

Brine Multi Academy Trust



COMPLAINTS PROCEDURE

SCOPE OF THE PROCEDURE

This Procedure applies to all schools within the Brine Multi-Academy Trust.

The trustees of BRINE MULTI ACADEMY TRUST (Brine MAT) have approved and adopted this procedure to allow parents/carers of a student attending academy schools within the trust to raise a concern or complaint. We will also usually follow this procedure when dealing with complaints from others, but reserve the right to substitute this procedure for an alternative process where it is appropriate to do so.

This procedure does not apply to concerns and complaints relating to the following, which are dealt with under separate policies:

- exclusions;
- admissions;
- appeals relating to internal assessment decisions for external qualifications;
- complaints about statements of SEN/EHC Plans;
- grievances or disciplinary issues relating to members of staff; or
- issues related to child protection.

AIMS

The aims of the procedure are:

- to deal with any complaint against an academy or any individual connected with it by following the correct procedure;
- to deal with all complaints thoroughly and by being open, honest and fair when dealing with the complainant.

All staff will be made aware of this complaints procedure and are expected to review this policy regularly in order that they are familiar with our process of dealing with complaints and can be of assistance when an issue is brought to their attention.

Part 1 of this policy outlines how parental or pupil complaints will be dealt with by the trust in accordance with the requirements of The Education (Independent School Standards) (England) Regulations 2014, as amended. Concerns or complaints from persons other than parents/carers or pupils should be dealt with in accordance with the Part 2.

UNDERSTANDING THIS PROCEDURE

In order to investigate your complaint as fully as possible, we have implemented a staged approach. We anticipate that almost all complaints that arise will be resolved at Stage 1 or Stage 2 below.

We expect our members of staff to be addressed in a respectful manner and for communication to remain calm at all times. The procedure under Part 3 will only be used on very rare occasions to deal with unreasonably persistent complainants or unreasonable complainant behaviour.

To enable a proper investigation, concerns or complaints should be brought to the attention of the academy as soon as possible. In general, any matter raised more than 3 months after the event being complained of will not be considered.

An anonymous concern or complaint will not be investigated under this procedure unless there are exceptional circumstances.

If it becomes necessary to alter the time limits and deadlines set out within this procedure, you will be advised accordingly and given an explanation as to why this has been the case and provided with revised timescales.

In this procedure:

- 'school days' excludes weekends, bank holidays, INSET days and academy holidays;
- 'parent' means a parent, carer or anyone with legal responsibility for a child.

PART 1: COMPLAINTS PROCEDURE

Stage 1: Informal Concerns

- 1.1 Many enquiries and concerns can be dealt with satisfactorily by the class teacher, head of department, head of year or other members of staff without the need to resort to the formal procedure. We value informal meetings and discussions and encourage parents to approach staff with any concerns they may have, and aim to resolve all issues with open dialogue and mutual understanding.
- 1.2 It is always helpful if you can fully explain the nature of the concern and identify the outcome you are looking for. You may be invited to an informal meeting with the member of staff most appropriate for dealing with that concern. The member of staff dealing with the concern will make sure that you are clear on what action (if any) has been agreed. This may be put in writing if appropriate.

- 1.3 If the matter is brought to the attention of the Headteacher s/he may decide to deal with your concerns directly at this stage. If the concerns are about the Headteacher these should be referred directly to the Chair of the Local Governing Body for the academy concerned under Stage 2.
- 1.4 There is no suggested timescale for resolution at this stage given the importance of dialogue through informal discussion, although it would be expected that most issues will be resolved within 15 school days. Where no satisfactory solution has been found, you will be advised that if you wish your concerns to be considered further you should write to the Headteacher under Stage 2.

