



Robert Bloomfield Academy

Complaints Policy

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Minor changes made	
Significant changes made	
Ratified	
Validity	2 Years
Next Review	May 2023
Author	S Farmer, Principal



Complaints Policy (2021)

To be reviewed Summer Term 2023

1. Rationale and Aim

Robert Bloomfield Academy (RBA) take all complaints seriously.

The aim of this document is to set out how any complaint from any parent, carer, the general public or pupil is dealt with, and to ensure that it is handled in the most appropriate, and efficient, manner.

This document meets the requirements set out in part 7 of the schedule to the Education (Independent School Standards) Regulations 2014 and takes into account the guidance published by the Education and Skills Funding Agency (ESFA) on creating a complaints procedure that complies with the above regulations, and good practice guidance on setting up complaints procedures from the Department of Education (DfE)

2. Introduction

There are two distinct types of complaint under this document:

- a. An 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. A concern is defined as an expression of worry or doubt over an issue considered to be important for which reassurances are sought.
- b. The Complaints Procedure (Formal)

All complaints, no matter what their nature, whether formal or informal will be treated in the strictest confidence. A complaint is defined as an expression of dissatisfaction however made, about actions taken or a lack of action. See Appendix A – Complaints Procedure Flowchart

This policy does not cover complaints procedures relating to

- Admissions
- Statutory assessments of special educational needs (SEND)
- Safeguarding matters
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

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

When investigating a complaint, we will try to clarify

- a) What has happened
- b) Who was involved
- c) What the complainant feels would put things right

Concerns raised in the media (including social media) will not be considered. RBA 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, the police will be notified immediately. It may mean removal from the RBA site as well as being banned from any of the Bedfordshire Schools Trust (BEST) sites. Criminal prosecution may also be undertaken if any damage is caused to Academy property. Please refer to the Unacceptable, Violent and Abusive Behaviour policy.

3. Roles and Responsibilities

a. The complainant

The complainant will get a more effective and timely response to their complaint if they;

- Follow these procedures
- Co-operate with the Academy throughout the process, and respond to deadlines and communication promptly
- Treat all those involved with respect

b. The investigator

An individual will be appointed to look into the complaint, and establish the facts. They will:

- Interview all relevant parties, keep notes
- Consider records and any written evidence and keep these securely
- Prepare a comprehensive report for the relevant member of Trust leadership or complaints committee which includes the facts and potential solutions

c. Principles of investigation

When investigating a complaint, we will try to clarify:

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

d. Timescales

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.

The Academy 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.

In all cases, once a concern or formal complaint is received by RBA, an acknowledgement will be sent within two working days.

Depending upon the type of complaint, a response will be received within 10 to 15 working days. However, in cases which are complex or where more time is required, complainants will be contact to be updated and given a reasonable estimate of when communication will be received with a resolution or decision.

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

4. Procedure

The school will take all concerns seriously and make every effort to resolve the matter quickly. If there is a concern to be raised the following procedure should be followed:

Concern (informal)

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 for discussions to take place with the member of staff (at this stage it may be deemed necessary to revert to RBA's internal disciplinary procedures to investigate the matter rather than follow the complaints procedure outlined below); or
- If the concern places the health, well-being or safety of pupil at risk.

If the concern relates to the Principal of RBA, 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).

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 (HoY) or if the matter is subject specific, Head of Department (HoD).

The Academy will acknowledge informal complaints within two days, and investigate and provide a response within 10-15 school days.

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

Formal Procedure

Stage 1

If the concern raised under the informal procedure above has not been resolved to your reasonable satisfaction, you should contact the Assistant Senior Principal's or Principal at RBA. This should be submitted in writing on the Complaints Form (Appendix B to be found on the RBA website). You will receive an acknowledgement within two working days.

