



Brook Learning Trust

Complaints Procedure Policy

At Brook Learning Trust we bring together our unique academies in our belief in the power of education to change lives and communities. It is our steadfast purpose to challenge and defy the barriers that constrain the educational progress of any child. We set high aims for aspiration and secure collective responsibility for all our children's achievements. Our work is underpinned by the values of Integrity, Respect, Courage, Optimism, Excellence and Accountability.

This Complaints Procedure Policy encompasses complaints relating to Brook Learning Trust and its academies. For complaints relating to the Trust, where the policy states 'Principal' read 'CEO' and where it states 'Academy Council', read 'Trust Board'.

1 Summary

The Education (Independent School Standards) (England) Regulations 2014 sets out the manner in which complaints are to be handled by academies. As such, Brook Learning Trust ensures that the Complaints Procedure Policy:

- a Is in writing
- b Is made available to parents of pupils
- c Sets out clear time scales for the management of a complaint
- d Allows for a complaint to be made and considered initially on an informal basis
- e Where the parent is not satisfied with the response to the complaint made in accordance with sub-paragraph (d), establishes a formal procedure for the complaint to be made in writing
- f Where the parent is not satisfied with the response to the complaint made in accordance with sub-paragraph (e), makes provision for a hearing before a panel appointed by or on behalf of the Trust and consisting of at least three people who were not directly involved in the matters detailed in the complaint
- g Ensures that, where there is a panel hearing of a complaint, one panel member is independent of the management and running of the respective academy
- h Allows for a parent to attend and be accompanied at a panel hearing if they wish
- i Provides for the panel to make findings and recommendations and stipulates that a copy of those findings and recommendations is:
 - i. sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about and is;
 - ii. available for inspection on the respective academy premises by the Trust and the Principal
- j Provides for a written record to be kept of all complaints that are made in accordance with sub-paragraph (e), and
 - i. whether they are resolved following a formal procedure or proceed to a panel hearing; and
 - ii. action taken by the academy as a result of those complaints (regardless of whether they are upheld)

- k Provides that correspondence, statements and records relating to individual complaints are to be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

1.1 Dealing with complaints – initial concern

The Trust requires its academies to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the number that develop into formal complaints.

1.2 Dealing with complaints – formal procedures

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

The personnel responsible for that area of the complaint have responsibility for the operation and management of the complaint. Should this person not be able to resolve the complaint the matter will be taken to the Principal, or in the case of a complaint regarding the Trust, the CEO.

2 Framework of Principles

An effective complaints procedure will:

- Encourage resolution of problems by **informal** means wherever possible
- Be easily **accessible** and **publicised**
- Be **simple** to understand and use
- Be **impartial**
- Be **non-adversarial**
- Allow **swift** handling with established **time limits** for action and keeping people informed of the progress
- Ensure a full and **fair** investigation by an independent person where necessary
- Respect people's desire for **confidentiality**
- Address all the points at issue and provide an **effective** response and **appropriate** re-dress where necessary
- Provide **information** to the Senior Leadership Team so that services can be improved.

2.1 Investigating Complaints

At each stage, the person investigating the complaint will make sure 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 and be prepared to persist in the questioning
- Keep notes of the interview.

2.2 Resolving Complaints

At each stage in the procedure each respective academy will want to keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one of 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 Trust/academy policies in light of the complaint.

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

An effective procedure will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

2.3 Vexatious Complaints

If properly followed, the complaints procedure should limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied.

If the complainant tries to reopen the same issue, the Chair of the Academy Council is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

2.4 Time Limits

Complaints need to be considered, and resolved, as quickly and efficiently as possible, with realistic time limits for each action within each stage.

3 The Complaints Procedure

Stage 1 of the process is informal:

STAGE 1

If parents/guardians or other stakeholder have a concern about one of the academies or the Trust, they should try to talk to someone at the respective academy or Trust department, preferably the person who is most closely involved. A concern can usually be settled quickly and without fuss by contacting the right person. This could be a child's teacher, another member of the senior staff or the Principal or his/her representative.

If a concern cannot be resolved in this way or the complainant is not satisfied with the way it has been dealt with, the concern should be taken to Stage 2:

STAGE 2

The complainant should submit their complaint to the relevant Principal or his/her representative who will investigate the complaint. A complainant should normally do this in writing, unless an alternative communication method is preferred due to disability or learning difficulty. If the complaint is about the Principal or his/her representative, it should be taken directly to the Chair of the Academy Council (see Stage 3). The academy/Trust will let the complainant know that it has received their complaint and a meeting will be held within **10** working days (excluding academy holidays). The complainant will be given the results of the Principal's investigation in writing within **15** working days (excluding academy holidays).

If a complaint has still not been resolved to the complainant's satisfaction they may proceed to Stage 3:

STAGE 3

A complaint should be made in writing, unless an alternative communication method is preferred due to disability or learning difficulty, to the Chair of the Academy Council. The complainant should make it clear why they are complaining, who they have already spoken to and what they want to happen as a result of their complaint. The Chair will inform the complainant that (s)he has received their complaint within **7** working days (excluding academy holidays) and will then investigate it. The complainant will be told about the outcome of the Chair's investigation, in writing, within **20** working days (excluding academy holidays).

If the complainant is still not satisfied after receiving the Chair of Academy Council's report, they can ask to have their complaint referred to a Complaints Panel at Stage 4:

STAGE 4

The complainant can write to the Trust Clerk for the attention of the Academy Council, c/o the academy, unless an alternative communication method is preferred due to disability or learning difficulty. They should explain exactly why they are unhappy with the Chair's findings and ask that a Complaints Panel be set up to look at the complaint. The Complaints Panel will be appointed by or on behalf of the Trust. The Complaints Panel must consist of at least three people who were not directly involved in the matters detailed in the original complaint, and one panel member must be independent of the management and running of the respective academy. The Complaints Panel will meet within **10** working days (excluding academy holidays) after the Trust Clerk receives the complainant's letter. The complainant will be told in advance about the process and what will happen at the Complaints Panel meeting. The complainant can attend and bring a relative or friend to support them. They will be told in writing about the Complaints Panel's findings within **5** working days (excluding academy holidays) from the date of the meeting.

If the complainant believes that their complaint was not handled fairly according to the Trust's Complaints Procedure Policy, they can appeal to the Board of Trustees of the Brook Learning Trust at The High Weald Academy, Angley Road, Cranbrook, Kent, TN17 2PJ.

If, all stages of the Complaints Procedure have been carried out and the complainant remains dissatisfied, they can appeal to the Education and Skills Funding Agency (ESFA). Details of how to submit a complaint can be found at:

https://form.education.gov.uk/en/AchieveForms/?form_uri=sandbox-publish://AF-Process-f1453496-7d8a-463f-9f33-1da2ac47ed76/AF-Stage-1e64d4cc-25fb-499a-a8d7-74e98203ac00/definition.json&redirectlink=%2Fen&cancelRedirectLink=%2Fen

POLICY REVIEW AND RATIFICATION

This policy is reviewed bi-annually and ratified by the BLT Board in July

This review by BLT Executive July 2018

Summary of amendments to this iteration: Updated to include the 2014 version of The Education (Independent School Standards) (England) Regulations

Inclusion of reference to 2010 Equalities Act
Broadening the policy to cover complaints from those who are not parent/carers
ESFA website link updated.

Ratified by the Board July 2018

Next review due July 2020