



# **The Brigshaw Learning Partnership (BLP)**

## **COMPLAINTS POLICY**

Approved by CEO: Nov 2021

Noted by Board December 2021

Noted by LGB spring 2022

For Review: Nov 2024

Policy to be published on school Website

## AVAILABILITY

This procedure is available in writing on request to pupils, parents of pupils and prospective pupils of The Brigshaw learning Partnership. While pupils may themselves raise concerns and complaints under this policy and procedure, the school will involve parents should this occur. Copies are available:

- by writing to the BLP office: The Brigshaw Learning Partnership, Brigshaw Lane, Allerton Bywater, Castleford WF10 2HR
- on request from the school office; or at the school's website

## LEGISLATION AND GUIDANCE

This document meets the requirements of section 29 of the Education Act 2002 and complies with our funding agreement and Articles of association. This policy meets the requirements of the Education (Independent School Standards (England) Regulations 2014) Part 7.

## COMPLAINTS PROCEDURE

This procedure will be relied upon in respect of **all complaints** by parents and pupils made against the trust, or school within the trust except in respect of;

- child protection allegations where a separate policy and procedure applies; and
- exclusions where a separate policy and procedure applies; and
- appeals relating to internal assessment decisions for external qualifications where a separate appeals procedure applies; and
- statutory assessments of special educational needs (SEND). In these circumstances, the complaint should be made directly to the local authority. For all other SEND related concerns or complaints, this policy applies; and
- whistle blowing where a separate policy and procedure applies; and
- staff grievances where a separate policy and procedure applies; and
- staff discipline where a separate policy and procedure applies; and
- Academy re-organisation proposals; and
- Admissions where a separate policy and procedure applies; and
- Data breaches where a separate policy and procedure applies; and

Arrangements for handling complaints from parents of children with Special educational needs and disabilities (SEND) about the school's support are within the scope of this policy. Such complaints should first be made to the special educational needs co-ordinator (SENCO) or Headteacher; they will then be referred to this complaints policy. Our SEND policy and report includes information about the rights of parents of pupils with disabilities who believe that our school has discriminated against their child.

If your complaint relates to **Early Years Provision** please refer to Appendix C, as this is covered by a separate set of guidelines.

Complaints made by people who are not parents or pupils of the school or trust are not covered by this Procedure, and such individuals should contact the Academy office. However, such complaints will be handled respectfully and expediently.

The Trust expects that most concerns can be resolved informally and will use their best endeavours to resolve any complaints that are made informally, or any concerns that are raised, on that basis. If

informal procedures fail to resolve the issue, a formal complaint about any matter not involving those listed above must be sent in writing to the Headteacher and will be dealt with under this Complaints Procedure. Complaints should be sent via the school office and marked as 'Private and Confidential' (see Appendix A). If you require help in completing the form, please contact the school office. You can also ask a third-party organisation for example like the Citizens Advice to help you.

Complaints that involve or are about the Headteacher; Chair of Governors; an individual governor or the whole governing body should be addressed to the Clerk to the Brigshaw Learning Partnership Trust Board – see address above. Please mark them as Private and Confidential. The CEO will nominate a senior member of Trust staff, a governor, trustee or an external party to act as the investigating officer.

Complaints about the Chief Education Officer (CEO), the BLP, or a trustee of the BLP, should be addressed to Chair of Trustees, via the BLP office. Please mark them as Private and Confidential.

Complaints about the chair of Trustees should be addressed to the Clerk to the Brigshaw Learning Partnership Trust Board – see address above. Please mark them as Private and Confidential. The CEO may nominate a senior member of Trust staff, or an external party to act as the investigating officer.

Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage Three of the Procedure.

Every complaint shall receive fair and proper consideration and a timely response. Please refer to the following guidelines for the specific timescales. We will do all we can to resolve your concern and to ensure you are happy with the education that your child receives in the school. Parents can be assured that all complaints and expressions of concern, whether raised informally or formally, will be treated seriously and confidentially (where this is possible).

The school expects that complaints will be made as soon as possible after an incident arises and no later than 3 months afterwards. We will consider exceptions to this time frame in exceptional circumstances or where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

Should a complainant wish to withdraw their complaint, we will ask them to confirm this in writing.

A written record of all complaints will be kept, including whether they are resolved following a formal procedure or a panel hearing, and including any action taken. Records of formal complaints will be kept for a minimum of 6 years from the resolution of the complaint.

Where possible, correspondence, statements and records will remain confidential except, for example, in so far as is required by paragraph 33(k) of the Education (Independent Schools Standards) Regulations 2014; where disclosure is required in the course of the Academy's inspection under section 109 of the 2008 Act or is requested by the Secretary of State.

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, 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. If this happens, we will inform you of a proposed new timescale.

If a complainant commences legal action against the BLP in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

### **Anonymous complaints**

We will not normally investigate anonymous complaints. However, the Headteacher, or CEO if appropriate, will determine whether the complaint warrants an investigation.

### **Complaints received outside of term time**

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

### **AIMS**

Our Complaints Procedure will:

- encourage resolution of problems by informal means wherever possible; and
- be easily accessible and publicised; and
- be simple to understand and use; and
- be impartial; and
- be non-adversarial; and
- allow swift handling with established time-limits for action and keeping people informed of the progress; and
- ensure a full and fair investigation by an independent person where necessary; and
- respect people's desire for confidentiality; and
- address all the points at issue and provide an effective response and appropriate redress, where necessary; and
- be communicated to all staff likely to be involved in the procedure, with further training provided as appropriate; and
- provide information to the school's senior management team and the BLP board so that services can be improved.

The school will be clear about the difference between a concern and a complaint. We will take concerns seriously at the earliest stage to reduce the numbers that develop into complaints.

### **STAGE ONE - INFORMAL RESOLUTION**

- 1.1 If pupils or parents have a concern they should normally contact the relevant teacher or staff member in the first instance. In many cases, the matter will be resolved straightaway by this means. If the teacher cannot resolve the matter alone, it may be necessary for them to consult the Senior Leadership Team as appropriate.
- 1.2 Complaints made directly to the Headteacher will usually be referred to the relevant teacher unless the Headteacher deems it appropriate to deal with the matter personally. In most cases, complainants should be offered the opportunity to discuss their complaint in person, over the telephone or by virtual means.

- 1.3 The school will use its reasonable endeavours to resolve any informal complaints within ten working days of them being raised, except where they are raised in Academy holidays where the Academy will use its reasonable endeavours to resolve them as soon as possible after commencement of the new term (usually within ten working days).
- 1.4 Should the matter not be resolved as referred to in paragraph 1.3 above, or in the event that the teacher and the parents fail to reach a satisfactory resolution, parents will be advised to proceed with their complaint in accordance with Stage Two of this Procedure.

## **STAGE TWO – FORMAL RESOLUTION**

- 2.1 If the complaint cannot be resolved on an informal basis (as set out in Stage One above) then parents should put their complaint in writing to the Headteacher using the Complaint Form (Appendix A), unless the complainant has sufficient reason to request a reasonable adjustment to be made.
- 2.2 The Headteacher will delegate responsibility for undertaking investigation of the complaint to a member of the Senior Leadership Team where appropriate, or will deal with the matter personally.
- 2.3 The Headteacher will decide, after considering the complaint, the appropriate course of action to take.
- 2.4 In most cases, the Headteacher/investigating Officer will meet or speak with the parents concerned to discuss the matter. If possible, a resolution will be reached at this stage.
- 2.5 The Headteacher/investigating officer will use reasonable endeavours to speak to or meet parents within ten working days of the formal complaint being received, except where the complaint is received in Academy holidays, where the Head Teacher will use their reasonable endeavours to speak or meet with parents as soon as possible after the commencement of the new term (usually within ten working days).
- 2.6 It may be necessary for a member of senior staff to carry out further investigations.
- 2.7 Once the Headteacher/investigating officer is satisfied that, so far as is practicable, all of the relevant facts have been established, a decision will be made. Parents will be informed of this decision in writing, giving reasons for the decision. The written decision should be provided no later than ten working days after speaking or meeting with parents to discuss the matter. The Headteacher/investigating officer may also arrange to meet with parents to explain the decision.
- 2.8 Where parents are dissatisfied with the outcome of the response to their formal complaint, the parents have the opportunity to have their complaint considered by an independent Complaints Panel. (Please see Stage 3 for further details.)

## **STAGE THREE – PANEL HEARING**

- 3.1 If parents seek to invoke Stage Three following failure to reach an earlier resolution, and where dissatisfied with the decision in respect of their formal complaint, the parents may

request that their complaint be further considered by an independent Complaints Panel set up for this purpose. This is the final stage of the complaints procedure.

- 3.2 This request for further assessment of the complaint will, for the purposes of this Procedure, be known as an 'appeal'.
- 3.3 Parents must lodge their appeal in writing to the clerk to the BLP Board, and within ten working days of the date of the decision made in accordance with the Stage Two Procedure. The parents should provide a list of their complaint(s) and which they believe to have been resolved unsatisfactorily by the Stage Two Procedure, along with the remedies sought in respect of each.
- 3.4 The Complaints Panel is only obliged to consider the complaint(s) lodged in this 'initial submission' although they may use their discretion to consider other relevant and related matters that may subsequently arise.

*Complaints about staff conduct will not generally be handled under this complaints procedure.*

- 3.5 The Clerk to the BLP Board of Governors will act as Clerk to the Complaints Panel. Where the appeal is received by the Academy during Academy holidays, the Academy has five working days upon commencement of the Academy term to refer the matter to the Clerk.
- 3.6 The Clerk provides an independent source of advice on procedure for all parties.
- 3.7 Once an appeal has been received by the Clerk, they will acknowledge the appeal in writing within five working days, and inform the parents of the steps involved in this Complaints Procedure.
- 3.8 The Clerk will then endeavour to convene an independent Complaints Panel hearing as soon as possible to consider the matter, normally no later than twenty working days after receipt of parents' written notice that they wish to invoke the Stage Three Procedure, dependent upon the availability of the Panel members.
- 3.9 The Complaints Panel will consist of three people who were not directly involved in the matters detailed in the complaint. In most cases this will be the school Chair of Governors or Vice chair, a member of the Trust Board, and one person independent of the management and running of the school. The independent person will conform to the relevant guidance issued by the Department for Education (DfE) and may be a local governor from a different school within the BLP.
- 3.10 The following are entitled to attend a hearing, submit written representations and address the Panel:
  - (a) The parent/s) and/or one representative;
  - (b) The Headteacher/investigating officer and/or one representative; and
  - (c) Any other interested person whom the Complaints Panel considers to have a reasonable and just interest in the appeal and whose contribution would assist the Panel in their decision-making. Legal representation will not normally be appropriate.

3.11 Where the Complaints Panel deems it necessary, it may require that further particulars of the complaint or any related matter be supplied in advance of the hearing. In such cases all parties will be given the opportunity to submit written evidence to the Panel in support of their position, including:

- (a) documents in support of complaint(s),
- (b) chronology and key dates relating to complaint(s), and
- (c) written submission setting out the complaint(s) in more detail.

This evidence will be considered by the Panel, along with the initial submission that was lodged by the parents. 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.

3.12 Evidence will be initially sent to the Clerk, who will then circulate the documentation to all parties, including the Panel members, along with an order of proceedings. All written evidence must be received by the Clerk no later than five working days in advance of the hearing. The Clerk will distribute the written evidence to the relevant parties no later than five working days in advance of the Panel hearing.

3.13 It is for the Panel to decide how to conduct the proceedings of the appeal, which should be reasonably informal so that all parties can present their case effectively. If possible, the Panel will resolve the parents' complaint immediately without the need for further investigation. Where further investigation is required, the Panel will decide how it should be carried out.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place.

3.14 After due consideration of all the facts they consider relevant, the Panel will reach a decision, and may make recommendations, which it shall complete within ten working days of the hearing. The decision reached by the Complaints Panel is final.

3.15 Any decision reached that may have wider implications for the Trust will need the appropriate approval from the relevant authorities e.g. the Trust Board, although any such approval must be compatible with the decision of the Complaints Panel.

3.16 The Panel's findings and recommendations will be sent by the Clerk in writing to the complainant and, where relevant, the person complained about. The findings and recommendations will be made available for inspection on the school premises by the Headteacher. The letter will state any reasons for the decision reached by the Panel.

## **NEXT STEPS**

If the complainant believes the Academy 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 Department for Education after they have completed Stage Three.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by The BLP. They will consider whether The BLP has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at: <https://www.gov.uk/complain-about-school/state-schools>, by telephone on 0370 000 2288 or by writing to:

Academy Complaints and Customer Insight Unit  
Education and Skills Funding Agency  
Cheylesmore House  
5 Quinton Road  
Coventry  
CV1 2WT



**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:**

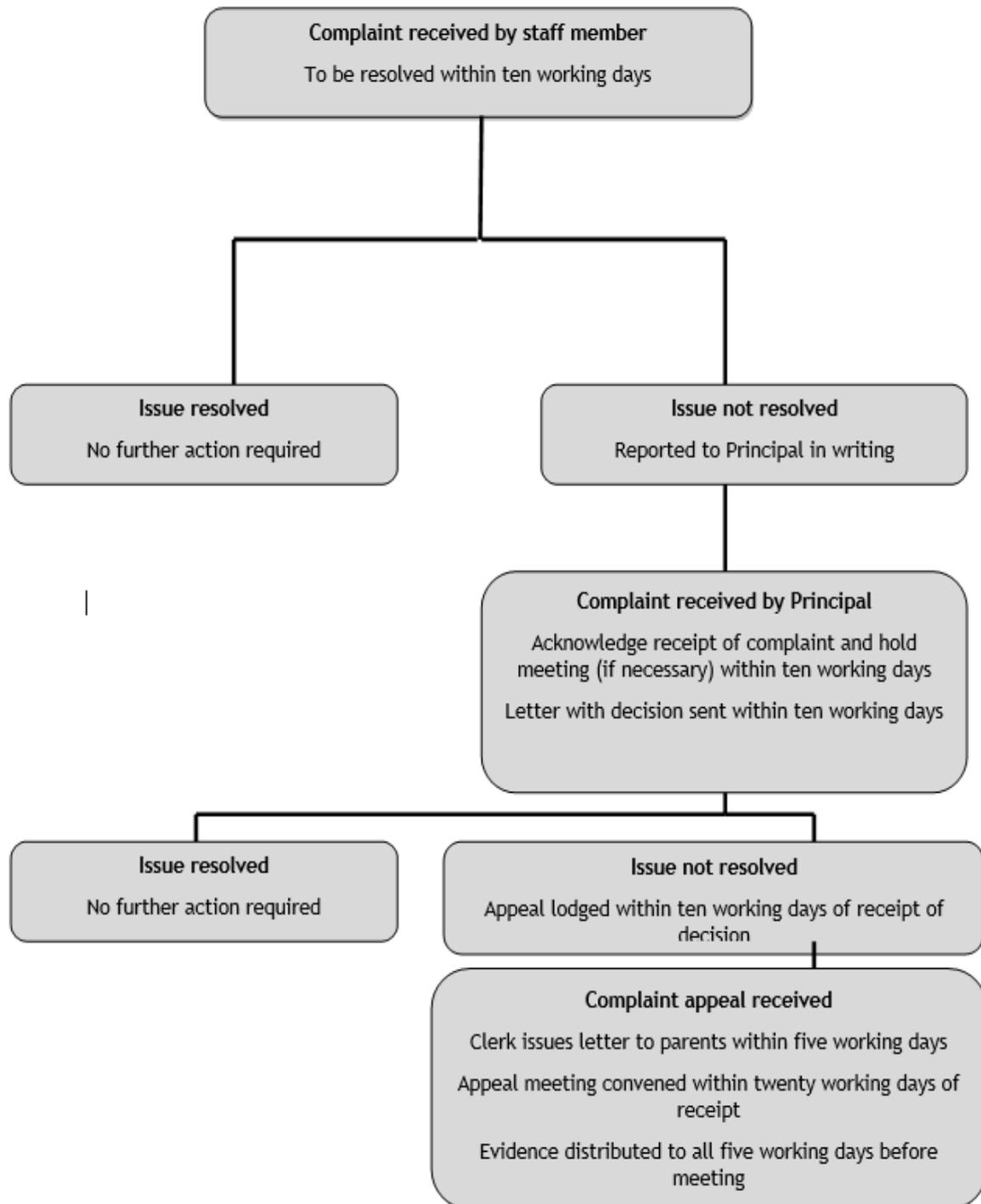
**Date acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Date:**

**Complaints Flowchart Summary (Appendix B)**



### **Early Years Provision procedure (Appendix C)**

All written complaints relating to the school's fulfilment of the Early Years Foundation Stage requirements will be investigated, and the complainant will be notified of the outcome within 28 days of the school receiving the complaint. The school will keep a record of the complaint in line with the record-keeping and confidentiality clauses set out in the main procedure above, and will make the record available to Ofsted on request.

Parents and carers can notify Ofsted if they believe that the school is not meeting Early Years Foundation Stage requirements, by calling 0300 123 4234 or 0300 123 4666, or by emailing [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk). An online contact form is also available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>.

The school will notify parents and carers should it become aware that the Academy is to be inspected by Ofsted. The school will also make a copy of the inspection report available to parents and carers of children attending the setting on a regular basis.