If the Senior Assistant Principal / Principal deems it necessary, they will discuss the complaint with the Senior 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.
- Interview all relevant all parties
- Only interview children when the nature of the complaint is sufficiently serious to warrant it.
- Maintain accurate notes of the investigation.
- Consider records and any written evidence and keep these securely
- Prepare a comprehensive report for the Principal which includes the facts and potential solutions

The complainant should provide details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents, and what they feel would resolve the complaint. If complainants need assistance raising a formal complaint, they can contact the Academy office on 01462 628800 or RBA-Enquiries@Bestacademies.org.uk.

The appointed member of staff investigating the complaint may request a meeting to clarify concerns, and seek a resolution. The complainant may be accompanied to this meeting, and should inform the Academy of the identify of their companion in advance.

In certain circumstances, the Academy may need to refuse a request for a particular individual to attend any such meeting - for example, if there is a conflict of interest. If this is the case, the Academy will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.

The appointed member of staff will produce a written report of the investigation. The Academy will aim to respond to the complainant within 10 – 15 school days.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the Clerk to the Governing Body within five school days.

Stage 2

If you are not satisfied with the outcome under Stage 1 or you feel that the complaint remains unresolved, you should write a letter to the Chair of the RBA Local Governing Body and request that your complaint is considered further. This should be delivered to the school by hand or email (RBA-Clerk@Bestacademies.org.uk) and addressed for the attention of the Clerk to Governors. The Chair will need the details of the complaint as set out above, as well as details from the complainant on how they feel the previous stage of the procedure has not addresses their complaint sufficiently, and what they feel would resolve the complaint. The Chair of Governors will respond within 15 working days.

Stage 3

How to escalate a complaint:

Complaints can be escalated by contacting the Chief Executive officer of BEST:

- By letter or email
- Over the phone
- In person
- Through a third party acting on behalf of the complainant

If the complaint remains unresolved, after Stage 2, the complainant should contact the Chief Executive officer of BEST via the Trust office on 01462 628003 or info@bestacademies.org.uk, see BEST Complaints Policy. Referring complaints on completion of the Trust's procedure

If the complainant is unsatisfied with the outcome of the Trust's procedure, they can refer their complaint to the ESFA. The ESFA will check whether the complaint has been dealt with properly by the Trust. The ESFA will not overturn a Trust's decision about a complaint. However, it will look into

- Whether there was undue delay, or the Trust did not comply with its own complaints procedure
- Whether the Trust was in breach of its Funding Agreement with the Secretary of state
- Whether the Trust has failed to comply with the any other legal obligation

If the Trust did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the Trust's complaints procedure is found to not meet regulations, the Trust will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage <https://www.gov.uk/complain-about-school>

Persistent complaints

Most of the 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 has already been resolved by following the school's and or the Trust'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, refuses to co-operate with the complaint 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

If the school deems the complaint 'persistent' a final response statement will be issued and if further communication is received the school may decide to stop responding.

RBA will not accept any form of continued harassment of their Staff or Governors. BEST will not accept any form of continued harassment of their staff or Directors, and will also view this as vexatious in nature, and no further correspondence will be entered into.

5. Monitoring and Evaluation

The School will record all complaints, including information about actions taken at all stages and the final outcome. The records will also include copies of letters and emails and notes 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 when 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 subject access request under the term of the Data Protection Act, where the material must be made available during an inspection.

Records of complaint will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and GDPR policy.

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

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 2018, RBA 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 RBA website. Copies are also available upon request from the RBA office. This policy will be reviewed 2 yearly or as required.

Author and Date

Author: Sam Farmer (Principal)

