



BRIGANTIA  
LEARNING TRUST

Creating excellence together

# Complaints Policy

To be reviewed – Autumn 2017

# **Complaints Policy**

## **1. Introduction**

- 1.1 We are committed to developing a strong partnership with students, parents/carers and other stakeholders. This provides a good basis for mutual understanding and for preventing and resolving complaints.
- 1.2 We hope that the adoption of a clear complaints procedure will help to ensure that most complaints are resolved quickly and smoothly and as close to the source of the misunderstanding or problem as possible. In this way complainants can feel assured from the outset of a fair hearing, in line with a defined procedure for dealing with issues that have not immediately been resolved. We also hope that a staged framework might prevent an early and unnecessary escalation of the problem. In addition, we will ensure that lessons learned from the investigation of complaints will prove useful to improve the school's policy and practice

## **2. Scope**

- 2.1 A complaint is an expression of dissatisfaction, however made, about the standard of service, actions or lack of actions by the Trust or its staff that affects an individual or a group and requires a response from the Trust. This procedure deals with such complaints if made by a student, a parent or other external stakeholder, except that there are separate appeals procedures for a parent dissatisfied with a decision regarding either the admission or the exclusion of their child and for appeals against the grade awarded to their child in an external examination.
- 2.2 There are also separate procedures to deal with a complaint raised by or on behalf of a member of staff. These include the Grievance Procedure for a complaint by an employee of unfair treatment, the Harassment Procedure for an employee complaining of bullying or intimidation, the Disciplinary Procedure for an employee complaining about the conduct of another member of staff and the Whistle Blowing Procedure for an unresolved allegation of institutional malpractice.

## **3. Principles**

- 3.1 We believe that most complaints can be resolved satisfactorily by informal discussion either over the telephone or through a meeting involving the key people involved.
- 3.2 Informal queries and complaints should be taken up directly with the relevant member of staff either verbally or in writing. Formal complaints should be addressed to the Headteacher / Head of School or the Executive Principal in writing.
- 3.3 All complaints will be dealt with as quickly and efficiently as possible. The length of the period will vary with the gravity and complexity of the complaint

and the urgency with which it needs to be settled. However, the intention is that all complaints should be settled within a period which is reasonable in the circumstances.

- 3.4 All formal complaints will be investigated fully, fairly and carefully and complainants will be kept informed of progress.
- 3.5 The aim is always to secure the resolution of the complaint to the satisfaction of the complainant if possible.

#### **4. Representation**

- 4.1 The complainant may be accompanied by a friend, colleague or other representative. In this case, the complainant should make their own arrangements for such representation. The representative may ask questions, confer with the complainant and make summary statements but may not answer questions on behalf of the complainant.

#### **5. Recording**

- 5.1 The Headteacher / Head of School or Executive Principal will acknowledge receipt of a written complaint within three working days.
- 5.2 The complaint will be recorded, together with the outcome and reasons for the outcome. The complainant will be informed of the outcome in writing, together with their entitlement to appeal the outcome.
- 5.3 Where the complaint is upheld, any action to be taken by the Trust in response will also be recorded.

#### **6. Stage One: Informal Complaints**

- 6.1 Informal complaints or concerns should be raised with the relevant member of staff, such as class teacher, Head of Department/Year or Senior Staff. Where an informal complaint is raised with the Headteacher / Head of School or Executive Principal, it will normally be passed to the most appropriate member of staff to deal with it informally. If the complainant indicates that they would have difficulty discussing the complaint with this member of staff, the Headteacher / Head of School / Executive Principal may direct them to another member of staff. Similarly, if the most appropriate member of staff feels they would have difficulty in dealing with the complaint objectively, the Headteacher / Head of School / Executive Principal may direct the complainant to another member of staff.
- 6.2 In certain circumstances, the Headteacher / Head of School / Executive Principal may instead choose to deal with the complaint informally in person, or the relevant member of staff may ask the Headteacher / Head of School / Executive Principal to deal with it informally in person.

- 6.3 If the complaint has been made in writing, the Headteacher / Head of School / Executive Principal may choose to treat it as a formal complaint and invoke the formal procedure.
- 6.4 If the complaint has been made to the Chair of the Board in the first instance, he or she will refer the complaint to the Executive Principal. However, if the complaint concerns the Executive Principal and has already been taken up with the Executive Principal without being resolved, the complaint must be made in writing to the Chair using the Complaint Form (see Appendix A). The Chair will then invoke the formal procedure.
- 6.5 The member of staff to whom the complainant is referred will carry out an investigation and decide on any appropriate action. The complainant and the Executive Principal will be informed of the conclusions drawn from the investigation and action to be taken, together with details of how to make a formal complaint if they remain dissatisfied.
- 6.6 In some cases, matters affecting general school policy may be judged by the Executive Principal, in consultation with the Chair of the Board, to be an appropriate area for discussion at Board level, in order to resolve the complaint. In these circumstances care will be taken to ensure that the identity of the complainant and the individual complained of are not disclosed in case a formal complaint is made subsequently.
- 6.7 Under normal circumstances this should take no more than 5 working days to complete any necessary investigation and attempt a resolution.
- 6.8 Every effort will be made to resolve the problem to the satisfaction of the complainant at this informal stage. Possible outcomes include:
- i. Complaint resolved to the satisfaction of the complainant;
  - ii. Complaint not resolved to the satisfaction of the complainant;
  - iii. Complaint dealt with under another procedure.

