



BEACON EDUCATION
 AMBITION RESPECT EXCELLENCE

Complaints Policy

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COMPLAINTS POLICY AND PROCEDURE

West Somerset Academies Trust (the Trust) very much hopes that you and your child will be happy at our family of academies and that any concerns that may arise are dealt with swiftly by our staff. However, we recognise that there may be occasions when you are not entirely happy with an aspect of the service that we provide and that you might want the Trust to deal with concerns through a more formal process. This statement sets out what the Trust/individual academy will do if you wish to raise a concern informally or make a formal complaint.

WHO CAN MAKE A COMPLAINT?

This complaints procedure can be used by anyone who uses one of our family of academies, whether a pupil, a parent/carer, a provider of a service to the academy or a visitor about any provision of facilities or services that we provide. If you wish to raise a concern or a complaint on someone else's behalf, the Trust will only deal with this if the person on whose behalf you are complaining is unable to do so for themselves (for example, they are too young or they have a disability that prevents them from complaining themselves) and you have the appropriate consent.

Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure. This is compliant with The Education (Independent School Standards) Regulations 2010.

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. The Trust takes concerns and complaints 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, we will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, we 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, the Trust/academy 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. Written complaints must be marked as Private and Confidential.

The first stage of the procedure outlined below is an informal stage and in most cases, informal resolution should be attempted. An informal concern or complaint can be raised verbally or in writing, but you should not raise it with an individual AIB member, as they have no power to act on an individual basis and may need to remain impartial to be part of a panel hearing later in a formal process.

At the informal stage:

If your concern/complaint involves:	You should raise it with:
A staff member	The staff member, or, if that is not appropriate, with a senior leader or Headteacher
Policy/practice	The Headteacher
The Headteacher	The Headteacher directly, or, if that is not appropriate, the Chair of the Academy Improvement Board (AIB)
The Academy Improvement Board	The Clerk to the Trust, who will then liaise with either the CEO or the Chair of the Trust Board to support a resolution
The Trust	The Clerk to the Trust, who will then liaise with the CEO and/or the Chair to the Trust Board to support a resolution

If matters cannot or have not been resolved informally to your satisfaction, you should follow the formal stage of the procedure outlined below.

At the formal stage:

The Trust expects concerns or complaints to be put in writing, stating that this is a formal complaint. The following table explains to whom your complaint should be addressed and who is likely to be involved in the process (subject to discretion on a case by case basis, or delegation of duties where appropriate).

If your concern/complaint involves:	It should be addressed to:	The investigator that may be appointed:	The Decision Maker will be:	Stage 3 appeals will be heard by:
A staff member	Clerk to the AIB	Member of School Senior Leadership team or Headteacher	CEO	Panel
Headteacher	Clerk to the AIB	COO	CEO	Panel
AIB member	Clerk to the Trust Board	COO	CEO	Panel
Business Admin Team	Clerk to the Trust Board	COO or Trust Board Director	CEO	Panel
Trust Board Director	Clerk to the Trust Board	COO	CEO/Trust Board Director	Panel
CEO	Clerk to the Trust Board	Trust Board Director or Independent Investigating Officer	Chair of the Trust Board	Panel
Chair of the Trust Board	Clerk to the Trust Board	Independent Investigating Officer	Founding Members	Panel

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 school or Trust office. You can also ask a third-party organisation for example 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, we will determine whether the complaint warrants an investigation.

TIMESCALES

You must raise the complaint 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 time frame in exceptional circumstances apply.

COMPLAINTS RECEIVED OUTSIDE OF TERM TIME

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

SCOPE OF THIS COMPLAINTS PROCEDURE

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

Exceptions	Who to contact
Admissions to schools	Concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority.
Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.
Exclusion of children from school*	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions .
Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. 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: www.education.gov.uk/contactus .
Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.
Staff Conduct	Complaints about the conduct of staff will be dealt with under the school's internal disciplinary procedures, if appropriate. 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.

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 this happens, we will inform you 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.

RESOLVING COMPLAINTS

At each stage in the procedure, the Trust 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 school policies in light of the complaint
- an apology.

WITHDRAWAL OF A COMPLAINT

If you want to withdraw your complaint, we will ask you to confirm this in writing.

STAGE 1 – INFORMAL COMPLAINTS

It is hoped that most concerns can be expressed and resolved on an informal basis.

Sometimes further investigation is required before matters can be resolved at the informal stage. This will normally be undertaken by the person to whom you have raised your concern, but that person may delegate investigatory steps if appropriate. At the conclusion of any investigations, the appropriate person to whom the complaint has been addressed will provide an informal written response. This will be within 10 school days of the date of receipt of the complaint unless otherwise notified to you.

If the issue remains unresolved, the next step is to make a formal complaint.

STAGE 2 – FORMAL COMPLAINTS

Formal complaints should be lodged in writing (by letter or using the Complaint Form), addressed to the person shown in the table above under the heading "How to raise a concern or make complaint". We will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

We will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome you would like to see. A face to face meeting may be the most appropriate way of doing this if it is not clear from your complaint letter.

It is usual for an investigation to be required into a formal complaint. An appropriate investigator may be appointed for this purpose.

During the investigation, the investigator will:

- if necessary, interview those involved in the matter and/or those complained of, 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, we will provide a formal written response. We will aim to do this within 20 school days of the date of receipt of the complaint but if we are unable to meet this deadline, we 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 the Trust/individual academy will take to resolve the complaint.

We will advise you of how to escalate your complaint should you remain dissatisfied with the outcome of Stage 2.

STAGE 3 – PANEL HEARING

If you are dissatisfied with the outcome at Stage 2 and wish to take the matter further, you can escalate the complaint to Stage 3 – a panel hearing consisting of at least 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 is the final stage of the Complaints procedure.

A request to escalate to Stage 3 must be made to the Trust Board Clerk, within 10 school days of receipt of the Stage 2 response. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

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

The Clerk will write to you to inform you of the date of the meeting. They will aim to convene a meeting within 20 school days of receipt of the Stage 2 request. If this is not possible, the Clerk will provide an anticipated date and keep you informed.

If you reject the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in your absence based on written submissions from both parties. You may bring someone along to the panel meeting to provide support. This can be a relative or friend but not a legal representative.

Representatives from the media are not permitted to attend. At least 10 school days before the meeting, the Clerk will:

- confirm and notify you of the date, time and venue of the meeting, ensuring that, if you are invited, the dates are convenient to all parties and that the venue and proceedings are accessible.
- request copies of any further written material to be submitted to the committee at least 5 school days before the meeting.

Any written material will be circulated to all parties at least 3 school days before the date of the meeting. 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.

The panel 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 panel will consider the complaint and all the evidence presented. The panel 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 panel will:

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

The Chair of the Panel will provide you and the Trust/individual academy with a full explanation of their decision and the reason(s) for it, in writing, within 10 school days.

The letter to you will include details of how to contact the Education and Skills Funding Agency (ESFA) if you are dissatisfied with the way your complaint has been handled by the Trust.

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 the Trust will take to resolve the complaint.

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to you and, where relevant, the person complained about. Furthermore, they will be available for inspection on the school premises by the proprietor 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.

All correspondence statements and records relating to individual complaints will be kept confidential, except where the Secretary of State or a body conducting an inspection under Section 109 of the 2008 Act requests access to them.

NEXT STEPS

If you believe the school / Trust did not handle your 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 3.

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](#).

You can refer your complaint to the ESFA online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

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

COMPLAINT FORM

Your name:

Pupil's name (if relevant):

Your relationship to the pupil (if relevant):

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Email address:

Please give details of your complaint, including whether you have spoken to anybody at the school 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:

Action taken:

Date:

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 school 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 may be an impartial internal person, or an external 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 co-ordinator 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 head teacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.
- the decision maker will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

CLERK TO THE AIB / TRUST BOARD

The Clerk is the contact point for the complainant in a formal process 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 school 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, school 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.

PANEL CHAIR

The Panel chair, who is nominated in advance of a Panel meeting, should ensure that:

- both parties are asked (via the Clerk) 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.
- both the complainant and the school 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 panel is open-minded and acts independently
- no member of the panel 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 Clerk (and complaints co-ordinator, if the school has one).

PANEL MEMBER

Panel members should be aware that:

- the meeting must be independent and impartial and should be seen to be so.
- no AIB member/Trust Board Director 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 school and the complainant.
- We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- careful consideration of the atmosphere and proceedings should ensure that the complainant does not feel intimidated.