Date: Reviewed May 2021 – No changes made

Approved by: LGB October 2020

Appendices

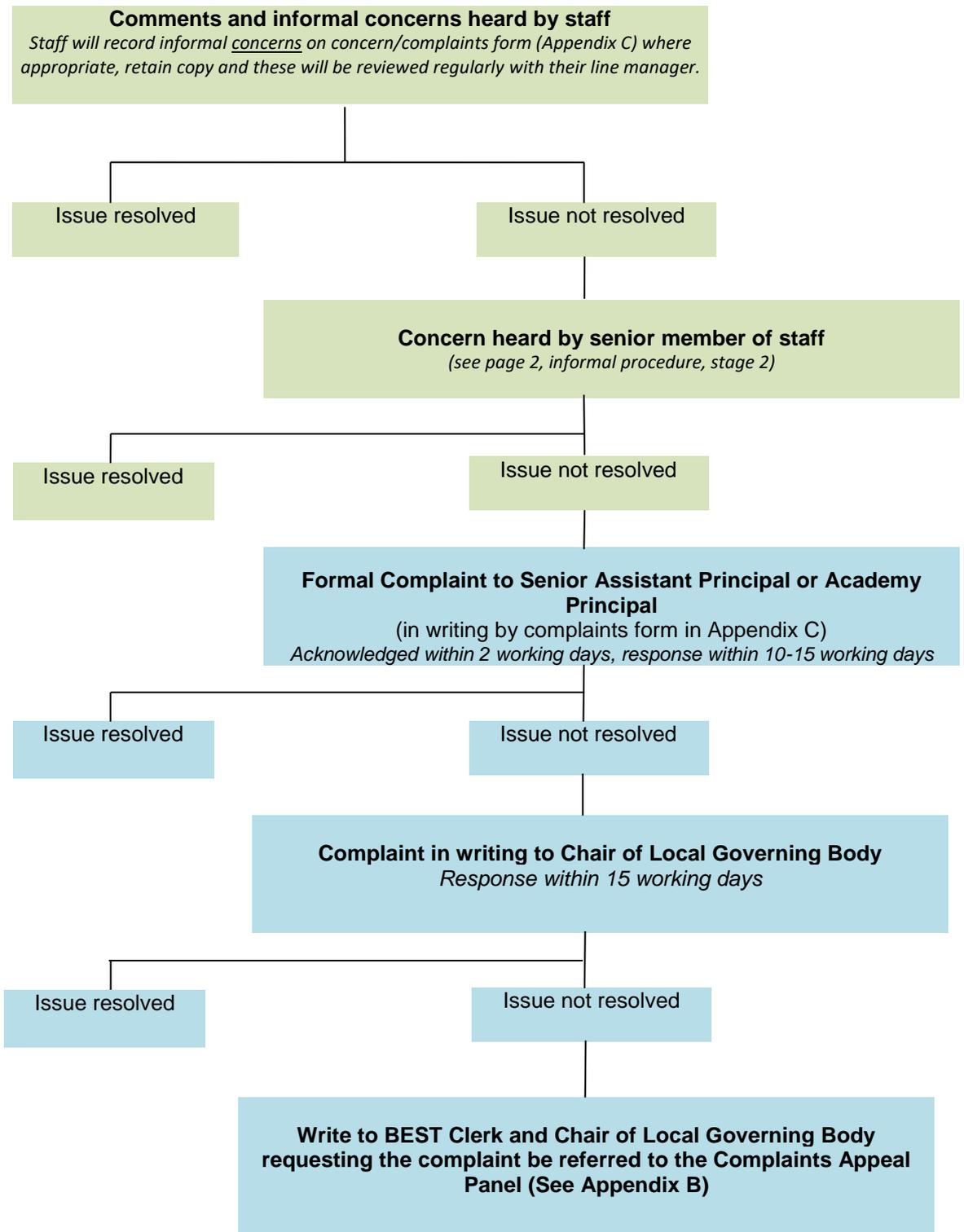
Appendix A – Complaints Procedure Flow Chart

Appendix B – Process for Complaints Appeal Panel

Appendix C – RBA 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.

RBA Complaints Form

Appendix C – Concern / Complaint Form

Please complete and return to

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 Senior Assistant Principal or Principal of the Academy.

<p>Complainant's name:</p> <p>Pupil/Student's name:</p> <p>Relationship to the pupil/student:</p> <p>Address:</p> <p>Postcode:</p> <p>Day time telephone number:</p> <p>Evening telephone number:</p> <p>Please give details of concern / complaint.</p> <p>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)?)</p> <p>What would complainant like to see happen now to resolve the complaint?</p>
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Please continue on reverse if necessary