



Bronte Academy Trust

Complaints Policy

Reviewed By	Approved By	Date of Approval	Version Approved	Next Review Date

Bronte Academy Trust (BAT) is committed to ensuring that all pupils are provided with a first class educational experience and that each member school works in a productive and positive partnership with all parents and carers.

However, if a parent/carer feels that a situation has arisen that they are unhappy about then they have a right to make a complaint. Any and every complaint made will be taken seriously and dealt with swiftly and professionally. All parents/carers will be made aware of this policy and the procedures to follow if they wish to make a complaint.

1. Principles

The relevant member school will try to resolve problems informally wherever possible. An effective response and appropriate redress will be provided to all complaints as quickly as possible dependent upon the complexity of the issues raised.

NB This policy relates to complaints about the educational administration of a member school and typically applies to complaints made by parents and carers of pupils. It does not relate to matters which are governed by employment legislation or those where the principles of civil contract law would normally apply e.g. service/supply contracts entered into with a member school.

2. Statutory obligations

Complainants must be aware that there is a complaints procedure and copies of this policy will be available on request.

If the process results in an appeal to the Bronte Academy Trust Complaints Appeal Panel (see below), this procedure is statutory.

3. Dealing with complaints

- a) At each stage, the person investigating the complaint will ensure that they:
 - Clarify the nature of the complaint and unresolved issues
 - Clarify what the complainant feels would put things right
 - Interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
 - Keep appropriate notes of any interview(s) held.

- b) At each stage, the person investigating the complaint will seek ways to resolve the complaint satisfactorily. It may be appropriate to offer one or more of the following:

- An acknowledgement that the complaint is valid in whole or in part and/or acknowledgement that the situation could have been handled differently or better (this is not the same as an admission of negligence).
- An apology.
- An explanation.
- An assurance and an explanation of the steps that have been taken to ensure that it will not happen again.
- An undertaking to review academy or Trust procedures in light of the complaint.

4. Records

All complaints will be recorded by the member school, including informal complaints. The Headteacher is responsible for ensuring that staff record all complaints and their outcome.

- Records relating to individual complaints are confidential, except where the Secretary of State or a statutory body conducting an inspection requests access to them.
- The Bronte Academy Trust Board will monitor the level and the subject matter of complaints and review the outcomes on a regular basis through the mechanism of performance and data reporting.

Bronte Academy Trust (BAT) Member Schools

The officer with responsibility for ensuring that this policy is implemented in BAT member schools is the Chief Executive Officer of BAT. Complainants should be aware that headteachers may refer complaints received to the Chief Executive Officer at BAT because they consider the matter is one of such a nature that it should be investigated independently of the member school. Likewise, complaints may be retrieved and dealt with by BAT for the same reason. Where a complaint is made direct to BAT, it will be logged by the Chief Executive Officer and forwarded to the member school unless it is retrieved as stated above.

5. Complaints procedure

This policy applies to all employees of BAT (permanent, fixed term and casual).

a) Dealing with Complaints –Initial Concerns

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 policy which follows deals with complaints but the underlying principle is that

concerns will be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. In most cases the class teacher or the individual delivering the service in the case of extended academy provision, will receive the first approach. It would be helpful if staff were able to resolve issues on the spot, including apologising where necessary.

b) Dealing with Complaints –Formal Procedures

The formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

c) Framework of Principles

Our Complaints Procedure:

- encourages resolution of problems by informal means wherever possible;
- is easily accessible and publicised;
- is simple to understand and use;
- is impartial;
- is non-adversarial;
- allows swift handling within agreed time-limits for action and keeping people informed of progress;
- ensures a full and fair investigation;
- respect people's desire for confidentiality;
- addresses all the points at issue and provides an effective response and appropriate redress, where necessary;
- provides information to the member schools' senior management teams so that services can be improved.

d) Investigating Complaints

At each stage, the person investigating the complaint makes sure that they:

- establish what has happened so far, and who has been involved;
- clarifies the nature of the complaint and what remains unresolved;
- meets with the complainant or contacts them (if unsure or further information is necessary);
- clarifies what the complainant feels would put things right;
- interviews those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conducts the interview with an open mind and is prepared to persist in the questioning;
- keeps notes of the interview.

e) Resolving Complaints

At each stage in the procedure the member school will keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review BAT and school policies in light of the complaint;

It would be useful if complainants were encouraged to state what actions they feel might resolve the problem at any stage. An admission that the member school could have handled the situation better is not the same as an admission of negligence or fault.

f) Vexatious Complaints

This procedure should limit the number of complaints that become protracted.

