

## Bedford College Academies Trust

### Complaints Procedure Policy

<b>Status:</b> Statutory	<b>Member of staff responsible:</b> Local Governing Body	<b>Implementation date:</b> <b>1<sup>st</sup> September 2017</b>
<b>Issue No:</b> 1A	<b>Approved by: BCAT Board, 10.5.17</b>	<b>Next Review Date: June 2018</b>

#### Our Vision

“The BCAT vision is to support students to achieve their absolute best whatever their ability or background. We aim to:

1. Work collaboratively to deliver an inclusive and outstanding education to all students, thereby driving up local standards.
2. Maximise social mobility and life chances, through the highest expectations of and aspirations for all students.
3. Encourage and support a range of high performing and distinctive educational establishments for local communities.”

#### Our Values

**Student focus** - We will seek to achieve a high quality learning experience for every student

**High performance** - We will strive for consistently high levels of performance in all aspects of our work

**Respect, openness and honesty** - We will treat everyone with respect, encourage openness and honesty, and recognise each other’s contribution and achievements.

#### 1. Purpose

It is in everyone’s interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to invoke formal procedures. The aim of this policy is to provide guidance to Bedford College Academies Trust (BCAT) staff in dealing with complaints made against teaching staff, headteacher, members of the Governing Body, or the Secretary of State.

#### 2. Definition of a complaint

A complaint may be generally defined as ‘an expression of dissatisfaction however made, about actions taken or a lack of action’.

#### 3. Policy Statement

At BCAT we believe that:

- We work in partnership with parents and seek to improve our Academies by paying close attention to their concerns;
- All complaints from parents should be received courteously;
- Parents should feel that their complaint has received full attention;
- All complaints should be fully investigated;
- Parents should receive prompt feedback;
- Urgent complaints should receive immediate attention;
- Complaints, wherever possible, should be resolved through open, informal discussion between the parent and the class teacher.

#### 4. Complaints Procedure

##### 4.1. Timescales

These guidelines have been written to ensure that all complaints will be dealt with as quickly and efficiently as possible by the school. The length of the period of time to respond to and resolve complaints will vary with the gravity and complexity of the complaint and the urgency with which it needs to be settled. The intention is that all complaints should be settled within a period which is considered reasonable by all parties and where appropriate indicative timescales have been identified.

#### **4.2. Concern or complaint?**

Any concerns expressed by parents and others about the school curriculum and related matters should be addressed by informal discussion with the teacher(s) and Headteacher / Principal in the first instance. This includes complaints about religious education and collective worship, the operation of charging policies and the provision of information.

#### **4.3. Levels of complaint**

There are 4 levels which define the procedure for making a complaint:

- Level 1 – informal complaint to the teacher, senior member of staff or Principal/ Headteacher
- Level 2 – formal complaint to the Principal/ Headteacher
- Level 3 – formal complaint to the Governors
- Level 4 – formal complaint to the Secretary of State via the Education Funding Agency

#### **4.4. Level 1**

- If parents have any concerns about their child's educational progress they should first discuss their concerns with the class teacher. This usually enables the problem to be sorted out swiftly and to everyone's satisfaction. Class teachers will share concerns/complaints, as appropriate, with Headteacher / Principal.
- If, following discussion with the class teacher, the parent is still not satisfied, they may wish to bring their concerns to the attention of the Headteacher / Principal. Full investigation and discussion should enable most complaints to be resolved at this stage.
- Expressions of concern or complaints at this stage may be verbal or in writing.

#### **4.5. Level 2**

- Where complaints cannot be resolved informally the matter may then be considered to be the subject of a formal complaint and the complainant may then refer it to the Headteacher / Principal.
- The formal complaint should be made in writing and a suggested format for the complaint is provided in Appendix A.
- Acknowledgement of receipt of this complaint will be made within 5 school days.
- The Headteacher / Principal will fully investigate the complaint and respond, in writing, within 10 school days.
- Where a formal complaint concerns the Headteacher / Principal then it should be referred to the chair of governors.

#### **4.6. Level 3**

- Where complaints cannot be resolved by the Headteacher / Principal the matter may then be considered to be the subject of a formal complaint to the governing body.
- If any complaint is received by individual governors, including the chair, before the above stages have been completed, those governors should refer the parent to the teacher, Headteacher / Principal and to the published Complaints Policy.
- A formal complaint to the governors will need to be in writing to the clerk or chair of the governing body. A suggested format for making a formal complaint is provided in Appendix A. Acknowledgement of receipt of the complaint will be made within 5 school days.

- Depending on the nature of the complaint, it may be that action will need to be taken by the chair before the panel meets. This may include the resolution of the complaint without proceeding to a governors' panel hearing.
- A panel of governors will be established to investigate and hear the complaint. The panel will not previously have been involved in any detailed discussion of this complaint.
- Urgent cases will be considered as a priority and the time between receipt of the complaint and the panel hearing should not normally exceed 15 school days. Guidelines relating to the panel hearing are included in Appendix B.
- The complainant may wish to make an oral presentation in support of their complaint and may wish to be accompanied by a friend or representative.
- The panel will consider the complaint and the chair of the panel will notify the complainant, in writing, of the panel's decision within 5 school days.

#### **4.7. Level 4**

- A complainant who remains dissatisfied after their formal complaint has been fully considered under the arrangements described in this policy will be able to make a complaint to the Secretary of State through the Education Funding Agency (EFA).
- The EFA will normally only consider a complaint about an academy after the academy's own complaints procedure has been exhausted. The EFA cannot review or overturn decisions about complaints made by academies. It can only investigate whether the academy considered the complaint appropriately. If the EFA finds that an academy did not consider a complaint appropriately it can request the academy to re-consider the complaint.

#### **4.8. Nature of complaint**

Complaints about the education provided for pupils are to be considered as complaints about the governing body's responsibilities in respect of the school curriculum, but will not cover complaints about the actions of individual teachers or the Headteacher / Principal. If, in the course of consideration of a complaint, the Headteacher / Principal and/or governing body conclude that disciplinary or other proceedings should be initiated, they should take separate action as appropriate.

### **5. Policy Monitoring & Review**

#### **5.1. Recording complaints**

- The Headteacher / Principal will monitor all written complaints and keep a copy of all relevant correspondence.
- A record of how the complaint was handled will be kept, including whether it was resolved formally or through a panel.
- A record of any actions taken as a result of a complaint will be kept.
- If there are a number of complaints about the same issue, or a rise in the number of complaints overall, the Principal will ensure a full investigation is undertaken.

#### **5.2. Governing body review**

- The governing body will monitor the level and nature of all written complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. The process of listening to, and resolving complaints should contribute to school improvement.
- Wherever practical, complaints information shared with the whole governing body will not name individuals.

### **6. Further Information**

The Education Funding Agency is an Executive Agency of the Department for Education and is accountable to the Secretary of State. They are the “responsible body” with regard to a complaint about an academy.

**Complaints about academies should be sent:**

- via the Department for Education’s schools complaints form – available at [www.gov.uk](http://www.gov.uk)
- by post to Ministerial and Public Communications Division  
 Department for Education  
 Piccadilly Gate  
 Store Street  
 Manchester  
 M1 2WD

**What to do if you aren’t satisfied**

If you are concerned about the way the EFA handled your complaint you can let us know via:

The EFA’s Contact Us form: <https://www.education.gov.uk/help/contactus/df>

Or by writing to:

EFA Complaints  
 Chief Executive’s Office  
 53-55 Butts Road  
 Earlsdon Park  
 Coventry  
 CV1 3BH  
 Or you can email: [complaints.efa@education.gsi.gov.uk](mailto:complaints.efa@education.gsi.gov.uk)

**Appendix A – Formal Complaint Form**

*If making a complaint in writing the following form identifies the key information required.*

Name:	
Pupil’s name:	
Relationship to the pupil:	
Address:	
Contact telephone Number	
Please give details of your complaint.	
What action, if any have you already taken to try and resolve your complaint? (i.e. who did you speak to and what was the response?)	

What actions do you feel might resolve the problem at this stage?	
Are you attaching any paperwork? If so, please give details.	
Signature:	Date:
<b>Official use:</b> Date note of receipt sent:  Sent by:  Complaint referred to:  Date:	

## Appendix B – Complaints Panel Guidelines

### The Complaints Panel

- The governing body will nominate a number of members with delegated powers to hear a formal complaint.
- The panel will consist of 2 Governors and 1 Independent person.
- No governor may sit on the panel if they have had a prior involvement in the complaint or the circumstances surrounding it.
- In deciding the make-up of the panel, every effort will be made to try and ensure that it is a cross-section of individuals and sensitive to the issues of race, gender and religious affiliation.
- The complaints panel will select their own chair.

### The Remit of the Complaints Panel

- It is important that the panel hearing is independent and impartial and that it is seen to be so.
- The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it is recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- 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 the school's systems or procedures to mitigate against problems of a similar nature reoccurring.

### **The Role of the Clerk**

- The complaints panel will normally be clerked by the Clerk to the Governors unless that person is either unavailable or part of the complaint. In such cases alternative clerking arrangements will be made.
- The clerk will be the contact point for the complainant and will be required to:
  - set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
  - collate any written material and send it to the parties in advance of the hearing;
  - meet and welcome the parties as they arrive at the hearing;
  - record the proceedings;
  - Notify all parties of the panel's decision.

### **The Role of the Chair of the Complaints Panel**

The chair of the panel will ensure that:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- the panel seeks to assist parents and others who may not be used to speaking at such a hearing to feel at ease;
- 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 and if any new and relevant issue arises give all parties the opportunity to consider and comment on it;
- Notify the complainant of the panel's decision, in writing. The letter will also explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

### **Checklist for a Complaints Panel Hearing**

The panel needs to take the following points into account:

- The hearing should be as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The headteacher/principal may question both the complainant and the witnesses after each has spoken.
- The headteacher/principal is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the headteacher/principal and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The headteacher/principal is then invited to sum up the school's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.

- The chair explains that both parties will hear from the panel within a set time scale.

**Written Record of Findings and Recommendations**

- A copy of the panel's findings and recommendations will be provided to the complainant and other parties
- A copy will be retained in school for any future inspection
- Correspondence, statements and records will be kept confidential, except where the Secretary of State or an inspecting body under section 109 of the 2008 Act requests access to them.