



**Bexhill**  
Academy



# Complaints Policy 2023-2024

Adopted: October 2023  
Next Review: October 2024

**Bexhill Academy**  
**Complaints Policy and Procedure**

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### **Bexhill Academy Contact Details:**

	<b>Name</b>	<b>Contact Details</b>
Complaints		<a href="mailto:complaints@bexhillacademy.org">complaints@bexhillacademy.org</a>  Please ensure you complete the complaint template form in the appendix and put the subject on the email as "COMPLAINT DD/MM/YYYY"
Principal's PA	Ms. Phillips	Email: <a href="mailto:jennie.phillips@bexhillacademy.org">jennie.phillips@bexhillacademy.org</a> Telephone: 01424 730722
Co- Principals	Mrs Gordon and Dr Neal	Email: <a href="mailto:jennie.phillips@bexhillacademy.org">jennie.phillips@bexhillacademy.org</a> Telephone: 01424 730722
Chair of Trust Board	Mr. Attwood	Email: <a href="mailto:tom.attwood@bexhillacademy.org">tom.attwood@bexhillacademy.org</a> Telephone: 01424 730722
Clerk to the Trust Board	Mr. Muzammal	Email: <a href="mailto:Info@EduAction.org.uk">Info@EduAction.org.uk</a>

### **Introduction:**

The central objective of Bexhill Academy is to create and maintain a safe, happy and healthy learning environment where every pupil can achieve their full potential. The staff and governing board work in a spirit of co-operation with parents, carers and other interested parties. Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

In line with the requirements of section 29 of the Education Act 2002, Bexhill Academy:

- has a complaints procedure that is easily accessible, simple to use and easy to understand.
- encourages resolution of concerns by informal means wherever possible.
- addresses all points at issue and provides an effective response and appropriate redress where necessary.
- resolves issues swiftly to established timescales, impartially and in a spirit of co-operation.
- provides a fair investigation by an independent person where necessary.
- respects, as appropriate, confidentiality.
- ensures that the Trust Board regularly monitors complaints received by the school.
- acts in accordance with the requirements of the General Data Protection Regulations (GDPR) and Data Protection Act 2018

Bexhill Academy prides itself on the quality of the provision and the pastoral care we provide for our pupils. If parents, carers or members of the public have concerns they can expect the issues they raise to be treated seriously by the school and in accordance with this policy document.

## **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 generally defined as *'an expression of dissatisfaction, however made, about actions taken or a lack of action'*.

It is in everyone's interest to resolve concerns and complaints at the earliest stage. Many issues can be resolved informally, without the need for formal procedures. Bexhill Academy takes informal concerns seriously and makes every effort to resolve the matter as quickly as possible.

However there are occasions when complainants would like to raise their concerns formally. In those cases, Bexhill Academy will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

## **Who can make a complaint?**

The formal complaints process only applies to parents/carers of students currently at the academy unless separate statutory procedures apply (such as exclusions or admissions), this includes:

Anonymous complaints will not normally be investigated. However the Co Principals or chair of Trust Board Bexhill Academy will determine as appropriate whether the complaint warrants an investigation.

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

The majority of concerns or complaints received will be from parents or carers regarding issues relating to an individual child or children. However there may be occasions where concerns or complaints are received about the academy's management of wider issues

In nearly all cases, communicating face to face, between the appropriate member of staff and parent/carer is the most effective way to address concerns or complaints. A good discussion, when all parties are listening to each other and seeking resolutions, will frequently be the most effective and quickest way of resolving of issues.

- A concern or complaint can be made in person initially by letter or email, or by telephone.
- The Complaints Form should preferably be completed to support the complaints process
- Complaints concerning the academy staff (except the Principal) should be made in the first instance to the Co Principals via the academy office. Please mark them as Private and Confidential.
- Complaints that involve or are about the Principal should be addressed to Mr. Attwood, the chair of Trust Board, via the academy office. Please mark them as Private and Confidential.
- Complaints about the Chair of Trust Board, any individual trust board member or the whole trust board should be addressed to the Clerk to the trust board via the academy office. Please mark them as Private and Confidential.
- Complainants should not approach individual trust board members to raise concerns or complaints. They have no power to act on an individual basis and it may prevent them from considering complaints at stage 3 or 4 of the procedure.

Some complaints fall outside the academy's complaints procedure, for example, staff grievances or staff conduct and/or competency (see: [Complaints outside the Scope](#)). In these cases, if such an issue is brought to the Co-Principals' or chair of trust board's attention, the academy will follow its own internal personnel processes. The complainant will be informed that an issue is to be considered as part of the academy's personnel processes but will not be informed of the outcome of any such considerations.

Complainants are advised to limit the numbers of communications with the academy while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Concerns or complaints raised on social media will not receive a response unless raised through these procedures.

Recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded will not be accepted as evidence in the complaints process.

For ease of use, a [template complaint form](#) is included at the end of this procedure Please complete and return the form to [complaints@bexhillacademy.org](mailto:complaints@bexhillacademy.org). If you require help in completing the form, please contact the academy office. You can also ask third party organizations 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 or enabling a satisfactory record of any meetings to be made.

## **Resolving complaints**

At each stage in the procedure, Bexhill Academy seeks 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.

Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

## **Withdrawal of a complaint**

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

## **Timescales:**

The academy expects that complaints will be made as soon as possible after an incident arises and no later than three months afterwards. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident. We will consider complaints raised outside this time frame if exceptional circumstances apply and the complaint can still be investigated in a fair manner for all involved.

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

If at any point we cannot meet the timescales we have set out in this policy, we will:

- set new time limits with the complainant
- send the complainant details of the new deadline and explain the delay.

Complaints outside the scope	Who to contact
<ul style="list-style-type: none"> <li>• Admissions to schools</li> <li>• Statutory assessments of Special Educational Needs (SEN)</li> <li>• School re-organization proposals</li> </ul>	<p>Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organization proposals should be raised with East Sussex County Council.</p>
<p><input type="checkbox"/> Matters likely to require a Child Protection Investigation</p>	<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 or the Multi-Agency Safeguarding Hub (MASH).</p> <p><b>Local Authority Designated Officer (LADO): 01323 747373 / 07825 782793</b></p>
<p><input type="checkbox"/> Exclusion of children from school</p>	<p>Further information about raising concerns about exclusions is available in the <a href="#">School discipline and exclusion guidance</a>.</p> <p>Complaints about the application of the behaviour policy can be made through the academy's complaints procedure.</p>
<p><input type="checkbox"/> Whistleblowing</p>	<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 whistleblowers in education who do not want to raise matters direct with their employer.</p> <p>Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</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>
<p><input type="checkbox"/> Staff grievances</p>	<p>These matters will be addressed under the academy's internal grievance procedures.</p>
<p><input type="checkbox"/> Staff Conduct and/or Competency Complaints</p>	<p>Complaints about staff will be dealt with under the academy's internal personnel procedures, if</p>

	<p>appropriate.</p> <p>Complainants will not be informed of any outcomes of the complaint or action taken in relation to a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
<p>☐ Complaints about services provided by other providers who may use academy premises or facilities.</p>	<p>Bexhill Academy should direct complainants to follow the external provider's own complaints procedure.</p>
<p>☐ Complaints about the curriculum</p>	<p>Please contact the Department for Education at <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a></p>
<p>☐ Complaints about collective worship</p>	<p>Complaints about the content of the daily act of collective worship (DACW) should be addressed to:</p> <p>☐ <a href="#">the local Standing Advisory Council on Religious Education</a></p>
<p>☐ Withdrawal from the curriculum</p>	<p>Parents and carers can withdraw their child from any aspect of Religious Education (RE). They do not have to explain why.</p> <p>If parents or carers are not satisfied with the handling of a request to withdraw their child from RE or the DACW, schools should advise them to follow their complaints procedure.</p> <p>The right of withdrawal does not apply to other areas of the curriculum where religious matters may be spontaneously raised by pupils or arise in other subjects such as history or citizenship.</p> <p>Should parents wish to withdraw their child from sex and relationship education they should refer to the schools Sex and Relationship Education policy.</p>

## Complaints outside the scope

Some complaints will be outside the scope of this procedure as there are separate statutory procedures to deal with such issues. These include:



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 Bexhill Academy in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

## **Complaint campaigns**

If Bexhill Academy receives a large volume of complaints which are all based on the same subject and/or from complainants unconnected with the academy, the academy will send a template response to all complainants and publish a single response on the academy's website.

## **Duplicate complaints**

After closing a complaint at the end of the complaints procedure if a duplicate complaint is received about the same matter from a connected party, the duplicate complainant will be informed the academy has already considered the complaint and the local process is now complete. The new complainant will be advised to contact the DfE if there is dissatisfaction with the original handling of the complaint.

## **Use of Social Media**

Bexhill Academy considers that the promotion and continuance of a positive, healthy and safe academy community ethos depends upon all members of the academy community contributing to and being responsible for maintaining this. The academy therefore actively encourages any individual with a concern to raise it as soon as possible within the process described. For the same reason, Bexhill Academy strongly discourages the use of social media in this respect, and asks parents and carers and others of the academy community not to post on social media any issues which should more appropriately be dealt with within the academy processes for concerns and complaints.

Any repeated or inappropriate use of social media to harass or name students/staff will be considered harassment and referred to the appropriate authority, such as the police.

## **The Complaints Procedure**

***This stage does not apply to complaints against the Co - Principals, a Trust Board Member or the Trust Board.***

### **Informal**

As referred to earlier in this policy, the intention of Bexhill Academy is to create and maintain a safe, happy and healthy learning environment and the staff and trust board seek to establish a spirit of cooperation with parents, carers and other interested parties to ensure that a positive academy community ethos is established to achieve and maintain this

It is in everyone's interest to resolve concerns at the earliest stage and the academy's experience is that many issues can be resolved by proactive and timely discussion between the appropriate people. The academy therefore takes informal concerns extremely seriously and will make every effort to resolve the matter within 15 school days of the receipt of the complaint. If the academy is unable to meet this deadline, they will provide the complainant with an update and revised response date.

In order to assist this, the concern should be raised as soon as possible with the relevant member of staff or the Co-Principals as appropriate, either in person or by letter, telephone or email. If the person with the concern is unclear who to contact or the process involved the academy office will be able to assist

If the person with the concern has a difficulty discussing it with a particular member of staff, we will respect your views. In these cases, Ms. Phillips will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, Ms. Phillips 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.

If, however, a resolution is not reached and/or the person with the concern is dissatisfied with the outcome then they may wish to escalate the complaint to Stage 1 of the procedure.

## **Stage 1 – Review by Principal**

***This stage does not apply to complaints against the Co-Principals, a Trust Board Member or the Trust Board.***

*The principal may delegate the investigation to another member of the academy's senior leadership team but not the decision to be taken.*

The complaint must be made to the Co-Principals via the academy. This may be done in person, by letter (preferably on the [complaint form](#)), by email. The principal will record the date the complaint is received and will acknowledge receipt in writing, by letter or email, within 5 school days. Within this response, the Co-Principals if needed will seek to clarify the nature of the complaint, what remains unresolved and what outcome the complainant would like to see. The Co-Principals will indicate if a face to face meeting is the most appropriate way to secure clarification or whether the complainant should respond by letter or email.

At the conclusion of the investigation, Co-Principals will provide a formal written response within 15 school days of the receipt of the complaint. If the Co-Principals are unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will refer to actions taken to investigate the complaint and an explanation of the outcome and the reason (s) for it. Where appropriate, it will include details of actions Bexhill Academy will take to resolve the complaint and any other actions the academy will take to improve policy and practice.

The Co-Principals will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1. Should the complainant wish to escalate their complaint to Stage 2, they must do so within 10 school days of the date of the formal written response setting out the outcome of the Stage 1 process.

## **Stage 2 – Investigation by Trust Board**

Complaints at this stage are in one of three categories:

- 1. The complainant is not satisfied with the outcome at stage 1.**
- 2. The complaint is about the Co-Principals, or a member of the trust board (including the Chair or Vice-Chair).**
- 3. The complaint is about: the Chair and Vice Chair or the majority of the trust board or the entire trust board**

For all 3 categories above the complainant must write to or email (on the [complaint form](#)) the clerk to the trust board via the academy office to request that their complaint is considered at Stage 2. They should set out the details of the complaint and include appropriate evidence. The complainant should also specify what they feel would resolve the complaint, and how they feel the previous stage of the procedure has not addressed their complaint sufficiently if this applies.

The clerk will record the date the complaint is received and will acknowledge receipt in writing, by letter or email, within 5 school days.

Complaints in categories 1 and 2 above will be investigated by Mr. Attwood chair of trust board or a suitably skilled board member. For complaints received in category 3, the clerk will seek advice from the local authority as to how the complaint should be dealt with and the complainant will be advised accordingly.

The chair of trust board / nominated board member will investigate the complaint and contact the complainant if they feel a face-to-face meeting would be helpful.

At the conclusion of the investigation, the chair of trust board / nominated board member will provide a formal written response within 15 school days of the receipt of the complaint. If they are unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will refer to actions taken to investigate the complaint and an explanation of the outcome and the reason(s) for it. Where appropriate, it will include details of actions Bexhill Academy will take to resolve the complaint and any other actions the academy will take to improve policy and practice.

Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

The chair of trust board / investigator will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2. Should the complainant wish to escalate their complaint to Stage 3, they must do so within 10 school days of the date of the formal written response setting out the outcome of the Stage 2 process.

### **Stage 3 – Trust Board Review Panel**

This is the final stage of Bexhill Academy complaints procedure.

The complainant must write to or email (on the [complaint form](#)) the Clerk of the trust board within 10 school days of the date of the formal written response setting out the outcome of the Stage 2 process. For category 1 complaints, requests outside of this timeframe will only be considered if the chair of trust board considers exceptional circumstances apply. For category 2 and 3 complaints, requests outside of this timeframe, the clerk will seek advice from the local authority as to how this matter should be dealt with.

The complainant should set out the details of their complaint and include appropriate evidence. They should also specify what they feel would resolve the complaint, and how they feel the previous stages of the procedure have not addressed their complaint sufficiently.

### *Stage 3: Timeline*

1.	Within 5 school days of receipt of request the clerk will arrange a trust board review panel.
2.	The panel sets a date* to meet as soon as reasonably practical but no longer than 15 school days from the date of the acknowledgement of the letter of complaint. However, where further investigations are necessary, new time limits may be set. The complainant will be sent details of the new date and an explanation for the delay.
3.	Any evidence and documentation that the complainant and academy wish to submit in relation to their complaint must be sent to the clerk to the trust board at least 5 school days before the meeting. All relevant papers** will be circulated to the complainant and the academy representatives attending the meeting, as well as the trust board review panel. Recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded will not be accepted as evidence.
4.	If the complainant or academy wishes to call witnesses the names of these witnesses must be advised to the clerk at least 5 school days before the meeting. The complainant and academy are responsible for ensuring that the witnesses are aware of the time / date / location of the meeting.
	If the complainant wishes to be accompanied by a suitable companion, this should not be legal representation as the Trust Board Review Panel is not a form of legal proceedings, the name of the suitable companion must be advised to the clerk 5 school days before the meeting.
5.	If the Trust Board Review Panel cannot meet because the end of term is less than 15 days from the date of acknowledgement of the letter of complaint, it must meet within 10 days of the start of the new term.
6.	The Trust Board Review Panel will communicate their findings to all parties concerned within 10 school days of their meeting.

- \* The complainant must have reasonable notice of the date of the review panel; however, the review panel reserves the right to convene at their convenience rather than that of the complainant and reach a conclusion in the interests of drawing the complaint to a close. If the complainant rejects the offer of 3 proposed dates, the Clerk will set a date. The hearing will go ahead using written submissions from both parties.
- \*\* Some papers maybe withheld or redacted due to the nature of the content.

### ***Stage 3: Panel Membership***

The panel consists of at least 2 members of the trust board with no prior involvement or knowledge of the complaint and one panel member independent of the management and running of the school. One of the members will act as the Chair of the panel. If there are fewer than 2 board members from Bexhill Academy available, the Clerk will source any additional, independent governors through another local school or through East Sussex Governor and Clerking Services in order to make up the panel.

### ***Stage 3: Hearing Process***

The Trust Board Review Panel will consider all stages of the complaint. This is to make sure that decisions are not taken in isolation and there is a mechanism by which decisions are considered independently. If a new issue arises the panel will use its discretion to decide if it is appropriate to consider and comment upon it; this may require a short adjournment of the meeting. However the panel may decide it is not appropriate to review any new complaints at this stage or for any evidence unrelated to the initial complaint to be included. In these circumstances, new complaints must be dealt with from the informal stage of the procedure.

The aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the academy and the complainant. However, it must be recognized that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations that will satisfy the complainant that his or her complaint has been taken seriously.

At the review panel hearing, the complainant and representatives from the academy, as appropriate, will be present. Each will have an opportunity to set out written submissions prior to the meeting. Any written material provided by the complainant or the academy/principal will be seen by everyone on the Trust Board Review Panel and attending the hearing. However, in some cases papers maybe withheld or redacted due to the nature of the content.

- The complainant must be allowed to attend the panel hearing and be accompanied by a suitable companion if they wish; this should not be legal representation as the Trust Board Review Panel is not a form of legal proceedings. However if an academy employee is called as a witness in a complaint meeting, they may be entitled to ask to be supported by their union.
- Representatives from the media are not permitted to attend.

- Both the complainant and the academy will have the opportunity of putting their case within a reasonable specified time limit without undue interruption so that the issues are addressed and key findings of fact established.
- At the meeting, the complainant and the academy will have the opportunity to give statements and present their evidence, and witnesses will be called as appropriate to present their evidence.
- The panel, the complainant and the academy representative will be given the chance to ask and reply to questions. Once the panel considers they have all the information required the complainant, academy representatives and witnesses will be asked to leave and evidence will then be considered.
- The Clerk will be present and record the findings and recommendations from the hearing. A copy of these records will be available for inspection on the school premises by the proprietor and the head teacher. A copy of the outcomes will be provided to the complainant and, where relevant, the person complained about. Action taken by the school as a result of those complaints (regardless of whether they are upheld); and 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. A written record will be kept of all complaints that are made in accordance with sub-paragraph (e). This will also include whether they are resolved following a formal procedure, or proceeded to a panel hearing.

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 the academy's systems or procedures to prevent similar issues in the future.

The Chair of the Panel will provide the complainant, the academy and, where relevant and appropriate, the person complained about with a full explanation of their decision and the reason(s) for it, in writing within 10 school days. The letter will include details of how to contact the School Complaints Unit (SCU), which investigates complaints relating to maintained schools on behalf of the secretary of state.

Please see section on [Further Recourse](#)

## Further Recourse

If the complainant is unsatisfied with the outcome of the academy's complaints procedure, they can refer their complaint to the School Complaints Unit (SCU), which investigates complaints relating to maintained schools on behalf of the secretary of state.

The SCU will not re-investigate the matter of the complaint. It will look at whether the academy's complaints policy and any other relevant statutory policies that the academy holds were adhered to. The SCU also looks at whether the academy's statutory policies adhere to education legislation. It may direct the academy to re-investigate the complaint where it is clear the academy has acted unlawfully or unreasonably.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

We will include this information in the outcome letter to complainants.

## Unreasonably persistent complaints

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- Has made the same complaint before, and it's already been through the academy's complaints procedure
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- Knowingly provides false information
- Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure
- Pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refused to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the time frames it sets out
- Changes the basis of the complaint as the investigation goes on
- Makes a complaint designed to cause disruption, annoyance or excessive demands on academy time
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value.

### Steps we will take

We will take every reasonable step to address the complainant's concerns, and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

If the complainant continues to contact the academy in a disruptive way, we may put communications strategies in place. We may:

- Give the complainant a single point of contact via an email address
- Limit the number of times the complainant can make contact, such as a fixed number per term
- Ask the complainant to engage a third party to act on their behalf, such as [Citizens Advice](#)
- Put any other strategy in place as necessary.

## Stopping responding

We may stop responding to the complainant when all of these factors are met:

- We believe we have taken all reasonable steps to help address their concerns
- We have provided a clear statement of our position and their options
- The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience and / or he or she is making substantially the same points each time

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from our academy site.

## **Duplicate complaints**

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and the local process is complete
- Direct them to the DfE if they are dissatisfied with our original handling of the complaint

If there are new aspects, we will follow this procedure again.

## **Unreasonable Complaints**

Bexhill Academy is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

A complaint may be regarded as unreasonable when the person making the complaint:

- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- publishes unacceptable information on social media or other public forums.



Whenever possible, the principal or chair of trust board will discuss any concerns with the complainant informally before making a judgement that their complaint is unreasonable.

If the behaviour continues the Co-Principals will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact Bexhill Academy causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from Bexhill Academy.

## **Barring from the School Premises**

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Bexhill Academy will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

If a parent's behaviour is a cause for concern, Bexhill Academy can ask him/her to leave academy premises. In serious cases, the Co-Principals can notify them in writing that their implied license to be on academy premises has been temporarily revoked subject to any representations that the parent may wish to make.

Anyone wishing to complain about being barred can do so, by letter or email, to the Co-Principals or chair of trust board. However, complaints about barring cannot be escalated to the Department for Education. Once the academy's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

## **Appendix A: Roles and Responsibilities**

### **Complainant**

The complainant will get a more effective and timely response to their complaint if they:

- Follow these procedures
- Co-operate with the academy throughout the process, and respond to deadlines and communication promptly
- Treat all those involved with respect
- Not publish details about the complaint on social media
- Explain the complaint in full as early as possible
- Co-operate with the academy in seeking a solution to the complaint
- Ask for assistance as needed
- Refrain from publicizing the details of their complaint on social media and respect confidentiality.

## **Investigator**

An individual will be appointed to look into the complaint, and establish the facts. They will:

- Interview all relevant parties, keeping notes
- Consider records and any written evidence and keep these securely
- Prepare a comprehensive report to the principal or complaints committee which includes the facts and potential solutions.

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
  - analyzing 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 head teacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The Co-Principals 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.

## **Clerk to the Trust Body**

The Clerk will:

- Be the contact point for the complainant and the trust board review panel, including circulating the relevant papers and evidence before complaints committee meetings
- Arrange the complaints hearing
- Record the outcome of the hearing
- Notify all parties of the committee's decision.

## **Panel Chair**

The panel chair will:

- Chair the meeting, ensuring that everyone is treated with respect throughout

- Make sure all parties see the relevant information, understand the purpose of the committee, and are allowed to present their case
- Ensure the meeting is conducted in an appropriate manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- Seek to put 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
- Ensure the remit of the committee is explained to the complainant
- Ensure 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

- Ensure 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
- Enable the issues to be addressed and key findings of fact are made if appropriate
- Ensure the committee is open-minded and acts independently
- Check 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 Ensure the outcome of the hearing is recorded Liaise with the Clerk.

## Panel Member

Panel members should be aware that:

- The meeting must be independent and impartial, and should be seen to be so. No board member may sit on the panel 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.
- 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.
- 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 panel 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 panel 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 panel 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.

## Appendix B: Complaint Form

Bexhill Academy

<b>Your desired outcome(s)</b>			
What are you hoping to achieve?	What benefits / impact would this have on the wider academy environment		
<b>Key points of your complaint</b>			
Please summarise the key issues for you	What has been the impact on you / child / other? <i>Please provide evidence where possible</i>		
1.			
2.			
3.			
4.			
5.			
<b>Timeline - please summarise the sequence of events – in date/time order</b>			
Please give clear references and indications of documents, records, policies and recorded communications that help us understand your point of view and your case.			
Date	Who	What Action (including documents / records / evidence)	Outcome / Response?