

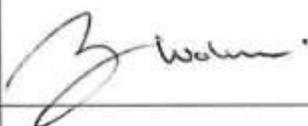


Brightwells

ACADEMY TRUST

Complaints Policy

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Review date	November 2022
Approval body	Brightwells Trust Board

Chair of Trust signature		Date	08/11/18
Chief Executive Officer signature		Date	08/11/18

Brightwells Trust schools provide a good education for all our children. Our Headteachers and other staff work very hard to build positive relationships with all stakeholders. However, from time to time something may go wrong, or you may think we can do something better, and this policy sets out how we will seek to resolve the issue and the procedure that will be followed in the event of a complaint.

Why do we have a complaints policy and procedure?

All academies must have a complaints procedure. This must meet the standards set out in the [Education \(Independent School Standards \(England\) Regulations 2014](#) Schedule 1, Part 7, which sets out how complaints procedures should be drawn up and used effectively to handle complaints from parents of pupils. The Freedom of Information Act 2000 also requires the procedure to be publicised. Parents, carers and pupils are all stakeholders in the educational system. If they are unhappy about something that is happening in their school, there should be a clear process for them to make the school aware of their concerns, and when they make a complaint they should expect to receive a response, even if all that response entails is an explanation of why something happens in the way that it does.

What sorts of complaints are dealt with under this policy?

1 Informal Concerns

Raising issues or concerns informally enables Brightwells schools to identify problems at an early stage and to resolve them quickly and effectively. Most issues that concern parents and carers can be successfully dealt with in an informal way. Schools should always encourage this, and parents/carers should always try and engage.

If an issue arises at the school that causes concern to a parent/ carer they should, in the first instance, raise the matter with the appropriate member of staff, usually the class teacher, at a mutually convenient time that will permit discussion and dialogue.

However, for rare situations where issues have not been resolved after an informal process, there is a formal process for making, investigating and resolving complaints.

2 Formal Complaints

The complaints procedure is for parents and carers where an issue has already been raised with the appropriate member of staff but has not been addressed or resolved to the parent or carer's satisfaction. Issues that could lead to a formal complaint include:

- Staff conduct
- Teaching and learning
- Bullying
- The school environment
- Discrimination

When a formal complaint is made, responsibility for taking the appropriate action lies with the school. Parents /carers will be kept informed of any investigations into their complaint, the outcome of those investigations and advice regarding any further steps they may wish to take.

In some cases a complaint may lead to a disciplinary or an appeal against a decision governed by

another process in which case it may be appropriate for the issue to be dealt with separately from the main complaints procedure. Parents/carers will be informed if that is the case.

Depending upon the nature of the complaint and who the complainant is, consent may be required from the individual or individuals who have parental responsibility of the child before any action is taken or information disclosed as per the Data Protection Act 1998.

This policy and procedures are designed to resolve complaints that may be brought from time-to-time by parents or carers whose children attend the school. If a complaint is received from someone other than a parent then it will be dealt with on a case-by-case basis. This procedure will be followed insofar as it is appropriate.

What sorts of complaints are not dealt with under this policy?

Existing statutory bodies, personnel or other policies and procedures already exist for dealing with the following issues:

- Child Protection matters or allegations of abuse
- Complaints about the EHC assessment and planning process for children with special educational needs
- Disciplinary issues relating to members of staff (although these may come about because of a formal complaint)
- Admissions and exclusions
- Curriculum complaints or complaints about the provision of collective worship

If a parent/carer has any concerns regarding these matters they should immediately refer them to the Head Teacher who will guide them to the correct policy.

If at any stage of the process, a complainant starts legal action in relation to the matters under consideration, the Brightwells complaints procedure will automatically cease and all further correspondence will be with the school's legal representatives.

Anonymous complaints will be assessed on a case by case basis.

Our approach to resolving issues and complaints

We see it as important to try and reach an early resolution with all types of complaint. This not only promotes closure in the matter but also encourages parents, children and teaching staff to move forward together in a constructive way.

It may be sufficient to acknowledge that a complaint is valid in whole or in part. It may also be appropriate to offer one or more of the following:

- an apology
- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that the incident complained of will not recur with an explanation of steps taken to ensure this

- An undertaking to review school policies in light of the complaint

When resolving issues raised by parents/carers it is important for the school to engage with them to find out what they feel would help resolve the situation. However, it is important to note that at any stage of the formal complaints procedure, the school may conclude that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld.
- There is sufficient evidence and the complaint is upheld in part or in full.
- The matter has been fully investigated, and appropriate procedures are being followed, which must remain strictly confidential under the Data Protection Act (e.g., where staff disciplinary procedures are being followed).

