

Title	Complaints
Associated Policies	<ul style="list-style-type: none"> • Safeguarding and Child Protection (TPO/HS/05) • Behaviour Policy for Members of the School Community (TPO/HS/08) • Single Equality Policy (TPO/EO/01)

REVIEWED: SEPTEMBER 2019

NEXT REVIEW: SEPTEMBER 2022

1. Policy Statement

- 1.1 Brooke Weston Trust takes all concerns seriously and will make every effort to resolve the matter as quickly as possible.
- 1.2 Where possible, Brooke Weston Trust seeks to resolve issues informally without the need to use the formal stages of the complaint procedure. However, Brooke Weston Trust acknowledges that there are occasions where people would like to raise their concerns formally. In this case, Brooke Weston Trust will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.
- 1.3 **Definitions:**
 - A **concern** is an expression of worry or doubt over an issue considered to be important for which reassurances are sought
 - A **complaint** is an expression of dissatisfaction however made about actions taken or a lack of action.
- 1.4 This policy does not form part of any employee's contract of employment and is entirely non-contractual. It may be amended, withdrawn, suspended or departed from at the discretion of the Trust.

2. Who does this policy apply to?

- 2.1 This policy applies to all staff, parents, students, visitors and trustees of the Academy.

3. Who is responsible for implementing and reviewing this policy?

- 3.1 The implementation of this policy will be monitored by the Executive Leadership Team and the governors of the Academy and remain under review by The Brooke Weston Trust Board of Directors.

4. What are the principles behind this policy?

- 4.1 The Brooke Weston Trust is serious about the quality of its service and will continuously review its standards. Opinions of stakeholders may be sought in a variety of ways throughout the academic year. One of the ways to accomplish this is to have open and clear channels of communication, and to take seriously concerns or complaints by any of the people affected by The Brooke Weston Trust.
- 4.2 The Brooke Weston Trust will seek to ensure that all concerns or complaints are managed as quickly and effectively as possible and in a manner which respects confidentiality and is non-adversarial in approach.
- 4.3 The Brooke Weston Trust will seek to determine an effective outcome of concerns or complaints with appropriate redress where necessary.
- 4.4 In line with The Brooke Weston Trust's commitment to improving quality, where appropriate the outcome of concerns or complaints will be used to inform further improvement in its operations and services.
- 4.5 In accordance with equality law, Brooke Weston Trust will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance,

providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

5. Procedures

Concerns

- 5.1 Concerns (as defined in 1.3 above) can be raised either in writing or by telephone for the attention of the Principal, via the school office. These will be dealt with by the member of staff who in the view of the Principal is best placed to address the issue.
- 5.2 If the person raising the concern has difficulty discussing the concern with the appointed member of staff they must advise the Principal who will seek to refer the concern to another member of staff, provided that they will be able to consider the concern objectively and impartially.
- 5.3 Upon receipt of a concern an initial response will be provided as soon as possible and in any event within 5 school days and a final resolution of issues arrived at as soon as possible.
- 5.4 Resolutions may include an apology, explanation, admission that the situation could have been dealt with more effectively, an assurance that the situation will not recur or that The Brooke Weston Trust or Academy will review the procedure in light of the complaint.
- 5.5 If the issue remains unresolved, the next step is to make a formal complaint.
- 5.6 Where a resolution cannot be found through an informal discussion through email or phone call conversations within a two-week period, the person/s with the concern will be directed to follow the formal complaints procedure, as detailed below, in order that a full investigation can be undertaken. Should the complainant refuse to engage with the complaints procedure but continue to correspond with the Trust or Academy with concerns or complaints, the Trust or Academy will review whether this could be considered a vexatious complaint (see paragraph 6).

Complaints

- 5.7 A complaint (as defined in 1.3 above) can be made in writing for the attention of the Principal via the academy office (please see template complaint form included at the end of this procedure). Complaints are matters for the senior leadership team or exceptionally, for the Chief Executive to address.
- 5.8 This procedure covers all complaints about any provision of services or community facilities by Brooke Weston Trust and its academies, other than complaints that are dealt with under other statutory procedures which are listed below:

Exceptions	Who to contact/Policy to refer to
<ul style="list-style-type: none"> • Exclusions 	Exclusions Policy
<ul style="list-style-type: none"> • Whistleblowing 	Whistleblowing Policy
<ul style="list-style-type: none"> • Staff grievances 	Grievance Procedure
<ul style="list-style-type: none"> • Staff conduct 	Disciplinary Policy
<ul style="list-style-type: none"> • Complaints about services provided by other providers who may use school premises or facilities 	Providers will have their own complaints procedures. Please contact them directly.

- 5.9 Complainants should not approach individual governors to raise complaints as they have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 3 of the procedure.
- 5.10 Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to the Chief Executive. Complaints about Principals or Executive Principals should also be addressed to the Chief Executive.

- 5.11 Complaints must be raised 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 timeframe if exceptional circumstances apply.
- 5.12 We will consider complaints made outside of term time to have been received on the first school day after the holiday period.
- 5.13 In every case an initial response will be provided as soon as possible and in any event within 5 school days and a substantive response provided as soon as possible or within 15 school days. Complainants will be notified of any changes to the timescale where these are not reasonably practicable. For example, if other bodies are investigating aspects of the complaint (e.g. the Police or the Local Authority), this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.
- 5.14 Once the complaint has been expressed in writing a record of the process of the resolution of the complaint will be kept on the Complaints Action Record which will be retained by the Academy and held by the Principal's PA.
- 5.15 If a complainant wants to withdraw their complaint, the Trust or Academy will ask them to confirm this in writing.

Stage 1

- 5.16 Formal complaints must be made to the Principal in writing, via the school office. 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 5 school days. The complaint will be heard internally by a member of the senior leadership team (the investigating officer) who is neither the Principal nor the subject of the complaint within 10 school days of the initial response, where practicable. At this stage, the complainant may request an alternative member of staff if they have a difficulty with the nominated member of the SLT.
- 5.17 This discussion should aim to clarify the nature of the parent's concern and assure them that the academy will deal with any concerns in an appropriate manner. During the investigation, the 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.The discussion should also aim to clarify what kind of outcome the complainant is seeking.
- 5.18 At the conclusion of the investigation the investigator will provide a formal written response to the complainant as soon as possible or within 15 school days. If for any reason this deadline cannot be met, the investigator will provide the complainant with an update and revised response date.
- 5.19 If the complainant is dissatisfied with the outcome of the complaint it may be referred to Stage 2.

Stage 2

- 5.20 Unless the Principal is the subject, the complaint will be heard by the Principal within 10 school days, where practicable, of being notified that the complainant is unhappy with the outcome of Stage 1. If it is not possible to deal with the matter in this time, the complainant should be informed of when it is likely to be concluded. The hearing will not involve any individual who has been involved in the previous stage of the complaint. If the complaint involves the Principal, the Principal will refer the complaint directly to the Local Governing Body (Stage 3).
- 5.21 Complainants who wish to pursue a formal complaint at Stage Two should be asked to put the complaint and their desired outcome in writing to the Principal. The complainant is invited to provide any relevant supplementary documentation to support their complaint.
- 5.22 Once all the relevant facts have been established, the Principal (or designated member of staff) should either write to the complainant or arrange a meeting to discuss or resolve the matter, addressing each

of the issues raised by the complainant. This meeting should be followed up with a letter summarising the outcome of the meeting. A substantive response to the complaint will be provided as soon as possible or within 15 school days.

- 5.23** The Principal (or designated member of staff) should keep written records of meetings, telephone conversations and other documentation.
- 5.24** If the complainant is dissatisfied with the outcome of the complaint after Stage 2 they may access Stage 3 of the procedure.

Stage 3

- 5.25** On receipt of a request to access Stage 3 of this procedure, the Principal will refer the complaint to the Local Governing Body for further investigation. An initial response will be provided as soon as possible and in any event within 5 school days. The Local Governing Body will appoint a single governor to investigate the complaint. They may refer to any relevant documentation from the previous stages of the complaints process.
- 5.26** Once the investigation has been completed, the Governor (on behalf of the Local Governing Body) will review all the information and may wish to discuss the complaint with the complainant further with the aim of resolving the complaint.
- 5.27** The Governor (on behalf of the Local Governing Body) will decide on the outcome and inform the complainant in writing of the decision (within 15 school days), together with details of the final stage of the complaints process if they remain dissatisfied. A meeting may also be arranged to convey the reasons for the decision.
- 5.28** In exceptional circumstances, where the complainant is dissatisfied with the outcome of Stage 3 they may request to consider the complaint at Stage 4.

Stage 4

- 5.29** This is the final stage of the of The Brooke Weston Trust's complaints process. The complainant must write to the Chief Executive of The Brooke Weston Trust at Brooke Weston Coomb Road, Great Oakley, Corby, Northamptonshire, NN18 8LA outlining the nature of the complaint using the Complaints Form set out at Annex A. An initial response confirming receipt of your complaint will be provided as soon as possible and in any event within 5 school days.
- 5.30** The Chief Executive will convene a complaints panel of 3 members to attend a meeting with the complainant within three weeks (excluding school holidays) of acknowledgment of the complaint, unless this is not reasonably practicable. The Chief Executive will inform the complainant of the reason for any delay in convening the meeting. The complaints panel will be comprised of any BWT local governing body members or senior members of staff within the Trust. None of the members of the complaints panel will have been involved in any of the previous stages of the complaint or the circumstances around it. One of the panel members must be independent to the management and running of the Academy. The committee will appoint its own Chair when it is constituted.
- 5.31** The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.
- 5.32** If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. Generally, the Trust does not encourage either party to bring legal representatives to the committee meeting however there may be occasions when legal representation is appropriate.
- 5.33** The aim of the meeting will be to resolve the complaint and achieve reconciliation between the Academy and the complainant. However, it has to be recognised that the complainant might not be satisfied with the outcome if the committee does not find in their favour. It may only be possible to

establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

- 5.34** Where a complaint involves a child, the committee, in conjunction the parent/guardian, will determine the degree of the child's involvement in the hearing. It would not normally be appropriate for the child to be present throughout the meeting. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The committee needs to be aware of the views of the child and give them equal consideration to those of any adults at the meeting.
- 5.35** Any written material will be circulated to all parties at least 5 school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.
- 5.36** The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.
- 5.37** The outcomes of the complaints panel meeting are as follows:
- Dismiss the complaint in whole or in part
 - Uphold the complaint in whole or in part
 - Decide upon an appropriate action to resolve the complaint
 - Recommend changes to the Academy's or Trust's systems or procedures to ensure that problems of a similar nature to not recur
- 5.38** A substantive response to the complaint will provided as soon as possible or within 15 school days. The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled.

6. Serial, Persistent and Vexatious Complaints

- 6.1** Brooke Weston Trust seeks to provide assistance to people who are wishing to raise a concern or complaint, however where all stages of the complaints procedure have already been followed and the complainant remains dissatisfied and wishes to re-open the same issue, the Chief Executive will inform the complainant in writing that the procedure has been exhausted and that the matter is now closed from the Trust's point of view.
- 6.2** If further contact is received by the complainant, Brooke Weston Trust will consider it as a 'serial' or 'persistent' complaint which does not require a response. The decision not to respond will be based on the following:
- Brooke Weston Trust has taken every reasonable step to address the complainant's concerns
 - the complainant has been given a clear statement of the Trust's position and their options
 - the complainant contacts the Trust repeatedly, making substantially the same points each time
 - the letters, emails, or telephone calls are often or always abusive or aggressive
 - the complainant makes insulting personal comments about or threats towards staff
 - Brooke Weston Trust has reason to believe the individual is contacting the Trust with the intention of causing disruption or inconvenience
- 6.3** Brooke Weston Trust considers the characteristics of a 'frivolous' or 'vexatious' complaint as:
- complaints which are obsessive, persistent, harassing, prolific, repetitious
 - insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason
 - insistence upon pursuing meritorious complaints in an unreasonable manner
 - complaints which are designed to cause disruption or annoyance
 - demands for redress that lack any serious purpose or value

In such cases, Brooke Weston Trust may take the decision not to respond, based on the considerations outlined in 6.2.

- 6.4 In some circumstances, if an individual's behaviour is a cause for concern they can be asked to leave school premises. In some cases, individuals can be barred from entering school premises. Brooke Weston Trust will refer to the procedures outlined in the Behaviour Policy for Members of the School Community in such cases.

7. Policy Review

- 7.1 This policy will be monitored as part of the Academy's annual internal review and reviewed on a three year cycle or as required by legislature changes.

ANNEX A

Complaints Form

Please complete and return to the Principal of the Academy who will acknowledge receipt and explain what action will be taken.

Your Name:	
Student's Name:	
Your relationship to the student (if relevant):	
Address:	
Postcode:	
Day time telephone number:	
Evening telephone number:	
Please give details of your complaint including any action you have you already taken to try and resolve your complaint?	
What actions do you feel might resolve the problem at this stage?	
Are you attaching any paperwork? If so, please give details.	
Signature:	
Date:	

Official Use:

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

ANNEX B

Checklist for Complaints Panel Meeting

Where possible, the Complaints Panel hearing should follow the format laid out below. This should only be deviated from with the consent of both parties. Some complainants may not feel comfortable speaking to or in front of the Principal and this should be taken into account when formalising the procedure. The meeting should be as informal as possible.

- Witnesses are only required to attend for the part of the meeting in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The Principal may question both the complainant and the witnesses after each has spoken.
- The Principal is then invited to explain the Academy's actions and be followed by the Academy's witness.
- The complainant may question both the Principal and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The Principal is then invited to sum up the Academy's actions and response to the complaint.
- Both parties leave together while the committee decides on the issues.
- The chair explains that both parties will hear from the panel as soon as possible but in any event within a seven day period.