## **7. Stage Two: Formal Complaints**

- 7.1 The Headteacher / Head of School / Executive Principal will ensure the complaint is investigated fully. They may delegate responsibility for conducting the investigation to another member of staff.
- 7.2 Where the complaint concerns the Headteacher / Head of School, they should send a completed Complaint Form to the Executive Principal, who will then take the place of the Headteacher / Head of School throughout the formal procedure.

- 7.3 Where the complaint concerns the Executive Principal, they should send a completed Complaint Form to the Chair of the Board, who will then take the place of the Executive Principal throughout the formal procedure.
- 7.4 Once the investigation has been completed, the Headteacher / Head of School / Executive Principal will review all the information and discuss the findings with the complainant with the aim of resolving the complaint to the complainant's satisfaction.
- 7.4 The Headteacher / Head of School / Executive Principal will decide on the outcome and inform the complainant in writing of the decision, together with details of how to appeal against the decision if they remain dissatisfied. A meeting may also be arranged to convey the reasons for the decision.
- 7.5 Rarely, the decision may involve taking disciplinary action against an individual, for which there is a separate procedure. In this event, the complainant will be informed that the complaint will be pursued through disciplinary action. The Academy's disciplinary procedures require that all details of proceedings remain confidential and consequently the complainant will not be informed of the outcome.
- 7.6 Under normal circumstances this should take no more than 10 working days to complete any necessary investigation and attempt a resolution.
- 7.6 Possible outcomes include:
- i. complaint withdrawn;
  - ii. complaint dismissed;
  - iii. complaint dealt with under another procedure;
  - iv. complaint upheld.

## **8. Stage 3: Appeals**

- 8.1 If the complainant remains dissatisfied, they should send a completed Complaint Appeal Form (see Appendix B) to the Chair of the Academy Board.
- 8.2 The Chair may be able to resolve the complaint informally, with the result that the complainant withdraws their appeal.
- 8.3 If this is not possible, the Chair will convene an appeal hearing by a Directors' Appeals Committee.

## **9. Appeal Hearing**

- 9.1 The Directors' Appeal Committee will be convened within 15 working days of the receipt of a written request for an Appeal Hearing. If no dates within this

timescale are convenient to the complainant, the panel may meet outside this time period.

- 9.2 The appeal will be heard by a Directors' Appeal Committee comprising at least three Directors, one of whom will act as Chair of the hearing. The Committee may not include the Chair, an Academy employee or a Director who has had a prior involvement in the complaint or in the incident to which the complaint refers. Importantly the panel must include an independent person with no association to the school/Trust.
- 9.3 The Appeal Committee will decide whether or not the outcome of the formal procedure was correct. Accordingly, the respondent will be the person who made that decision; that is either the Principal or the Chair.
- 9.4 The complainant may be accompanied by a friend, colleague or other representative. In this case, the complainant should make their own arrangements for such representation. The representative may ask questions, confer with the complainant and make summary statements but may not answer questions on behalf of the complainant.
- 9.5 The Appeal Committee Chair will decide the procedure to be followed, ensuring that:
  - i. The remit of the Committee is explained to the parties and each party has the opportunity of putting their case without undue interruption;
  - ii. Members of the Committee are objective and open minded, and act independently;
  - iii. The complainant and any others who may not be used to speaking at such a hearing are put at ease;
  - iv. The hearing is conducted in an informal though clearly structured manner with each party treating the other with respect and courtesy;
  - v. Each side is given the opportunity to state their case and to ask questions;
  - vi. Any written material is seen by all parties. If a new issue arises all parties should be given the opportunity to consider and comment on it;
  - vii. Any witnesses are only required to attend for the part of the hearing in which they give their evidence;
  - viii. The issues are addressed;
  - ix. Key findings of fact are made.
- 9.4 The hearing should generally proceed as follows:
  - i. Introductions and introductory comments from the Committee Chair;

- ii. The complainant explains the complaint, followed by questions;
- iii. Any witnesses to support the complaint give evidence and are questioned;
- iv. The respondent explains the outcome of the formal procedure and briefly describes the preceding informal procedure if applicable, followed by questions;
- v. Any witnesses to support the respondent give evidence and are questioned;
- vi. The complainant sums up;
- vii. The respondent sums up;
- viii. With the exception of the Committee members and any independent adviser they may have, all persons withdraw while the Committee reviews the evidence and decides the outcome;
- ix. The complainant and the respondent are informed of the decision.

9.5 The Appeals Committee may:

- i. Dismiss the complaint in whole or in part;
- ii. Uphold the complaint in whole or in part;
- iii. Decide on any further action to be taken;
- iv. If appropriate, recommend changes to the Academy's systems or procedures to ensure that problems of a similar nature do not recur.

9.6 The complainant will be informed in writing within five days of the outcome of the hearing and the reasons for it, and that the decision is final.

## **10. Record Keeping**

10.1 Accurate and contemporaneous records will be maintained throughout the process, including details of any initial informal process.

10.2 Records will be held in a secure and confidential manner.

## **11. Monitoring, Evaluation and Review**

11.1 The Board will review this procedure within two years and assess its implementation and effectiveness.



## Complaint Appeal Form (Appendix 2)

### Complainant

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Tel/Mobile: \_\_\_\_\_

Date complaint was submitted in writing: \_\_\_\_\_

Date response received from Headteacher / Head of School / Executive Principal:

I am dissatisfied with the response to the above complaint and would like an Appeal Hearing for the following reasons:

*Please continue on a separate sheet if necessary*

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

*Once completed, send this form to the Chair of the Academy Board who will arrange for your appeal to be heard.*

Received by Chair of Board: \_\_\_\_\_ Date of response to complainant: \_\_\_\_\_