

Complaints Policy

Brooke Hill Academy Trust



Approved by:

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Brooke Hill Academy Trust

Complaints Policy and Procedure

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THE COMPLAINTS POLICY

1. Who can make a complaint?

This complaints procedure set out in this policy is not limited to parents or carers of children that are registered at one of the schools within Brooke Hill Academy Trust (the Trust or We). Any person, including members of the public, may make a complaint to the Trust about any facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use the complaints procedure set out below.

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

For the purposes of this policy, concerns and complaints will be referred to simply as **complaints** and addressed using the complaints procedure set out in the Schedule.

3. Early/Informal Resolution of Complaints

It is in everyone's interest that complaints are resolved at the earliest possible stage. Many complaints can be resolved informally, without the need to use the formal stages of the procedure. We take complaints seriously and will make every effort to resolve the matter as quickly as reasonably possible.

If you have difficulty discussing a complaint with a particular member of staff, we will respect your views. In these cases, the head of school will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a complaint, the head of school 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 complaint objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their complaints formally. In this case, we will attempt to resolve the issue internally, through the stages outlined within the complaints procedure (see the Schedule attached).

4. How to make a complaint

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

Complaints that involve or are about a member of school staff (except a head of school) or that are about systems, policies, practices or procedures adopted by the Trust should be made in the first instance, to the Trust's Business Manager who will refer it to the head of school.

The Business Manager can be contacted at: (kerry.gray@brookehillacademytrust.education).

If the complaint is in writing, please ensure it is marked as Private and Confidential.

If the concern or complaint is being made by telephone, please contact the Trust's Business Manager in the first instance, on 01572 724214 ensuring that, if you need to leave a message, you state your call is a private & confidential matter.

Complaints about a Head of School/Individual Trustees/Governors

Complaints that involve or are about a head of school/an individual trustee or governor should be addressed to Simon Foulkes (the Chair of Trustees), by email to the Trust's clerk, Nicola Tyers.

Her email address is: Nicola.tyers@brookehillacademytrust.education.

Please mark your email as Private and Confidential.

Complaints about the Chair/Vice Chair of Trustees, the Board of Trustees/the majority of the Board of Trustees

Complaints about the Chair/Vice Chair of Trustees, the Board of Trustees or the majority of the Board of Trustees should be addressed to the Trust's clerk by email at the address above. Please mark your email as Private and Confidential. Such a complaint will be dealt with in accordance with Stage 2 of the complaints procedure.

Template Complaint Form

For ease of use, a template complaint form is included at the end of this policy. If you require help in completing the form, please contact the school office. You can also ask a third-party organisation for example like the Citizens Advice to help you.

Reasonable Adjustments

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete the complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations. Please let us know as early as possible in the process, if you believe that adjustments need to be made to enable you to access the procedure.

Anonymous complaints

The Trust will not normally investigate anonymous complaints. However, the head of school or Chair of Trustees, if appropriate, will always review any anonymous complaint and determine whether it warrants an investigation, despite it being anonymous.

Time scales

You 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. We will consider complaints made outside of this time frame if exceptional circumstances apply or if you give reasons, acceptable to the Trust, which justify the delay in raising the complaint.

Complaints received outside of term-time

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

5. Scope of the complaints procedure

This procedure covers all complaints about any provision of community facilities or services by the Trust other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
<ul style="list-style-type: none"> Admissions to schools 	<p>Concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority.</p>
<ul style="list-style-type: none"> Matters likely to require a Child Protection Investigation 	<p>Complaints about child protection matters are handled under the Trust’s 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). Please call 01572 758454 to contact the Rutland County Council LADO or Via the https://www.lincolnshire.gov.uk/xfp/form/346 for Lincolnshire</p>
<ul style="list-style-type: none"> Suspension and permanent exclusion of children from school* 	<p>Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.</p> <p><i>*complaints about the application of the behaviour policy can be made through this complaints procedure.</i></p>
<ul style="list-style-type: none"> Whistleblowing 	<p>The Trust has an internal whistleblowing policy/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 education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus.</p> <p>Volunteer staff who have concerns about one of our schools should complain through this procedure. A volunteer may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of the complaint.</p>
<ul style="list-style-type: none"> Staff grievances 	<p>Complaints from staff which relate to their employment will be dealt with under the Trust’s internal grievance procedures.</p>
<ul style="list-style-type: none"> Staff conduct 	<p>Complaints about staff conduct or behaviour will be processed through this procedure but will then be dealt with that member of staff under the Trust’s internal</p>

	<p>disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
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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 this happens, we will inform you of a proposed new timescale.

If a complainant commences legal action against the Trust in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

6. Resolving complaints

At each stage in the procedure, the Trust will use its best endeavours 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 school policies in light of the complaint.
- an apology.

7. Referral to the Education and Skills Funding Agency

If the complainant believes that the Trust has not handled their complaint in accordance with the published complaints procedure or that it has acted unlawfully or unreasonably in the exercise of its duties under education law, the complainant can contact the Education and Skills Funding Agency (ESFA) after they have exhausted the complaints procedure (that is, Stage 3 of the procedure is complete).

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by the Trust. They will consider whether the Trust has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed Part 7 of the Education (Independent School Standards) Regulations 2014. (This part sets out regulations about the manner in which complaints are handled and is a standard which applies to independent schools, including academies).

The complainant can refer their complaint to the ESFA online at: www.education.gov.uk/contactus, by telephone: 0370 000 2288 or by writing to:

Academy Complaints and Customer Insight Unit
Education and Skills Funding Agency
Cheylesmore House
5 Quinton Road
Coventry
CV1 2WT

8. Withdrawal of a complaint

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

9. Persistent Complaints/Complainants

The DfE [advice](#) says that where all stages of the procedure have been followed in response to a complaint, the Trust can inform the complainant that the matter is closed.

The Trust follows its complaints procedure fully. As a consequence, the opportunity for complainants to raise the same complaint repeatedly is removed, as both the Trust and the complainant are aware that there is a clear path of escalation where they feel their complaint remains unresolved.

The Trust will take the view that If the complainant tries to re-open the same issue after exhausting the complaints procedure, the complainant may be viewed as a 'serial' or 'persistent' complainant and we may choose not to respond.

Where the complainant raises a new issue, the Trust will deal with this in the normal way through the complaints procedure.

Where a complainant refuses to follow the complaints procedure or contacts the Trust repeatedly about their complaint, the Trust is within its rights to tell them that it will respond only via a set communication method. This could be a specific email address, for example, or telephone calls made at specified times of the day.

Any communications by the complainant outside of this will be ignored and, if the complainant persists, the Trust will stop responding.

A decision by the Trust to stop responding will only be taken where all of the following statements are true:

- The Trust has taken every reasonable step to address the complainant's needs;
- The complainant has been given a clear statement of the Trust's position and their options (if any);
- The complainant is contacting the Trust repeatedly but making substantially the same points each time.

Once the Trust has decided that it is appropriate to stop responding to the complainant, this will be confirmed to the complainant in writing.

Data will be processed to be in line with the requirements and protections set out in the UK General Data Protection Regulation.

The school complaints policy sets out the complaints process. This will be the basis for dealing with Data Protection Complaints and appeals. A written outcome will be provided.

If the school does not comply with a Subject Access Request within 1 month (subject to any extension), or refuses all or part of the request, written reasons will be provided, setting out the principles for the refusal.

