



# Athena Learning Trust

## Bideford College

### Schools Complaints Procedure

#### **Review**

Reviewed on: 31st October 2022

Reviewed by: Board

Review Period: 3 years





This Complaints Procedure sets out how the Athena Learning Trust (Athena Learning Trust) and Bideford College will deal with concerns and complaints.

This Complaints Procedure applies to Bideford College, which is part of the Athena Learning Trust, in accordance with and pursuant to the Education (Independent Schools Standards) Regulations 2014 and appropriate DfE guidance.

This Complaints Procedure covers all complaints about any provision of services or community facilities by Bideford College other than the matters that are subject to a separate statutory procedure as set out in the Procedure.

In implementing this procedure, the governing body, Principal and school staff, must take account of any advice or instruction given to them by the Chief Executive Officer (CEO) or Board of Trustees. If there is any question or doubt about the interpretation or implementation of this Procedure, the CEO should be consulted.



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## Part A

### 1.1 Principles

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.

Athena Learning Trust welcomes comments on its services. Comments enable the Trust to clarify any misunderstandings that arise and give us the opportunity to review our processes if necessary. We are also pleased to learn of things that have gone well.

If a person has difficulty discussing a concern or complaint with a particular member of staff, they will be referred to another staff member. Similarly, if a member of staff feels unable to deal with a concern, the concern will be referred to another staff member.

If any person, including members of the public, wishes to raise their concerns more formally or make a complaint to the Trust about any provision of facilities or services that they provide, the school will attempt to resolve the issue internally, through the stages outlined within this Complaints Procedure; except that for matters subject to a separate statutory procedure as listed in section 3.

The Trust will handle complaints from people who are not parents of children at its schools respectfully and expediently, and as far as is appropriate in line with this Complaints Procedure; except that for such complaints the Trust reserves the right to amend the procedure and omit a hearing before a panel with an independent member.

In accordance with equality law, the Principal 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.

The Trust will always deal with complaints in a courteous and reasonable manner, and follow its agreed procedures. We ask that those with comments and complaints present them in a similarly reasonable manner.

At each stage of this Procedure the Trust will seek to resolve the complaint. If a complainant



wants to withdraw their complaint, they should notify the Trust in writing.

### **1.2 Approval and review:**

This Procedure was approved by the Finance and Asset Committee on: April 4<sup>th</sup> 2022

This Procedure came into effect on: April 19<sup>th</sup> 2022

This Procedure is kept under review by: Athena Learning Trust CEO

This Procedure is due for formal review by: April 2023

This Procedure will be kept under review by the CEO of Athena Learning Trust

Minor technical changes to the Procedure that are required by changes to legislation or DfE guidance may be made and authorised by Athena Learning Trust CEO.

Proposals for more significant changes to the Procedure will be considered and approved by the Board of Trustees.

This Procedure will be formally reviewed by the Board of Trustees at least once every 4 years.

### **1.3 Terminology**

- The Trust means the Athena Learning Trust.
- School means a school within the Athena Learning Trust.
- Principal means the Principal or principal of the school.
- CEO means the chief executive officer of the Athena Learning Trust.
- Governors and Trustees includes governors, Trustees, non-governor members of Trust Committees and members of the Trust Panel.
- Governing Body means the committee of the Board of Trustees to which Trustees have delegated appropriate powers and functions relating to the governance of the school.
- Athena Learning Trust Data Protection Officer means Judicium Consulting Ltd.
- School Data Protection Lead means the point of contact for data protection matters for members of staff, students and parents within the school
- Data Subject means an individual about whom personal information is stored.



- Data Controller means the organisation storing and controlling information regarding data subjects which is Athena Learning Trust.

In this procedure references to the Athena Learning Trust will be read as including the Trust Shared Service and all schools in the Athena Learning Trust.

References in this Procedure to a school in the Trust should also be read as the Trust Shared Service for services, functions and members of staff of the Trust that are not contained within a school budget and/or are not the responsibility of a Principal and/or Governing Body. With respect to the Trust Shared Service, references in this Policy to the responsibilities of the Principal and Governing Body should be read as the Athena Learning Trust CEO and the Trust Shared Services Committee respectively.

For the purpose of this procedure, a “complaint” is defined as ‘an expression of dissatisfaction’ towards the actions taken or a perceived lack of action. Complaints can be resolved formally or informally.

A “concern” is defined as ‘an expression of worry or doubt’ where reassurance is required. For the purpose of this policy, concerns will be classed and addressed as complaints.

Any complaint or concern will be taken seriously, whether raised formally or informally, and the appropriate procedures will be implemented.

The definition of “unreasonable complaints” is outlined in the ‘Managing unreasonable complaints’ section of this procedure.

For the purpose of this procedure, “duplicate complaints” are identical complaints received from a complainant’s spouse, partner or child. These complaints will not be addressed again and the individual making the second complaint will be informed that the complaint has been dealt with on a local level. If the individual is dissatisfied with the result, they can appeal to the ESFA, as outlined in ‘The role of the ESFA’ section of this policy. Any new details provided by a complainant’s spouse, partner or child, however, will be investigated and managed in line with the complaints procedure.

For the purpose of this procedure, “complaints campaigns” are where the trust, or an academy within the trust, receives large volumes of complaints that are all based on the same subject.

#### **1.4 Associated policies and procedures**

This policy operates in conjunction with the following policies:

- Trust Complaints Procedure
- Admissions Policy
- Child Protection and Safeguarding Policy
- Behaviour Policy
- Suspension and Exclusion Policy
- Whistleblowing Policy
- Grievance Policy
- Data Protection Policy
- Records Management Policy

### **Part B**

#### **2. Raising a concern or making a complaint**

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

If a person has a comment or complaint about Bideford College they should in the first instance contact the school in person, or by telephone, email or letter, via the member of staff they have been dealing with, or via the school directly for an appointment to discuss the matter with an appropriate member of staff.

Complaints about school staff should be made in the first instance, marked Private and Confidential to The Principal; contact details can be found on the school website.

Complaints about the Principal should be made in the first instance, marked Private and Confidential, to the Clerk to the Governing Body; contact details can be found on the school website.

If a person has a comment or complaint about the Trust as a whole, an executive officer of the

Trust, a governor or governing body of any school in the Trust, or a Trustee of the Trust, it should be taken up by contacting the Trust directly, and if necessary through the Trust Complaints Procedure, using the contact details on the Trust website.

Anonymous complaints will not normally be investigated. However, the Principal will determine whether an anonymous complaint warrants an investigation.

Complaints made outside of term time will be considered to have been received on the first school day after the holiday period.

If a school governor or a Trustee is contacted directly by a complainant in relation to a complaint about a school in the Trust, then the matter should be referred to the Principal of the school to be dealt with under the school's Complaints Procedure.

If a school governor or a Trustee or member of school staff is contacted directly by a complainant in relation to a complaint about the Trust, then the matter should be referred to the CEO to be dealt with under the Trust Complaints Procedure.

All correspondence, statements and records relating to individual concerns and 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, and retained in line with the Data Retention Policy and Part 7 of the Education (Independent School Standards) Regulations 2014.

A written record will be kept of all complaints and whether they are resolved following a formal procedure, or proceed to a committee or panel hearing; and the action taken by the school as a result of those complaints (regardless of whether they are upheld).

### **3. Exceptions to the Complaints Procedure**

Certain matters are dealt with under separate procedures, and not through the School or Trust Complaints Procedure (information on these policies and procedures can be found on the Trust website or by contacting the Trust or school):

Complaints about child protection matters are handled under the Trust's child protection and safeguarding procedures and in accordance with relevant statutory guidance.

- Complaints about the administration of the appeals process for admissions to schools within the Trust are dealt with through the Trust Admissions Appeals Procedure.
- Representations against a pupil's suspension or exclusion from school are dealt with under the Trust's exclusions procedures and the relevant statutory



- guidance.
- Complaints from Trust staff will be dealt with under the Trust's internal grievance procedures.
  - Complaints about the conduct of Trust staff will be considered under the Trust's staff disciplinary procedures. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint, but will be notified that the matter is being addressed and allowed to progress their complaint through the school's complaint procedure.
  - Complaints about the conduct of Trustees or governors or non-Trustee members of Trust Committees will be considered under the Trust's Trustee and Governor disciplinary procedures, if appropriate, but complainants will not be informed of any disciplinary action taken.
  - The Trust also has a Whistleblowing Policy for all members of Trust staff, contractors, Trustees and governors.

Concerns about statutory assessments of special educational needs should be raised directly with the relevant local authority.

School pupils who have comments or complaints should in the first instance take them up through their school teacher or Principal, rather than through the Complaints Procedure.

Complaints about third-party users of school premises or facilities should be taken up with the third party directly, and not through the Complaints Procedure.

#### **4. The Stages of the Complaints Procedure**

The Complaints Procedure has three stages that must be followed consecutively.

Once a complaint has been addressed under stage 1, the complainant may escalate it to Stage 2 if they are not satisfied, or the Principal may refer the matter to Stage 2 so that it can be dealt with more effectively. Once a complaint has been addressed under stage 2, the complainant may escalate it to Stage 3 if they are not satisfied, or the Principal may refer the matter to Stage 3 so that it can be dealt with more effectively.



A complaint at school level may be escalated to the Trust at any point at the discretion of the CEO. A complaint made to the Trust at any stage may be referred back to school by the CEO.

At any meeting with school staff or governors or any panel, the complainant may be accompanied by a friend and/or interpreter; and the Principal or any other school staff may be accompanied by a fellow employee or professional representative.

The school will need written consent from the complainant before they can disclose any information about their complaint to a third party.

Generally, we do not encourage either party to bring legal representatives to any meeting. However, there may be occasions when legal representation is appropriate

The meetings 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. Representatives from the media are not permitted to attend.

#### **4.1 Stage 1: Informal resolution**

In the first instance, if a person has a complaint, they should contact the school in person, or by telephone, email or letter, via the member of staff they have been dealing with, or via the contact details available on the school website, for an appointment to discuss the matter with an appropriate member of staff.

A complainant may find it helpful to write down the main substance of their complaint before contacting the school.

A complaint will not normally be considered if it is lodged formally in writing more than three months after the incident being complained about took place.

An appropriate member of school staff will seek to find a resolution through discussion and meetings with the complainant, informally.

The Principal may arrange for a member of staff from outside the school, or a volunteer or

governor to meet with the complainant, where they believe that an independent perspective may help to resolve the matter.

At the conclusion of Stage 1 the person who has sought to resolve the complaint, or the Principal or their nominee, will provide an informal response to the complainant in writing or by email.

If it does not prove possible to reach a resolution, the complainant may put their complaint formally in writing to the Principal who may refer the matter to Stage 2 so that it can be dealt with more effectively.

Most concerns should be resolved at this informal stage.

#### **4.2 Stage 2: Formal complaint**

If the complaint has not been resolved informally, the complainant may put their complaint formally in writing, in a letter addressed for the attention of the Principal and sent to the Clerk to the Governing Body; contact details are available on the school website.

A complaint will not normally be considered if it is lodged formally in writing more than three months after the incident being complained about took place, or where the complaint has not be escalated within 10 school days of receipt of the stage 1 response.

If the complainant has sufficient reason to request a reasonable adjustment, an alternative method of lodging the complaint and corresponding will be made available.

On receipt of a formal complaint the Principal may, if they think it may yet resolve the matter:

- refer the matter back to an appropriate member of staff for further consideration and to seek a resolution informally under Stage 1; or
- meet with the complainant themselves, to seek to resolve the matter informally under Stage 1. Otherwise, the Principal will address the complaint as a formal complaint under stage 2.

The Principal will investigate the complaint. The investigation will seek to address all the points at issue and enable the Principal to give an effective response and propose appropriate redress. The Principal may delegate the investigation to an appropriate member

of school staff, but not the decision or the formal response.

The Principal may arrange for a member of staff from outside the school, or a volunteer or governor, to meet with the complainant where they believe that an independent perspective may help to resolve the matter.

The Principal will endeavour to give a written response to the complainant within 10 school days of receipt of the formal complaint.

However, the thorough investigation of a complaint may involve a number of members of staff and progress will depend on their availability; timescales are likely to be extended during school holidays.

If the matters that are the subject of the complaint are also subject to other proceedings within the school (as set out in section 3 of this Procedure) or external proceedings (e.g. DfE, local authority or Police), those proceedings may take precedence over this Complaints Procedure and may require the timeframes in this Procedure to be extended.

Complainants will be advised of the reason for any delay beyond 10 days.

The Principal will write to the complainant setting out their response to the complaint and advising the complainant of their right to take the matter to a Complaints Panel under stage 3.

### **4.3 Stage 3: Complaints Panel**

If the complainant is not satisfied with the written response to their formal complaint or the way that it has been handled, they may take the matter to a Complaints Panel appointed by the Governing Body, by writing to the Clerk to the Governing Body within 20 school days of the written response from the Principal, enclosing a copy of the original written complaint, and indicating which matters remain unresolved and/or why they are not satisfied with how the complaint has been handled. No new complaints may be included.

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

The Clerk will establish a Complaints Panel made up of at least three people who do not have any conflict of interest and have not been involved with the matters that are the subject of the complaint, at least one of whom is independent of the management and running of the school.



The Clerk will arrange a meeting of the Complaints Panel at a convenient time for all parties, as soon as possible and within 10–20 school days of receipt of the complainant’s letter.

If the complainant rejects the offer of three proposed dates without good reason, the Clerk will decide when to hold the Complaints Panel meeting. The Complaints Panel will then proceed in the complainant’s absence on the basis of written submissions from both parties.

Details of the complaint will be sent to the Principal. The Principal will then have 5 school days to submit their response to the Clerk.

Any documents from either the complainant or the Principal and/or their nominee to be considered by the Panel and the names of any witnesses who may be called must be received by the Clerk at least 5 school days before the meeting.

Electronic recordings are not normally accepted as evidence. However, transcripts of recordings may be accepted if independently notarised and with the written consent of all recorded parties. Recordings obtained covertly or without informed consent of all parties being recorded will not be accepted.

The agenda for the meeting and copies of all papers submitted will be sent to members of the Panel, the complainant and the Principal and/or their nominee before the meeting. The Principal and/or their nominee will copy relevant papers to any school staff named in the complaint.

The Complaints Panel will choose one of their number to chair the meeting.

The Complaints Panel will consider the complaint on the basis of the papers they receive and what is said at the meeting. The Panel should seek reconciliation and ways to put right things that may have gone wrong.

In the event of either party not attending the meeting, the Chair of the Panel has the discretion to proceed or to adjourn the meeting.

Once the Complaints Panel has heard from both parties, both parties will withdraw so that the Panel can make its decision. The Panel may:

- Uphold the complaint in full;
- Uphold the complaint in part; or
- Dismiss the complaint.

Or they may give a more complex response.

The Complaints Panel may make findings and recommendations and may refer issues of principle or general practice to the Principal and Governing Body.

The complainant, any staff complained about, the Principal and Chair of the Governing Body will be advised in writing or by electronic mail of the outcome of the meeting, including relevant findings and recommendations, within 5 school days of the meeting.

The complainant will be advised of their right to make a complaint to the Education and Skills Funding Agency – see section 7 of this Procedure

## **5. Reporting and monitoring**

The Principal and/or their nominee will:

- record the progress of the complaint and the final outcome.
- record whether the case progressed to a panel hearing.
- record the action taken by the school or the trust, regardless of outcome.
- determine who is responsible for these records and make sure the data is kept secure and in accordance with the Data Protection Policy and Data Retention Procedure.

The findings and recommendations of the Panel at stage 3 will be copied to relevant senior managers in the school and/or Trust, and to the relevant Governing Body and/or Trust Committee, so that services can be improved, and will be made available for inspection on the school premises by the Principal.

## **6. Variations to the Procedure**

- If the complaint is about the Principal:

At stage 1 - the complaint should be sent to the Clerk to the Governing Body; 'Principal' will be read as 'Director of Education'.

- At stage 2 - the complaint should be sent to the Clerk, marked for the attention of the CEO. 'Principal' will be read as 'CEO'; the CEO will arrange for its investigation



and will write the response.

A complaint may be presented as being 'about the Principal', but if it is actually a complaint about the policies and procedures of the school and/or Trust and their implementation, rather than the personal conduct of the Principal, the CEO may refer it back to the Principal to seek a resolution under the standard school Complaints Procedure.

There may be occasions where it may be reasonable to deviate from this Procedure, including not doing something the procedure states will, should or may be done; any deviations from the Procedure must be agreed by the Athena Learning Trust CEO and properly documented.

A complaint at school level may, where appropriate, be escalated to the Trust to be dealt with under the Trust Complaints Procedure at any point, by the Athena Learning Trust CEO.

A complaint made to the Trust may, where appropriate, be referred back to the relevant school at any stage, to be dealt with under the School Complaints Procedure, by the Athena Learning Trust CEO.

### **7 Complaints to the Education and Skills Funding Agency**

If a complaint has been considered in accordance with this Procedure, but the complainant is still not satisfied, then the complainant can make a complaint to the Education and Skills Funding Agency (ESFA).

The ESFA will normally only consider a complaint after this Complaints Procedure has been exhausted.

The ESFA cannot review or overturn decisions about complaints made by the Trust; they can only investigate whether the Trust considered the complaint appropriately and may request the Trust to re consider the complaint or to review its procedure.

If a complainant wishes to refer their complaint to the ESFA, they should write to:

**Complaints Team, Education and Skills Funding Agency,  
Cheylesmore House, Quinton Road, Coventry, CV1 2WT**

Or use the online enquiry form on the ESFA website.

## **8 Complaint campaigns and serial, persistent and vexatious complaints**

If an Athena Learning Trust school and/or the Trust receives a complaint that is on the same subject as a complaint that has already been investigated and responded to in accordance with this Procedure, the Principal and/or Athena Learning Trust CEO may use relevant aspects of that investigation and response in responding to the new complaint, rather than repeating them.

If an Athena Learning Trust school and/or the Trust receives a large number of complaints all based on the same subject, the school and/or Trust may send a common response to all complainants and/or publish a single response on the school and/or Trust website.

If an Athena Learning Trust school and/or the Trust receives a number of similar complaints from persons unconnected with the school and/or Trust, the school and/or Trust may send a common response to all complainants and/or publish a single response on the school and/or Trust website.

If a complainant tries to re-open the same issues that have been addressed through all stages of the Complaints Procedure the Principal and/or Athena Learning Trust CEO will inform the complainant that the procedure has been completed and that the matter is now closed.

If a complainant continues to raise the same issues that have been addressed through all stages of the Complaints Procedure, the Principal and/or Athena Learning Trust CEO may deem the complaint to be 'serial' or 'persistent'; in which case the Principal and/or Athena Learning Trust CEO will inform the complainant that the complaint has been addressed in accordance with the Complaints Procedure and correspondence in the matter is now closed.

If a complaint is deemed persistent or serial, that does not prevent the complainant contacting an Athena Learning Trust school and/or the Trust about other matters or raising other complaints.

If an individual:

- seeks to pursue a complaint in a manner which is obsessive, persistent, harassing, prolific, repetitious, excessive, unreasonable, abusive or offensive, or is designed





- to cause disruption or annoyance;
- insists upon pursuing unmeritorious complaints and/or outcomes that are unrealistic;
- demands redress that lacks any serious purpose or value or is beyond the remit of the school and/or Trust; or
- behaves in a way that causes a significant level of disruption, regardless of whether or not they have raised a complaint;

then the Principal and/or Athena Learning Trust CEO may deem it to be a vexatious complaint; in which case the Principal and/or Athena Learning Trust CEO may:

- restrict the individual to a single named member of school and/or Trust staff or single point of contact via a school and/or Trust email address;
- limit the number of times the individual can make contact with the school and/or Trust, and/or the number of times the school and/or Trust will respond, such as a fixed number of times per term;
- prohibit the individual from communicating with specific school and/or Trust staff or groups of staff;
- place other appropriate and reasonable restrictions on the individual in the interests of the safe and efficient operation of the school and/or Trust.

If an individual persists to the point that may constitute harassment of members of staff of an Athena Learning Trust school and/or the Trust, the Principal and/or Athena Learning Trust CEO may bar the individual from school and/or Trust premises and the school and/or Trust may seek legal remedy to safeguard its staff and students.