

Governance Document	
Version 1.2	G05 Complaints Policy
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Complaints Policy

1. Overview

- 1.1 This policy statement sets out the approach of The Broad Horizons Education Trust, and all its academies, to dealing with concerns and complaints.
- 1.2 We value good relationships with parents and carers and our wider communities, and will, therefore, do everything we can to establish and maintain them. This includes seeking to resolve any concerns or complaints promptly, and to the satisfaction of all concerned.
- 1.3 We welcome feedback on what we do well, or not so well, as individual academies and as a Trust. We will carefully consider all feedback, whether positive or negative, and will review our policies and practices accordingly.
- 1.4 All staff, along with members of each school's School Governance Team (SGT), will be familiar with the school's procedures for dealing with concerns and complaints, to which they will have access as required.
- 1.5 This procedure is available on request, and is accessible via each school's and the Trust's website. It will be reviewed regularly and updated as necessary.
- 1.6 The Education and Skills Funding Agency advocates resolution of concerns and complaints at school level wherever possible.
- 1.7 Please note that some complaints might be dealt with in other policies, for example, complaints involving pupil admissions, child protection or pupil exclusions. A full list of issues excluded from the scope of this procedure can be found in Appendix 2.
- 1.8 All references to 'headteacher' in this procedure include 'executive headteacher' or 'head of school', depending on what leadership arrangements are in place in the school at the time of the complaint.

2. General Principles

- 2.1 The procedure is intended to allow a concern or complaint relating to the Trust or one of its academies to be raised by a parent, carer or anyone else. Employees of the Trust should raise any concerns relating to their employment through the appropriate staffing procedure, not through this process. Where your complaint is against the Central Trust, a member of the Central team, a Trustee or the Trust Board as a whole, please refer to point 9.
- 2.2 An anonymous concern or complaint will not be investigated under this procedure unless there are exceptional circumstances.

- 2.3 We will treat all concerns and complaints seriously and courteously and will advise complainants of the procedures for dealing with their concerns. In return, we expect complainants to behave respectfully towards all members of the school's community. In particular, any disagreement with the school should not be expressed inappropriately or in front of pupils.

3. Timescales

- 3.1 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. The school will consider complaints made outside of this time frame only if the Chair of the Education Performance Committee and headteacher, having taken advice, are of the view that exceptional circumstances apply.
- 3.2 All time-scales in this procedure refer to school working days, for the relevant school, excluding school holidays, In Service Training (Inset) days and bank holidays.
- 3.3 Any complaints made outside of term time will be considered to have been received on the first school day after the holiday period.

4. The Complaints Procedure

- 4.1 The procedure is divided into three stages:
- Stage One (The Informal Stage) aims to resolve the concern through informal contact at the appropriate level within the school.
 - Stage Two (The Formal Stage) is the point at which written complaints are considered by the headteacher or a member of the Trust's Executive Team.
 - Stage Three (Formal Resolution) is the final stage. It involves a hearing before a Complaint Panel.

How each of these stages operates is in Sections 5 to 7.

5. Stage One (The Informal Stage) – your initial contact with the school

- 5.1 Many concerns will be dealt with informally when you make them known to us. If you are a parent/carer raising a concern regarding your child, the first point of contact should be your child's teacher (or tutor). In the case of more serious concerns, or where a concern does not relate to a specific pupil, it may be appropriate to address them directly to the headteacher.
- 5.2 Once your concern is made known to us, we will contact you as soon as possible.

- 5.3 If necessary, we will contact appropriate people who may be able to assist us with our enquiries into your concern.
- 5.4 If necessary, we will normally update you on the progress of our enquiries within ten school working days.
- 5.5 If you are still dissatisfied following this informal approach, you will be asked to put your concern in writing. It will become a formal complaint and we will deal with it at Stage Two.

6. Stage Two (The Formal Stage) - formal consideration of your complaint

- 6.1 This stage deals with written complaints. It applies where you are not happy with the informal approach to dealing with your concern, as outlined above.
- 6.2 Normally, your written complaint should be addressed to the headteacher. If, however, your complaint concerns the headteacher personally, it should be sent to the Broad Horizons Education Trust, Confidential - for the attention of the Governance Manager. A complaint form is attached to this policy to assist you. It is important that you include a clear statement of the actions you would like to be taken to resolve your concern. Without this, it is much more difficult to proceed.
- 6.3 We will acknowledge your complaint in writing as soon as possible after receiving it (usually within three school working days) and we will enclose a copy of these procedures with the acknowledgement.
- 6.4 As part of our consideration of your complaint, we may invite you to a meeting to discuss the complaint and fill in any details required. This meeting will be with the headteacher, or another suitable nominated person investigating your complaint, who may be a member of the Trust's central team. If you wish, you can ask someone to accompany you to help you explain the reasons for your complaint. If your complaint concerns the headteacher it will be investigated by the Executive Head of Education or a member of the Trust's central team. If it concerns the Chair of Governors, the Executive Director of Education or another appropriate individual will be appointed to undertake the investigation; this individual may be a member of the Trust's central team. If your complaint concerns the whole school SGT it will be investigated by an appropriately skilled person from outside the school.
- 6.5 Following the meeting, the headteacher, or the person investigating the complaint, will, if necessary, talk to witnesses and take statements from others involved. If the complaint centres on a pupil, we may talk to the pupil concerned and, where appropriate, others who were present at the time of the incident in question.
- 6.6 We will sometimes talk to pupils with a parent or carer present, unless this would delay the investigation of a serious or urgent complaint, or where a pupil has specifically said that s/he would prefer the parent or carer not to be involved. In such circumstances, we will ensure that another member of staff, with whom the pupil feels comfortable, is present.

- 6.7 If the complaint is against a member of staff, it may be dealt with under the school's internal confidential procedures, rather than under this procedure.
- 6.8 The headteacher, or person investigating the complaint, will keep records of all meetings and telephone conversations, and other related documentation.
- 6.9 Once all the relevant facts have been established, (usually within ten school working days of receipt of your complaint) you will be sent a written response. This will give an explanation of the decision and the reasons for it. If follow-up action is needed, we will indicate what we are proposing to do. We may invite you to a meeting to discuss the outcome as part of our commitment to building and maintaining good relations with you.
- 6.10 There may be times when the investigation takes longer than ten school working days. Where this is the case we will keep you informed of the revised timescales and the reasons for this.
- 6.11 If you are unhappy with the outcome of Stage Two, you may proceed to Stage Three, as described below.

7. Stage Three (Formal Resolution) - consideration by a Complaints Panel.

- 7.1 If the complaint has already been through Stage Two and you are not satisfied with the outcome, you can take it further to a Complaints Panel.
- 7.2 To do this you must write to the Governance Manager within ten school working days of receipt of the decision from Stage Two. Appeals received outside of this timescale will not be considered other than in exceptional circumstances.
- 7.3 This is a formal process, and the ultimate recourse under this procedure.
- 7.4 The Complaints panel will be appointed by and on behalf of the Board of Trustees and will comprise at least three people who were not directly involved in the matters detailed in the complaint, at least one of whom shall be independent of the management and running of the school.
- 7.5 The Complaints panel is authorised by the Board of Trustees to investigate any activity within its Terms of Reference. Trust employees are required to cooperate with the panel in the conduct of its duties, including attendance at hearings if required
- 7.6 The Complaints Panel operates according to the following formal procedures:
- 7.7 On receipt of your request to have your complaint heard by a Complaints Panel, we will confirm that we have received your letter and are making arrangements for a panel to be convened.

- 7.8 As soon as possible following this we will inform you of a date for the Complaints Hearing. This date should take into account your availability to attend, if you wish to do so. The aim will be for this panel to take place within twenty working days of receiving your request for a hearing. You will be notified by letter or email which will inform you of the date, time and location of the hearing.
- 7.9 You will be asked whether you wish to provide any further written documentation in support of your complaint. If you do, then the school will need to receive this at least ten school working days before the hearing.
- 7.10 The person who led Stage Two will be asked to prepare a written report for the panel. The panel can request additional information from other sources if necessary. You will receive copies of these papers at least five school working days before the hearing.
- 7.11 You are entitled to be accompanied to the hearing. The choice of person to accompany you is your own, but it is usually best to involve someone in whom you have confidence but who is not directly connected with the school. They are there to give you support but also to witness the proceedings and to speak on your behalf if you wish. Representatives from the media or the legal profession are not permitted to attend.
- 7.12 The person representing the school may invite relevant witnesses directly involved in matters raised by you to attend part of the hearing to present their evidence directly to the panel and to be questioned. The person representing the school may be accompanied by someone from the Trust central team.
- 7.13 The Chair of the panel will bear in mind that the formal nature of the hearing can be intimidating, and will do his or her best to put all parties at ease.
- 7.14 As a general rule, no evidence or witnesses previously undisclosed should be introduced into the meeting by any of the participants. If either party wishes to do so, the hearing will be adjourned so that the other party has a fair opportunity to consider and respond to the new evidence.
- 7.15 The Chair of the panel will ensure that the meeting is properly minuted. During the meeting, you can expect there to be opportunities for:
- The panel to hear you explain your case and your argument for why it should be heard at Stage Three;
 - The panel to hear from the person who investigated the complaint at Stage Two, in response;
 - You to raise questions via the Chair;
 - You to be questioned by the complaint investigator through the Chair;

- 7.16 The panel members, and their adviser, to be able to question you and the person who investigated the complaint at Stage Two;
- 7.17 You and the person who investigated the complaint at Stage Two to make a final statement.
- 7.18 At the end of the complaint hearing the panel will make its findings and recommendations and will stipulate that a copy of those findings and recommendations is:
- (i) provided to the complainant and, where relevant, the person complained about; and
 - (ii) available for inspection on the school premises by the Board of Trustees and the head teacher.
- 7.19 The panel will then consider the complaint and all the evidence presented in order to:
- reach a unanimous, or at least a majority, decision on the case;
 - decide on the appropriate action to be taken, if necessary;
 - recommend, where appropriate, changes to the school's systems or procedures to ensure that similar problems do not happen again to the CEO within 10 school days.
- 7.20 We will keep a copy of all correspondence and notes on file in the school's records but separate from pupils' personal records, for one year after your child has left the school.
- 7.21 Correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.
- 7.22 Records will indicate:
- Whether the complaint has been resolved at an informal stage or proceeded to a Complaints Hearing; and
 - action taken by the school as a result of those complaints (regardless of whether they are upheld).

8. Closure of complaints

- 8.1 Very occasionally, a school will feel that it needs, regretfully, to close a complaint where the complainant is still dissatisfied.
- 8.2 Both the school and the Trust, where appropriate, will do all we can to help to resolve a complaint against the school 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".

- 8.3 If a complainant persists in making representations to the school – to the executive headteacher/headteacher or anyone else, this can be extremely time-consuming and can detract from our responsibility to look after the interests of all of the children in our care.
- 8.4 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 that the complaint has exhausted our official process and, especially, where the complainant's action is causing distress to staff and/or pupils.
- 8.5 If the complainant believes the school or Trust did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Education Skills and Funding Agency after they have completed stage three.
- 8.6 The Education Skills and Funding Agency will not normally reinvestigate the substance of complaints or overturn any decisions made by the school/Trust. They will consider whether the school/Trust has adhered to education legislation and any statutory policies connected with the complaint.
- 8.7 The complainant can refer their complaint to the Education Skills and Funding Agency online at www.education.gov.uk/contactus, by calling 0370 000 2288 or by writing to the following address: Department for Education, Piccadilly Gate, Store Street, Manchester, M1 2WD

9. Raising a complaint against the Trust's central functions, a member of Trust's Central Team, a Trustee or a Member

- 9.1 Where your complaint is about something relating to the Central Team of Broad Horizons Education Trust, to a central Trust policy or to a Trustee, or the Trust Board as a whole, the principles of this policy will be applied. Every effort will be made to resolve the complaint informally, but if you remain dissatisfied you should address your concerns in writing to the Trust's Company secretary, marked private and confidential to phil.beecher@bschoolstrust.co.uk
- 9.2 The timescales in the procedure will be adhered to but all the timescales cited will relate to 'working days' rather than 'school working days'.
- 9.3 Investigations at Stage 2 will usually be conducted by the CEO or a nominated member of the Trust Executive Leadership Team.
- 9.4 In exceptional circumstances an independent investigator may be commissioned, who will make a report to the CEO on completion of his/her investigation. Where the complaint is about a Trustee or the Trust Board as a whole, an independent investigator will be commissioned, who will make a report to the Chair of the Trust Board on completion of their investigation.

- 9.5 The Complaints panel will be appointed by and on behalf of the Board of Trustees and will comprise at least three people who were not directly involved in the matters detailed in the complaint, at least one of whom shall be independent of the management and running of the Central Team.
- 9.6 Where the complaint involves Trustees or the Trust Board as a whole an entirely independent panel, drawn from other multi-academy trusts or public sector bodies will hear the complaint at this stage.

10. Unreasonable Complainants

- 10.1 Our trust is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.
- 10.2 Our trust defines unreasonable complainants as ‘those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people’s complaints’.
- 10.3 A complaint may be regarded as unreasonable when the person making the complaint:
- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
 - refuses to cooperate with the complaints investigation process while still wishing their complaint to be resolved;
 - refuses to accept that certain issues are not within the scope of a complaints procedure;
 - insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
 - introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
 - makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
 - changes the basis of the complaint as the investigation proceeds;
 - repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);

- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Education Skills Funding Agency.
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

10.4 A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

10.5 Complainants should limit the number of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

10.6 If the behaviour continues the headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact a school or trust causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

10.7 In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the trust's premises.

Appendix 1: Complaints Recording Form

School Complaints Recording Form

Name of school

Your name

Pupils name.....

Address

.....

Postcode

Daytime telephone number

Evening telephone number

If applicable, name of child(ren) and year at school

.....

Your relationship to the school, e.g. parent, carer, neighbour, member of the public, student:

.....

Please give details of your complaint (continue on another sheet if necessary)

What action, if any, have you already taken to try and resolve your complaint? Who did you speak to, when and what was the response?

What actions do you feel might resolve the problem at this stage?

Signature

Date

Official Use:

Date of acknowledgment

By whom

Complaint referred to

Date

Appendix 2: Complaints Subject to Statutory Procedures

Some areas of complaint are subject to statutory procedures and there is clear guidance on how such issues should be dealt with, which lie outside this procedure. These include:

- admissions
- child protection
- drugs
- equal opportunities
- exclusions
- health and safety
- National curriculum
- religious education and collective worship
- sex education
- special educational needs
- staff capability
- staff discipline
- staff grievance
- racist incidents¹

The headteacher will in most cases determine which of these statutory procedures apply. If one of these statutory procedures needs to be invoked at some point during the investigation of a more general complaint, the complaints procedure should be suspended until the statutory procedure has been concluded.

¹ Although racist incidents are subject to a statutory procedure, the Race Relations Amendment Act 2000, this does not necessitate the complaints procedure being suspended. However, there is a duty for local authorities to monitor racist incidents and so academies must follow local authority procedures for recording such incidents

Appendix 3: Barring from Trust and School Premises

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

If an individual's behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the headteacher or the Trust can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make.

Our Trust will always give the parent the opportunity to formally express their views on the decision to bar in writing.

The decision to bar should then be reviewed, taking into account any representations made by the parent and either confirmed or lifted. If the decision is confirmed the parent should be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the headteacher or Chair of Governors.

Version Control	Updated by	Reviewed by	Authorised by
G05 Complaints Policy version 1.0	Executive Director of Education March 2021	Education performance Committee March 2021	Board of Trustees March 2021
	New refreshed version of the policy.		
G05 Complaints Policy version 1.1	Executive Director of Education November 2021	Education Performance Committee November 2021	Board of Trustees December 2021
	Section 1- 10 amended to simplify policy and Appendices 2 & 3 added		
G05 Complaints Policy version 1.2	Chief Operating Officer March 2022	Education Performance Committee March 2022	Board of Trustees March 2022
	Section 7.4 - 7.5, 7.19 and 9.5 amended to comply with Part 7 of the Education (Independent School Standards) Regulations 2014.		