If you feel that the school/trust have not dealt with your matter satisfactorily you can complaint to the Information Commissioner

By post:

Customer Contact

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

SK9 5AF

Or by email: casework@ico.org.uk

More information is on the ICO website www.ico.org.uk/

THE SCHEDULE
COMPLAINTS PROCEDURE

Stage 1 – Informal complaints

- 1.1 Complaints should be raised with either the class teacher, year head / subject head, or head of school.
- 1.2 The complaint will be investigated by the appropriate person, acting as investigating officer, and the complainant will be kept informed about the progress of that investigation. The investigation will be carried out as quickly and efficiently as reasonably possible.
- 1.3 Normally, within 5 school days of the conclusion of their investigation, the investigating officer will provide an informal written response to the complainant. Where the complaint is more complex, it may take longer than 5 school days to provide the written response; if this is the case, the complainant will be informed.
- 1.4 If the issue remains unresolved, the next step is for the complainant to make a formal complaint.

Stage 2 – Formal complaints

- 2.1 Formal complaints must be made to the head of school (unless they are about the head of school), via the Trust's Business Manager. If the complaint involves or is about the head of school, it must be made to the Trust's Clerk who will pass it to the Chair of Trustees.
- 2.2 Contact details for the Business Manager and the Clerk are as follows:

Business Manager – E: kerry.gray@brookehillacademytrust.education or T: 01572 724214. The Clerk – E: nicola.tyers@brookehillacademytrust.education.
- 2.3 The formal complaint may be made in person/verbally or in writing (but preferably on the Complaint Form).
- 2.3 The head of school (which, for the purposes of Stage 2, includes the Chair of Trustees, if appropriate) will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.
- 2.4 Within this response, the head of school will, if necessary, seek to clarify the nature of the ongoing complaint, ask what issues remain unresolved and what outcome the complainant would like to see. The head of school can consider whether a face-to-face meeting is the most appropriate way of doing this.
- 2.5 The head of school may delegate the investigation of the complaint to another member of the school's senior leadership team/external third party (or, in the case of the Chair of Trustees, to another trustee/external third party, if appropriate) but not the decision to be taken (the investigating officer).
- 2.6 During the investigation, the investigating officer will:

- if necessary, interview those involved in the matter and/or those who are the subject of the complaint, allowing them to be accompanied, if they wish.
 - keep a written record of any meetings/interviews in relation to their investigation.
 - Where the conduct of the investigation has been delegated, the investigating officer will provide to the head of school an executive summary of the investigation, together with the records of the investigation and any recommendations.
- 2.7 Normally within 15 school days of the conclusion of the investigation, the head of school will provide a formal written response to the complainant. If the head of school is unable to meet this deadline, they will provide the complainant with an update and revised response date.
- 2.8 The response will detail any actions taken to investigate the complaint and provide an explanation of the decision made and the reason(s) for it. Where appropriate, the response will also include details of actions the Trust will take to resolve the complaint.
- 2.9 The head of school will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.
- 2.10 If the complaint is:

- jointly about the Chair and Vice Chair of Trustees or
- the entire board of Trustees or
- the majority of the board of Trustees

a complaint at Stage 2 will be considered by an independent investigating officer appointed by the board of Trustees. At the conclusion of their investigation, the independent investigating officer will provide a formal written response to the board of trustees for their review before it is provided to the complainant.

Stage 3 – Complaints Committee

- 3.1 If the complainant is dissatisfied with the outcome at Stage 2 of the procedure and wishes to take the matter further, they can escalate the complaint to Stage 3 which involves a meeting with the complaints committee.
- 3.2 The complaints committee consists of at least two governors or trustees who have not been directly involved in the matters detailed in the complaint with one committee member who is independent of the management and running of the Trust.
- 3.3 However, if the complaint is:
- jointly about the Chair and Vice Chair of Trustees or
 - the entire board of Trustees or
 - the majority of the board of Trustees

Stage 3 will be heard by a committee of independent, co-opted trustees.

- 3.4 A request to escalate a complaint to Stage 3 of the procedure must be made in writing to the Trust's Clerk, whose details are set out above, within 5 school days of receipt of the Stage 2 response.
- 3.5 The Trust's Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.
- 3.6 Requests received outside of this time frame will only be considered if exceptional circumstances apply or if the complainant gives reasons, acceptable to the Trust, which justify the delay in raising the complaint.
- 3.7 The Trust's Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 21 school days of receipt of the Stage 3 request. If this is not possible, the Trust's Clerk will provide an anticipated date and keep the complainant informed.
- 3.8 If the complainant rejects the offer of two proposed dates for the meeting, without good reason, the Trust's Clerk will decide on the date for the meeting and will inform the complainant of this. Whilst it is preferable for the complainant to be present, if they remain unable to attend on the third date, they will be given the opportunity to put forward submissions in writing to be considered at the meeting instead. The meeting will then proceed in the complainant's absence on the basis of their written submissions.
- 3.9 At least 10 school days before the meeting, the Trust's Clerk will:
- confirm to the complainant the date, time and venue of the meeting, ensuring that that the venue and proceedings are accessible;
 - request copies of any further written material to be submitted to the committee.
- 3.10 Any written material must be provided to the Trust's clerk at least 5 school days before the meeting which they will then circulate to all parties at least 3 school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.
- 3.11 The committee will also not review any new complaints at this stage or allow evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.
- 3.11 The meeting will be held in private. A complainant is not permitted to make an electronic recording of the meeting unless express written consent has been provided by the committee or, by agreement where a complainant's own disability or special needs require it. Consent/agreement will be recorded in any minutes taken.
- 3.12 A complainant may be accompanied to the meeting to provide support. This can be a relative or friend. Legal representation is not permitted.
- 3.13 Representatives from the media are not permitted to attend.

- 3.14 The committee will consider the complaint and all the evidence presented. The committee can:
- uphold the complaint in whole or in part.
 - dismiss the complaint in whole or in part.
- 3.15 If the complaint is upheld in whole or in part, the committee will:
- decide on the appropriate action to be taken to resolve the complaint.
 - where appropriate, recommend changes to the Trust's systems or procedures to prevent similar issues in the future.
- 3.16 Normally within 15 school days, the Committee will provide the complainant, the person or persons who is/are the subject of the complaint and, where relevant, the Board of Trustees with:
- an explanation in writing of their decision/findings and the reason(s) for it/them,
 - details of any actions they have taken to investigate the complaint; and
 - recommendations for the Trust to take to resolve the complaint.
- If further time is required to provide this information, the Committee will ensure that all parties are informed.
- 3.17 The Committee's findings and recommendations will be made available for inspection by the Trust and the head of school.
- 3.18 The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by the Trust.
- 3.19 A written record will be kept of all formal complaints, whether they are resolved at Stage 2 or Stage 3 of the procedure and what action was taken by the Trust as a result of the complaint (whether it was upheld or not).
- 3.20 Stage 3 is the final stage of the complaints procedure.

Data Protection

Data Protection Officer is responsible for dealing with all complaints in line with this procedure.

The school complaints policy sets out the complaints process. This will be the basis for dealing with Data Protection Complaints and appeals. A written outcome will be provided.

If the school does not comply with a Subject Access Request within 1 month (subject to any extension), or refuses all or part of the request, written reasons will be provided, setting out the principles for the refusal.

If you feel that the school/trust have not dealt with your matter satisfactorily you can complaint to the Information Commissioner

By post:

Customer Contact

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

SK9 5AF

Or by email: casework@ico.org.uk

More information is on the ICO website www.ico.org.uk/

Complaint Form

Please complete and return to **[Name]** who will acknowledge receipt and explain what action will be taken.

Your name:
Child's name (if relevant):
Your relationship to the child (if relevant):
Address: Postcode: Day time telephone number: Evening telephone number: Email address:
Please give details of your complaint, including whether you have spoken to anybody at the school/the Trust about it.

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 who:

Complaint referred to:

Action taken:

Date: