



Bright Futures

EDUCATIONAL TRUST

The best *for* everyone, the best *from* everyone

Complaints Policy

This is a Trust-Wide Policy
which applies to all the schools within the Trust

Date of Policy Approval:

14 June 2016

Reviewed May 2018

Reviewed June 2020

Owner of Policy:

AGGS Principal

on behalf of

Bright Futures

Educational Trust

Authorised By:

Executive Team

Policy Review Date:

June 2023

Distribution:

All Staff

Website

COMPLAINTS POLICY AND PROCEDURES

Bright Futures Educational Trust's (BFET or the Trust) Strategy underpins all aspects of this policy and the way in which it will be applied. These elements are:

- Our vision, the best **for** everyone and the best **from** everyone;
- **All three** of our values; **Integrity**: We do the right things for the right reasons; **Passion**: We take responsibility, work hard and have high aspirations and **Community**: We work together for a common purpose, acknowledging our diversity as strength
- Three of our commitments: **Supportive, challenging and fair, Effective Communication** and **Strong Governance and Accountability**.

What is the Policy for?

Each academy within the Trust undertakes to provide a safe and friendly environment in which students are supported to achieve their potential, both academically and socially.

We recognise, however, that sometimes things can go wrong and parents, carers and members of the public may need to make a complaint or raise the concerns they have with our academies. This policy explains what to do if that happens. The procedures outlined below apply to all academies in the Trust.

Brief overview of the procedure for making a complaint

The schools' complaints procedure consists of 4 stages, *please refer to 'Procedures' on page 7 for more detailed information*.

Stage 1 **Concerns and difficulties, dealt with informally**

- Parents or carers/Complainants should raise concerns with staff, either in person, by telephone or in writing.
- An opportunity will be arranged for informal discussion of concerns with an appropriate member of staff.
- Where a concern or difficulty has not been resolved informally the parent or carer/complainant can submit matters raised as a formal complaint under stage 2 of the complaints procedure.

Stage 2 **Complaints formally investigated by the Principal/Head of School (or designate)**

- Parents or carers/Complainants who wish to pursue a formal complaint at stage 2 should put the complaint and their desired outcome in writing to the Principal/Head of School.
- The Principal/Head of School will ensure that an independent investigation is carried out. Once all relevant facts have been established, the Principal/Head of School (or designated member of staff) will either write to the parent or carer/complainant or arrange a meeting to discuss or resolve the matter.
- If the parent or carer/complainant is unsatisfied with the outcome of the complaint under stage 2, they may write to the Clerk to the Local Governing Body asking for the complaint to be reviewed by the Chair of the Local Governing Body (*stage 3*).

Stage 3 Complaints formally reviewed by the Chair of the Local Governing Body (or designate)

- Parents or carers/Complainants should clearly set out, in writing, how and why they do not accept the findings made under stage 2 of the complaints procedure.
- The Chair of the Local Governing Body will review all the documentation received and consider the matters raised under stage 2. The Chair of the Local Governing Body will only speak to the persons involved if believed necessary.
- If the parent or carer/complainant are unsatisfied with the outcome of the stage 3 review, they should write to the Clerk to the Local Governing Body requesting a complaint panel hearing under stage 4 of this policy.

Stage 4 Appeals heard by the Local Governing Body's Complaints Appeal Panel

- Upon receipt of a written request from the parent or carer/complainant to proceed to stage 4, the Clerk to the Local Governing Body will write informing the parent or carer/complainant that a panel of the governing body will hear the appeal.
- The aim of the appeal is to resolve the complaint and achieve reconciliation between the school and the parent or carer/complainant. However, it may only be possible to establish the facts of a situation and make recommendations about future actions, and to satisfy the parent or carer/complainant that their complaint has been taken seriously.
- Once the matter is concluded, the broad outcomes recommended by the panel can be reported at the next full Local Governing Body or appropriate Committee meeting, with the identity of all those taking part kept confidential. The Local Governing Body should monitor the implementation of any recommendations.

Should a parent or carer/complainant be unsatisfied with the outcome of the four stages of procedure they may complain to the Education and Skills Funding Agency (ESFA) via the Department for Education's [school complaints form](#).

Who is the Policy for?

The procedures will apply to most general complaints received by an academy. It is not intended to cover those matters for which there is a specific statutory process to object, complain or appeal. Separate procedures exist for appeals about admissions (see Admissions Policy). Concerns about allegations of child abuse, staff discipline, grievance and professional competence must be dealt with through the separate agreed procedures that have been adopted for these purposes.

Schools will make parents/carers aware of the existence of their complaints procedures and ensure that it is easily accessible and well publicised, to ensure that parents know how to raise concerns.

1. General Principles

- 1.1** The resolution of a concern or complaint provides the potential opportunity for the school to improve its practice and develop further a strong partnership with parents/carers.
- 1.2** Schools will seek, as far as possible, to settle differences informally.
- 1.3** In principle, any concern/complaint will be addressed by a member of staff or local governor at a level closest to the cause for concern.
- 1.4** Schools will ensure that all concerns and complaints are handled with care and sensitivity, fairly and consistently within an appropriate time frame.
- 1.5** Schools will ensure that undue delay does not exacerbate the situation.
- 1.6** This policy and procedure provides more formal arrangements for dealing fairly and effectively with complaints which have proved impossible to settle informally.
- 1.7** Confidentiality is important in securing the confidence of all concerned. Conversations and correspondence will be treated with discretion. Parents/carers need to feel confident that a complaint will not disadvantage their child. However, the parties to a complaint should realise that some information may have to be shared to carry out a thorough investigation.
- 1.8** If the investigation of a concern or complaint shows that it is justified, then the school should consider how to make amends in an appropriate way.
- 1.9** All complaints will be recorded and monitored to identify issues and allow any lessons to be learned by the school.
- 1.10** Schools will not investigate anonymous complaints under the procedures in this policy. Anonymous complaints will be referred to the Principal/Head of School to decide what, if any, action should be taken.
- 1.11** Schools will seek to ensure that the complaints process is accessible to all and will make appropriate adjustments to enable all complainants to use the policy effectively. Such adjustments may include, for example, the use of translation services, adaptive technology, consideration of the time of meetings and venues as appropriate.

2. Terms Used

- 2.1** Within this document, where the word “academy” or “school” is used, it applies to all academies within the Trust.
- 2.2** For the purposes of this policy and procedures, a “parent/carer” includes the natural or adoptive parent of a student, irrespective of whether the student lives with them, whether they have parental responsibility or whether they have contact with the student. It also includes a non-parent with parental responsibility for a student, an

adult non-parent with whom the student lives and an adult who is involved in the day-to-day care of the student.

- 2.3** Any reference to a “student” will also include a prospective or former student of the school.
- 2.4** A person making a complaint will be referred to as a “complainant” throughout this policy.
- 2.5** For the purposes of this complaints policy, a “school day” is defined as a weekday during term time, when the school is open to children. The definition excludes weekends, school holidays, bank holidays and non-pupil (or INSET) days.

3. Time Limits

- 3.1** Schools aim to resolve concerns, difficulties and complaints in a timely manner. Time limits for each stage of the procedure are set out below.
- 3.2** Although every effort will be made by schools to comply with the time limits specified under each stage of the procedure, it may not always be possible to do so, for example due to the complexity or number of matters raised, or due to the unavailability of a complainant to attend a meeting, if offered. In all cases, where a time limit cannot be complied with, the school will write to the complainant within the specified time limit, setting out the reasons why the time limit cannot be complied with and confirming the new time limit which will apply.

4. Late Complaints

- 4.1** Where a complaint is submitted more than six months after the incident or event (or where the complaint relates to a series of incidents or events, more than six months from the date of the latest incident or event), schools reserve the right to refuse to investigate the complaint under this complaints policy if it appears reasonable and fair to do so, having regard to the circumstances surrounding the complaint.
- 4.2** Where a school decides that a complaint which was submitted late will not be investigated, the school will write to the complainant notifying them of the decision within 5 school days of the complaint being received.
- 4.3** If the complainant is unhappy with the decision not to investigate a complaint which was submitted late, the complainant may write to the Chair of the Local Governing Body at the school asking for the decision to be reviewed. The Chair of the Local Governing Body will be provided with all relevant documentation relating to the complaint, together with the letter from the school to the complainant, and will review the decision not to investigate the complaint. The Chair will not investigate the complaint itself during this review.

- 4.4 The Chair of the Local Governing Body will write to the complainant with the outcome of the review within 10 school days of the date that the letter from the complainant seeking the review was received, and provide the school with a copy of the letter.
- 4.5 If the Chair of the Local Governing Body quashes the decision not to investigate the complaint, it will be referred to the school to be dealt with under this complaints policy in the usual way.
- 4.6 If the Chair of the Local Governing Body upholds the decision not to investigate the complaint, the complainant may refer the concern or complaint to the Education and Skills Funding Agency as described towards the end of this complaints policy.
- 4.7 In exceptional circumstances, the Chair of the Local Governing Body can delegate the responsibility for the review to the Vice-Chair of the Local Governing Body.

5. Resolution Principles

- 5.1 It is in everyone's interest that concerns, difficulties and complaints are resolved to the satisfaction of all parties at the earliest possible stage. The way in which the concern, difficulty or complaint is dealt with after the matter is first raised by the complainant can be crucial in determining whether the complaint will escalate. To that end, members of staff will be periodically made aware of the procedure in this complaints policy, so that they will know what to do when a concern or difficult is raised with them.
- 5.2 At each stage of the complaints procedure, the investigator will consider how the complaint may be resolved. In considering how a complaint may be resolved, the investigator will give due regard to the seriousness of the complaint. It may be appropriate in order to bring the complaint to a resolution for the investigator to offer:
 - An explanation;
 - An apology;
 - Reassurance that steps have been taken to prevent a recurrence of events which led to the complaint;
 - Reassurance that the school will undertake a review of its policies and procedures in light of the complaint.
- 5.3 None of the above will constitute an admission of negligence or an acceptance of liability on behalf of the school.

6. Record Keeping and Confidentiality

- 6.1 A written record will be kept by the school of all formal complaints. This will include whether they were resolved at stage two or progressed to stage 3 or stage 4, and the action taken by the school as a result of those complaints (whether or not the complaints were upheld).

- 6.2** All correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State (or someone acting on his/her behalf) requests access to them.

7. Procedures

7.1 The schools' complaints procedure consists of four stages:

- Stage 1: concerns and difficulties, dealt with informally;
- Stage 2: complaints formally investigated by the Principal/Head of School (or designate);
- Stage 3: complaints formally reviewed by the Chair of the Local Governing Body (or designate);
- Stage 4: appeals heard by the Local Governing Body's Complaints Appeal Panel

7.2 Stage 1: Informal Concerns or Difficulties

7.2.1 The vast majority of concerns and complaints can be resolved informally. Schools aim to ensure that parents/carers feel able to raise concerns with staff without undue formality, either in person, by telephone or in writing.

7.2.2 Parents/carers should have an opportunity for informal discussion of their concerns with an appropriate member of staff. This discussion should aim to clarify the nature of the parent's/carer's concern and assure them that the school wishes to hear about it. The discussion should also aim to clarify what kind of outcome the parent/carer is seeking.

7.2.3 If the member of staff first contacted cannot deal with the matter immediately, s/he should make a firm arrangement to deal with it at a future date or refer the matter to another appropriate member of staff.

7.2.4 Staff should seek advice from their line manager if they are unsure of how to deal with the matter raised. Any matter that could potentially result in the following should immediately be referred to the Principal/Head of School: legal or insurance claim, action under the staff disciplinary procedures, child protection matters.

7.2.5 If the concern relates to the Principal/Head of School and the parent feels unable to raise it with them, they should be advised to contact the Chair of the Local Governing Body.

7.2.6 The staff member dealing with the concern should make sure that the complainant is clear about what will happen next (if anything). This should be put in writing if it seems the best way of making the next steps or outcome clear. Agreed actions and timescales should be recorded.

7.2.7 If no satisfactory solution has been found, the complainant should be informed about how they should proceed if they wish to take their complaint

further. They should be informed of any advice and support that may be available to them.

7.2.8 Schools will aim to resolve a concern or difficulty within 15 school days of the date that it was raised. Where a concern or difficulty has not been resolved by informal means within this time limit from the date it was raised, the complainant can submit matters raised as a formal complaint under stage 2 of the complaints policy.

7.3 Stage 2: Formal Complaints

7.3.1 Parents/carers who wish to pursue a formal complaint at stage two should be asked to put the complaint and their desired outcome in writing to the Principal/Head of School.

7.3.2 The Principal/Head of School should acknowledge the complaint orally or in writing within three school days of receipt. Ideally a response should be provided within 10 school days. If it is not possible to deal with the matter in this time, the complainant should be informed of when it is likely to be concluded.

7.3.3 The Principal/Head of School will ensure that an independent investigation is carried out. This may be delegated to another member of staff, where in the Principal/Head of School's opinion, this would be more appropriate. Investigations should aim to clarify what has happened, who has been involved and what the complainant feels would put things rights.

7.3.4 The Principal/Head of School (or designated member of staff) may offer an opportunity for the complainant to meet with him/her. The complainant should, if s/he wishes, be allowed to be accompanied by a friend or relative who can speak on his/her behalf.

7.3.5 The Principal/Head of School (or designated member of staff) will keep written records of all meetings, telephone conversations and any other documentation which will be held securely on the school premises.

7.3.6 Once all relevant facts have been established, the Principal/Head of School (or designated member of staff) should either write to the complainant or arrange a meeting to discuss or resolve the matter. This meeting should be followed up with a letter summarising the outcome of the meeting. The complainant should be advised in the letter that if they remain unhappy with the outcome, s/he may have the decision reviewed by the Chair or Governors under stage 3 of these procedures.

7.3.7 Where relevant, findings and recommendations may also be sent to the person complained about.

7.3.8 Any formal complaint about the Principal/Head of School should be made in writing to the Chair of the Local Governing Body. In such situations, the Chair of the Local Governing Body should carry out the stage two procedures.

7.4 Stage 3: Review by the Chair of Local Governing Body

7.4.1 If the complainant is unsatisfied with the outcome of the complaint under stage two, the complainant may write to the Clerk to the Local Governing Body asking for the complaint to be reviewed by the Chair of the Local Governing Body, within five school days of receiving the letter, or the meeting, confirming the outcome of stage two.

7.4.2 No new matters can be raised in this stage. Only documentation referenced in stages one and two can be reviewed. The complainant should not repeat the matters raised in their original letter or attach documentation already provided, but should clearly set out how and why the complainant does not accept the findings made under stage two.

7.4.3 The complainant's letter will be acknowledged within five school days of receipt. The acknowledgement letter will confirm the date that the formal complaint was received, the action to be taken and the specified time limit.

7.4.4 The Chair of the Local Governing Body will be provided with all documentation relating to the complaint within five school days of receipt of the letter requesting a review under stage 3, including records of stage one (if applicable), the original letter of complaint, any documentation provided by the complainant with their complaint, all investigation records under stage two and any letter of outcome under stage two.