Stage 2: Formal Written Complaints

- 2.1 If your concerns are not resolved under Stage 1 or you wish your concerns to be dealt with immediately as a formal complaint, you should put your complaint in writing and send this to the Headteacher of the relevant academy, which in the vast majority of cases will be the academy school which your child attends.
- 2.2 Your written complaint should include details which might assist the investigation, such as the nature of the complaint, details of how the matter has been dealt with so far, the names of potential witnesses, dates and times of events and copies of all relevant documents. It is very important that you include a clear statement of the actions that you would like the academy to take to resolve your complaint. You may wish to use the Complaint Form provided in Annex 1.
- 2.3 Your complaint will normally be acknowledged in writing within 5 school days of receipt. The acknowledgement will give a brief explanation of the academy's complaints procedure and a target date for providing a response to the complaint. This will normally be within 15 school days of receipt.
- 2.4 The Headteacher (or someone appointed by them) will usually invite you to a meeting to clarify your complaints and to explore possible resolutions. If you accept that invitation, you may be accompanied by one other person, such as a friend, relative, advocate or interpreter, to assist you. Where possible, this meeting will take place within 10 school days of receipt of the written complaint.
- 2.5 If necessary, witnesses will be interviewed and statements taken from those involved. If the complaint centres on a student, the student should also be interviewed. Students should normally be interviewed with their parent present, but if this would seriously delay the investigation of a serious or urgent complaint or if the student has specifically said that s/he would prefer that their parents were not involved, another member of staff with whom the student feels comfortable should be present. If a member of staff is complained against, they must have the opportunity to present their case.
- 2.6 Once all the relevant facts have been established as far as possible, you will be provided with a written response to the complaint, including a full explanation

of the decision and the reasons for it. This will include what action the academy will take to resolve the complaint (if any). You will be advised that if you are dissatisfied with the outcome of the complaint, you may request that your complaint be heard by the Complaints Committee.

- 2.7 If in the early stages of the investigation, the Headteacher considers that the complaint is best dealt with immediately at Stage 3, it will be passed to the Chair of the [local governing body/trustees] and you will be informed of this action without delay.

What if the complaint is about the Headteacher?

If the complaint is about the Headteacher, or if the Headteacher has been closely involved at Stage 1, your complaint should be sent to the Chair of the [local governing body] who will carry out all the Stage 2 procedures.

What if the complaint is about a member of the local governing body?

You should contact the Chair of the local governing body who will investigate the concerns in accordance with Stage 2. If the complaint is about the Chair of the local governing body you should contact the Vice Chair.

If the complaint is about the local governing body as a whole, you should send your complaint to the Chair of the Trustees c/o the Clerk to Trustees using the following address: Brine Leas School, Audlem Road, Nantwich, CW5 7DY.

Stage 3: Referral to the Complaints Committee

- 3.1 If you are dissatisfied with the decision under Stage 2, you may request that a Complaints Committee be convened to consider your complaint. Your request will only be considered if you have completed the relevant procedures at Stages 1 and 2.
- 3.2 To request a hearing before the Complaints Committee, you should write to the Clerk to the local governing body at the academy address OR trustees who is based at Brine Leas School, Audlem Road, Nantwich, Cheshire CW5 7DY, within 10 school days of receiving notice of the outcome of Stage 2. You should ensure that you provide copies of all relevant documents and state all the grounds for your complaint and the outcome that you are looking for.
- 3.3 Your written request will be acknowledged within 5 school days of receipt.
- 3.4 The Clerk will arrange for a Complaints Committee to be convened, made up of at least three members, including:
- members of the local governing body and/or trustees of the academy trust with no prior involvement in the matter; and,
 - one person who is independent of the management and running of the academy trust.

