

Complaints Procedure

Version 2.0

<p>Important: This document can only be considered valid when viewed on the Trust website. If this document has been printed or saved to another location, you must check that the version number on your copy matches that of the document online.</p> <p>Title of Author:</p>	<p>CEO</p>
<p>Name of Responsible Committee/Individual:</p>	<p>Trust Board</p>
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<p>Target Audience:</p>	<p>External stakeholders</p>
<p>Related Documents:</p>	<p>Best Practice Advice for School Complaints Procedures 2016 DfE.</p> <p>The BFLPT Freedom of Information Policy.</p> <p>The BFLPT Data Protection Policy.</p> <p>The BFLPT Grievance Procedure</p>

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Policy Statement

The Brighter Futures Learning Partnership Trust endeavours to provide a world-class education for all its students in an open and transparent way. The Trust welcomes any feedback received from parents, carers, students, third parties. It is recognised that not all of this will be positive and where any concerns are raised the Trust intends for this to be dealt with:

- Fairly
- Openly
- Promptly
- Without prejudice

In order to do so the Trust has approved the following procedure which explains what you should do if you have any concerns about any school within the Trust.

Which procedure do I need?

When concerns are more specific, there are alternative and more appropriate policies for dealing with them. The following list details specific topics of complaints, and the correct policy to refer to. You can access these policies on the school website.

- Student Admissions – Please refer to each school's admissions policy
- Student Exclusions – Please refer to the school's behaviour policy
- Anonymous Complaints – Please refer to the Trust's Whistleblowing Policy
- Subject Access Request and Freedom of Information request – Please refer to the relevant policies on the Trust and School's websites
- Where the complaint concerns a third party using the school's facilities – please direct your complaint to the third party who will deal with it in line with their Letting Agreement. You should provide a copy to the school for information.

1. Purpose and Scope

The majority of concerns can be dealt with without resorting to formal procedures. Where you have a concern about any aspect of the school or your child's well-being, this should be raised with the relevant personnel. If you contact the school office, you will be directed to the most appropriate person to deal with the concern. If the concern remains unresolved it should be escalated to a more senior colleague, usually a Senior Leader.

A concern can be viewed as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*. A complaint can be defined as *'an expression of dissatisfaction however made, about actions taken or a lack of action'*. [Best Practice Advice for School Complaints Procedures 2016, Department for Education]. Certain complaints fall outside the remit of this policy (e.g. staff grievances) and there are other policies and procedures that may be accessed in such circumstances (e.g. the Grievance Procedure). Any person, including members of the general public, may make a complaint about any provision of facilities or services that the Trust provides, unless separate statutory procedures apply (such as exclusions or admissions). This procedure is not limited to parents or carers of

children that are registered at school, however, third party providers must have their own complaints procedures in place.

The Trust takes any form of concern or complaint very seriously and endeavours to resolve concerns and complaints informally, swiftly and discreetly wherever possible. However, formal complaints are managed via the formal complaints processes detailed within this procedure. Formal procedures will be followed when initial attempts to resolve an issue are unsuccessful and the complainant remains dissatisfied and wishes to take the matter further.

The aim of this policy and procedure is to:

- Encourage resolution of concerns/complaints informally wherever possible
- Be easily accessible and publicised via the Trust website
- Be simple to understand and use
- Be impartial and non-adversarial
- Allow swift handling with established time frames for action, ensuring complainants are informed of progress
- Ensure a full and fair investigation is undertaken by an independent person where necessary
- Respect people's desire for confidentiality, sharing information on a need to know basis discreetly, respectfully and professionally
- Address all points raised and provide an effective response and appropriate redress where necessary
- Provide information to the Trust and school's senior leadership teams, the Trust Board and Local Governing Bodies (LGB) to enable the Trust and each of its schools to continually learn, develop and improve

2. Roles and Responsibilities

The **Chief Executive Officer (CEO)** is responsible for ensuring there is a consistent approach to managing and resolving concerns and complaints across the Trust that adheres to legal and statutory requirements.

The Education Alliance's **Trust Board** is responsible for the approval of this procedure and **Local Governing Bodies** must ensure that all concerns and complaints are logged, managed and resolved quickly and effectively and that learning points are captured and appropriate actions taken to ensure such issues do not occur again in the future.

