



COMPLAINTS POLICY

Approved by BLP Board: 10th January 2017

For Review: Spring 2019

1. INTRODUCTION

The Brigshaw Learning Partnership recognises that at times things can and do go wrong. The Trust Directors, Head Teachers, staff and members of the Local Governing Boards (LGB), believe that it is in everyone's best interest to resolve concerns and complaints at the earliest possible stage.

This policy seeks to outline how concerns can be resolved. This policy is intended to cover all complaints against the Trust or school within the Trust regardless of whether the complaint is related to parents or pupil/students on roll within the Trust.

This policy meets the requirements of the Education (Independent School Standards (England) Regulations 2010) Schedule 1, Part 7.

2. KEY STAGES OF COMPLAINTS

There are THREE key stages of this Complaints Policy:

Stage One - An Informal discussion

Stage Two - Complaint heard by Senior Member of Staff

Stage Three – Complaint heard by a Complaint Appeals Panel

3. OVERARCHING PRINCIPLES

The Brigshaw Learning Partnership Complaints Policy will:

- Encourage resolution of problems by informal means wherever possible
- Be easily accessible and publicised
- Be simple to understand and use
- Be impartial
- Allow swift handling with established time-limits for action and keeping people informed of the progress
- Ensure a full and fair investigation by independent people, where necessary;
- Respect people's desire for confidentiality
- Provide information to the leadership teams of the schools so that services can be improved.

4. INVESTIGATING THE COMPLAINT

At each stage, the person dealing with the complaint should ensure 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;

5. RESOLVING COMPLAINTS

At each stage, the person dealing with the complaint should consider ways to resolve the complaint. 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 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 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 school / Trust policies in light of the complaint.

6. MONITORING COMPLAINTS

The Board of Directors will monitor the level and nature of formal complaints across all Trust schools and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Procedures for reporting will not name individuals.

7. STAGE ONE - AN INFORMAL DISCUSSION

It is the experience of the Brigshaw Learning Partnership that the vast majority of concerns and complaints can be resolved informally to the full satisfaction of those who raise them. There are many occasions where concerns can be resolved quickly, providing the complainant with the benefit of an immediate response, and avoiding the need to submit a formal complaint. Concerns may be raised with any member of the Trust staff, depending on the type of issue to be discussed.

By their nature, we do not impose specific timescales for dealing with concerns at this stage, or monitor them formally, although all issues will be considered as quickly and effectively as possible.

If the complainant is dissatisfied with the discussion, they should refer to Stage Two (Section 8, below).

Where the informal complaint is made to a Local Governor or Director, the Local Governor or Director must refer the complainant to the appropriate member of Trust staff and advise them about the procedure.

Governors / Directors must not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

8. STAGE TWO – COMPLAINT HEARD BY SENIOR MEMBER OF STAFF

If the complainant is dissatisfied with the outcome of Stage One of this policy and would like the complaint to be investigated further, the complainant must put their complaint in writing.

8a. COMPLAINT RELATING TO A SCHOOL IN THE BLP TRUST

The written complaint must then be handed to the school office.

Following receipt of the written complaint, Principal / Head Teacher will nominate a senior member of school staff to be the investigating officer.

The investigating officer will acknowledge the complaint in writing within 5 working days.

The investigating officer will speak to the necessary individuals; interview witnesses and/or take statements from those involved. This could take up to 10 working days. If the complaint centres on a pupil/student, the pupil/student may also be interviewed. If the concern is about a pupil/student's behaviour, parents may not be invited to attend however parents will be asked to attend to discuss any other concerns.

Written records of meetings, telephone conversations and other documentation will be kept.

Once the facts have been established the Principal/Headteacher will arrange to meet the complainant to discuss the outcome of the investigation. This meeting will be held within 20 working days from the date the formal written complaint was received. The complainant may be accompanied at the meeting by a friend, relative or representative.

A letter outlining the outcomes of the investigation will be sent to the complainant within 5 working days of the meeting. The letter will include details of how to escalate the complaint to Stage Three if the complainant remains dissatisfied with the outcome at Stage Two.

If the complaint is against the Principal/Headteacher, Stage Two will be carried out by the Local Chair of Governors.

If the complaint is against a Local Governor, Stage Two will be carried out by the Local Chair of Governors from another school within our Trust.

8b. COMPLAINT RELATING TO THE BRIGSHAW LEARNING PARTNERSHIP

The written complaint must then be handed to the BLP Head Office at Brigshaw High School.

Following receipt of the written complaint, the CEO will nominate a senior member of Trust staff to be the investigating officer.

The investigating officer will acknowledge the complaint in writing within 5 working days.

The investigating officer will speak to the necessary individuals; interview witnesses and/or take statements from those involved. This could take up to 10 working days.

Written records of meetings, telephone conversations and other documentation will be kept.