When a Brightwells school receives a complaint, the school will try to:

- Discuss the details with the complainant
- Clarify the details – what has happened and who was involved
- Discover what the complainant feels would remedy the situation
- Interview those involved – allowing them to be accompanied if they wish
- Approach the interview with an open mind and keep notes

Copies of notes or statements made during interviews used to form a complaint response are not routinely disclosed to a complainant.

Timing principles

If a school is unable to respond within the specified timescales, the school will inform the complainant before the deadline to give a reason and a new reasonable deadline.

It is in the interests of all parties that any concerns or complaints are raised as soon as practicable after they occur.

It is reasonable for schools to consider complaints up to a year after the event or a year after the event became known to the complainant; however schools are better able to respond to complaints while the events are relatively fresh.

Whilst there is no requirement for schools to consider parental complaints once their child is no longer a pupil at the school, considerations may be given should a complaint be underway before they leave. Parents wishing to wait to make a complaint after their child has left the school should be aware that the child's pupil file will have been passed onto the next school so the headteacher will have limited information on which to investigate.

The Procedure

The Complaints Policy adopted by Brightwells Academy Trust has three procedural stages. This enables complainants to have a clear idea of how to make their concerns known and where to turn if they are not satisfied with an answer that they may have been given. It also provides Brightwells schools with a clear approach to complaint handling.

It is very important that parents/carers follow this procedure and give the school reasonable time to resolve their concerns before considering taking the complaint to the next level.

Where the procedure refers to the headteacher, s/he may delegate any of the functions to a member of the senior leadership team. The final decision however will rest with the headteacher.

Stage 1 Informal Complaint

Concerns can be raised with the school at any time and will often generate an immediate response to help resolve the matter. Apart from scheduled Parent Consultation Evenings, or other arranged meetings with specific staff, the school requests that parents/carers always make their first contact with their child's class teacher.

At this stage it will be helpful to identify what sort of outcome the complainant is looking for in order to tackle minor concerns quickly and effectively.

Sometimes a concern raised with staff may require some investigation, or discussion with others.

The response should be provided within a maximum of 15 school days from the date the concern is raised.

The response can be oral or in writing, as deemed appropriate to the situation, however details of the complaint should be retained for monitoring purposes.

If the school is unable to respond within the timescale, it will inform the complainant before the deadline, giving a reason for any delay and a new reasonable deadline for reply.

As part of the response, the complainant should be advised of the next stage of the procedure in case they are not satisfied with the outcome.

If the problem is about the conduct of the class teacher, or if it is inappropriate for anyone below the level of the senior leadership team to respond, it may be prudent for the headteacher or a member of the senior leadership team to respond to a complaint directly under the stage 2 guidelines in the first instance.

The headteacher may escalate the complaint to any stage of the procedure if they feel it is appropriate.

A complainant's unreasonable refusal to attempt a local resolution may result in the procedure being terminated and this will be confirmed in writing.

Stage 2 Formal Complaint to the Headteacher

If the complainant is not satisfied with the response at Stage 1, they should be given the opportunity to take the complaint to stage 2 of the process in order for the headteacher to investigate. Equally, if the matter is considered to be of such concern, the headteacher may decide to undertake an investigation at stage 2 immediately.

Stage 2 complaints should be put in writing and delivered to the school, addressed to the Headteacher. Parents/carers should set out in their letter the reasons why they are not happy with efforts made so far to resolve their complaint and the complainant's desired outcome from the complaint.

If the Stage 2 is at the complainant's request, the complaint must be taken up by the complainant within 10 school working days following the informal Stage 1 response. It is not appropriate for a complaint to be pursued after a long lapse of time.

The complaint letter will be logged, including the date it was received. The school should provide oral or written acknowledgement of a complaint within **two school days** of receiving it and include a target date for response.

Complaints need to be considered, and resolved, as quickly and efficiently as possible so the target date for response should normally be within 20 school days of receipt of the complaint. If it is not possible to resolve matters within this timescale an explanation should be given, with a revised target date.

Where appropriate, the head teacher should provide the complainant with the opportunity to meet to discuss the complaint further and it is reasonable to allow a friend or advocate to accompany the complainant to the meeting if they so wish.

The head teacher should interview any relevant pupils / witnesses as soon as possible. Pupils may wish to be interviewed with parents or carers present. If that is not possible, then another member of staff with whom the pupil feels comfortable should be asked to attend. Written records should be kept of all meetings, telephone conversations and interviews etc.

Following the completion of all appropriate investigations, the head teacher will respond in writing to the complainant, with all appropriate information in relation to the complaint and information on any outcome(s).

Parents/carers will be asked to confirm whether or not they consider the matter to have been resolved. The response should inform the complainant of the next stage of the procedure in case they are not satisfied with the response.

Should the complaint be about a head teacher or if the head teacher has already had extensive involvement at this stage, it may be prudent to refer the complaint directly to the Chair of the Local Governing Body to be dealt with at Stage 3. However it is obviously desirable for the head teacher to continue to attempt to resolve the issue at this stage if possible.

Unless the complaint relates to the head teacher, the Chair of the Local Governing Body may ask the head teacher, member of the senior leadership team or other appropriate school governor to carry out any investigation on their behalf. This should be someone with no previous involvement in the complaint.

Further action at Stage 2

If the complainant considers that the decision of the head teacher is perverse, or that the head teacher has acted unreasonably in considering the complaint, then the complainant may bring a complaint in respect of the investigation carried out by the head teacher or member of the senior leadership team.

This will provide an opportunity for the evidence to support such a complaint to be investigated. In this case the complainant should submit, in writing, a complaint to the Chair of the Local Governing Body in respect of the head teacher's investigation within 10 school days of receiving the head teacher's written response.

The Chair of the Local Governing Body will carry out an investigation, and will consider all available evidence. This may include separate interviews with the complainant, the head teacher and relevant members of school staff if the Chair of the Local Governing Body requires additional evidence. However it would not be appropriate to question any children if they have been part of any previous investigation.

When the investigation has been concluded the complainant and the head teacher will be informed in writing of the outcome within 20 school days of receiving the complaint.

If the complainant is not satisfied with the manner in which the process has been followed, or considers that the decision of the Chair of the Local Governing Body is perverse, or that the Chair has acted unreasonably, then the complainant may request that the Local Governing Body review the handling of the complaint.

Stage 3 Formal Complaint to the Local Governing Body

Complaints rarely reach Stage 3, but governors should be prepared to deal with them if necessary.

If a complainant is not happy with efforts made at Stage 2 to resolve their complaint, they should write to the Chair of the Local Governing Body asking for the matter to be considered by the Governors' Formal Complaints' Panel with delegated power to hear complaints.

Complainants should be advised that complaints at this stage should usually be made in writing and addressed to the Chair of School Governors no later than 10 school days following receipt of a written outcome at Stage 2.

If the Chair of the Local Governing Body receives such a letter they should consult with the head teacher before taking any action. It is important to ensure that the earlier stages of the procedure have been exhausted and it may be more prudent that the Chair carry out an investigation or review as prescribed in the 'Further action at stage 2' above.

If the earlier stages have been exhausted then the Local Governing Body will convene a Governors' Formal Complaints' Panel to review the complaint and the way it has been dealt with.

Written acknowledgement of receipt should be made within 3 school days of receiving the complaint. The letter should inform the complainant that their complaint is to be heard by the panel within 20 schools days of receiving the complaint.

The governors' panel should consist of three members. It is important that the panel should not only be independent, but be seen to be so. Individual complaints should not be considered by the full governing body in case the investigation leads to a disciplinary hearing that would need to be heard by a separate group of governors. Similarly, some governors may have prior knowledge of a problem, which might

make them unable to give fair and unbiased consideration to the issue.

At least one of the three members of the panel must be independent of the management and running of the school. This means that the panel cannot be made up solely of governing body members because they are not independent of the management and running of the school. It is a matter for the school to identify suitably independent individuals who can fulfil the role and responsibility of being the independent member. This could be a member of the Local Governing Body of another Brightwells School.

The complaint panel meeting should be arranged, with enough notice given so that everyone, including the complainant, can make arrangements to attend. This notice period is usually at least 5 school days prior to the date of the panel meeting.

At this meeting the issues around the complaint can be discussed, with everyone involved invited to put forward their case. It is likely that the panel would also need to interview any people involved in order to get a clearer picture of the story. Any parties involved should also be invited to submit any extra evidence that has not been seen during the earlier stages.

Parents/carers are encouraged to attend the panel hearing and may be accompanied if they so wish. It is not recommended that pupils attend a hearing except in extraordinary circumstances agreed in advance with the Headteacher and Clerk. The aim of the panel hearing is to impartially resolve the complaint and to achieve reconciliation between the school and the complainants.

After the panel hearing the Complaints Panel will retire to consider what has been presented during the hearing and it will then make findings and recommendations regarding the complaint. All parties will be notified of the decision in writing, via email or letter, within 15 school **days** of the date of the hearing

Complaints about the conduct of the Headteacher or the Chair of the Local Governing Body

In exceptional cases where a complaint concerns the professional conduct of the Headteacher parents/carers should write to the Chair of the Local Governing Body in the first instance.

In exceptional cases where a complaint concerns the professional conduct of the Chair of the Local Governing Body, the complainant should write to the Headteacher in the first instance.

Both the Headteacher and the Local Governing Body will be informed of the complaint at an early stage and Brightwells' Clerk to Governors will arrange for the matter to be investigated in accordance with Stage 3 of the Complaints Procedure.

Appealing a Formal Complaints Panel decision

The Governors' hearing is the last school-based stage of the complaints process.

If the complainant is still unhappy, they may appeal in writing to The Education and Skills Funding Agency (ESFA).

The ESFA is responsible for ensuring that academies comply with their funding agreements.

If a complaint comes to the ESFA it will check whether the complaint has been dealt with properly by the academy. It will consider complaints about academies that fall into any of the following three areas:

1. Where there is undue delay or the academy did not comply with its own complaints procedure when considering a complaint
2. Where the academy is in breach of its funding agreement with the Secretary of State
3. Where an academy has failed to comply with any other legal obligation

The ESFA will not overturn an academy's decision about a complaint. However, if it finds an academy did not deal with a complaint properly, it will request the complaint is looked at again and procedures meet the requirements set out in the regulations.

If the academy's complaints procedure does not meet the regulations, it will ask the academy to put this right.

It may seek to enforce its decision under the terms of the funding agreement on behalf of the Secretary of State.

Monitoring, Evaluation and Review

The headteacher will record all complaints. Details should include:

- Name of complainant
- Details of the complaint
- A brief categorization of the type of complaint
- How the complaint was investigated and by whom
- When the complaint was made
- The results and conclusions of the investigation
- Any action taken as a result
- Any follow-up action taken
- Timeline including whether response time scales have been met

Details should also include:

- Which stage or stages of the procedure have been considered
- Whether the complaint at each stage was upheld, partially upheld or not upheld

One complaint can have several stages with different outcomes.

Gender, ethnicity, disability and other protected characteristics of complainants will be monitored in order to address any possible equality issues.

The Local Governing Body monitors the complaints procedure on a termly basis, to ensure that all complaints are handled properly.

Brightwells Trustees do not usually have any direct role in the resolution of complaints raised within this policy. However Trustees will periodically review complaints logs from each school in the trust on an annual basis.

This policy will be published on the trust website with a link to each Brightwells school website.

Retention of documents

Written records of all complaints indicating whether they were resolved at the preliminary stage or whether they proceeded to a panel hearing will be kept by the school in line with the Trust's schedule of document retention. This schedule meets GDPR requirements.

All correspondence, statements and records of complaints are confidential except where the Secretary of State for Education or a body conducting an inspection under section 163 of the 2002 Act requests access to them.

Vexatious Complaints

The ethos of Brightwells Trust and all the Brightwells schools is one of co-operation and working together. Complaints are most likely to reach a good resolution if complainants:

- Treat staff and governors with courtesy and respect
- Recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond to a complaint
- Recognise that some issues may not be resolved in a short time
- Follow this complaints procedure
- Speak politely and respectfully using appropriate language
- Raise concerns/complaints in an appropriate place and at an appropriate time (e.g. not in front of other parents or pupils nor in an open public space)
- Are prepared to work towards a resolution and in partnership with the school

Anyone making a complaint can expect to be treated fairly by the school. This means that school staff and governors will:

- Follow the complaints procedure and meet DfE expectations
- Respond within a reasonable time
- Be available for consultation within a reasonable time, bearing in mind the needs of pupils at the school and the nature of the complaint
- Respond with courtesy and respect
- Attempt to resolve problems using reasonable means
- Keep those involved informed of progress towards a resolution.

Brightwells schools take any incidents of unreasonable behavior very seriously. In this context unreasonable behavior includes:

- Making personal accusations or attacks on members of school staff
- Raising matters that are not about education or a child's wellbeing
- Making unsubstantiated allegations in public
- Behaving in an aggressive, abusive, violent or threatening way, including language
- Behaving in a harassing way including pursuing complaints in a way intended to cause personal distress rather than seeking a resolution
- Behaviour which is out of proportion to the nature of the complaint
- Behaviour which has a significant or disproportionately negative effect on the school community

- Appearing to deliberately target one or more people over a period of time
- Persisting after the complaints procedure has been exhausted, including making repetitious complaints, pursuing unjustified or unmeritorious complaints or persisting with unrealistic outcomes to unjustified complaints
- Personally harassing, or
- Unjustifiably repetitious or
- Obsessive, harassing, or prolific
- Acting in a way that will not further the aim of working with the school to reach a joint resolution, e.g. not giving a view about what would satisfy him/her or refusing to attend appointments to discuss the complaint
- Sending prolific correspondence or excessive email or telephone call about a complaint

Brightwells schools are expected to respond robustly to persistent complaints, vexatious complainants, unreasonable complaints or harassment.

Schools may take any or all of the following steps:

- Inform the complainant informally that his/her behaviour is now considered by the school to be unreasonable or unacceptable, and request a changed approach
- Inform the complainant in writing that the school considers his/her behaviour to be unreasonable within the context of this policy
- Require all future meetings with a member of staff to be conducted with a third person present. In the interests of all parties, notes of these meetings may be taken
- Inform the complainant that, except in emergencies, the school will respond only to written communication.
- Inform the complainant in writing that as his/her behaviour is considered to fall under the terms of this policy any complaint will not be investigated further until it is pursued in a manner the school considers to be reasonable
- Place restrictions on the individual's access to school and/or school staff or prohibit the individual from entering the school site with immediate effect
- Cease all correspondence and communication with the complainant other than that necessary for the health and safety of any child/adult in school
- Involve officers of the Trust Board
- Inform the individual that communication with them will cease other than in an emergency
- Request an Anti-Social Behaviour Order (ASBO)
- Prosecute under Anti-Harassment legislation

The school has a duty of care to staff and pupils and will take emergency measures should these become necessary in extreme cases.

Time frame and Review

If a complainant's harassing/persistent behaviour is modified and is then resumed at a later date within a reasonable period of time, the school may resume the complaints process.

If a complainant's harassing/persistent complaining behaviour has modified but then recurs the School will use its discretion and may resume the original investigation of the complaint. The School will review as appropriate, and at a minimum of once a year, any sanctions applied in the context of

this policy

Legitimate new complaints

In these instances however, care should be taken not to dismiss any new complaints that have been raised alongside previous complaints.

Any new issues should be addressed separately under the complaints procedure and a continued dialogue with the school is seen as extremely important as part of ensuring the best possible outcomes for children and a significant benefit of doubt should be given to parents / carers.

If a complainant in this category refuses to engage in the school's formal complaints procedures, but continues to complain, then the head teacher or chair of governors will consider informing the complainant that the complaints are vexatious.

If the complainant believes that the school has acted unreasonably they may appeal to the Department for Education.

Contact Information for Brightwells Trust and its schools

Fulham School	Headteacher	Leesa Schooneman	head@fulhampri.lbhf.sch.uk
	Chair of Governors	Matt Thorley	matt@montaguinvestments.com
Queen's Manor School	Headteacher	Phoebe du Parcq	head@queensmanor.lbhf.sch.uk
	Chair of Governors	Bryanna Patterson	bryannap@yahoo.com
Sullivan School	Headteacher	Wendy Aldridge	head@sullivan.lbhf.sch.uk
	Chair of Governors	Caroline Langton	carolinelangton@btinternet.com
Brightwells Trust	Chair of Trust	Liz Wolverson	Liz.wolverson@london.anglican.org

The form for reporting a complaint to the DfE can be found here:

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