However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to re-open the same issue, the Chair of the affected member school's Local Governing Body or the Chief Executive Officer of the Trust is able under this policy to inform them in writing that the procedure has been exhausted and that the matter is now closed and pursuit of the complaint is vexatious. The line of responsibility for this will be determined by the situation being investigated.

g) Time-Limits

Complaints need to be considered, and resolved, as quickly and efficiently as possible using time limits published in this policy. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

The member schools will publicise the complaints policy and procedure in:

- the member school's prospectus;
- the information given to new parents/carers when their children join the member school;
- any home-school agreement;
- the member schools' and BAT websites.
- Induction documentation for new staff

Bronte Academy Trust Complaints Procedure

6) Stage One: Complaint Heard by Staff Member

1. It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the member school can be crucial in determining whether the complaint will escalate. To that end, staff will be periodically made aware of the procedures so that they know what to do when they receive a complaint.
2. Parents/carers should never feel or be made to feel that a complaint made in a reasonable and appropriate way will be taken amiss or will reflect adversely on the pupil or his/her opportunities at the member school. The member school will try to investigate and try to resolve every complaint in a positive manner and will treat every complaint as an opportunity to improve our service. The complainant will be asked to complete the formal complaints form (Appendix 1) and if possible, to be completed with a member of staff, in most cases, the headteacher. This allows the school to fully understand the nature of the complaint.
3. The member schools will respect the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the matter will be referred to an Assistant/Deputy Headteacher or to the Headteacher who may, if they feel it appropriate, refer the complainant to another staff member. Alternatively they may not feel this is necessary. Where the complaint concerns the Headteacher, the complainant will initially be referred to the Chair of the LGB or, in some cases, may be referred directly to the Chief Executive Officer of BAT and the following actions may be taken:
 - Put right any matter which may have gone wrong
 - Review our systems and procedures in the light of the relevant circumstances
 - Refer complaints brought by staff to be investigated using the Grievance procedure and not this Complaints Policy.
 - Only consider complaints received in writing (preferably using the Complaints form).
 - Anonymous complaints will not be considered.
 - Ensure that the complainant is aware that complaints must be made within 3 months of the event. Complaints after this period will not be considered.
 - Appoint Line Managers or other delegated managers who will investigate the complaint.
4. Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the Headteacher may consider referring the complainant to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint

objectively and impartially is crucial.

5. Where the first approach is made to a governor, the next step would be to refer the complainant to the appropriate line manager. Governors should not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure
6. The Line Manager will ensure that a written or oral acknowledgement is provided to the complainant within 5 working days of receiving a complaint. The acknowledgement will give a brief explanation of the Trust's complaints procedure and will give a target date for providing a response to the complaint which should normally be within 10 working days. If the target cannot be met, a letter should be written within 10 working days explaining the reason for the delay and providing a revised target date.
7. The Line Manager will seek to meet or speak with all of the appropriate people in order to establish the facts relating to the complaint, if the information given on the complaints form necessitates this. This may include the complainant, staff and any other person.
8. Once all of the facts have been established the Line Manager will then produce a written response to the complainant, or may wish to meet the complainant to discuss/resolve the matter directly.
9. A written response should contain an outline of the complaint and a summary of the response to the complaint including the decision reached and the reasons for it. Where appropriate this should also include what response the member school will take to resolve the complaint. This may be by way of a general description, i.e.; 'Action taken within the Disciplinary Procedure'.
10. When the investigation has been concluded the complainant and the member of staff concerned will be informed in writing of the outcome. This may be to the effect that:
 - There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld.
 - The concern was not substantiated by the evidence.
 - The concern was substantiated in part or in full. Some details may then be given of the action the member school and/or Trust may be taking to review procedures etc. But details of the investigation or of any disciplinary procedures will not be released.
 - The matter has been fully investigated and that appropriate procedures are being followed which may be strictly confidential (e.g. where staff disciplinary procedures are being followed).
11. This letter or report must be endorsed by the Headteacher. It should also inform the complainant that should he/she wish the complaint to progress to the second stage of this procedure then he/she should send a written request stating this to the Headteacher within 10 working days of receiving the

response.