Once the facts have been established the CEO will arrange to meet the complainant to discuss the outcome of the investigation. This meeting will be held within 20 working days from the date the formal written complaint was received. The complainant may be accompanied at the meeting by a friend, relative or representative.

A letter outlining the outcomes of the investigation will be sent to the complainant within 5 working days of the meeting. The letter will include details of how to escalate the complaint to Stage Three if the complainant remains dissatisfied with the outcome at Stage Two.

If the complaint is against a CEO, Stage Two will be carried out by the Chair of the Board of Directors.

If the complaint is against a Director, Stage two will be carried out the CEO.

9. STAGE THREE – COMPLAINTS APPEAL PANEL

Complaints only rarely reach this formal level, where the complainant is not satisfied by the responses / outcomes at Stages One and Two.

It is important that any complaint hearing is independent and impartial and, that it is seen to be so. The Trust will ensure that all members of the panel have had no prior involvement in the complaint.

If the complaint is about a school within the Trust, the Trust will also ensure that at least one member of the panel will be independent of the management and running of the school involved.

The aim of a panel hearing is to resolve the complaint and achieve reconciliation between the Trust/school and the complainant.

Anyone wishing to escalate a complaint to this stage must write to the Clerk to the Board of Directors at the BLP Head Office address at Brigshaw High school. The letter must explain why the complainant is dissatisfied with the outcome at Stage Two.

This needs to be within 25 working days of receiving the outcome letter.

The Clerk will set up a hearing within 10 working days of receiving the letter and inform the complainant of this, in writing. All parties will be given at least five working days' notice of a hearing.

As mentioned earlier, the people hearing the complaint will have had **no** prior involvement with the complaint and one person will be independent of the management and running, of the school involved, if applicable.

The complainant may be accompanied to the hearing by a friend, relative or representative.

The CEO/Principal/Head or other person involved in handling the complaint at Stage Two will be invited to the hearing. Involvement of other staff is subject to the discretion of the complaint panel.

The hearing will allow for:

- The complainant to explain their complaint.
- For the CEO/Principal/ Headteacher or other person involved in handling the complaint at Stage Two, to explain the school's response.
- The complainant and the CEO/Principal/ Head or other person involved in handling the complaint at Stage Two to question each other.
- For members of the hearing panel to also ask questions.
- Any party to have the right to call witnesses (subject to the approval of the Chair of the panel) and all parties having the right to question all the witnesses.
- Final statements by both the complainant and the CEO/Principal/ Head Teacher or other person involved in handling the complaint at Stage Two.

Following the hearing the complaint panel will consider the complaint and will send their written decision to both parties within 15 working days.

10. CLOSURE OF COMPLAINTS

Very occasionally, the school and/or Trust may feel that it needs, regrettably, to close a complaint where the complainant is still dissatisfied.

- The Brigshaw Learning Partnership will do all we can to help to resolve a complaint but sometimes it is simply not possible to meet all of the complainant's wishes. Sometimes it is simply a case of "agreeing to disagree".
- If a complainant persists in making representations regarding the complaint – to the head teacher, designated governor, chair of governors or anyone else within

the Trust, it can be extremely time-consuming and can detract from our responsibility to look after the interests of all the children in our care.

- For this reason, we are entitled to close correspondence (including personal approaches, as well as letters and telephone calls) on a complaint where we feel that we have taken all reasonable action to resolve the complaint and the complaint has exhausted our official process. The Brigshaw Learning Partnership Board of Directors fully support this position, and especially where the complainant's action is causing distress to staff and/or pupils.

11. CONTINUED DISSATISFACTION WITH OUTCOME

The Education Funding Agency (EFA) are responsible for open academies on behalf of the Secretary of State.

We hope that we will be able to resolve your concerns through the processes outlined in this policy however the EFA can investigate if the reasons fall into any of the following conditions:-

- undue delay or non-compliance with a school/Trust's own complaints procedure;
- a school/Trust's failure to comply with a duty imposed on it under its funding agreement with the Secretary of State;
- an school/Trust's failure to comply with any other legal obligation, unless there is another organisation better placed to consider the matter as set out in the next section.

The EFA are not able to overturn the Trust's decision about a complaint. If the EFA uphold a complaint they may do one or both of the following:

- ask the academy to reconsider the complaint from an appropriate stage;
- ask the academy to change its complaints procedure so that it complies with legal requirements.

12. EQUALITY IMPACT STATEMENT

We will do all we can to ensure that this policy does not discriminate, directly or indirectly. We shall do this through regular monitoring and evaluation of our policies. On review we shall assess and consult relevant stakeholders on the likely impact of our policies on the promotion of all aspects of equality, as laid down in the Equality Act (2010). This will include, but not necessarily be limited to: race; gender; sexual orientation; disability; ethnicity; religion; cultural beliefs and pregnancy/maternity.