



Barnsley Academy

The best in everyone™

Part of United Learning

Barnsley Academy

Complaints Policy



Barnsley Academy
Farm Road, Barnsley. S70 3DL
Tel: 01226 284606

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Introduction

Procedure

Barnsley Academy ('the school) prides itself on the quality of teaching and pastoral care provided to its students. It recognises that parents/carers may from time to time have concerns about the progress, achievement, behaviour or welfare of their child/ren. Parents/carers are encouraged to make those concerns known to staff so that they can be addressed in partnership with the school.

The school will take all concerns and complaints seriously and will make every effort to deal with complaints informally at an early stage in the spirit of continued respect and partnership.

Definition

For the purposes of this procedure, concerns are defined as having a worry or doubt over an issue considered to be important for which reassurances are sought. A complaint can be any matter about which a parent/carer is unhappy and seeks action by the school.

Students, parents/carers can make a complaint to the school about most aspects of its functions including:

- Attitude/behaviour of staff.
- Teaching and learning.
- Application of behaviour management systems.
- Bullying.
- Provision of extra-curricular activities.

Members of the public may make complaints to the school if the school is directly responsible for the issue being complained about, for example:

- Behaviour of students during break-times in school.
- Disturbance to neighbours during school hours.
- Health and Safety issues of premises.
- Behaviour of staff.

Matters falling outside of this procedure

This procedure does not apply in relation to:

- Appeals against admissions or exclusions – these are managed under a separate statutory procedure.
- Safeguarding concerns regarding children or allegations of abuse made against staff including supply teachers and volunteers, which are managed under the school's Safeguarding Policy and is distinct from formal staff disciplinary, grievance or capability proceedings.
- Where the complaint concerns a third party or service used by the school please complain directly to the third party.

- For 'Subject Access Requests' and 'Freedom of Information Requests' please see the Data Protection and Freedom of Information Policy.

School policies are available on the website: [Barnsley Academy Policies](#)

- For whistleblowing complaints, please refer to the United Learning Trust whistleblowing policy: [ULT Whistleblowing Policy](#)

General Principles

Wherever possible the school will try to deal with all informal concerns seriously at the earliest stage therefore, reducing the number that develop into formal complaints. The school will try to handle concerns without the need for formal procedures.

Formal procedures need only to be started when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

Statutory Obligations

Complainants must be aware that there is a complaints procedure and copies of this will be available upon request and also on the school's website. If the process results in an appeal to the Local Governing Body; this procedure is statutory. The meeting must have at least one member of the panel independent of the management and running of the school. Parents/carers must be allowed to attend the meeting and be accompanied if they wish.

Dealing with Complaints

It is important to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints. The school will:

- Welcome complaints as a positive means of promoting student/parent/carer satisfaction.
- Use complaints as a way of identifying opportunities to do things better.
- Listen to students, parents and carers.
- Seek to resolve complaints swiftly.
- Reply with an acknowledgement letter in the first instance if a complaint is sent in by letter and state we are looking into the matter.
- Have clear, simple to understand, published procedures for making a complaint.
- Keep complainants informed about progress.
- Provide redress where a complaint is found to have substance.
- Regularly review how effective the complaints procedure is.

Records

All complaints (informal and formal) will be recorded by the school. The Principal is responsible for ensuring staff record all complaints and their outcome. Records relating to individual complaints are confidential except where the Education and Skills Funding Agency (ESFA) or a statutory body conducting an inspection requests access to them. The Local Governing Body will monitor the level and type of complaints and review outcomes.

It is important that those responsible for reviewing a complaint at each stage keep records of what the complaint was, whether it was resolved following an informal or formal procedure, proceeded to a panel hearing, any action taken by the school as a result of the complaint (regardless of whether they are upheld), any evidence that was considered and the outcome.

Any personal information recorded in regard to the complaint will be kept in accordance with the principles of General Data Protection Regulation (GDPR) and Data Protection Act 2018 (see the [ICO website](#)) and in accordance with the school's Privacy Notice and Data Retention policies: [Barnsley Academy Policies](#).

The school processes data in accordance with its Privacy Notice. When dealing with complaints the school (including any panel member appointed under the process) may process a range of information, which is likely to include the following:

- The name of the complainant.
- The date and time at which the complaint was made.
- The details of the complaint.
- The desired outcome of the complainant.
- How the complaint is investigated (including written records of interviews held).
- Findings and recommendations of investigations.
- Any action taken.
- The complainant's response (satisfaction or further pursuit of complaint).

This may include 'special category personal data' (including sensitive data such as information relating to physical or mental health) where necessary owing to the nature of the complaint.

Investigating Complaints

The person who takes forward the first formal procedure should make sure they:

- Establish what has happened so far and who has been involved.
- Clarify the nature of the complaint and what remains unresolved.
- Meet the complainant or contact them if further information is required.
- Clarify what the complainant feels would put things right.
- Interview those involved, with an open mind.
- Keep notes of any interviews.
- Keep the Chair of the Local Governing Body informed without giving any details at this stage.

Resolving Complaints

At each stage the school will keep in mind ways the complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. It might also be appropriate to offer an:

- Apology.
- Explanation.
- Admission that the situation could have been handled differently or better.
- Assurance that the event complained of will not recur.
- Explanation of the steps taken to make sure it will not happen again.
- Undertaking to review school policies and procedures in light of the complaint.

The school will encourage complainants to state what actions they feel might resolve the problem at any stage.

Vexatious Complaints

There may be occasions when a complainant becomes dissatisfied even though all stages of the procedure have been followed. A vexatious complaint is likely to involve some or all of the following:

- The complaint arises from a historic and irreversible decision or incident;
- Contact with the school is frequent, lengthy, complicated and stressful for staff;
- The complainant behaves in an aggressive manner to staff when they present their complaint or is verbally abusive or threatening;
- The complainant changes aspects of the complaint partway through the complaint process;
- The complainant makes and breaks contact with the school on an ongoing basis; or
- The complainant persistently approaches the school (and in some cases the Local Authority) through different routes about the same issue in the hope of getting different responses.

If the situation is challenging but it is possible to proceed, staff should avoid giving unrealistic expectations on the outcome of the complaint.

In instances where there is a complete breakdown of relations between the complainant and the school, a decision may be made to restrict contact. Any restrictions imposed should be appropriate and proportionate. The options that the school is most likely to consider are:

- Requesting contact in a particular form (for example, letters only);
- Requiring contact to take place with a named member of staff (for example, the Principal);
- Restricting telephone calls to specified days and times;
- Asking the complainant to enter into an agreement about their future contact with the school; and
- Informing the complainant that if they still do not follow this advice (as stated above) any further correspondence that does not present significant new matters or new information will not necessarily be acknowledged but should be kept on file.
- If the complainant tries to reopen an issue that has already been examined through the complaint's procedure, the Chair of the Local Governing Body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

Timescales

Complainants 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. The school will consider complaints made outside of this time frame if exceptional circumstances apply.

The school will consider and resolve complaints as quickly and efficiently as possible and set realistic time limits for each action. However, where investigations are complex, new time limits can be set as long as the school informs the complainant of the reason for the delay and give them new deadlines.

Complaints Received During School Holidays

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

Stages of the Process

Stage 1 – complaint heard by a staff member

It is in everyone's interest to resolve complaints at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. Staff should be fully aware of the procedures and know what to do if and when they receive a complaint.

A complainant might feel they would have difficulty discussing a complaint with a particular member of staff. The school will be flexible and refer the complainant to another member of staff. If the complaint is about the Principal, the complaint should be referred straight to the Chair of the Local Governing Body.

Where the complaint is about a governor or the Local Governing Body itself, the complainant may request that the review meeting is held by an independent panel. This is at the discretion of the Local Governing Body/United Learning Trust who will notify the Clerk of their decision. Where an entirely independent panel is required, timescales may be affected while the school source appropriate individuals for the review.

If a staff member directly involved feels compromised and unable to deal with the matter, once again, refer to another staff member. This does not have to be a more senior member of staff; the ability to consider a complaint objectively and impartially is more important.

If a complainant approaches a Governor in the first instance, the complainant should be referred to an appropriate member of staff. Governors should not act on individual complaints outside the formal procedure or be involved in the early stages in case they need to sit on a panel at the later stage.

Verbal or written acknowledgement should be provided to the complainant within five working days of receiving a complaint. The acknowledgement will give a brief explanation of the school's complaints procedure and give a target date for providing a response to the complainant which should normally be within 15 working days. If the target cannot be met, a letter should be written within 15 working days explaining the reason for the delay and providing a revised target date.

If the complainant considers the matter unresolved at stage 1 and wishes to take the matter to the next stage, the complaint must be made in writing to the Principal within 10 days of receiving the stage 1 outcome from the school. Please see stage 2 (below) and [Appendix A](#), which provides an overview of the complaints process.

Stage 2 – complaint heard by the Principal

If the complainant is dissatisfied with the way in which the complaint has been handled at stage one they may go to stage two and have the complaint heard by the Principal. The Principal will decide who is the most appropriate person to deal with a complaint. This could be a member of the Senior Leadership Team or a Head of Year/Curriculum Leader/Middle Leader. The Principal should be kept informed of any investigation carried out and should be involved in the final decision.

The complainant should use [Appendix B Complaint Form](#), providing as much detail as possible. The Principal will acknowledge the complaint within five working days. The acknowledgement should include a summary of the complaint's procedure and a target date of 15 working days for providing a

response. If this date cannot be met, the complainant should be contacted and given a reason for the delay and a revised target date.

The Principal will meet with the complainant to discuss their concerns and find solutions. The complainant may bring a friend, family member or advocate to the meeting and interpreting services should also be made available where necessary. The Principal may find it useful to have another member of staff present to observe and record the meeting and promote staff safety. Care should be taken in these circumstances not to create an intimidating atmosphere for the complainant.

The Principal will make whatever enquiries they consider necessary to ascertain the facts and the legitimacy of decisions taken. This may include:

- Interviewing staff/students.
- Reviewing minutes of meetings.
- Reviewing school records.

Students should be interviewed in the presence of another member of staff, or in the case of serious complaints (for example, where the possibility of criminal investigation exists) in the presence of their parents/carers. Again, care should be taken in these circumstances not to create an intimidating atmosphere.

It is important that the Principal investigates complaints thoroughly and objectively. If they feel unable to do this, for example, if they have been directly involved in the decision-making process that led to the complaint, they should delegate responsibility for investigating the complaint to another member of the management team or the Chair of the Local Governing Body. It is strongly advised that the Principal (or designated person) keep a record of interviews, telephone conversations and other documentation. If the complaint is about the Principal then the Chair of the Local Governing Body will investigate.

Once all the relevant facts have been established, the Principal should provide a written response to the complainant. This should include a full explanation of decisions taken and the reasons for them. Where appropriate, it should include details of actions the school will take to resolve the complaint.

It may be useful at this point to offer the complainant a meeting to discuss the response and seek reconciliation. The complainant should be provided with details of how to contact the Local Governing Body if they are not satisfied with the response.

If the complainant considers the matter unresolved at stage 2 and wishes to take the matter to the next stage, the complaint must be made in writing to the Local Governing Body within 10 days of receiving the stage 2 outcome from the school.

Stage 3 – the Governor’s Complaints Committee

If the Complaints Committee is activated this is the last school-based stage of the process. The panel will be made up of three people who have not previously been involved with any aspect of the complaint, two of whom will be governors and one who is independent from the management and running of the school*.

*It is a requirement of the Education (Independent School Standards) Regulations 2014 that where there is a panel hearing of a complaint, one panel member is independent of the management and running of the school. United Learning Trust determine this to mean external to the individual school

and therefore, a Governor from another Local Governing Body within the Trust may be asked to join a review at stage 3.

At this stage of the process parents/carers have a statutory right to attend the meeting and also be accompanied if they wish. At least 7 days' notice of the panel hearing will be given to parents/carers.

The meeting will allow for:

- The complainant to explain their complaint and the committee to explain the school's response.
- Witnesses to be brought by the complainant and/or the Principal.
- The Principal and the complainant to ask questions of each other and any witnesses.
- The committee to ask questions of the complainant, Principal and any witnesses.
- The complainant and the Principal to summarise their position.

If attendance of students is required at the hearing, parental permission will be sought if they are under the age of 18. Extra care will be taken to consider the appropriateness of students at a panel hearing given that senior staff will be present and the vulnerability of children where it is necessary for them to be present at a complaints hearing.

Having considered all the evidence and questioned all parties the committee can:

- Dismiss the complaint in whole or in part.
- Uphold the complaint in whole or in part.
- Decide on the appropriate action to resolve the complaint.
- Recommend changes or actions to school systems and procedures to make sure that similar problems do not recur.

A written response detailing the decisions, recommendations and the basis on which these have been made should be sent to the complainant within 15 working days. The school will retain a copy of all correspondence and records of meetings.

The complainant should be notified of the right to appeal to the Education and Skills Funding Agency (ESFA) if they are unhappy with the way in which procedures have been carried out.

Complainants who are not satisfied about the handling of their complaint may also contact the ESFA via the "school complaints form" found on the government website www.gov.uk

Ofsted can be contacted via:

Telephone: 0300 123 4666
E-mail: enquiries@ofsted.gov.uk
Address: Piccadilly Gate
26-32 Store Street
Manchester
M1 2WD

Withdrawing a Complaint

Complaints may be withdrawn in writing at any time. The Principal and Chair of the Local Governing Body should review the issue of concern and consider whether further investigation is required through other internal management systems.

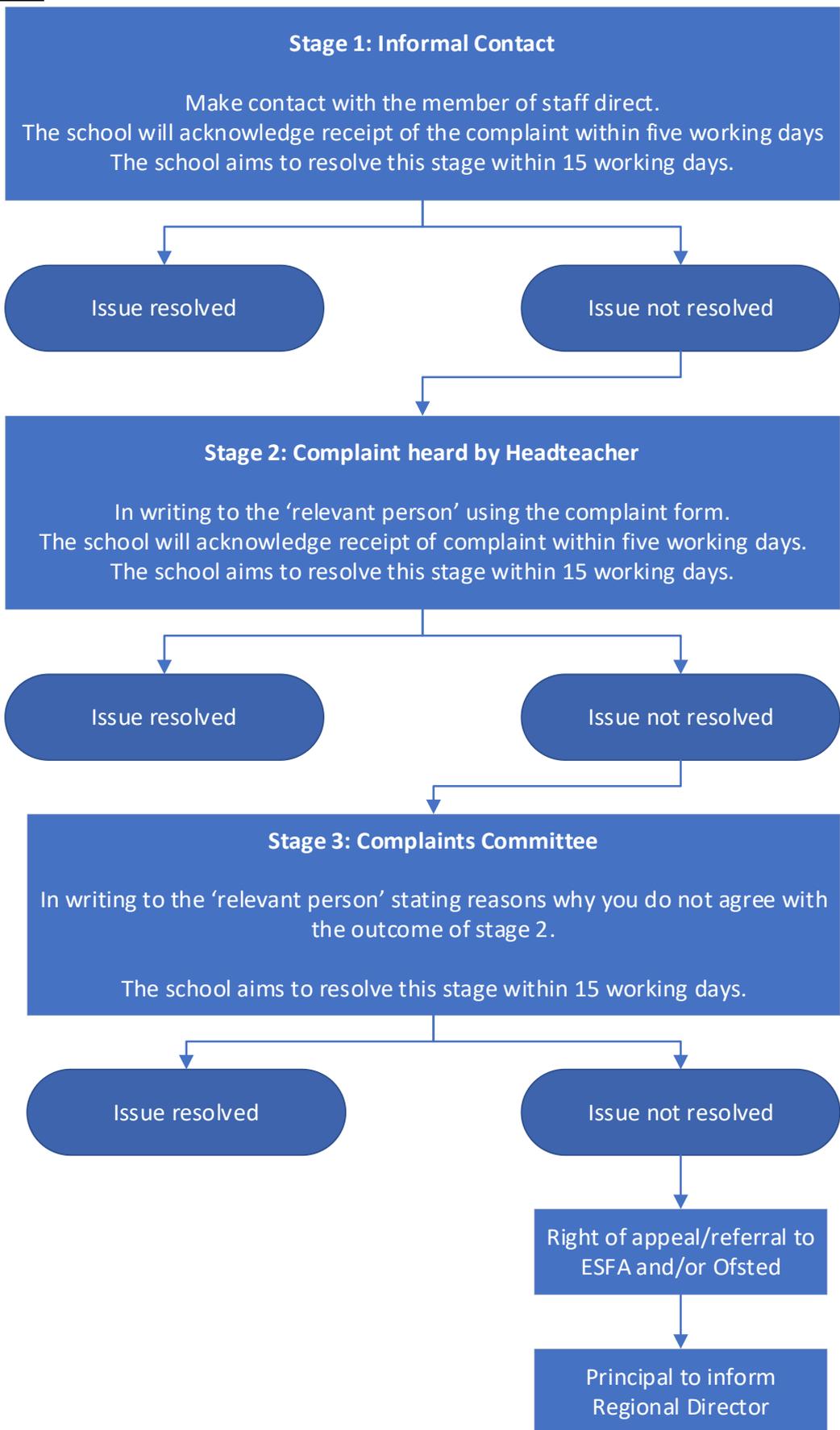
Complaints about the United Learning Trust

Complaints about the Chief Executive Officer (CEO), United Learning Trust Officers or members of United Learning Trust Central Team should be referred to Alison Hussain, Company Secretary, who will determine the most appropriate person to review the complaint.

Contacts

School	United Learning Trust
<p>Barnsley Academy Farm Road Kendray Barnsley S70 3DL</p> <p>Telephone: 01226 284606</p> <p>E-mail: enquiries@barnsley-academy.org</p> <p>Website: www.barnsley-academy.org</p> <p>Mr Naveed Khan, Principal.</p>	<p>United Learning Trust Worldwide House Thorpe Wood Peterborough PE3 6SB</p> <p>Telephone: 01832 864 538</p> <p>Email: company.secretary@unitedlearning.org.uk</p> <p>Website: unitedlearning.org.uk</p> <p>Alison Hussain, Company Secretary.</p>

Appendix A



Appendix B

Complaint Form	
Please complete in BLOCK CAPITALS and return the form to the Complaint's Coordinator who will acknowledge receipt and explain what action will be taken.	
Your name	
Student's name	
Your relationship to the student	
Address	
Postcode	
Contact telephone number (1)	
Contact telephone number (2)	
Please give details of your complaint below	
What action, if any, have you already taken to try and resolve your complaint? (to whom did you speak to and what was the response?)	
What actions do you feel might resolve the problem at this stage?	
Are you attaching any paperwork?	YES / NO
If so, please give details.	

Any other detail?	
Signature:	
Print name:	
Date:	

Office Use Only	
Date received	
Date acknowledgement sent	
Acknowledgement sent by	
Complaint referred to	
Date complaint referred	
Complaint resolved at which stage	
Confirmation complaint recorded in school records	

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