- 3.5 The Clerk shall appoint one of these members to be the Chair of the Committee.
- 3.6 Every effort will be made to enable the hearing to take place within 20 school days of the receipt of your request. As soon as reasonably practicable and in any event at least 5 school days before the hearing, you will be sent written notification of the date, time and place of the hearing, together with brief details of the committee members who will be present. Fair consideration will be given to any bona fide objection to a particular member of the committee. The notification will also inform you of your right to be accompanied to the meeting by a friend, relative, advocate or interpreter and explain how the meeting will be conducted. You should notify the Clerk in advance if you intend to bring anyone to the hearing.
- 3.7 A copy of the complaint and any other documents provided by you in support of your complaint or by the academy in defence of the complaint will be provided to the Complaints Committee as soon as practicable upon receipt. Copies of these documents shall also be provided to you or Headteacher (as applicable) at least 3 school days before the hearing. The Complaints Committee reserves the right not to consider any documentation presented by either you or the academy less than 3 school days prior to the hearing. The Complaints Committee is under no obligation to hear oral evidence from witnesses but may do so and/or may take written statements into account.
- 3.8 The hearing will be conducted in such a way as to ensure that each party has the opportunity to address the Complaints Committee. The procedure to be followed during the hearing will be set out to the parties by letter in advance of the hearing. The Clerk will ensure that sufficient notes are taken to record an accurate reflection of the points considered and any decisions taken or actions agreed.
- 3.9 Unless otherwise stated, the procedure for an appeal is as follows:
- the parent and Headteacher will enter the hearing together;
 - the Chair of the Committee will introduce the committee members and outline the process;
 - the parent will explain the complaint;
 - the Headteacher and committee members will question the parent;
 - the Headteacher will explain the academy's actions;
 - the parent and the committee members will question the Headteacher;
 - the parent will sum up their complaint;
 - the Headteacher will sum up the academy's actions;
 - the Chair of the Committee will explain that both parties will hear from the committee within 5 school days;
 - both parties will leave together while the committee decides;
 - the Clerk will stay to assist the committee with its decision making.

The Clerk and or Complaints Committee reserves the right to modify the above procedure at their sole discretion, for example requiring the parent and Principal to present their complaint/actions separately to the Committee in the absence of the other party.

- 3.10 After the hearing, the Complaints Committee will consider their decision and inform you and the Headteacher of their decision in writing within 5 school days. The letter will set out the decision of the committee together with the reasons underpinning that decision. The committee can (by a majority if necessary):
- dismiss the complaint in whole or in part;
 - uphold the complaint in whole or in part;
 - decide on the appropriate action to be taken to resolve the complaint;
 - recommend changes to the academy's systems or procedures to ensure that problems of a similar nature do not happen again.

Stage 4: Referral of Complaint to Education and Skills Funding Agency (ESFA)

If you are dissatisfied with the decision of the Complaints Committee, you are entitled to refer your complaint to the Education and Skills Funding Agency (ESFA) who has limited powers to review the handling of the complaint in accordance with ESFA's 'Procedure for dealing with complaints about Academies'.

At the time of writing this procedure, the ESFA procedure and the ESFA academy complaints form are available at:

<https://www.gov.uk/complain-about-school>

Records of Complaints

A written record will be kept of all complaints, including at what stage they were resolved. Correspondence, statements and records relating to individual complaints will be kept confidential except where access is requested by the Secretary of State or where disclosure is required in the course of a school inspection or under other legal authority.

PART 2: CONCERNS OR COMPLAINTS FROM PERSONS OTHER THAN PARENTS/CARERS OF REGISTERED PUPILS IN THE ACADEMY

The main body of this complaints policy applies solely to complaints made by parents or carers of pupils in the academy. The academy wishes to work closely with other members of the local community and will deal with concerns and complaints as follows:

1. A concern regarding the academy and/or its operations may be made to any member of staff. That member of staff will attempt to resolve the matter immediately or may, if appropriate, refer the matter to their line manager or member of SLT who is best placed to deal with the concern. It is expected that most concerns will be responded to orally or in writing within 5 school days. If a longer period is required, you will be kept informed of the progress of the investigation.