12. If no further communication is received from the complainant within 10 working days it is deemed that the complaint has been resolved and should end.

Stage Two: Complaint Heard by Headteacher

13. If the complainant is dissatisfied with the way the complaint was handled at Stage One they may go to Stage 2 where the the Headteacher will hear the complaint. The Headteacher may delegate the task of collating the information to another staff member but not the decision on the action to be taken. If the complaint is about the Headteacher then at Stage 2 the complaint will be heard by the Chair of the Governing Body or, at the discretion of the Chair, may be escalated to the CEO, depending on the nature of the complaint.
14. The same timings and procedures as in Stage 1 will apply.

Stage Three: Complaint Heard by the Academy Trust Complaints Appeal Panel

15. If the complainant is not satisfied with the decision at stage two then the complainant must write to the Chief Executive Officer as directed by the Headteacher of the member school giving details of the continuing complaint.
16. The Chief Executive Officer (or delegated Officer) should write to the complainant acknowledging receipt of the written request for the complaint to be heard. This acknowledgement must be sent within 5 working days and should inform the complainant of the arrangements for hearing the complaint within 20 working days of receiving it. The letter should explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received within 5 working days of the date of the hearing to allow adequate time for the documents to be circulated.
17. No person involved should have previous involvement in the complaint.
18. The Bronte Academy Trust Complaints Appeal Panel hearing is the last Academy-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions.
19. Individual complaints would not be heard by the whole Trustee Board at any stage, as this could compromise the impartiality of any hearing set up for disciplinary purposes against a member of staff following a serious complaint.
20. The Bronte Academy Trust Board may nominate a number of members with delegated powers to hear complaints at that stage, and set out its terms of reference. These include:
 - drawing up its procedures;
 - hearing individual appeals;
 - making recommendations on policy as a result of complaints.

21. The Chair of the Trustees will typically chair the Complaints Appeal Panel, but in their absence the panel can be drawn from the nominated members and must consist of no fewer than three. In this case the panel may choose their own Chair. One member of the panel will be independent of the management and running of the member school.
22. If the complaint is about the Headteacher of a member school or a hearing by the Chief Executive Officer or Chair of Governors becomes Stage 2. If the complainant is unhappy he/she needs to write to the Chair of the Trust whereupon a panel of three Trustees (not previously involved and one of whom is independent of the running and management of the academy) will hear the complaint. Their decision will be final.

The Remit of the Complaints Appeal Panel

23. The panel can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the member school's and BAT's systems or procedures to ensure that problems of a similar nature do not recur.

24. There are several points which any Governor or Trustee sitting on a complaints panel needs to remember.

- a. It is important that the appeal hearing is independent and impartial and that it is seen to be so. No Governor or Trustee may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- b. The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the member school and the complainant. However, it has to be recognised 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 which will satisfy the complainant that his or her complaint has been taken seriously.
- c. An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents/carers often feel emotional when discussing an issue that affects their child. The panel Chair will ensure that the proceedings are as welcoming as possible.

25. The Trust will write and inform the complainant and any witnesses, the panel etc. of the date and location of the meeting 5 working days in advance. The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a friend/ interpreter. The letter should explain how the meeting will be conducted and the complainant's right to submit further written evidence to the panel. The Headteacher has the right to bring representation if so desired.
26. Intervention of parallel investigations relevant to the complaint by the Police or social services may cause variation to these timescales. Any such variation will be notified to the complainant.

Appeal Hearing of the Complaint

27. The aim of the appeal hearing will be to resolve the complaint and achieve reconciliation between the member school and the complainant.

In the interest of natural justice, the introduction of previously undisclosed evidence or witnesses would be a reason to adjourn the appeal hearing so that the other side has time to consider and respond to the new evidence.

28. The recommended conduct of the appeal hearing is as follows:

- a. The Chair of the Panel will welcome the complainant, introduce the panel members and explain the procedure.
- b. The Chair of the Panel will invite the complainant to explain the complaint.
- c. The Committee Panel may question the complainant about the complaint and the reasons why it has been made.
- d. The Headteacher will be invited by the Chair of the panel to question the complainant about the complaint and why it has been made.
- e. The Chair of the panel will invite the Headteacher to make a statement in response to the complaint. At the discretion of the Chair of the panel the Headteacher may invite members of staff directly involved in the complaint to supplement his/her response.
- f. The Panel members may question the Headteacher and/or members of staff about the response to the complaint.
- g. The Chair of the panel will allow the complainant to question the Headteacher and/or members of staff about the response to the complaint.
- h. Any party has the right to call witnesses, subject to the approval of the Chairman of the panel.
- i. The panel, the Headteacher and the complainant have the right to question any such witness.
- j. The Headteacher will be invited by the Chair of the panel to make a final statement.
- k. The complainant will be invited by the Chair of the panel to make a final statement.
- l. The Chair of the panel will explain to the complainant and the Headteacher that

- the decision of the panel will now be considered and a written decision will be sent to both parties within 15 working days. The Chair of the panel will then ask all parties to leave except for the panel members.
- m. The panel will then consider the complaint and all the evidence presented and;
 - i. Reach a decision on the complaint and the reasons for it
 - ii. Decide upon the appropriate action to be taken to resolve the complaint
 - n. The panel members need to be aware of the complaints procedure before the meeting.

If the complainant remains unsatisfied, they may then take their complaint to the Education and Skills Funding Agency (ESFA).

Roles and Responsibilities

The Role of the Chief Executive Officer

- 29 The person in charge of co-ordinating the complaints procedure at the member school is the Headteacher. Overall responsibility is retained by BAT through the Chief Executive Officer. The role of governors or trustees arises only in respect of appeals where the complainant remains dissatisfied with attempts to resolve the issue of complaint and as set out above.

The Chief Executive Officer is the contact point for the complainant and is required to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing; record the proceedings;
- notify all parties of the panel's decision.

The Role of the Chair of the Panel

- 30 The Chair of the Panel has a key role, ensuring that:
- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
 - the issues are addressed;
 - key findings of fact are made;
 - parents and others who may not be used to speaking at such a hearing are put at ease;
 - the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
 - the panel is open minded and acting independently;
 - no member of the panel has any involvement in an earlier stage of the procedure;
 - each side is given the opportunity to state their case and ask questions;
 - written material is seen by all parties.

Checklist for a Panel Hearing

31. The panel needs to take the following points into account:

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence. Pupils may not appear as witnesses, but they may provide statements.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The Headteacher may question both the complainant and the witnesses after each has spoken.
- The Headteacher is then invited to explain witnesses of the member school and the Trust
- The complainant may question both the Headteacher and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The Headteacher is then invited to sum up complaint.
- Both parties leave together while the panel decides on the issues.
- The Chair explains that both parties will hear from the panel within a set timescale.

•The complainant may refer their complaint the Education and Skills Funding Agency if they remain unhappy.

Contact details will be given to the complainant by BAT, should this be their chosen course of action.

Declaration of Responsibility

This Complaints Policy was reviewed and formally adopted by Bronte Academy Trust on

22nd January 2018 Date

[Signature] Signed Chair of Trustees

[Signature] Signed Chief Executive Officer

APPENDIX 1

(Document to be used as a model with logos etc added depending on school)

Complaint Form

Please complete and return to(Headteacher) who will acknowledge receipt and explain what action will be taken.

Your name:
Pupil's name:
Your relationship to the Pupil:
Address:
Postcode:
Daytime telephone number: Evening telephone number:
Please give details of your complaint:
What action, if any, have you already taken to resolve your complaint. (Who 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? (If so please give details)

Signature:

Date:

OFFICIAL USE

Date acknowledgement sent:

By whom:

Complaint referred to:

Date: