturn the Trust Board's decision;
- Re-investigate the original complaint;
- Review the accuracy of minutes taken or documents provided;
- Order that compensation is paid;
- Direct the school to discipline/exclude pupils;
- Force the school to discipline/dismiss staff;
- Instruct the school to apologise.

Any action if appropriate will typically be limited to explaining the legislative framework and what it means in practice at the school level, or recommending improvements to statutory school policies.

Complainants can refer their complaint to the ESFA online at <https://form.education.gov.uk/service/Contact> the Department for Education, by telephone on 0370 000 2288, or by writing to:

Academy Complaints and Customer Insight Unit

9. Persistent complaints

If a complainant remains dissatisfied following the conclusion of the complaints procedure and tries to re-open the same issue, schools can inform them that the procedure has been completed and the matter is now closed. If the complainant contacts the school again on the same issue, the correspondence may then be viewed as 'serial' or 'persistent' and the school may choose not to respond. A complaint should not be marked as 'serial' before the complainant has completed the complaints procedure, nor for the complainant exercising their right to refer their complaint to their MP, regardless of which stage the complaint has reached.

Schools should not refuse to accept further correspondence or complaints from an individual they have had repeat or excessive contact with. The application of a 'serial or persistent' marking should be against the subject or complaint itself, rather than the complainant.

Staff are not expected to tolerate unacceptable behaviour and the school will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening. Unreasonable behaviour is defined as that which hinders the school's consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- Refuses to co-operate with the complaint's investigation process
- Refuses to accept that certain issues are not within the scope of a complaint's procedure
- Insists on the complaint being dealt with in ways which are incompatible with the Complaints Policy or with good practice
- Introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on
- Raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- Makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- Changes the basis of the complaint as the investigation proceeds
- Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- Refuses to accept the findings of the investigation into a complaint where the school's Complaints Policy has been fully and properly implemented and completed including referral to the Department for Education
- Seeks an unrealistic or unachievable outcome
- Makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- Uses threats to intimidate
- Uses abusive, offensive or discriminatory language or violence
- Knowingly provides falsified information
- Publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the school that relates to their complaint, while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.

Whenever possible, the Headteacher or Chair of Trustees/Vice-Chair/CEO as Investigating Officer will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues, the Headteacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact the school causing a significant level of disruption, the school may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

Schools may stop responding to complainants only if all of the following apply:

- Every reasonable step has been taken to address the complainant's concerns
- The complainant has been given a clear statement of the school's position and their options
- The complainant contacts the school repeatedly, making substantially the same points each time
- The case to stop responding is stronger if any one of the following applies:
- The complainant's letters, e-mails or telephone calls are often or always abusive or aggressive
- The complainant makes insulting personal comments about or threats towards staff
- The school has reason to believe the individual is contacting them with the intention of causing disruption of inconvenience

Schools should not stop responding just because an individual is difficult to deal with or asks complex questions. If a school has decided it is appropriate to stop responding, they need to inform the individual.

If an individual's behaviour is causing a significant level of disruption, regardless of whether or not they have raised a complaint, schools can implement a tailored communication strategy. For example, they can restrict the individual to a single point of contact via an e-mail address, and/or limit the number of times they can make contact, such as a fixed number of contacts per term. It can be suggested that complainants who are difficult to deal with ask a third party to act on their behalf, such as the local Citizen's Advice.

If an individual's behaviour persists to the point that may constitute harassment, schools should seek legal advice. In some cases, injunctions and other court orders can be issued to individuals preventing them from contacting schools direct.

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

Unreasonably persistent complaints

Where the Trust considers that a complainant is carrying out unreasonable behaviour, for example making unduly frequent and/or repeated complaints, the Trust will be entitled to take such action as it thinks appropriate to manage such behaviour. This may include (but is not limited to) placing limits on contact with staff or opting not to invoke this complaints procedure further. Where such action is being considered by the Trust, the complainant will receive a written warning. Should the behaviour persist, the appropriate action will be determined proportionately in light of the nature of the behaviour in question and any other relevant circumstances.

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.

10. Record-keeping

The school will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, 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 for 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 a school 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 records management policy/record retention schedule.

The details of the complaint, including the names of individuals involved, will not be shared with the whole Board of Trustees in case a review panel needs to be organised at a later point.

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 coordinator 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

The Investigating Officer 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 Headteacher / 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, Headteacher, Chair of Trustees, Clerk and LAs (if appropriate) 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 Exclusions Committee

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
- notify all parties of the committee's decision.

Committee Chair

The committee's chair,

- 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.
- both the complainant and the school 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 coordinator, if the school has one).

Committee Members

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.

Staff/Witnesses

- Explain the complaint and your role clearly to the interviewee and confirm that they understand the complaints procedure and their role in it.
- Staff are allowed a colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager.
- Use open, not leading questions.
- Do not express opinions in words or attitude.
- Ask single not multiple questions, i.e. one question at a time.
- Try to separate 'hearsay' evidence from fact by asking interviewees how they know a particular fact.
- Persist with questions if necessary. Do not be afraid to ask the same question twice. Make notes of each answer given.
- Deal with conflicting evidence by seeking corroborative evidence. If this is not available, discuss with the complaints co-ordinator/ Headteacher/ Chair of Trustees the option of a meeting between the conflicting witnesses.
- Make a formal record of the interview from the written notes as soon as possible while the memory is fresh. Show the interviewee the formal record, ask if s/he has anything to add, and to sign the record as accurate.

Complaint Form

Please complete and return to the *Headteacher / Chair of Trustees / Clerk to the Trustees, as appropriate*, who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name (if relevant):

Your relationship to the pupil (if relevant):

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Please give details of your complaint, including whether you have spoken to anybody at the school about it.

What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date: