Complaints Policy (2019)
To be reviewed Autumn Term 2020

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 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 BEST Board of Directors. 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. A ‘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.

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 taken into account. 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 the site. Criminal prosecution may also be undertaken if any damage is caused to Academy property.

3. Timings
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 you feel that the concern has not been resolved to a satisfactory level under stage 1 of the informal procedure, you should contact a senior member of staff.

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<th>Year Group</th>
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Complaint (formal)

Stage 1
If the concern raised under the informal procedure above has not been resolved to your reasonable satisfaction, you should contact the Vice Principal or Principal at RBA. This should be submitted in writing on the Complaints Form (Appendix C to be found on the RBA website). You will receive an acknowledgement within two working days.

If the Vice 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.
- Only interview children when the nature of the complaint is sufficiently serious to warrant it.
- Maintain accurate notes of the investigation.

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 of Governors will respond within 15 working days.
Stage 3
If the complaint remains unresolved, after Stage 2, you 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 the Trust CEO (refer to Appendix B).

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.

Record keeping
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 phonecalls.

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.

5. Monitoring and Evaluation
All complaints are recorded by RBA. Trends are analysed, and appropriate action taken by the 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 annually or as required.

7. Author and Date
Author: Steve Fox (Vice Principal)
Date: November 2019

8. 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**

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| Formal Stage   |

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**Comments and informal concerns heard by staff**

Staff will record informal concerns on concern/complaints form (Appendix C) where appropriate, retain copy and these will be reviewed regularly with their line manager.

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**Issue resolved**

**Issue not resolved**

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**Concern heard by senior member of staff**

(see page 2, informal procedure, stage 2)

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**Issue resolved**

**Issue not resolved**

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**Formal Complaint to Vice Principal or Academy Principal**

(in writing by complaints form in Appendix C)

*Acknowledged within 2 working days, response within 10-15 working days*

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**Issue resolved**

**Issue not resolved**

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**Complaint in writing to Chair of Local Governing Body**

*Response within 15 working days*

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**Issue resolved**

**Issue not resolved**

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**Write to BEST Clerk and Chair of Local Governing Body**

requesting the complaint be referred to the CEO of the Trust

(see Appendix B)

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**Issue not resolved**

**Write to BEST Clerk and Chair of Local Governing Body**

requesting the complaint be referred to the Trust’s complaints appeal panel

(see Appendix C)
Appendix B – Process for Complaints to the Trust CEO

A referral to the Trust CEO will enter the Trust’s complaints procedure at Stage 2

5.2 Stage 2: Formal
If the complainant is unhappy with the outcome and wishes to proceed to the next step, a formal complaint can be raised:
   a. By letter or email
   b. Over the telephone
   c. In person
   d. By a third party acting on behalf of the complainant

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 Trust office on 01462 628003 or info@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 Trust of the identity of their companion in advance. In certain circumstances, the Trust 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 Trust 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 their investigation. The Trust 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 Trust Board within five school days.

How to escalate a complaint
Complaints can be escalated by contacting the Clerk to the Trust Board:
   e. By letter or email
   f. Over the phone
   g. In person
   h. Through a third party acting on behalf of the complainant

The Clerk 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 addressed their complaint sufficiently, and what they feel would resolve the complaint.

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 in writing within five school days. The Clerk will acknowledge receipt of the request within two school days.
Appendix C – Process for complaints to the Chair of the Trust

The last stage of the Complaints Process (Stage 3 of the Trust’s procedure) is when an appeal is made to the Chair of the Board of Bedfordshire Schools Trust [BEST]. This can be done by emailing the BEST Clerk; BEST-Clerk@Bestacademies.org.uk 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 RBA Governor 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 RBA/BEST.

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 RBA Principal may question both you and your witnesses after each has spoken.
- The RBA Principal will then be invited to explain the Academy’s actions and be followed by the Academy’s witnesses.
- You may question both the RBS 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 RBA 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.
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 Vice Principal or 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