



Complaints Policy and Procedure for: BENTLEY HIGH STREET PRIMARY SCHOOL

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**Version control**

Version	Revision Date	Revised by	Section Revised
New policy	April 2020		New policy
Version 2	September 2021	Andy Hibbitt	<ul style="list-style-type: none">• Spelling on page 3 and page 4• Updated clerk to Governance Professional throughout• Highlighted in red, where academies must put their name• Reference made to complaints form within this policy and procedure• Updates made to timescales to ensure it captures when the complainant becomes evidentially aware of an incident, if the incident occurred outside of the three-month period• Updates made to if a complainant commences legal action against the academy that the procedure will continue but may be suspended until legal proceedings are finalised.• Updated to reflect any face to face meeting with the Principal /Headteacher at stage 1 will follow the procedure• Addition to stage 1 procedure –the investigator will provide a copy of the minutes from any meetings with the complainant to ensure the complainant is able to review them and confirm they are a fair and true reflection.• Clarification added to Formal complaints process if the complaint is about or involves the Principal/Headteacher or member of the governing board• Defined stage 1 and stage 2 process depending upon who the complaint is about or involves.
V2	April 22	L Burton	<ul style="list-style-type: none">• Page 6 added in complaints from Students on placement in the Academy• Appendix 1 added – Further guidance on managing complaints from students on placement in the Academy
V3	April23	L Burton	<ul style="list-style-type: none">• Updated Front Cover• No further changes
V4	May 23	L Burton	<ul style="list-style-type: none">• Updated LADO Contact details on page 6



Who can make a complaint?

This Complaints Policy and Procedure is not limited to parents or carers of children that are registered at the Academy. Any person, including members of the public, may make a complaint to Bentley High Street Primary School about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

The difference between a concern and a complaint

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'*.

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. All Academies within Exceed Learning Partnership take concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Principal/Headteacher will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Principal/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.

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

How to raise a concern or make a complaint

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so.

Concerns should be raised with either the class teacher, phase leader, Principal/Headteacher. If the issue remains unresolved, the next step is to make a formal complaint.

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 of the procedure.

Complaints against Academy staff (except the Principal/Headteacher) should be made in the first instance, to the Principal/Headteacher via the Academy office. Please mark them as Private and Confidential.

Complaints that involve or are about the Principal/Headteacher should be addressed to the Chair of Governors, via the Academy office. Please mark them as Private and Confidential.

Complaints about the Chair of Governors, any individual governor or the whole governing board should be addressed to the Governance Professional of the Governing board via the Academy office. Please mark them as Private and Confidential.

For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the academy/Academy office. You can also ask third party organisations like the Citizens Advice to help you.

In accordance with equality law, we will consider making reasonable adjustments 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.

Anonymous complaints

We will not normally investigate anonymous complaints. However, the Principal/Headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

Timescales

You must raise the complaint within three months of the incident or when the complainant becomes evidentially aware of an incident, if the incident occurred outside of the three-month period.

Complaints received outside of term time

We will consider complaints made outside of term time to have been received on the first Academy day after the holiday period.

Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by Bentley High Street Primary School, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
<ul style="list-style-type: none"> • Admissions to Academies • Statutory assessments of Special Educational Needs • Academy re-organisation proposals 	<p>Concerns about admissions, statutory assessments of Special Educational Needs, or Academy re-organisation proposals should be raised with Doncaster Local Authority 01302 736000</p>
<ul style="list-style-type: none"> • Matters likely to require a Child Protection Investigation 	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p>



	<p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding: Milovan Orlandich 01302 737332</p>
<ul style="list-style-type: none">Exclusion of children from Academy*	<p>Further information about raising concerns about exclusion can be found at: www.gov.uk/Academy-discipline-exclusions/exclusions.</p> <p><i>*complaints about the application of the behavior policy can be made through the Academy's complaints procedure.</i></p>
<ul style="list-style-type: none">Whistleblowing	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus.</p> <p>Volunteer staff who have concerns about our Academy should complain through the Academy's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p>
<ul style="list-style-type: none">Staff grievances	<p>Complaints from staff will be dealt with under the Academy's internal grievance procedures.</p>
<ul style="list-style-type: none">Staff conduct	<p>Complaints about staff will be dealt with under the Academy's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
<ul style="list-style-type: none">Complaints from Students regarding their learning experience in the Academy	<p>Complaints about the quality and standard of training or mentoring received whilst on placement in the Academy will be dealt with under the complaint's procedure for further guidance please see Appendix</p>
<ul style="list-style-type: none">Complaints about services provided by other providers who may use Academy premises or facilities	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.</p>



<ul style="list-style-type: none">• National Curriculum - content	Please contact the Department for Education at: www.education.gov.uk/contactus
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If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against Bentley High Street Primary School in relation to their complaint, the procedure will continue until such time as it can be appropriately concluded but may require suspension until any legal proceedings have been finalised.

Resolving complaints

At each stage in the procedure Bentley High Street Primary School wants 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 Academy policies in light of the complaint
- an apology.

Withdrawal of a Complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

Stage 1

Formal complaints that are not about the Principal/Headteacher

Formal complaints must be made to the Principal/Headteacher via the Academy office. This may be done in person, in writing (using the Complaint Form in the appendix of this policy).

The Principal/Headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 Academy days.

Within this response, the Principal/Headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. Any face to face meeting will follow the below procedure.

Note: The Principal/Headteacher may delegate the investigation to another member of the Academy's senior leadership team but not the decision to be taken.

During the investigation, the Principal/Headteacher (or delegated investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied by a colleague who is not involved in the investigation if they wish
- ensure an independent note taker is present at all times so they can concentrate on questioning and take notes of responses
- keep a written record of any meetings/interviews in relation to their investigation.
- Provide a copy of the minutes from any meetings with the complainant to ensure the complainant is able to review them and confirm they are a fair and true reflection.

Following this, and at the conclusion of their investigation, the Principal/Headteacher or delegated investigator will provide a formal written response within 10 Academy days of the date of receipt of the complaint.

If the Principal/Headteacher 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 Bentley High Street Primary School will take to resolve the complaint.

The Principal/Headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

Formal complaints about the Principal/Headteacher or member of the governing board

Complaints about the Principal/Headteacher or member of the governing board must be made to the Governance Professional, via the Exceed Learning Partnership Trust Office. (address found on www.exceedlearningpartnership.co.uk)

If the complaint is about the Principal/Headteacher, or a member of the governing board, a suitably skilled governor from the academies local governing board or Principal/Headteacher from another Academy within the Exceed Learning Partnership Trust will be appointed to complete all the actions listed at Stage 1. The decision on who to appoint will be made by the COO or CEO of Exceed Learning Partnership Trust.

At the conclusion of their investigation, the independent investigator will provide a formal written response.

If the complaint is:

- jointly about the Chair and Vice Chair or



- the entire governing board or
- the majority of the governing board

Stage 1 will be considered by an independent investigator appointed by Exceed Learning Partnership Trust in line with the Trust's Complaints and Procedure Policy. (This could be a member of the Trust Board or Executive Leadership Team). The decision on who to appoint will be made by the COO or CEO of Exceed Learning Partnership Trust.

At the conclusion of their investigation, the independent investigator will provide a formal written response.

Stage 2

If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2 – a meeting with members of the governing board's complaints committee, which will be formed of the first three, impartial, governors available. This is the final stage of the complaints procedure.

If the complaint is:

About the Principal/Headteacher or

- jointly about the Chair and Vice Chair or
- the entire governing board or
- the majority of the governing board

Stage 2 will be heard by a committee formed of the first three, impartial independent governors from within the Trust or Executive / Non-Executive Directors of the Exceed Learning Partnership.

The decision on the makeup of the committee will be made by the COO or CEO of Exceed Learning Partnership Trust.

A request to escalate to Stage 2 must be made to the Governance Professional, via the Exceed Learning Partnership Trust Office. (address found on www.exceedlearningpartnership.co.uk), within 10 Academy days of receipt of the Stage 1 response.

The Governance Professional, will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within the 10 Academy days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Governance Professional will write to the complainant to inform them of the date of the Stage 2 meeting. They will aim to convene a meeting within 10 Academy days of receipt of the Stage 2 request.

If this is not possible, the Governance Professional will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Governance Professional 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.

The complaints committee will consist of at least three members with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee. Where required the Governance Professional will source any additional, independent governors through another academy within the trust, in order to make up the 3-person committee. Alternatively, if required as stated above an entirely independent committee may be convened to hear the complaint at Stage 2.

The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.

If the complainant is invited to attend the meeting, they may bring someone along such as a relative or friend to provide support. The complainant must ensure they notify the Governance Professional 5 Academy days before the meeting.

If an Academy employee is called as a witness in a complaints meeting they may bring a colleague who has had no involvement in the investigation along to provide support. The employee must ensure they notify the Governance Professional 5 Academy days before the meeting.

Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

Legal and media representatives are not permitted to attend.

5 Academy days before the meeting, the Governance Professional will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, 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 2 Academy days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

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

The meeting 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 meetings or conversations take place. Consent will be recorded in any minutes taken.

The committee will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

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

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

The Chair of the Committee will provide the complainant and Bentley High Street Primary School with a full explanation of their decision and the reason(s) for it, in writing, within 10 Academy days.

The letter to the complainant will include details of how to contact Exceed Learning Partnership Trust Board or Department for Education if they are dissatisfied with the way their complaint has been handled by Bentley High Street Primary School

Where appropriate, it will include details of actions Bentley High Street Primary School will take to resolve the complaint.

The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

Next Steps

If the complainant believes the Academy or Exceed Learning Partnership 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 Department for Education after they have completed Stage 2.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Bentley High Street Primary School. They will consider whether Bentley High Street Primary School has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Department for Education
Piccadilly Gate



Store Street
Manchester
M1 2WD.

Policy Agreed September 2018 and Reviewed May 2023:

Signed by: CEO:

Signed by: Chair of Directors:

Signed: Principal/Headteacher

Signed by: Chair of Governors:

Policy to be reviewed in April 2024

Roles and Responsibilities

Complainant

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

- explain the complaint in full as early as possible
- co-operate with the Academy in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

Investigator

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
 - sensitive and thorough interviewing of the complainant to establish what has happened and



who has been involved

- interviewing staff and children/young people and other people relevant to the complaint
- consideration of records and other relevant information
- analysing information
- liaising with the complainant and the complaints coordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the Principal/Headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The Principal/Headteacher or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

Complaints Coordinator (*this could be the Principal/Headteacher/ designated complaints governor or other staff member providing administrative support*)

The complaints coordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, Principal/Headteacher, Chair of Governors, Governance Professional and LAs (if appropriate) to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
 - sharing third party information
 - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.

Governance Professional to the Governing board

The Governance Professional is the contact point for the complainant and the committee and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to Academy complaints, education law, the

Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)

- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example; stage 1 paperwork, Academy and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision.

Committee Chair

The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Governance Professional) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.

If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting

- both the complainant and the Academy are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted



- they liaise with the Governance Professional (and complaints coordinator, if the Academy has one).

Committee Member

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so

No governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.

- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the Academy and the complainant

We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favor. It may only be possible to establish the facts and make recommendations.

- many complainants will feel nervous and inhibited in a formal setting

Parents/carers often feel emotional when discussing an issue that affects their child.

- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting

Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.

The committee should respect the views of the child/young person and give them equal consideration to those of adults.

If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.

However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.

- the welfare of the child/young person is paramount.



Please complete and return to Miss R Austwick who will acknowledge receipt and explain what action will be taken.

Please give details of your complaint, including whether you have spoken to anybody at the Academy about it.



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

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

Appendix 1

Guiding principles on managing complaints made by Students on placement in the Academy

Complaints from students regarding the quality of their training or mentoring while on placement in the Academy will be managed under the Academy Complaints Policy and Procedure.

It is expected that complaints will be raised as quickly as possible. Where the complaint relates to an ongoing aspect of academic provision, it is expected that this will be raised as soon as the dissatisfaction becomes apparent and no later than three weeks before an examination or assessment is to be undertaken which the student considers may be adversely affected.

There will be no disadvantage to students making complaints in good faith. No student will suffer any disadvantage or recrimination as the result of making a complaint in good faith. However, complaints that are found to be mischievous, malicious or vexatious, may result in a report being made to the University or organisation responsible for the placement of the student. An allegation might be considered malicious if it were made publicly outside the proper channels set out in this procedure.

As stated on page 4 of the policy, complaints cannot be made anonymously, the complaint must be made by the individual student(s) concerned.

If a member of staff receives a communication from a student and it is not clear whether or not they intend it to be considered as a complaint, it is the responsibility of the staff member to seek clarity from the student and if necessary to direct the student to the policy and procedures.

The Academy will aim to meet time limits given in this procedure where possible and will keep all parties informed of progress at all times where this may not be possible.

The Academy will seek to ensure that all complaints from students are treated seriously and constructively, and dealt with fairly, promptly and with due regard to its Equality and Diversity Policy.

All parties involved in the complaint must feel confident that evidence they provide will be kept confidential and only shared with those who need to know about the issues involved. This will normally be the student(s), the subject(s) of the complaint, and those investigating or deciding on the complaint in the first instance. It will also normally be necessary to share information about the complaint with witnesses and line managers and possibly other people who may be affected by the investigation or outcome of the complaint. Anyone who has access to information about a complaint for any reason is expected to treat it as confidential. Failure to do so may breach the Data Protection Act and could lead to disciplinary action being taken.

Any party may bring a supporter to meetings forming part of this procedure. A student or member of staff who is party to a complaint grievance may be accompanied by a friend or colleague to any meeting which forms part of this procedure. Such a person is present in a purely supportive capacity.



The aim of the procedure is to resolve complaints before it is necessary to resort to extreme and expensive measures such as litigation. Therefore, professional legal advisors are not allowed to attend meetings which form part of this procedure

This procedure is suitable only for serious complaints regarding matters within the jurisdiction of the Academy.

The procedure covers the following matters, although this list is illustrative rather than exhaustive. Complaints must be of a degree of seriousness comparable with those on the list in order to be the subject of the formal complaints' procedure the matters may include:

- persistent failure to teach or supervise a student in accordance with the requirements of the course or research concerned
- persistent cancellation of scheduled classes or supervisions without proper notice and/or reason
- persistent failure to provide feedback on required written work within a reasonable time
- loss of or failure to return to a student required written work (where normally returnable)
- persistent failure to communicate to a student information about a course or research, its assessment and/or other relevant matters
- failure of a service provided to students by the Academy to provide a level of support to a student that might reasonably be expected
- unjustified or negligent behavior likely to cause physical, emotional or mental injury to the student or affect the student's safety

The Academy may also consider the context and history of the complaint, where this is relevant.

The procedure specifies that certain members of staff will carry out particular roles within it. Where a particular member of staff is unavailable to fulfil their stated role within the procedure (for example, a specified post is vacant or the staff member holding the post is on long-term leave), the Academy may substitute a different member of staff to fulfil that role as necessary as long as the student is kept informed and no prejudice is caused to the integrity of the complaints procedure.