

## Complaints Policy

<b>Version</b>	<b>7</b>
<b>School</b>	Beckfoot Upper Heaton
<b>Approved by Audit and Risk Committee</b>	1 December 2022

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## 1.0 Policy Statement

Beckfoot Trust is committed to ‘creating remarkable schools where no child is left behind’ and living our values of Enjoy, Learn, Succeed underpinned by the Nolan Principles. We aim to work in a productive and positive partnership with all parents/carers and our stakeholders.

The Trust takes its duty to respond to concerns and complaints seriously and every complaint will be dealt with swiftly and professionally, with every effort to resolve matter/s raised whilst being fair and transparent.

## 2.0 Scope and Purpose

Under Part 7 of the Education (Independent School Standards) Regulations 2014, parents/carers have a right to raise a concern or make a complaint and will be directed to this procedure. Complaints from members of the public about facilities or services provided are not covered by the same regulations however will also be handled swiftly and professionally using the principles of this policy.

This procedure covers complaints about any provision of community facilities or services by the school, except complaints that are dealt with under other statutory procedures, including the exceptions listed below. Complaints in relation to third party, e.g., lettings may need to be referred to the supplier for resolution under their own complaints procedure.

Exceptions	Who to contact
Admissions	Concerns about admissions are handled by the local authority. Further details and contacts can be found on <a href="http://www.bradford.gov.uk/admission">www.bradford.gov.uk/admission</a> For sixth form admissions, contact the relevant school
Child Protection (matters likely to require investigation)	Complaints about child protection matters are handled under the safeguarding policy and in accordance with relevant statutory guidance.  If you have serious concerns, you may wish to contact the Children’s Initial Contact Point (01274 433999) or out of hours Emergency Duty Team (01274 431010)
Exclusion of children from school*	Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a> .  <i>*Complaints about the application of the behaviour policy can be made through the Trust’s complaints procedure.</i>
Staff grievances	Complaints from staff will be dealt with under the Trust grievance procedures
Staff conduct	Where appropriate, complaints about staff conduct will be dealt with under the Trust’s disciplinary procedures.  Complainants will be advised that any staff conduct complaints will be considered under the disciplinary procedure, but outcomes will not be shared with them.
Statutory assessment of SEND	Concerns should be raised directly with the local authority.
Whistleblowing	The Trust has a whistleblowing procedure for all employees, including temporary staff, contractors and volunteers. Link to policy and details with details of Protect /NSPCC  The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer.

Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a> .
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It is recognised that on occasion, a child/young person may wish to complain, and their views will be given equal consideration to those of adults. However, their age and ability to understand the process they are engaging in will be taken into consideration when dealing with the complaint, and the welfare of the child/young person will be paramount throughout. If the complaint of a child/young person progresses to Stage 4, extra care will be taken, with careful consideration of the atmosphere and proceedings throughout the hearing, to ensure they do not feel intimidated. The parents/carers will have the opportunity to say which parts of the hearing they feel the child/young person should attend, if any, but it may be that the panel feel it is not in the child/young person's best interests to be present during all or part of the hearing.

If other public bodies are investigating aspects of a complaint, for example the Police, Local Authority (LA) Safeguarding Teams or Tribunal Officers, this may impact on the Trust's ability to adhere to the timescales within this procedure or result in the procedure being suspended until those bodies have completed their investigations. If this happens, the complainant will be informed of a proposed new timescale.

If a complainant commences legal action against the Trust in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

## 3.0 Over-arching Principles

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'***.

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

A complainant will receive a more effective response to the complaint if they:

- explain the concern in full as early as possible and allow opportunity for a response in line with the procedure
- co-operate in seeking a solution, responding promptly to requests for information, meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect and courtesy
- refrain from publicising the details of their complaint on social media and respect confidentiality.

### Resolving complaints

At each stage in the procedure, our aim is always to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review policies and procedures in light of the complaint
- an apology.

It is in everyone's interest that concerns, and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. However, it is understood that there are occasions when people would like to raise their concerns formally. In this case, we will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

If you have difficulty discussing a concern with a particular member of staff, these views will be respected. In these cases, you will be referred to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Headteacher will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

### **Anonymous complaints**

We will not normally investigate anonymous complaints. However, the Headteacher or Chief Operating Officer (COO) / Chief Executive Officer (CEO), will determine whether the complaint warrants an investigation.

### **Timescales**

The complaint must be raised within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this timeframe if exceptional circumstances apply.

Complaints need to be considered, and resolved, as quickly and efficiently as possible using time limits published in this procedure. However, where further investigations are necessary, or the complaint is complex, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

### **Complaints received outside of term time**

Complaints made outside of term time will be considered to have been received on the first school day after the holiday or closure period. The reference 'school days' in this policy excludes weekends, school holidays and periods of partial or total school closure.

### **Withdrawal of a complaint**

If a complainant wants to withdraw their complaint, this should be done in writing.

### **Records and monitoring**

All complaints will be recorded, including informal complaints. The Headteacher is responsible ensuring that staff record all complaints and their outcomes in schools. The Trust Executive Assistant is responsible for recording Trust complaints and will oversee a consistent logging process for our schools.

Records relating to individual complaints are confidential, except where:

- access is requested by the Secretary of State
- disclosure is required during a school inspection
- an individual has a legal right to access their own personal data within such documentation; or
- under other legal authority.

The Local School Committee (LSC) and Trust Board will monitor the level and the subject matter of complaints and review the outcomes on a regular basis through the mechanism of performance and data reporting.

The complaints procedure is available in hard copy from the school office on each site. It will also be published on school websites and the Trust website.

## 4.0 Responsibilities and Arrangements

### How to raise a concern or make a complaint

A concern can be raised in person or by telephone to the appropriate person which may include the Class Teacher, Head of Subject, Tutor or Head of Year in school. Published contact details are available on the school / Trust website. They may also be made by a third party acting on behalf of a complainant if they have appropriate consent to do so. Complaints should be made in writing and marked as Private and Confidential. For ease, an optional template complaint form is included at the end of this procedure (Appendix 2). Help can be provided by the Complaints Co-ordinator to complete the form, or you can also ask a third-party organisation, for example, the Citizens Advice to help you.

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

Complaints should be made in the first instance, to the individual below via the contact provided.

Complaint involving / about	Send FAO	Complaints Co-ordinator
School matter / school staff	Headteacher	Kirsti Greer kad@beckfootupperheaton.org
Headteacher	Executive Headteacher	
LSC Committee Member	COO	Jill Vinnicombe becjxv@beckfoot.org
LSC Chair and Vice Chair or majority /entire LSC	CEO	
Trust matter / central staff	COO	
Executive Headteacher / COO	CEO	
CEO / Trustee	Chair of Trust	
Chair and Vice Chair or majority / entire Board	CEO	

The Chief Operating Officer has responsibility for ensuring that this procedure is implemented in Trust schools. Headteachers may refer complaints received to the Chief Operating Officer for consideration because they consider the matter is one of such a nature that it should be investigated independently of the school. Likewise, complaints may be retrieved and dealt with by the central team of the Trust for the same reason. Where a complaint is made directly to the central team of the Trust, it will be logged by the Trust Executive Assistant and forwarded to the appropriate person /school to follow the stages outlined in the procedure.

### Stage 1 Informal complaints

Concerns should be raised with the appropriate person which may include the Class Teacher, Head of Subject, Tutor, or Head of Year. Complainants should not approach individual LSC Committee Members of the Local School Committee or Trustees of the Board to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints in the later stages of the procedure.

It is hoped that most concerns can be expressed and resolved on an informal basis. If, through day-to-day discussions, the concern cannot be resolved, the complainant should be informed that the complaint will now need to be dealt with informally, this will be acknowledged in 3 school days and a meeting offered.

At the conclusion, a written response will be provided within 10 school days of the date of receipt of the complaint.

If the issue remains unresolved, the next step is to make a formal complaint, within 10 school days of receipt of the informal written response.

## Stage 2 Formal complaints

In most cases, complaints will be dealt with via the informal stage before progressing to the formal stage. It is acknowledged however, that on occasion, dependent on the nature of the complaint, it may be appropriate to proceed straight to the formal stage, in agreement with the school and the complainant.

The Complaints Coordinator will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 3 school days after notifying the Headteacher or Trust Senior Officer responsible for Stage 2 (see table below) who will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. It should be considered whether a face-to-face meeting is the most appropriate way of doing this, or whether a telephone conversation is sufficient before an investigation commences.

Complaint involving / about	Stage 2 Owner
School matter / school staff	Headteacher (investigation may be delegated to senior member*)
Headteacher	Executive Headteacher
LSC Committee Member	COO or nominated senior member of staff
LSC Chair and Vice Chair Majority / entire LSC	CEO or nominated senior member of staff
Trust matter / central staff	COO or nominated senior member of staff
Executive Headteacher / COO	CEO or nominated senior member of staff
CEO / Trustee	Chair of Trust
Board Chair and Vice Chair Majority / entire Board	CEO

*\*The investigation can be delegated to a senior leader but not the decision to be taken.*

During an investigation, the investigator will:

- if necessary, interview those involved in the matter and/or those complained about, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of the investigation, a face to face meeting will be held with the complainant, followed by written correspondence within 10 school days of the date of receipt of the complaint. If this deadline cannot be met, the complainant will be provided 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 taken /will be taken to resolve the complaint. The complainant will be advised how to escalate their complaint, should they remain dissatisfied with the outcome of Stage 2.

## Stage 3 Formal complaints

If the complaint is not resolved through Stages 1 and 2, either the school or the complainant can ask for additional assessment of the complaint by a member of senior staff from the Trust. This may be a member of the central team or a member of staff from a different school in the Trust. It will not be the same person who has had any prior involvement or will have future involvement with the complaint.

This is another opportunity to resolve the complaint without the need for a formal panel hearing.

The Trust will endeavour to provide a written response within 10 school days of receipt of the complaint.

## Stage 4 – Panel Hearing

If the complainant is dissatisfied with the outcome at Stage 3 and wishes to take the matter further, they can escalate the complaint to Stage 4. Stage 4 will involve the Trust representative from stage 3 to present findings and attempts to resolve to the panel. This is the final stage of the Trust complaints procedure.

A request to escalate to Stage 4 must be made to the Trust Executive Assistant within 10 school days of receipt of a Stage 3 response. This can be emailed to [becjxv@beckfoot.org](mailto:becjxv@beckfoot.org) or sent by post to Beckfoot Trust, Wagon Lane, Bingley, BD16 1EE, marking it *Private and Confidential*, and for the attention of the Trust Executive Assistant.

Requests to progress to Stage 4 received outside of this timeframe will only be considered if exceptional circumstances apply.

The Trust Executive Assistant will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 3 school days. The complainant will also be asked to provide copies of any further written material they wish to submit, within 5 school days of the date of the acknowledgement letter.

The Trust Executive Assistant will write to the complainant to inform them of the date of the panel hearing. They will aim to convene a meeting within 20 school days of receipt of the Stage 4 request. If this is not possible, they will provide an anticipated date and keep the complainant informed.

A panel will be convened taking into account the matter complained about as follows:

Complaint involving / about	Stage 4 Hearing (if required)
<ul style="list-style-type: none"> <li>• School matter / staff</li> <li>• Headteacher / Executive Headteacher</li> <li>• LSC Governor</li> </ul>	Three people who were not directly involved in the matters detailed in the complaint, with one panel member who is independent of the management and running of the school (this may be a LSC member at another school in the Trust)
<ul style="list-style-type: none"> <li>• Chair and Vice Chair LSC</li> <li>• Majority / Entire LSC</li> <li>• Trust matter / staff</li> <li>• COO / CEO / Trustee</li> <li>• Chair of Trust Board</li> </ul>	Three people who were not directly involved in the matters detailed in the complaint, with one panel member who is independent of the management and running of the Trust (for example from another Trust)
<ul style="list-style-type: none"> <li>• Chair and Vice Chair Board</li> <li>• Majority / Entire Board</li> </ul>	Three people who are completely independent of the Trust and not directly involved in the matters detailed in the complaint

At least 10 school days before the panel hearing, the Trust Executive Assistant will confirm and notify the complainant of 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.

Any written material will be circulated to all parties at least 5 school days before the date of the panel hearing. The panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

If a complainant rejects the offer of two arranged dates, without good reason, the Trust Executive Assistant will decide when to hold the hearing. It will proceed in the complainant's absence on the basis of written submissions from both parties.

A complainant may bring someone along to the panel hearing to provide support, not represent. This can be a relative, friend or interpreter and must be notified in advance. The panel hearing is an internal proceeding, it is not a legal



proceeding and therefore legal representation is not permitted. If a complainant is accompanied by a legally qualified person, that person will not be permitted to act as an advocate or to address the hearing unless invited to do so by the Chair of the Panel.

There may be occasions when representation is appropriate, and this must be approved in advance. For example, a school employee called as a witness may wish to be supported by union representation.

The panel shall be under no obligation to hear evidence at the panel hearing from witnesses about the matter but may do so and /or may take written statements into account. Representatives from the media are not permitted to attend.

The panel will not review any new complaints raised at this stage or consider evidence unrelated to the initial complaint. New complaints must be dealt with from Stage 1 of the procedure.

The panel hearing will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before recordings of meetings or conversations take place. Consent will be recorded in any minutes taken and recordings will be managed and retained by the Trust.

The panel will consider the complaint and all the evidence presented. The panel can decide to uphold the complaint in whole or in part or not uphold.

If the complaint is upheld in whole or in part, the panel will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to processes or procedures to prevent similar issues in the future.

The Chair of the Panel will provide the complainant and the school with a full explanation of their decision and the reason(s) for it, in writing, within 10 school days of the panel hearing. The response will detail any actions taken to investigate the complaint and where appropriate, it will include details of actions the Trust will take to resolve the complaint. The letter will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled.

The panel will ensure that those findings and recommendations are sent to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the premises by the Trustees and the Headteacher.

A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.

### **Complaints about the Trust, Chief Executive Officer or Trustee**

If a complainant wishes to complain directly about the Trust, CEO or a Trustee, the complaint should be sent to the Chief Operating Officer to be investigated.

The Chief Operating Officer (or their nominated senior officer) will write to the complainant acknowledging the complaint within 3 school days of the date that the written request was received. The acknowledgement will confirm that the complaint will be addressed using the appropriate stage in this procedure and will confirm the date for providing a response to the complainant.

Dependent on the nature of the complaint, the COO or the CEO (as Accounting Officer) may have a statutory duty to report the complaint to external agencies.

*Note: Where the Chair of the Trust Board has investigated the complaint, they will write the outcome letter to the complainant and provide a copy to the Chief Executive Officer.*

## Serial and Persistent Complaints

This procedure aims to resolve all complaints. However, there will be occasions when, despite all stages of the procedure having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, a senior representative of the Trust is able, under this procedure, to inform them in writing that the Trust procedure has been exhausted and the matter closed.

This may also be the case for a complaint that is considered 'frivolous' or 'vexatious' in the following circumstances:

- complaints which are obsessive, persistent, harassing, prolific, repetitious
- insistence upon pursuing complaints and/or unrealistic outcomes
- insistence upon pursuing the complaint in an unreasonable manner
- complaints which are designed to cause disruption or annoyance
- demands for redress that lack any serious purpose or value.

Complainants may have strong grievances but are expected to behave in a respectful and courteous manner towards staff whilst their complaint is being resolved.

A complainant will be notified if their behaviour is considered unreasonable or unacceptable may put restrictions in place on communication and /or attending the school site.

## Complaint Campaigns

For the purpose of this procedure, a complaint campaign is defined as a complaint from three or more separate individuals (whether or not connected with a school of the Trust) which are all based on the same subject.

Depending on the subject in question, we may deviate from this procedure and instead:

- send a template response to all complainants and/or
- publish a single response on the school/Trust's website (as applicable).

## Next Steps

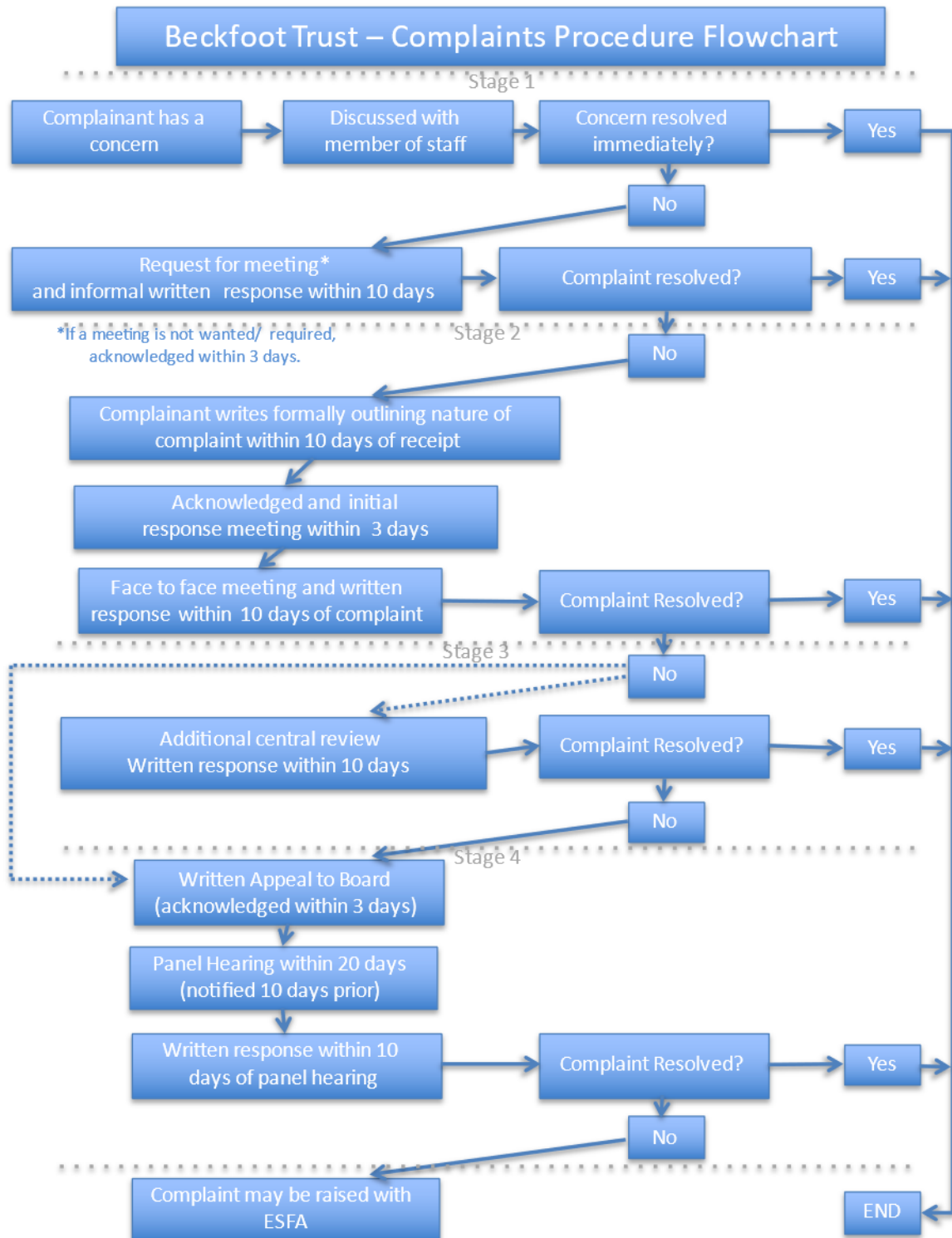
If the complainant believes the Trust did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the ESFA after they have completed Stage 4.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by the Trust. They will consider whether the Trust has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed [Part 7 of the Education \(Independent School Standards\) Regulations 2014](#).

The complainant can refer their complaint to the ESFA online at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), by telephone on: 0370 000 2288 or by writing to:

Academy Complaints and Customer Insight Unit  
Education and Skills Funding Agency  
Cheylesmore House, 5 Quinton Road  
Coventry  
CV1 2WT

## Appendix 1 – Complaints Procedure Flowchart



N.B. Timescales refer to 'school days in term time'

## Appendix 2 – Complaint Form

Please complete this form with details requested and return to the school / Trust.

<b>Your name:</b>	<b>Relationship to the pupil (if relevant)</b>
<b>Pupil's name (if relevant):</b>	
<b>School name (if relevant):</b>	
<b>Address:</b>	<b>Contact telephone number:</b>
	<b>Email address:</b>
<b>Postcode:</b>	
<p><b>Please give details of your complaint, including whether you have spoken to anybody at the school about it or actions taken to resolve the complaint to date.</b></p>	
<p><b>What actions do you feel might resolve the problem at this stage?</b></p>	
<b>Signature:</b>	<b>Date:</b>
<b>Print name:</b>	

## Appendix 3 – Procedure for a Panel Hearing

The Chair will proceed through the following stages in a panel hearing allowing each person to speak in full and ensuring that everyone is treated with respect and courtesy. A break in the hearing can be called if it is felt appropriate for the welfare of those present.

- Welcome all parties and explain the format for the hearing, remit of the panel and ensure all present are prepared and clear.  
Parties usually present for a hearing are the complainant, Trust representative involved at stage 3 to present findings and attempts to resolve, panel members and minute taker.
- The complainant will be invited to explain their complaint and refer to / be followed by any agreed witnesses to the panel.
- The Headteacher / Trust Officer may ask for clarification or question the complainant and the witnesses if present at this stage.
- Panel members are invited to ask questions of the complainant.
- The Headteacher / Trust Officer will be invited to explain their actions, attempts to resolve and refer to / be followed by any witnesses if present.
- The complainant may question the Headteacher / Trust Officer and any witnesses at this stage.
- Panel members are invited to ask questions of the Headteacher / Trust Officer.
- The complainant is invited to sum up their complaint.
- The Headteacher / Trust Officer is then invited to sum up the actions and response to the complaint.
- The Chair informs both parties regarding the timescale for a response. Both parties leave the hearing at the same time whilst the panel consider the issues and decides on key findings and a response.