2. Where a concern is not resolved at stage 1, a formal complaint should be sent to the Headteacher to investigate. The Headteacher may delegate the task of investigation and/or responding to the complaint to a member of SLT or may escalate the complaint straight to stage 3. A formal response to the complaint will usually be provided within 10 school days of receipt of the letter of complaint although if a longer period is required to respond, you will be kept updated.
3. If you are not satisfied with the response at stage 2, you may request a review by writing to the Chair of the local governing body of the Academy. You should write to the Chair within 10 school days of receipt of the letter at stage 2. The Chair may consider the complaint alone or may convene a complaints committee on the same terms as set out in the main body of the complaints policy. The decision at this stage will usually be sent to you within 20 school days of receipt of the request for a review.

The decision at stage 3 exhausts the academy's complaints procedure.

PART 3: UNREASONABLY PERSISTENT COMPLAINANTS AND UNREASONABLE COMPLAINANT BEHAVIOUR

There are rare circumstances where we will deviate from the Complaints Procedure set out in Part 1.

These include, but are not necessarily limited to:

- where the complainant's behaviour towards staff, members of the local governing body or trustees is unacceptable, for example, is abusive, offensive or threatening;
- where, because of the frequency of their contact with the academy, the complainant is hindering the consideration of their or other people's complaints and/or the proper running of the academy;
- where the complainant's complaint is clearly vexatious and/or has patently insufficient grounds;
- where the complainant's complaint is the same, similar to or based on the same facts of a complaint which has already been considered in full by the academy.

In these circumstances, we may:

- inform the complainant that their behaviour is unacceptable or unreasonably persistent and ask them to change it;
- restrict the complainant's access to the academy e.g. requesting contact in a particular form (for example, letters only), requiring contact to take place with a named person only, restricting telephone calls to specified days and times or banning the complainant from the academy's premises;
- conduct the Complaints Committee on the papers only i.e. not hold a hearing;
- refuse to consider the complaint and refer the complainant directly to Stage 4.

In all cases we will write to tell the complainant why we believe his or her behaviour is unacceptable or unreasonably persistent, what action we are taking and the duration of that action.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of staff, members of the local governing body or trustees, we will consider other options, for example reporting the matter to the police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

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| Policy compiled by: Andrew Cliffe (CEO) | Date: May 2018 |
| Approved by Trustees: May 2018 | Review Date: May 2020 |

Annex 1

Complaints Form

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| Your name: |
| Student's name: |
| Your relationship to student: |
| Your address and postcode: |
| Your daytime telephone number: |
| Your evening telephone number: |
| Your email address: |
| Your complaint is: (if you have more than one complaint, please number these) |
| What action have you already taken to try and resolve your complaint(s)? (Who did you speak to and what was the response?) |

What would you like as an outcome from your complaint(s)?

Are you attaching any paperwork? If so, give details here:

Your signature..... Date

All functions of the complaints procedure must adhere to the requirements of the Data Protection Act 1998 and the Freedom of Information Act 2000.

Please complete and return to the academy office in a sealed envelope addressed to the Headteacher, Chair of the local governing body or Clerk to the local governing body/trustees (as appropriate).

Office use

Date received

Date acknowledgement sent

Responsible member of staff

Annex 2

Summary of Complaints Procedure

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| Stage 1: Informal concerns | Parent brings complaint to attention of member of staff |
| | Issue to be resolved within 15 school days |
| | Where no satisfactory solution has been found, parent to be advised that they should proceed to Stage 2 |
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| Stage 2: Formal Written Complaint | Parent to put complaint in writing using Complaint Form |
| | Complaint to be acknowledged within 5 school days |
| | (Optional) Meeting with parents within 10 school days |
| | Response to the complaint sent within 15 school days |
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| Stage 3: Referral Complaints Committee | Parent to request hearing within 10 school days of receiving notice of the outcome of Stage 2 |
| | Request to be acknowledged within 5 school days |
| | Hearing to take place within 20 school days of receipt of request |
| | Notification of date, time and place of the hearing and details of the committee members present sent at least 5 school days before the hearing |
| | Academy and parents to submit evidence in support of their case to Clerk at least 3 school days before the hearing |
| | Complaints Committee decision sent not more than 5 school days after the hearing |