



## **COMPLAINTS POLICY**

For Approval by BLP Board: April 2018

For Review: April 2021

## 1. INTRODUCTION

The Brigshaw Learning Partnership recognises that at times things can and do go wrong. The Trust Directors, Head Teachers, staff and members of the Local Governing Boards (LGB), believe that it is in everyone's best interest to resolve concerns and complaints at the earliest possible stage.

This policy is intended to cover all complaints against the Trust or school within the Trust regardless of whether the complaint is related to parents or pupil/students on roll within the Trust.

The DfE guidance explains the difference between a concern and a complaint:

A **concern** is defined as "an expression of worry or doubt over an issue considered to be important for which reassurances are sought". The school will resolve concerns through day-to-day communication as far as possible.

A **complaint** is defined as "an expression of dissatisfaction however made, about actions taken or a lack of action". The school intends to resolve complaints informally where possible, at the earliest possible stage.

This policy does not cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

Please see our separate policies for procedures relating to these types of complaint. Arrangements for handling complaints from parents of children with Special educational needs and disabilities (SEND) about the school's support are within the scope of this policy. Such complaints should first be made to the special educational needs co-ordinator (SENCO) or headteacher; they will then be referred to this complaints policy. Our SEND policy and report includes information about the rights of parents of pupils with disabilities who believe that our school has discriminated against their child.

## 2. LEGISLATION AND GUIDANCE

This document meets the requirements of section 29 of the Education Act 2002, which states that schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides.

It is also based on the guidance for school complaints procedure from the Department for Education (DfE).

This policy complies with our funding agreement and articles of association. This policy meets the requirements of the Education (Independent School Standards (England) Regulations 2014) Part 7.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on, creating a complaints procedure that complies with the above regulations and refers to good practice guidance on setting up complaints procedures from the Department for Education (DfE).

In addition, it addresses duties set out in the Early Years Foundation Stage statutory framework with regards to dealing with complaints about BLP schools' fulfilment of Early Years Foundation Stage requirements where appropriate.

### 3. KEY STAGES OF COMPLAINTS

There are THREE key stages of this Complaints Policy:

**Stage One** - An Informal discussion

**Stage Two** – The Complaint is formally investigated by Senior Member of Staff

**Stage Three** – Complaint heard by a Complaint Appeals Panel

### 4. OVERARCHING PRINCIPLES

When responding to complaints, we aim to:

- Encourage resolution of problems by informal means wherever possible. Where this is not possible, formal procedures will be followed.
- Ensure we publicise the existence of this policy and make it available on the school website and in paper format if requested. The policy aims to be simple to understand and use.
- Have suitably trained staff who will be impartial and non-adversarial when handling complaints.
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Allow swift handling within established time-limits for action and keep people informed of the progress
- Where possible, respect complainants' desire for confidentiality
- Treat complainants with respect
- Keep complainants informed of the progress of the complaints process
- The school will aim to give the complainant the opportunity to complete the complaints procedure in full
- Provide information to the leadership teams of the schools so that services can be improved

- Deal with all complaints fairly, providing a high quality of service to those who complain. Where a complainant acts in an unreasonable fashion, we have a procedure for managing unreasonable complaints (see Appendix A).

## 5. INVESTIGATING THE COMPLAINT

At each stage, the person dealing with the complaint should ensure that they:

- Establish what has happened so far, and who has been involved;
- Clarify the nature of the complaint and what remains unresolved;
- Meet with the complainant or contact them (if unsure or further information is necessary) ;
- 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;
- Conduct the interview with an open mind
- The school expects that complaints will be made as soon as possible after an incident arises and no later than 3 months afterwards. We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

### **Complaints about our fulfilment of early years requirements**

- We will investigate all written complaints relating to the school's fulfilment of the Early Years Foundation Stage requirements, and notify the complainant of the outcome within 28 days of receiving the complaint. The school will keep a record of the complaint (see section 9) and make this available to Ofsted on request.
- Parents and carers can notify Ofsted if they believe that the school is not meeting Early Years Foundation Stage requirements, by calling 0300 123 4234 or 0300 123 4666, or by emailing [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk). An online contact form is also available at: <https://www.gov.uk/government/organisations/ofsted#org-contacts>.
- We will notify parents and carers if we become aware that the school is to be inspected by Ofsted. We will also supply a copy of the inspection report to parents and carers of children attending the setting on a regular basis.

## 6. RESOLVING COMPLAINTS

At each stage, the person dealing with the complaint should consider ways to resolve the complaint. 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 school / Trust policies in light of the complaint.

## **7. MONITORING COMPLAINTS**

The Board of Directors will monitor the level and nature of formal complaints across all Trust schools and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Procedures for reporting will not name individuals.

## **8. STAGE ONE - AN INFORMAL DISCUSSION**

It is the experience of the Brigshaw Learning Partnership that the vast majority of concerns and complaints can be resolved informally to the full satisfaction of those who raise them. There are many occasions where concerns can be resolved quickly, providing the complainant with the benefit of an immediate response, and avoiding the need to submit a formal complaint. Concerns may be raised with any member of the Trust staff, depending on the type of issue to be discussed. Complaints may be made in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the school office.

The school will acknowledge informal complaints within 5 school days, and investigate and provide a response within 10 school days.

If the complainant is dissatisfied with the discussion or if the complaint is not resolved informally, it will be escalated to a formal complaint. Refer to Stage Two (Section 8, below).

Where the informal complaint is made to a Local Governor or BLP Director, the Local Governor or Director must refer the complainant to the appropriate member of Trust staff and advise them about the procedure.

Governors / Directors must 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.

## **9. STAGE TWO – Formal**

If the complainant is dissatisfied with the outcome of Stage One of this policy and would like the complaint to be formally investigated, the complainant must put their complaint in writing or, if the complaint has previously submitted a written request, they may now request to proceed to stage two of the process.

### ***9a. COMPLAINT RELATING TO A SCHOOL IN THE BLP TRUST***

The written complaint must then be handed to the school office. This letter should provide details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.

Following receipt of the written complaint, the Headteacher will nominate a senior member of school staff to be the investigating officer.

The investigating officer will acknowledge the complaint in writing within 5 working days.

The investigating officer will speak to the necessary individuals; interview witnesses and/or take statements from those involved. This could take up to 10 working days. If the complaint centres on a pupil/student, the pupil/student may also be interviewed.

Written records of meetings, telephone conversations and other documentation will be kept.

Once the facts have been established, the Headteacher or other senior leader, where appropriate, will arrange to meet the complainant to discuss the outcome of the investigation. This meeting will be held within 20 working days from the date the formal written complaint was received. The complainant may be accompanied at the meeting by a friend, relative or representative. The complainant should inform the school of the identity of their companion in advance.

In certain circumstances, the school may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the school will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.

A letter outlining the outcomes of the investigation will be sent to the complainant within 5 working days of the meeting. The letter will include details of how to escalate the complaint to Stage Three if the complainant remains dissatisfied with the outcome at Stage Two.

If the complaint is against the Headteacher, Stage Two will be carried out by the Local Chair of Governors.

If the complaint is against a Local Governor, Stage Two will be carried out by the Local Chair of Governors from another school within our Trust.

### ***9b. COMPLAINT RELATING TO THE BRIGSHAW LEARNING PARTNERSHIP***

The written complaint must then be handed to the BLP Head Office at Brigshaw High School.

Following receipt of the written complaint, the CEO will nominate a senior member of Trust staff to be the investigating officer.

The investigating officer will acknowledge the complaint in writing within 5 working days.

The investigating officer will speak to the necessary individuals; interview witnesses and/or take statements from those involved. This could take up to 10 working days.

Written records of meetings, telephone conversations and other documentation will be kept.

Once the facts have been established the CEO will arrange to meet the complainant to discuss the outcome of the investigation. The investigating officer will speak to the necessary individuals; interview witnesses and/or take statements from those involved. This could take up to 10 working days.

Written records of meetings, telephone conversations and other documentation will be kept.

Once the facts have been established the investigating officer will arrange to meet the complainant to discuss the outcome of the investigation. This meeting will be held within 20 working days from the date the formal written complaint was received. The complainant may be accompanied at the meeting by a friend, relative or representative. The complainant should inform the school of the identity of their companion in advance.

In certain circumstances, the BLP may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the school will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.

A letter outlining the outcomes of the investigation will be sent to the complainant within 5 working days of the meeting. The letter will include details of how to escalate the complaint to Stage Three if the complainant remains dissatisfied with the outcome at Stage Two.

If the complaint is against a CEO, Stage Two will be carried out by the Chair of the Board of Directors. Where a complaint is against the chair of governors or any member of the local governing board, it should be made in writing to the clerk to the governing board in the first instance.

If the complaint is against a Director, Stage two will be carried out the CEO.

## **10. STAGE THREE – COMPLAINTS APPEAL PANEL**

Complaints only rarely reach this level, where the complainant is not satisfied with the response to the complaint at the second, formal, stage.

The aim of a panel hearing is to resolve the complaint and achieve reconciliation between the Trust/school and the complainant.

Anyone wishing to escalate a complaint to this stage must write to the Clerk to the Board of Directors at the BLP Head Office address at Brigshaw High school. The letter must explain why the complainant is dissatisfied with the outcome at Stage Two. This needs to be within 25 working days of receiving the outcome letter.

The Clerk will set up a hearing within 10 working days of receiving the letter and inform the complainant of this, in writing. All parties will be given at least five working days' notice of a hearing.

It is important that any complaint hearing is independent and impartial and, that it is seen to be so. The panel will be appointed by or on behalf of the proprietor and must consist of at least 3 people who were not directly involved in the matters detailed in the complaint. At least 1 panel member must be independent of the management and running of the school. The panel cannot be made up solely of governing board members, as they are not independent of the management and running of the school.

The panel will have access to the existing record of the complaint's progress.

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. At the review panel meeting, the complainant and representatives from the school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied if they wish.

At the meeting, each individual 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 school representative(s) will be given the chance to ask and reply to questions. Once the complainant and school representative(s) have presented their cases, they will be asked to leave and evidence will then be considered.

The panel must then put together its findings and recommendations from the case. The panel will also provide a copy of the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint, and make a copy available for inspection by the proprietor and headteacher.

The hearing will allow for:

- The complainant to explain their complaint.
- For the CEO/ Headteacher or other person involved in handling the complaint at Stage Two, to explain the school's response.
- The complainant and the CEO/Head or other person involved in handling the complaint at Stage Two to question each other.
- For members of the hearing panel to also ask questions.

- Any party to have the right to call witnesses (subject to the approval of the Chair of the panel) and all parties having the right to question all the witnesses.
- Final statements by both the complainant and the CEO/Head Teacher or other person involved in handling the complaint at Stage Two.

Following the hearing the complaint panel will consider the complaint and will send their written decision to both parties within 15 working days.

## **11. CLOSURE OF COMPLAINTS**

Very occasionally, the school and/or Trust may feel that it needs, regretfully, to close a complaint where the complainant is still dissatisfied.

- The Brigshaw Learning Partnership will do all we can to help to resolve a complaint but sometimes it is simply not possible to meet all of the complainant's wishes. Sometimes it is simply a case of "agreeing to disagree".
- If a complainant persists in making representations regarding the complaint – to the head teacher, designated governor, chair of governors or anyone else within the Trust, it can be extremely time-consuming and can detract from our responsibility to look after the interests of all the children in our care.
- For this reason, we are entitled to close correspondence (including personal approaches, as well as letters and telephone calls) on a complaint where we feel that we have taken all reasonable action to resolve the complaint and the complaint has exhausted our official process. The Brigshaw Learning Partnership Board of Directors fully support this position, and especially where the complainant's action is causing distress to staff and/or pupils.

## **12. CONTINUED DISSATISFACTION WITH OUTCOME**

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the ESFA. The ESFA will check whether the complaint has been dealt with properly by the school. The ESFA will not overturn a school's decision about a complaint. However, it will look into:

- Whether there was undue delay, or the school did not comply with its own complaints procedure
- Whether the school was in breach of its funding agreement with the secretary of state
- Whether the school has failed to comply with any other legal obligation

If the school did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the school's complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage:  
<https://www.gov.uk/complain-about-school>

### **13. RECORD KEEPING**

The school will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, the final outcome and action taken by the school as a result of the complaint (regardless of whether the complaint was upheld). The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or under the terms of the Data Protection Bill, or where the material must be made available during a school inspection.

Records of complaints will be kept for a minimum of 6 years.

### **14. LEARNING LESSONS**

The local governing board/directors or CEO will review any underlying issues raised by complaints with the headteacher, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

### **15. MONITORING ARRANGEMENTS**

The BLP board will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The local governing board will track the number and nature of complaints, and review underlying issues.

### **16. LINKS WITH OTHER POLICIES:**

Policies dealing with other forms of complaints include:

Child protection and safeguarding policy and procedures

Admissions policy

Exclusions policy

Staff grievance procedures

Staff disciplinary procedures

SEND policy and information report

Data handling policy

Whistleblowing policy

## **17. EQUALITY IMPACT STATEMENT**

We will do all we can to ensure that this policy does not discriminate, directly or indirectly. We shall do this through regular monitoring and evaluation of our policies. On review we shall assess and consult relevant stakeholders on the likely impact of our policies on the promotion of all aspects of equality, as laid down in the Equality Act (2010). This will include, but not necessarily be limited to: race; gender; sexual orientation; disability; ethnicity; religion; cultural beliefs and pregnancy/maternity.

## **Appendix A: Brigshaw Learning Partnership policy for unreasonable Complainants**

### **INTRODUCTION**

The Brigshaw Learning Partnership (BLP) is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with our academies and college. 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.

BLP defines unreasonable complainants as ‘those who, because of the frequency or nature of their contacts with an academy would cause significant disruption to the safe and effective operation of the academy, harass or threaten any member of BLP staff, or engage in vexatious complaints by seeking to re-open matters that have already been the subject of a concluded complaints procedure.

Where a complainant acts in an unreasonable fashion, the Headteacher, Chair of Governors or Chair of the Trust Board (as relevant) may at any time inform the complainant that the complaints procedure has been exhausted and has come to an end by reason of the conduct of the complainant.

### **UNREASONABLE COMPLAINTS**

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

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- 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;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the academy’s complaint procedure has been fully and properly implemented and

completed;

- seeks an unrealistic outcome;
- makes excessive demands on academy time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint acts in a manner which is:

- malicious;
- aggressive;
- threatening, intimidating or violent;
- made using abusive, offensive or discriminatory language;
- made knowing the complaint to be false;
- made using falsified information;
- otherwise made using conduct which is intended to intimidate, harass or is otherwise similarly inappropriate.

## **COMMUNICATIONS**

Whenever possible, the Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' determination.

If the behaviour continues the Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact BLP establishments, 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 academy premises. Although fulfilling a public function, academies are places where the safety of students and staff is paramount. The public has no automatic right of entry. BLP will therefore act to ensure they remain safe places for students, staff and other members of the community.