7.4.5 The Chair of the Local Governing Body will review all the documentation received and consider the matters raised in complaint and the investigation carried out under stage two. The Chair of the Local Governing Body will only speak to the persons involved in the matters raised to clarify matters which were not confirmed during the stage two investigation, if believed necessary.

7.4.6 If the Chair of the Local Governing Body deems it to be appropriate in relation to the matters raised, the complainant will be offered a meeting to discuss the issues raised. If a meeting is deemed appropriate, it will usually take place after the review has been completed with the aim of reaching a mutually acceptable resolution.

7.4.7 The Chair of the Local Governing Body will write to the complainant confirming the outcome of the review within twenty school days from the date that the request for a review was received. The letter will set out whether the Chair agrees with the findings and conclusion under stage two, and give reasons, as well as responding to any criticisms of the stage two investigation. The letter will inform the complainant that, if they are

unsatisfied with the outcome of the stage 3 review, they should write to the Clerk to the Local Governing Body within five school days of receipt of the letter requesting a complaint panel hearing under stage 4 of this policy.

7.4.8 In appropriate cases, the Chair of the Local Governing Body may delegate the review under stage 3 to the Vice-Chair, if s/he has previously been involved at stage two.

7.5 Stage 4: Appeal to a Panel of Governors

7.5.1 Upon receipt of a written request from the complainant to proceed to stage 4, the Clerk to the Local Governing Body should write acknowledging receipt of the written request, informing the complainant that a panel of the governing body will hear the appeal within 15 school days of its receipt.

7.5.2 The Clerk will convene a meeting of the Complaints Appeal Panel at a time that aims to be convenient for the complainant and the school.

7.5.3 The Clerk will ensure that all members of the Panel have no prior involvement with the complaint. The Panel will consist of two governors and one independent member, who will be appointed by Bright Futures Educational Trust and is not involved in the management and running of the school.

7.5.4 Individual governors should not get involved in looking into complaints before this stage to avoid prejudicing their potential involvement. If individual governors are approached by parents or others with complaints they should refer the complainant to the school complaints procedure.

7.5.5 The Clerk should ensure that the complainant, the Principal/Head of School and any other witnesses are given at least five school days' notice in writing of the date, time and place of the hearing or otherwise are in full agreement of a shorter timescale. The letter of notification to the complainant should also inform him/her of their right to be accompanied by a friend or relative who can act as an advocate. The letter should set out the procedure for the conduct of the hearing (see Annex A) and the complainant's right to submit further written evidence to the committee.

7.5.6 The Clerk should invite the Principal/Head of School to attend the hearing and to submit a written report for the committee in response to the complaint. The Principal/Head of School may also invite the Chair of the Local Governing Body or any other members of staff directly involved in the matter raised by the complainant to respond in writing and/or in person to the complaint. Any involvement of other staff should be at the discretion of the Chair of the Panel.

7.5.7 All relevant documents should be received by all parties at least 5 school days before the meeting of the panel.

- 7.5.8** A professional advisor may be invited to attend the meeting to advise the committee.
- 7.5.9** The panel should elect a Chair who should ensure that proper Minutes of the meeting are taken.
- 7.5.10** The Chair of the Panel should try to ensure that the proceedings are sufficiently informal as possible and that the complainant and other participants feel at ease.
- 7.5.11** The aim of the appeal to the panel is to resolve the complaint and achieve reconciliation between the school and the complainant. However, it may only be possible to establish the facts of a situation and make recommendations about future actions, and to satisfy the complainant that their complaint has been taken seriously.
- 7.5.12** The panel's findings and recommendations will be communicated in writing to all parties within 5 school days of the hearing. They should include: a judgement about the validity of the complaint; appropriate action to be taken by the school and/or parent; and where appropriate, recommendations on changes to the school's systems or procedures to ensure similar problems do not arise in future.
- 7.5.13** The school should ensure that a copy of all correspondence and notes is kept confidentially on file in the school. This should be separate from students' personal records.
- 7.5.14** Once the matter is concluded, the broad outcomes recommended by the panel can be reported at the next full Local Governing Body or appropriate Committee meeting, with the identity of all those taking part kept confidential. The Local Governing Body should monitor the implementation of any recommendations.

8. Complaints to the Education and Skills Funding Agency

- 8.1** The primary responsibility for resolving complaints rests with the Local Governing Body (1998 Education Act, Part II, Chapter 3, Paragraph 39[1]).
- 8.2** If a complainant is not satisfied with the way the school has handled their complaint, they may complain to the Education and Skills Funding Agency (ESFA) via the Department for Education's [school complaints form](#).

9. Behaviour of Complainants

- 9.1** When a complaint is made, the school aims to deal with the complainant in a friendly, courteous and professional manner and the same is expected of the complainant.

- 9.2** The school has a duty to ensure the safety and welfare of its staff. Members of staff who are dealing with complaints are not expected to tolerate unacceptable behaviour by complainants.
- 9.3** Unacceptable behaviour is defined as behaviour that is unacceptable by normal standards and is disadvantageous to the individual, such as the threat of or use of harassment, verbal abuse or physical violence. Examples of unacceptable behaviour may include:
- Harassment through aggressive or abusive language or behaviour (face-to-face, by telephone, in written or electronic communications). Members of staff should not be subjected to rude, abusive, derogatory, threatening or harassing language or unwanted physical or non-verbal conduct.
 - Unreasonable demands and persistence. What constitutes unreasonable demands may depend on the circumstances surrounding the behaviour but could include demanding responses or action within an unreasonable timescale, continual phone calls or letters or continuing refusal to accept a decision made in relation to a complaint.
- 9.4** If the school considers that a complainant's behaviour is unacceptable then it will tell them why it finds their behaviour unacceptable and ask them to change it. If the unacceptable behaviour continues, the school will take action to restrict future contact with the school, by for example:
- Requesting contact in a particular form (for example, letter only);
 - Requiring contact to take place with a named member of staff only;
 - Asking the complainant to enter into an agreement about their conduct.
- 9.5** Where the behaviour is so extreme that it threatens the immediate safety and welfare of a member of staff other options may be considered, for example, requiring the complainant to leave the premises immediately, reporting the matter to the police or taking legal action. In such cases, the complainant may not be given prior warning of that action.

Annex A

Model Procedure for the Conduct of a Stage 4 Appeal Panel Hearing

1. The Chair of the Panel should invite all parties (except any witnesses) into the room, introduce them and explain the role of each person.
2. The Chair should explain to all present that the purpose of the hearing is to review the complaint and try to resolve it and achieve reconciliation between the school and the complainant. However, it may only be possible to establish the facts of the situation and make recommendations about future action.
3. The Chair should then ascertain whether the proposed procedure is acceptable. If so, the meeting will proceed along the following lines:
 - a. The Complainant describes her/his complaint and may call witnesses.
 - b. The Principal/Head of School may seek clarification from the complainant and any witnesses.
 - c. The governors' panel or its advisers may seek clarification from the complainant and any witnesses.
 - d. The Principal/Head of School will respond to the complaint and may call witnesses.
 - e. The complainant may seek clarification from the Principal/Head of School and any witnesses.
 - f. The governors' panel or its advisers may seek clarification from the Principal/Head of School and any witnesses.
 - g. The Principal/Head of School will be given the opportunity to sum up.
 - h. The complainant will be given the opportunity to sum up.
 - i. Both parties will leave the room to allow the panel to deliberate but any advisers may remain to offer technical and procedure advice.
4. The panel should make a decision or judgement on: the validity of the complaint; appropriate action to be taken by the school and/or parent; and where appropriate, recommendations on changes to the school's systems or procedures to ensure similar problems do not arise in the future.
5. The decision or judgement will be confirmed in writing to all parties within 5 school days.