



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'. This complaints procedure is not limited to parents or carers of children that are registered at an academy. Any person, including members of the public, may make a complaint about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (as defined below) we will use this complaints procedure.

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 and stakeholders
- c Sets out 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 complainant 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 complainant 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 complainant 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.

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. 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’.

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.

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.

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.

Anonymous Complaints

We will not normally investigate anonymous complaints. However, the Principal or Chair of Academy Council, as appropriate, will determine whether the complaint warrants an investigation.

Serial, Persistent or Vexatious Complaints

There may be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied.

If the complainant contacts the academy repeatedly about the same matter, then such communication may be viewed as 'serial' or 'persistent'. If a complainant tries to re-open the same issue, they may be informed that the procedure has been completed and that the matter is now closed or the academy may choose not to respond. The academy will not mark a complaint as 'serial' before the complainant has completed the procedure. The decision to stop responding will not be taken lightly and will only be taken on the advice of the CEO and/or the Chair of Trust Board if they believe that all reasonable steps have been taken to address the complainant's needs and that the academy's position has been stated clearly and despite this, the complainant is making the same points repeatedly.

The characteristics of a 'vexatious' complaint are those which are:

- Obsessive, persistent, harassing, prolific, repetitious
- Insistent upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason
- Insistent upon pursuing meritorious complaints in an unreasonable manner
- Designed to cause disruption or annoyance
- Demanding of redress and that lack any serious purpose or value.

We are committed to dealing with all complaints equitably, comprehensively, and in a timely manner and we will not normally limit the contact which complainants have with the academy. However, we do not expect staff to tolerate vexatious or unacceptable behaviour by complainants. Unacceptable behaviour includes behaviour which is abusive, offensive or threatening. If a complainant behaves in a way that is persistent, unreasonable or vexatious appropriate and proportionate restrictions on contact may be imposed. An unreasonably persistent and/or vexatious complainant may be:

- Advised that contact by telephone, except through a named third party acting on their behalf, will not be accepted by the school
- Advised that emails will not be responded to and that all correspondence should be by letter
- Advised that they will not be allowed access to the school site unless requested to do so
- Advised that their contact with the school is to take place with one named member of staff only
- Advised that telephone calls will be restricted to specified days/times/duration, as is appropriate
- Advised we will not reply to, or acknowledge any further contact from them on the specific topic of that complaint
- In most cases restrictions will apply for between three and six months, but may be extended in exceptional cases.

Time Scales

Complainants 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. We will consider complaints made outside of term time to have been received on the first school day after the holiday period. Complaints will be considered, and resolved, as quickly and efficiently as possible, with realistic time limits for each action within each stage.

Scope of this Complaints Procedure

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

- Admissions
- Statutory assessment of special educational need
- Child Protection matters
- Exclusion
- Whistleblowing
- Staff grievance
- Staff conduct
- Complaints about services provided by other providers who may use academy premises or facilities.

The Complaints Procedure

Stage 1 of the process is informal.

STAGE 1

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

If parents 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 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. Complainants should not approach individual Academy Councillors or Trustees to raise concerns or complaints. They have no power to act on an individual basis and this may also prevent them from considering complaints at further stages of the procedure.

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

Formal complaints must be made to the Principal (unless they are about the Principal), via the school office. This may be done in person, in writing or by telephone. The Principal will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within five school days. Within this response, the Principal will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would

like to see. The Principal can consider whether a face to face meeting is the most appropriate way of doing this.

The Principal may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken. During the investigation, the Principal (or investigator) will:

- If necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- Keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the Principal will provide a formal written response within fifteen school days of the date of receipt of the complaint. If the Principal is unable to meet this deadline, they will provide the complainant with an update and revised response date. The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions to be taken to resolve the complaint.

The Principal will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

If the complaint is about the Principal or his/her representative, it should be taken directly to the Academy Council (see Stage 3).

STAGE 3

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3 – a meeting with members of the Academy Council/Trust Board's Complaints Committee, which will be formed of the first three, impartial, Councillors/Trustees available. This is the final stage of the complaints procedure.

A request to escalate to Stage 3 must be made to the Clerk via, kuitc@brooklearningtrust.org.uk, within seven school days of receipt of the Stage 2 response. Requests received outside of this time frame will only be considered if exceptional circumstances apply. The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within ten school days.

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within twenty school days of receipt of the Stage 3 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed. If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

The Complaints Committee will consist of at least three Councillors/Trustees with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee. The Chair may request an investigation prior to the meeting. The committee can be comprised of Councillors at any BLT academy or Trustees from the BLT Board.

The aim of the hearing will be to resolve the complaint and, if at all possible, achieve a reconciliation between the academy and the complainant.

A written statement outlining the decision of the Complaints Committee will be sent to the complainant and the Principal within twenty school days of the meeting and where relevant the person being complained about.

External Bodies

If the complainant believes their complaint was not handled in accordance with this published Complaints Procedure Policy or that the academy or Trust acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education (DfE) after they have completed Stage 3.

The DfE will not normally reinvestigate the substance of complaints or overturn any decisions, rather they will consider adherence to education legislation and any statutory policies connected with the complaint. The DfE complaints form 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 2020

| | |
|--|--|
| Summary of amendments to this iteration: | Setting out timeframe for complaint Noting complaints that fall outside the policy Clarification on serial, persistent, vexatious or anonymous complaints Amendment to a three stage process in line with DfE Best Practice Guidance 2020 |
|--|--|

Ratified by the Board July 2020

Next review due July 2022