



Complaints Procedure

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Trust	✓
Abbey	
Arnbrook	
Derwent	
Southwark	

Introduction

This policy applies to all Academies within Believe Academy Trust. The Trustees may approve a transitional policy for recently converted academies in exceptional circumstances. The Scheme of Delegation for each Academy within the Trust outlines the delegated responsibility for staffing matters and the pay and conditions of all staff.

Legally all Schools, Academies and Trusts must have a complaints policy which deals with the handling of concerns from the parents/carers of pupils. This policy has been developed taking into account the requirements of [The Education \(Independent Schools Standards\) Regulations 2014 Part 7 \(Manner in which complaints are handled\)](#), in force at the date of the adoption of this policy.

The complaints procedures will:

- Be in writing
- be well publicised and easily accessible;
- be made available to parents of pupils
- set out clear time scales for the management of the complaint
- encourage the resolution of problems initially by informal means wherever possible
- be impartial, non-adversarial and respect confidentiality;
- establish time scales for the management of the complaint
- ensure full and fair investigations where necessary;
- address all points of issue, provide an effective response and appropriate redress where necessary
- establish, in the event of the parent being unsatisfied with the response, establish a formal procedure for the complaint to be made in writing
- establish, in the event of the parent being dissatisfied with the complaint, provision for a hearing before a panel not directly linked to the matters detailed in the complaint. At least one panel will be independent of the management and running of the Academy/Trust.

The following procedure acts as a framework to allow concerns or matters for clarification to be raised confidentially, and provides for a thorough and appropriate investigation of the matter, to bring it to a satisfactory conclusion.

This policy may be used by parents/carers, pupils, members of the wider community and other stakeholders to raise complaints about the Academy/Trust.

Complaints which relate to admissions, exclusions, SEND provisions, Academy reorganisations and matters of child protection or whistleblowing are covered by other policies. There are also separate policies for managing employee discipline, grievance, harassment and bullying.

Concern or complaint?

For the purpose of this policy 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'.

At Believe Academy Trust we aim to resolve the concerns of parents or other stakeholders as quickly and amicably as possible. For each academy within the Trust, concerns may often be addressed by a senior member of staff, teaching or non teaching, rather than directly by the Head Teacher of each academy. This speeds up the process and ensures that the complaint is addressed as soon as practicable.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, the academy will attempt to resolve the issue internally, through the stages outlines within this complaints procedure.

Formal complaints must be in writing, unless in exceptional circumstances where this may help overcome particular difficulties caused by a disability, or difficulty understanding English. Complaints should include details which might assist the investigation, such as names of potential witnesses, dates and times of events and copies of relevant documents. It is very important that you include a clear statement of the actions that you would like the Trust/Academy to take to resolve your concern.

The Procedure

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure or raise concerns. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

Informal stage:

Initial concerns should be raised informally with a class teacher, key stage or curriculum lead or another appropriate member of staff, either in person, by telephone or in writing. Concerns raised in the first instance to the class teacher may be dealt with by an appropriate senior leader, e.g. key stage/phase lead.

The member of staff will undertake an initial investigation and decide on appropriate action. The school should keep a record of the response and the complainant should be kept appropriately informed¹. The academy will always want to resolve the complaint and maintain strong relationships with those concerned, examples of actions (not an exhaustive list) which may be deemed appropriate at this stage are:

- an explanation, justification of actions or an apology
- an admission that the situation could have been handled differently or better
- an assurance that the academy will try to ensure the situation will not reoccur
- an explanation of the steps that have been, or will be, taken to ensure that it will not happen again and an indication of the timescales within which any changes will be made

The complainant will be advised how to make a formal complaint if they remain dissatisfied.

Formal Stage One:

If the complaint cannot be resolved through informal discussion with a teacher or senior member of staff, then the complaint should be put in writing to the Academy Head Teacherⁱⁱ, who will investigate and reply in writing within 3 working weeks. Within the complaint it would be beneficial for the complainant to clarify the nature of the complaint, identify what remains unresolved and what outcome the complainant would like to see. Please mark the complaint as 'Private and Confidential'. The Head Teacher can consider whether a face to face meeting or telephone call is an appropriate course of follow up to clarify these point.

At the conclusion of their investigation, the Head Teacher will provide a formal written response within 3 working weeks of the date of receipt of the complaint.

If the Head Teacher 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 the academy will take to resolve the complaint.

The Head Teacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Formal Stage 1.

Complainants should not approach individual governors 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 2 (or beyond) of the procedure.

If the complaint involves, or is about the Head Teacher or Chair of the Local Governing Body, please refer to Formal Stage Two (below).

Formal Stage Two:

If the complainant is still dissatisfied with the written response received, or the complaint is directly about the Academy Headteacher* or Chair of the Local Governing Body, then the complaint should outline the reason/s why they are dissatisfied to the CEO of the Trust. Please mark as 'Private and Confidential' and address to Believe Academy Trust, Southwark Primary School, Park Lane, Old Basford, Nottingham, NG6 0DT. The CEO will then carry out an investigation independently, or with one or two governors from the Local Governing Body of the appropriate Academy, depending on the complexity of the complaint. A reply will be made within three working weeks.

In cases whereby other factual information has been provided, or the complaint is directly about the CEO, then the complaint should be put in writing to the Chair of the Trust Board. A reply will be made within three working weeks – in exceptional circumstances this may be delayed slightly, i.e. if the school is closed, however every attempt will be made to meet this timeframe.

Formal Stage Three: Complaints Panel

If the complainant remains dissatisfied with the way in which the complaint has been handled, follow up actions or the outcome, the case may be referred to a Complaints Panel. Any such requests made within 10 working days of receipt of the written outcome from Formal Stage 2 must be completed on the 'Complaint Review Request' form.

The Complaints Panel will consist of at least three people who were not directly involved in the matters detailed in the complaint. The Complaints Panel will consist of at least three individuals with no prior involvement or knowledge of the complaint including at least one panel member who is independent of the management and running of the Academy/Trust. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee. The complainant will be invited to the hearing, given 10 working days' notice of the date of the hearing and the right to be accompanied.

When organising the hearing, the panel will ensure they are sensitive to complainant's needs and accessibility arrangements. This will be conducted in line with Trust equality statements/policies, and may include making provisions such as providing written representations.

If the complainant rejects the offer of three proposed dates, without good reason, the Chair 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. Representatives from the media are not permitted to attend.

The Panel will make findings and/or any recommendations. A copy will be provided to the complainant, the Head Teacher and, where relevant, to the person complained about within 5 working days of the meeting. A copy of those findings and/or recommendations will also be stored securely, in line with Data Protection Policies, on the school premises for inspection by the proprietor and the head teacher.

The Panel can:

- 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 or a review of the Trust/Academy's systems or procedures to ensure that problems of a similar nature do not recur.

A written record will be kept of all formal complaints and whether they are resolved following a formal procedure, or proceed to a panel hearing. The record will;

- record action taken by the Academy as a result of those complaints (regardless of whether they are upheld); and
- provide that correspondence, statements and records relating to individual complaints are to be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

Stage Three concludes the Complaints Policy and there will be no further right of appeal under this or any other Academy policy.

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. Complaints received on or around the last day of term may experience some delays in terms of the timeframes specified.

Withdrawal of a Complaint

If a complainant wants to withdraw their complaint, they will be asked to confirm this in writing.

Vexatious complaints and unacceptable behaviour by the complainant

Where the Trust considers that a complainant is demonstrating unreasonably persistent complainant's behaviour, for example making unduly frequent and/or repeated complaints, or the behaviour of the complainant is unacceptable in any meetings held under these procedures, the Trust will 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.

Referral to the Education Skills Funding Agency

Once a complaint has been through all the stages of this Complaints Policy, if the Complainant believes that this Complaints Policy does not comply with the Regulations, or that the Academy has not followed the procedure in this Complaints Policy, the Complainant can refer the complaint to the Education Funding Agency for consideration.

The ESFA will look at complaints about academies where:

- there is undue delay or the academy did not comply with its own complaints procedure when considering a complaint
- the Academy is in breach of its funding agreement with the Secretary of State
- an Academy has failed to comply with any other legal obligation

The ESFA will not overturn an Academy's decision about a complaint. However, if it finds an academy did not deal with a complaint properly it will request the complaint is looked at again and procedures meet the requirements set out in the Regulations.

Complaints can be made to the ESFA via [this link](#) or copying and pasting the following into your search bar. Please refer to Section 7.

<https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy#contacting-esfa>

Separate paper/addition documents can be attached (please number)

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

Signed:

Dated:

Academy use:

Date form received:

Acknowledgement sent:

Details of panel meeting:

ⁱ Where complaints concern other children care and attention will be given to the appropriateness of the detail conveyed to the complainant. No information regarding other children which compromises data protection or increases risks to safeguarding will be provided without consultation with related policies and/or legislation.

*Headteacher** - or those responsible for the overall leadership of the academy, e.g. Head of School, Principal