The Trust's **Senior Leadership Team** is responsible for overseeing the development, review, implementation, communication, monitoring and evaluation of this procedure and will report to the Trust Board and Governors as required. **Headteachers/Principals** must ensure that stakeholders are aware of this procedure; that the procedure is easily accessible and; that it is implemented fairly and consistently.

Leaders and Managers must ensure they respond to concerns and complaints swiftly, fairly and consistently in line with this procedure. They must ensure that all concerns and complaints are logged and acknowledged and they must investigate issues discreetly, thoroughly and quickly, accessing support, guidance and training as and when required. **The Headteacher/Principal must be made aware of any complaint involving staff.**

Employees in receipt of concerns or complaints must respond professionally, objectively, swiftly and effectively. They should try to resolve matters informally wherever possible,

seeking further advice and support where required, escalating issues as appropriate and as detailed within this policy and procedure.

Trustees and Governors will monitor and review complaints on a regular basis and ensure that appropriate actions have been taken to resolve any issues raised, whilst also monitoring the actions the school and Trust take to improve services.

3. Equality and Diversity

The Brighter Futures Learning Partnership Trust is committed to:

- Promoting equality and diversity in its policies, procedures and guidelines. The Trust is aware of its obligations under the Equality Act 2010, therefore while complaints are usually made in writing, the Trust acknowledges that the complainant may have communication preferences due to disability or learning difficulties and Trust will accept complaints submitted by alternative methods of contact, including a complaint made in person, by telephone or in writing. The Trust can also arrange for a translator to be accessed where language is a barrier (e.g. where English is not the complainant's first language and their understanding of the English language is limited).
- Delivering high quality teaching and services that meet the diverse needs of its student's population and its workforce, ensuring that no individual or group is disadvantaged.

4. Complaints Procedure

Where an individual has raised a concern with a member of staff and that person then would like to make a complaint, they will be asked to submit their complaint in writing to the Headteacher/Principal, or where it is a Trust issue, to the Executive PA. There are four stages to The Brighter Futures Learning Partnership Trust's Complaints Procedure:

- Stage 1: Complaint submitted to the Headteacher/Principal who will assign an investigating staff member (not the subject of the complaint), this will normally be a member of the leadership team, and they will attempt to resolve the complaint.
 - Stage 2: Complainant asks Headteacher/Principal to review evidence and original decision
 - Stage 3: Complainant writes to the Chair of the LGB and asks them to review all correspondence
 - Stage 4: Complainant makes an appeal to the Chair of the Trust Board
- Complaints against the Headteacher/Principal will normally be dealt with by the CEO and the Chair of the LGB.
 - Complaints against the CFO will normally be dealt with by the CEO.
 - Complaints against the CEO will normally be dealt with by the Chair of the Trust Board.
 - Complaints against a member of the LGB will normally be dealt with by the Chair of the Trust Board.
 - Complaints against a Trustee will normally be dealt with by Members of the Trust.
 - Complaints against a member will normally be dealt with by the DfE.

Complainants have the right to request an independent panel. This will be constituted of 3 panel members, one of whom will be independent of the management and running of the school, if they believe there is likely to be bias in the proceedings and the decision to comply

with such a request sits with the LGB (or the Trust Board where the matter is a Trust issue). The panel will consist of at least 3 people who are not directly involved in the matters detailed in the complaint.

In order to prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls will be retained and a copy of any written response added to the record. Where there are communication difficulties, the Trust may use recording devices to ensure the complainant is able to access and review the discussions at a later point. The Trust will record the progress of the complaint and the final outcome and the Executive PA will hold records of complaints centrally. The Trust recognises that complainants have a right to copies of these records and may seek copies under the Freedom of Information and Data Protection Acts.

The Brighter Futures Learning Partnership Trust will record all complaints received as well as recording the progress of a complaint, decisions, the final outcome and learning outcomes. The summary information will be collated at Trust level once a year and shared with the Trust Board to enable an annual review of all complaints received in schools across the Trust.

For all stages in this procedure the Trust will acknowledge receipt of the complaint, investigate, and write to the complainant confirming the outcome and offer escalation where a further stage is available.

When dealing with complaints, investigating staff will:

- Establish what has happened so far and who has been involved
- Clarify the nature of the complaint and assess what remains unresolved
- Meet with the complainant or contact them
- Clarify what the complainant would view to be a satisfactory resolution
- Interview those involved in the matter, allowing them to be accompanied by a trade union representative or work colleague if they are employees and wish to access such support
- Conduct interviews fairly, sensitively and objectively
- Keep notes of the interview or arrange for an independent note taker to record minutes of the meeting

Stage 1

The Trust will endeavour to resolve issues informally wherever possible. To support this process, it is crucial that the complainant submits as much information as possible. Where a complainant expresses difficulty in discussing a complaint with a particular member of staff, the Trust will refer the complaint to another member of staff. If the member of staff feels implicated and potentially compromised they can request that the complaint be dealt with by another member of staff.

The member of staff investigating the complaint may be able to resolve the matter following their investigation, establishing the facts and explaining those to the complainant. There may be a number of possible outcomes following receipt of a complaint and a subsequent investigation, including finding no evidence to substantiate the complaint and therefore no further action, an internal resolution and potentially an apology. The investigator of the complaint may feel it appropriate to apologise to the complainant on behalf of the school/Trust (recognising that an apology and/or an admission that the Trust could have handled a situation better is not the same as an admission of negligence). The complainant should be assured

that steps will be taken to ensure the situation does not happen again and an appropriate way forward should be shared with the complainant verbally where possible and followed up in writing. The outcome should be logged on the complaints log.

It is anticipated that the first stage of the procedure should be completed within two working weeks of receipt of the initial complaint. Where a delay occurs or is likely to occur, the Trust will contact the complainant explaining the reasons for the delay and providing the complainant with an anticipated timeframe for resolution.

Stage 2

The complainant may be dissatisfied with the way the complaint was handled or the outcome and they may decide to pursue their complaint. The complainant should seek a more formal review of their complaint under stage 2 of this procedure, submitting their complaint to the Headteacher/Principal within five working days of the date of the letter they have received detailing the stage 1 outcome. The Headteacher/Principal will review the collated evidence and look at the previous outcome. The Headteacher/Principal may delegate further investigations to be undertaken by another member of staff. When they have enough information to enable them to make a decision, they will share their decision with the complainant verbally wherever possible and confirm the outcome in writing to the complainant, ensuring the outcome is also logged on the complaints log.

It is anticipated that the second stage of the procedure should be completed within two working weeks of receipt of the stage 2 complaint. Where a delay occurs or is likely to occur, the school will contact the complainant explaining the reasons for the delay and providing the complainant with an anticipated timeframe for resolution.

Stage 3

If the complainant is not satisfied with the stage 2 response the complainant can submit a review under Stage 3 of this procedure to the Chair of the LGB within 5 working days of the date of the letter they have received detailing the stage 2 outcome. The Chair of the LGB will review the complaint and associated evidence. The Chair will look at the previous correspondence and may arrange to meet with the complainant or they may appoint someone to undertake further investigations. When they have enough information to enable them to make a decision they will share the outcome with the complainant, verbally wherever possible, and confirm in writing to the complainant, ensuring the outcome is also logged on the complaints log.

It is anticipated that the third stage of the procedure should be completed within two working weeks of receipt of the stage 3 complaint. Where a delay occurs or is likely to occur, the school will contact the complainant explaining the reasons for the delay and providing the complainant with an anticipated timeframe for resolution.

Stage 4 – Appeal

If the complainant remains dissatisfied with the outcome, they can submit an appeal to the Executive PA of the Trust within five working days of the date of the letter they have received detailing the stage 3 outcome. The Executive PA will contact the Governance Clerk who will arrange a panel made up of Members and/or Trustees to convene. The appeal panel is the last stage of the Trust's Complaints Procedure and allows for an independent, impartial review of the case. The aim of the appeal hearing is to resolve the complaint and achieve

reconciliation between the Trust and the complainant. The complainant can attend the panel meeting and they may be accompanied. It is acknowledged that complaints can cause distress and extra care must be taken when dealing with sensitive issues. The complaints appeal panel will review the evidence and previous outcomes and can:

- Dismiss the complaint in full or in part
- Uphold the complaint in full or in part
- Decide on the appropriate action to be taken to resolve the complaint
- Recommend changes to the Trust or school's systems or procedures to ensure that problems of a similar nature do not recur.

The panel will establish findings and recommendations in relation to the complaint and these will be confirmed in writing to the complainant, the Headteacher/Principal, the CEO and, where appropriate, the person the complaint is lodged against.

Records of complaints, concerns and compliments will be retained, alongside associated actions where a concern or complaint has been investigated and resolved. The principles of the Data Protection Act 1998 will be adhered to.

Where a complainant tries to re-open an issue once the internal processes have been exhausted, the Chair of the Trust Board can inform the complainant that the matter is closed, providing them with information regarding the external escalation processes, should the complainant wish to address their complaint externally.

5. Serial and Persistent Complainants

The Trust will do its best to help people who contact us with a complaint or concern or a request for information. However, in cases where the Trust is contacted repeatedly by an individual making the same points, or who asks us to reconsider our position, the Trust will need to act appropriately. There will be occasions when, despite all stages of the Complaints Procedure having been followed, the complainant remains dissatisfied. It is important for the Trust to recognise when it has done everything it can in response to a complaint. If a complainant tries to re-open the same issue, the Chair of the Trust Board will inform the complainant that the procedure has been completed and that the matter is now closed.

If the complainant contacts the Trust again on the same issue, the correspondence may be viewed as 'serial' or 'persistent' and the Trust may choose not to respond. However, the Trust will ensure that a complaint is not viewed as 'serial' before the complainant has completed the procedure.

In deciding whether it is time to stop responding, the Trust will ensure it has:

- Taken every reasonable step to address the complainant's needs;
- Given the complainant 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.

In addition, the Trust will consider whether or not it believes the complainant is contacting the Trust with the intention of causing disruption or inconvenience (e.g. has the complainant said this in letter, email, in person?) and further consideration will be given to the tone of the complainant's communications (e.g. are communications from the complainant abusive or

aggressive? Is the complainant making insulting personal comments about or threats towards staff?).

The Trust will not cease to respond to a complaint purely because a complainant is difficult to deal with or asks complex questions and schools will provide parents with the information they are entitled to under The Education (Pupil Information) (England) Regulations 2005. However, where an individual's behaviour is causing a significant level of disruption, the Trust will implement a tailored communications strategy which may include restricting the complainant to a single point of contact via an email address or by limiting the number of times they make contact; e.g. a fixed number of contacts per term.

Complainants have a right to have any new complaint heard and failure to respond at all to a complainant could mean that the Trust is failing to comply with its legal obligations. The Trust will ensure it acts reasonably and that any genuine complaint can still be heard.

If staff within schools find it difficult to deal directly with a complainant because of their unreasonable behaviour and other strategies are not working, the Headteacher/Principal, or CEO may utilise the Executive PA or the Governance Clerks for additional assistance. They may also seek support through the LA. Complainants who may have been restricted in their communications with the Trust may also be advised to ask a third party to act on their behalf, such as the local Citizen's Advice Bureau. Ultimately, if a complainant persists to the point that the Trust considers it to constitute harassment, legal advice will be sought. If the Trust ultimately decides that it is appropriate to stop responding, the complainant will be informed via a hard copy letter or an email.

The Trust is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. The Trust will not normally limit the contact complainants have with schools, however, our staff will not be expected to tolerate unacceptable behaviour. The Trust will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening. The Trust defines unreasonable complainants as those who, because of the frequency or nature of their contacts with the Trust, hinder our consideration of theirs or other people's 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 the Complaints Procedure;
- insists on the complaint being dealt with in ways which are incompatible with the Complaints Procedure;
- 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 school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;
- makes excessive demands on school 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 does so either face-to-face, by telephone or in writing or electronically:-

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishes unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the number of communications with a school/Trust while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached. Whenever possible, the Headteacher/Principal or Chair of the LGB will discuss any concerns with the complainant informally before applying an 'unreasonable' marking. If the behaviour continues the Headteacher/Principal will write to the complainant explaining that their behaviour is unreasonable, asking them to change it.

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 Trust premises. Although fulfilling a public function, schools are private places. The public has no automatic right of entry. The Trust will therefore act to ensure its premises remain a safe place for students, staff and other members of their community. If an individual's behaviour is a cause for concern, the Trust will request they leave the premises. In serious cases, the Headteacher, Principal, CEO, Chair of the LGB or the Trust Board will notify the complainant in writing that their implied licence to be on Trust premises has been temporarily revoked. This will be subject to any representations that the complainant may wish to make. The Trust will give the complainant the opportunity to formally express their views on the decision to bar in writing. The decision to bar will be reviewed following receipt of written representations, and either confirmed or lifted. If the decision is confirmed the complainant will be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the Headteacher/Principal, the CEO or Chair of the Trust Board of LGB. However, complaints about barring cannot be escalated to the Department for Education. Once the Trust's Complaints Procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

6. Department for Education

If a complaint has exhausted the Trust's Complaints Procedure and the complainant remains dissatisfied, they have the right to refer their complaint to the Secretary of State. The Secretary of State has a duty to consider all complaints raised but will only intervene where the LGB or Trust Board has acted unlawfully or unreasonably and where it is expedient or practical to do so. The School Complaints Unit (SCU) will look at whether the Complaints Procedure and any other relevant statutory policies were adhered to. The SCU also looks at whether statutory policies adhere to education legislation. However, the SCU will not normally re-investigate the substance of the complaint. This remains the responsibility of the Trust. The SCU will not overturn a Trust decision about a complaint except in exceptional circumstances where it is clear the Trust has acted unlawfully or unreasonably. If the SCU finds that the Trust has not handled a complaint in accordance with its procedure, it may request that the complaint is looked at again.

Correspondence, statements and records relating to individual complaints are kept confidential, except where the Secretary of State or body conducting an inspection under Section 109 of the 2008 Act requests access to them.

If legislative or policy breaches are found, the SCU will report them to the Trust and the complainant, and where necessary, ask for corrective action to be taken. The SCU normally also seeks written assurances as to future conduct. Failure to carry out remedial actions or provide written assurances could ultimately result in a formal Direction being issued by the Secretary of State in accordance with his/her powers under sections 496 and 497 of the Education Act 1996. The Trust may wish to contact the SCU for advice on whether they have acted reasonably; for example: in closing down a complaint from a serial complainant before the local procedure has been completed. However, the SCU will not be able to advise on how to resolve the complaint. Further information can be obtained from the SCU by calling the National Helpline on 0370 000 2288 or going online at: www.education.gov.uk/help/contactus or by writing to:

Department for Education
School Complaints Unit
2nd Floor, Piccadilly Gate
Store Street
Manchester
M1 2WD

7. Monitoring of compliance with and effectiveness of the policy and procedure

The LGB will review a summary of complaints each term and the Trust Board will review a summary of complaints annually to ensure learning is shared within the school and across the Trust as appropriate.

8. Review

This policy and procedure will be reviewed within 2 years of the implementation date.

Signed CEO of BFLPT – Helen-Redford-Hernandez:

H. Redford-Hernandez

Date: July 2020

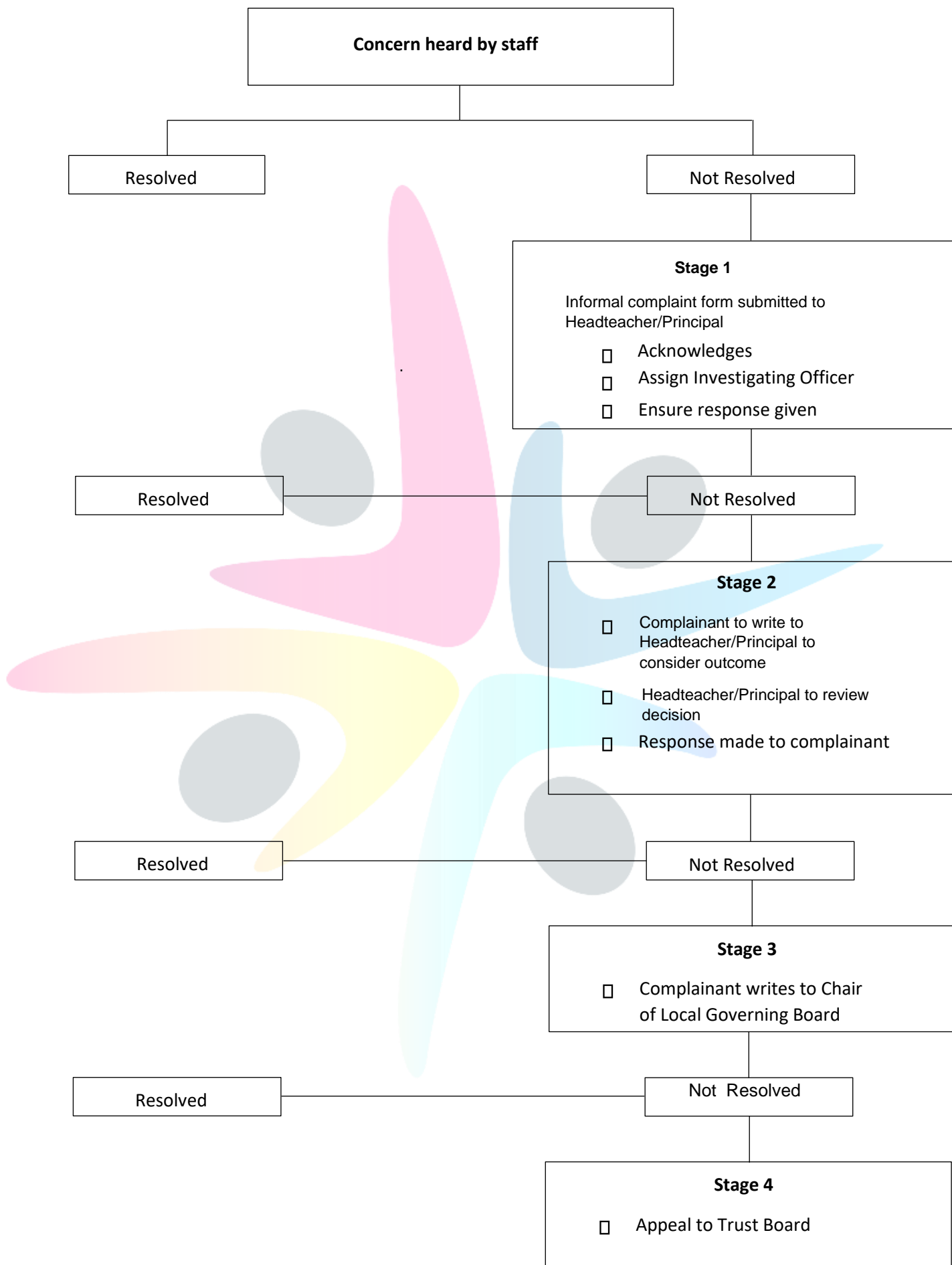
Signed – Chair of BFLPT – Marus Isman-Egal:

Marcus Isman-Egal

Date: July 2020

Policy to be reviewed: September 2021

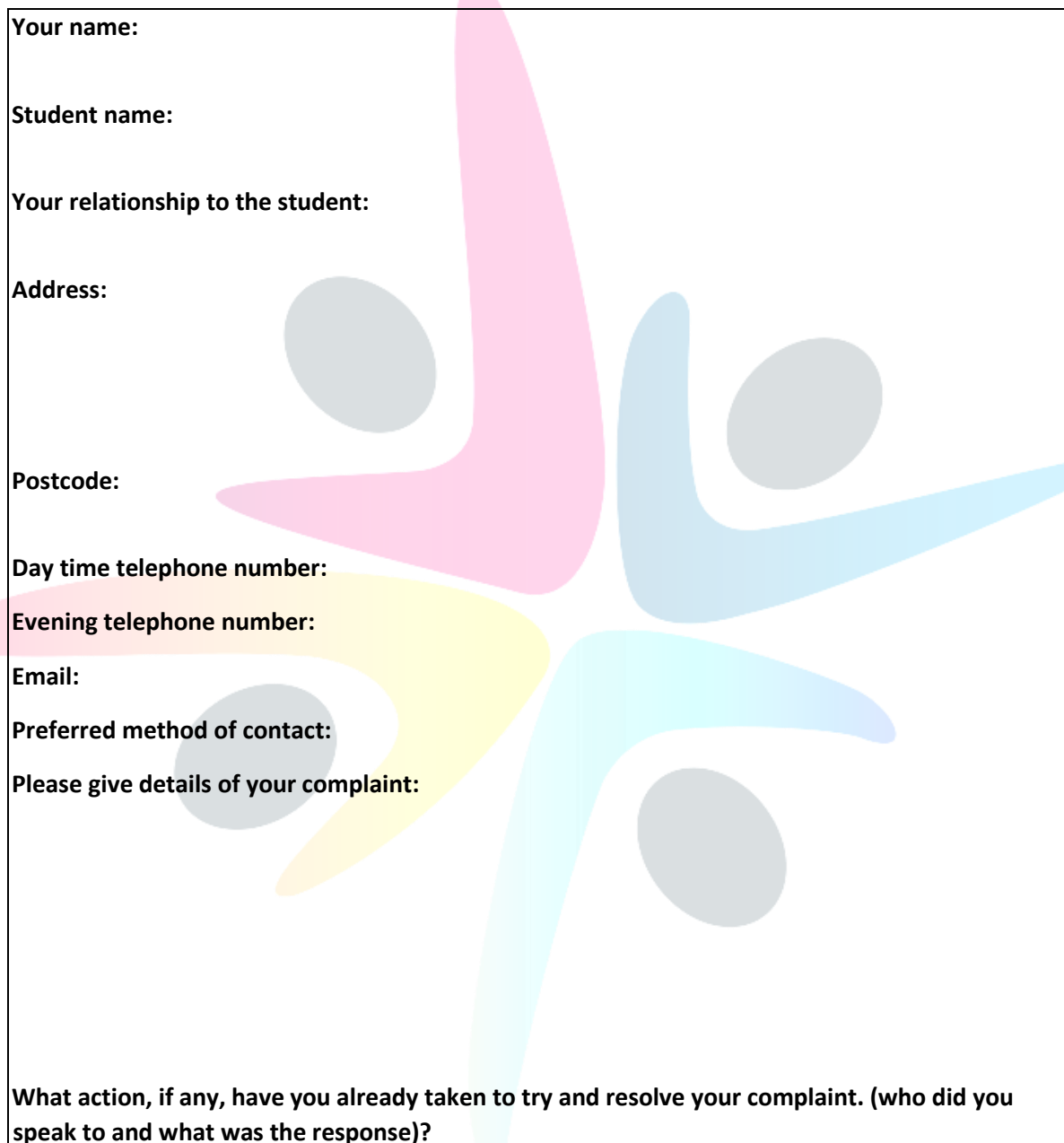
Created: September 2019 (Version 1)
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Guidance for Complaint Submissions

Please complete and return to the Headteacher/Principal in the first Instance, who will acknowledge receipt and explain what action will be taken.

Stage 1



Your name:

Student name:

Your relationship to the student:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Email:

Preferred method of contact:

Please give details of your complaint:

What action, if any, have you already taken to try and 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:

(Should you not be satisfied with the outcome of the investigation, you will be asked to submit a revised copy of this form to the Headteacher).

Stage 2

Please complete and return for the attention of the Headteacher/Principal in the first Instance, who will acknowledge receipt and explain what action will be taken.

Your name:

Student name:

Your relationship to the student:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Email:

Preferred method of contact:

Please give details of your complaint:

Please give reasons why you are not satisfied with your stage 1 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:

(Should you not be satisfied with the outcome of the investigation, you will be asked to submit a revised copy of this form to the Chair of the Local Governing Body).

Stage 3

Please complete and return for the attention of the Executive PA (based at Hungerhill School or email keogan.c@hungerhillschool.gov.uk) in the first Instance, who will acknowledge receipt and explain what action will be taken

. Your name:

Student name:

Your relationship to the student:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Email:

Preferred method of contact:

Please give details of your complaint:

You have already had a response at stage 1 & 2; can you give details as to why you feel this hasn't been resolved to your satisfaction?

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: