

# Policy D9 – Complaints Policy

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## 1. Aims

- 1.1 Each academy in the University of Brighton Academies Trust aims to meet its statutory obligations when responding to complaints from parents of pupils at the academy, and members of the community.
- 1.2 When responding to complaints, we aim to:
  - Be impartial and non-adversarial
  - Facilitate a full and fair investigation by an independent person or panel, where necessary
  - Address all the points at issue and provide an effective and prompt response
  - Respect complainants' desire for confidentiality
  - Treat complainants with respect and courtesy
  - Ensure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
  - Keep complainants informed of the progress of the complaints process
  - Consider how the complaint can feed into academy improvement evaluation processes
- 1.3 Academies try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.
- 1.4 The academy will aim to give the complainant the opportunity to complete the complaints procedure in full. To support this, the existence of this policy is publicised on the Trust website and is made available through each academy website.
- 1.5 Throughout the process, the academy will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

## 2. Legislation and guidance

- 2.1 This document meets the requirements set out in part 7 of the schedule to [the Education \(Independent Academy Standards\) Regulations 2014](#), which states that we must have and make available a written procedure to deal with complaints from parents of pupils at the academy. It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on [creating a complaints procedure that complies with the above regulations](#), and refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE).
- 2.2 This policy complies with our funding agreement and articles of association.
- 2.3 For each of the academies with Early Years provision, in addition, it addresses duties set out in the [Early Years Foundation Stage statutory framework](#) with regards to dealing with complaints about the academy's fulfilment of Early Years Foundation Stage requirements.

## 3. Definitions and scope

### 3.1 Definitions

- 3.1.1 The DfE guidance explains the difference between a concern and a complaint:
  - A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”. The academy will resolve concerns through day-to-day communication as far as possible

- A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”

## 3.2 Scope

3.2.1 The academy intends to resolve complaints informally where possible, at the earliest possible stage. There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

3.2.2 This policy does **not** cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters (see 3.2.3)
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

Please see our separate policies for procedures relating to these types of complaint.

3.2.3 Complaints relating to safeguarding matters may fall within the scope of procedures outlined in the Academy Child Protection policy, for example, allegations made against staff members. For all other complaints relating to safeguarding, the principles of this policy will be followed. However, due to the complexity and sensitivity of this type of concern an assessment of the most appropriate person to undertake any investigation will be made by a member of the Trust Executive Team and Complainants will be informed of the course of action being taken.

3.2.4 Arrangements for handling complaints from parents of children with special educational needs (SEN) about the academy’s support are within the scope of this policy. Such complaints should first be made to the class teacher or special educational needs co-ordinator (SENCO); they will then be referred to this complaints policy. Our SEN policy and Information Report includes information about the rights of parents of pupils with disabilities who believe that the academy has discriminated against their child.

3.2.5 Complaints about services provided by other providers who use academy premises or facilities should be directed to the provider concerned.

## 4. Roles and responsibilities

### 4.1 The complainant

4.1.1 The complainant will get a more effective and timely response to their complaint if they:

- Follow these procedures
- Co-operate with the academy throughout the process, and respond to deadlines and communication promptly
- Treat all those involved with respect
- Not publish details about the complaint on social media

### 4.2 The investigator

4.2.1 An individual will be appointed to look into the complaint and establish the facts. They will:

- Contact all relevant parties, keeping notes
- Consider records and any written evidence and keep these securely
- Prepare a comprehensive report which includes the facts and potential solutions

### **4.3 Clerk to the Local Board**

4.3.1 The clerk will:

- Be the contact point for the complainant and the Local Board Complaints Panel, including circulating the relevant papers and evidence before Complaints Panel meetings
- Arrange the complaints hearing
- Record and circulate the minutes and outcome of the hearing

### **4.4 Complaints Panel chair**

4.4.1 The Complaints Panel chair will:

- Chair the meeting, ensuring that everyone is treated with respect throughout
- Make sure all parties see the relevant information, understand the purpose of the committee, and are allowed to present their case

## **5. Principles for investigation**

5.5.1 When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

### **5.1 Time scales**

5.1.1 The complainant must raise the complaint within 6 weeks of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 6 weeks of the last incident.

5.1.2 An exception to this time frame will be considered in circumstances 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.

5.1.3 When complaints are made out of term time, we will consider them to have been received on the next academy day.

5.1.4 If at any point we cannot meet the time scales we have set out in this policy, we will:

- Set new time limits with the complainant
- Send the complainant details of the new deadline and explain the delay

### **5.2 Complaints about our fulfilment of early years requirements**

5.2.1 All written complaints relating to the academy's fulfilment of the Early Years Foundation Stage requirements will be investigated and the complainant notified of the outcome within 28 days of receiving the complaint. The academy will keep a record of the complaint (see section 13) and make this available to Ofsted on request.

5.2.2 Parents and carers can notify Ofsted if they believe that the academy 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>.

5.2.3 We will notify parents and carers if we become aware that the academy is to be inspected by Ofsted. We will also supply a copy of the inspection report to parents and carers of children attending the setting on a regular basis.

## 6. Summary of the Complaints Procedure

INFORMAL PROCEDURE STAGE		ACTION REQUIRED
Stage 1a	Informal discussion with the class teacher or other relevant member of staff usually resulting in resolution of the issue	The person is informed of the action to be taken to resolve the issue. If they are not satisfied they should be provided with a copy of the Trust's Complaints Policy, information of how to proceed to stage 2 of the process and a copy of the Complainant Code of Conduct (see Annex 1).
Stage 1b	Informal discussion with the Principal, other member of senior staff or Chair of the Local Board usually resulting in resolution of the issue.	

FORMAL PROCEDURE STAGE		ACTION REQUIRED
Stage 2	The complaint is submitted, normally in writing (see Annex 2 for Complaints Form), to the Principal	The Principal acknowledges receipt within 7 school days, and an investigation into the complaint is conducted by the Principal or the Chair of the Local Board. If the complaint is against the Principal/Executive Principal (or a decision made by the Principal/Executive Principal) the investigation is always conducted by the Chair. The Investigator provides a written response to the Complainant within 20 school days, including the findings of the investigation and the reasons for those findings. Information is provided on how to progress the complaint to stage 3.
Stage 3	Complainant writes to the Clerk to the Local Board requesting that the complaint is heard by the Complaints Panel	Clerk arranges for the Complaints Panel to meet between 12 and 20 school days from receipt of letter and informs Complainant of findings within 5 school days of hearing. Information is provided on how to contact the Education and Skills Funding Agency if required.

**FURTHER RECOURSE** *If the Complainant is not satisfied that the complaint has been dealt with properly according to the Trust's procedure*

Stage 4	Complainant writes to the Education and Skills Funding Agency, at <a href="http://www.gov.uk/complain-about-school">www.gov.uk/complain-about-school</a>	The Education and Skills Funding Agency may intervene if <ul style="list-style-type: none"> <li>• there was an undue delay or the academy did not comply with its Complaints Policy</li> <li>• the academy/Trust is not following the terms of its funding agreement</li> <li>• The academy/Trust has failed to comply with any other legal obligation</li> </ul>
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The full process is provided in detail below.

## 7. Stage 1: Dealing with concerns and complaints informally

- 7.1 The vast majority of concerns and complaints can be resolved informally. There are many occasions where concerns are resolved straight away through the class teacher, subject leader, senior leader, other member of staff, or Principal depending on whom the parent first approached, without the need to resort to a formal complaints procedure, and this is preferable for all concerned.
- 7.2 In some instances, the complainant may also welcome the opportunity for an informal discussion with the Academy Principal, Chair of the Local Board or other senior member of staff.
- 7.3 Although this stage involves dealing with the issue informally it may prove helpful later, although not essential at this stage, for the person responding to make a basic record of the issue or complaint raised, which may include brief notes of conversations (face to face or over the telephone), and the responses made.

- 7.4 The person who raised the issue should be informed of the action to be taken to resolve the issue. It may be helpful to confirm undertakings given about future action or monitoring in writing.
- 7.5 If the person is dissatisfied with the response they have been given at this stage, they should be provided with a copy of the Trust's Complaints Policy and the Trust's Complainant Code of Conduct and informed about how to take their complaint to Stage 2, by referring it to the Principal<sup>1</sup>, usually in writing (see Annex 2 – Complaints Form).

## **8. Stage 2: Referral to the Principal or Chair of the Local Board**

- 8.1 The issue is referred to the Principal or Chair of the Local Board for investigation, usually by the Complainant writing to the Principal (see Annex 2 – Complaints Form). This should include information about why they are complaining, and what they want to happen as a result of their complaint. A complaint should normally be submitted within six weeks of the incident in question. If a complaint is submitted after this date, the Complainant will be required to explain why they were not able to submit the complaint within the stated period.
- 8.2 It is generally at this stage that it will become clear whether:
- (i) it is appropriate for the complaint to be dealt with under these procedures or whether there are statutory processes which are more appropriate. If the latter is the case, the Principal will need to inform the Complainant of this and the way in which the complaint will be handled.
  - (ii) the Principal or the Chair of the Local Board will investigate the complaint<sup>2</sup>. If the complaint is about the Principal the investigation is always conducted by the Chair.
  - (iii) the concern is a definite complaint. If the focus of the complaint is unclear, the Investigator may ask the Complainant to clarify, in writing, why they are complaining, and what they want to happen as a result of their complaint.
- 8.3 Any complaint received under this process should be acknowledged within 7 school days of receipt of the complaint with a written response from the Investigator within 20 school days of receipt of the complaint. The Complainant will also be informed in the initial letter from the Investigator that if the complaint is about a named member of staff the Complainant should be advised not to contact the member of staff directly for the duration of the complaint.
- 8.4 An investigation will be held and the Complainant should also be given the opportunity to meet with the Investigator, accompanied by a relative or friend if they so wish, to discuss their complaint. Written records of interviews with Complainants and with staff or witnesses carried out in the course of the investigation should be kept by the Investigator.
- 8.5 The letter conveying the findings of the Investigator should be provided within 20 school days of the receipt of the complaint and should include the outcome of the investigation accompanied by an explanation of those findings. The Complainant should also be informed of the process for referral to the Clerk to the Complaints Panel for consideration under Stage 3 of the Complaints Policy. Any such referral should be made within 10 school days after receipt of the Investigator's letter.
- 8.6 In acknowledging any complaint, the Investigator may need to explain their powers in the matter in question and the extent to which it may or may not be possible to achieve the outcome desired by the Complainant. For example, a parent may be unhappy with their child's class placement. Whilst the Investigator can look at whether the decision about the class placement was made in a fair, reasonable and consistent way, they do not have the powers to change the placement. In such instances it is important that the Complainant is made aware at the outset of the scope of the investigation. However, when the Investigator is the Chair of the Local Board and where it is not within the remit of the Investigator to change a decision, it may make a recommendation for the Principal to consider.

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<sup>1</sup> For the purposes of this document, 'Principal' means Principal, Associate Principal, Executive Principal, Acting Principal or, in the Principal's absence, the most senior teacher who is acting in the role of Principal.

<sup>2</sup> The Principal or Chair investigating the complaint will henceforth be referred to as the 'Investigator' in this policy.



8.7 Should the complaint relate to a member of Trust level staff, the actions of the Trust's Board of Trustees or an individual Trustee, the Complainant should request a review of their complaint in writing to the Chair of the Board of Trustees, via the Clerk to the Trust (should the complaint be about the Chair of the Board of Trustees, an alternative Trustee should undertake the investigation). The process will follow the same principles described above<sup>3</sup>.

## **9. Stage 3: Review by Complaints Panel**

### **9.1 Overview**

9.1.1 Complaints only rarely reach this formal level, but it is important that the Local Board is prepared to deal with them when necessary. The Local Board has constituted a Complaints Panel for this purpose (please see Annex 4 for the Terms of Reference). The Complaints Panel should be comprised of at least two Local Board members and a member independent of the management and running of the academy / Trust. The Chair of the Local Board should not be a member of the Panel if they have been involved at the previous stage.

9.1.2 The membership of the Complaints Panel should not include members who are employed at the academy. If this were the case, it may be perceived by the Complainant that those members would be unlikely to amend or overturn a decision taken by the Principal. In those circumstances, the Complainant might regard this as grounds to complain to the Education and Skills Funding Agency.

9.1.3 Panel members will uphold the highest standards of objectivity and fairness in their consideration of the complaint and in their communication with the Clerk and each other during the period leading up to the panel meeting.

### **9.2 Timescale and documentation**

9.2.1 Where the Clerk to the Local Board receives a complaint under these procedures, he or she should arrange for a Complaints Panel to meet between 12 and 20 school days from receipt of the letter

9.2.2 The Principal<sup>4</sup> should also be informed immediately that a complaint has been received and consulted about the proposed date of the hearing.

9.2.3 On issuing notification of the date and time of the hearing, the clerk will need to advise the Complainant and the Principal<sup>4</sup> that any written documentation they wish the Panel to consider will need to be submitted in time to be circulated to Panel members 5 days prior to the hearing. The Complainant should be advised that they may be accompanied by a relative or friend. The Principal (or any staff member who is the subject of the complaint) should be advised that they may be accompanied by a professional support representative such as a senior colleague from another academy in the Trust.

9.2.4 Notification of the hearing should also include details of the way in which the hearing will be conducted. The hearing should be minuted and copies of all relevant correspondence and notes should be kept on file by the clerk.

9.2.5 The panel will then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint, and make a copy available for inspection by the proprietor and Principal. Please see Section 13 Record Keeping for more information.

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<sup>3</sup> Complaints received from academies/academy Local Boards regarding decisions of the Board of Trustees will normally be investigated by staff independent of the management of the Trust, such as internal or external auditors.

<sup>4</sup> or the member of staff who is the subject of the complaint, in the case of complaints about a member of Trust level staff, Chair/member of the Local Board/Board of Trustees

9.2.6 The Complainant should also be informed of the opportunity for referral to the Education and Skills Funding Agency if they are not satisfied that the complaint has been dealt with properly according to the Trust's procedure.

### **9.3 Procedure at the Complaints Panel meeting**

9.3.1 The hearing is as informal as possible. The Complainant is entitled to bring a friend or relative. The Principal (or any staff member who is the subject of the complaint) is entitled to be accompanied by a professional support representative such as a senior colleague from another academy in the Trust. Witnesses are only required to attend for the part of the hearing in which they give their evidence.

9.3.2 It is within the power of the Panel to decide whether to allow those invited to the Complaints Panel meeting to attend at the same time, or be invited to present their case separately. If all attendees are invited to attend the meeting at the same time the following meeting structure may be followed<sup>5</sup>:

- The Chair of the panel should open the meeting by welcoming all those present and leading the introductions. The Chair should then outline the procedure and what the Complaints Panel's powers are.
- The Clerk should outline the order in which the parties will be able to state their case and ask questions. The clerk should also draw attention to the estimated times included in the agenda and that although timing are approximate, the expectation is that they will be adhered to. Please see Annex 5 for a sample agenda with approximate timings.
- The panel should invite the Complainant to explain their complaint.
- The Principal, followed by the panel, may question the Complainant.
- The Chair should invite the Principal to explain the academy's actions, followed by the academy witnesses.
- The Complainant, followed by the panel, may question the Principal and their witnesses.
- The Chair should invite the Principal to make their final statement.
- The Chair should invite the Complainant to make their final statement.
- The Chair should ask both parties to leave together so that the panel can discuss the case. The Chair should inform both parties that they will be notified of the decision on the panel within 5 days.
- The Complaints Panel should make their decision. The Clerk should be able to advise on procedural issues or draw from his/her notes if needed, but should take no part in the decision.

9.3.3 If the Chair of the Panel decides not to allow the attendees to attend the meeting at the same time the following meeting structure may be followed:

- The parties attending the meeting should be invited to join the meeting and present their case in the following order: Complainant, Complainant's witness(es), Principal, Witness(es) from/for the academy.
- When each attendee joins the meeting the Chair should lead the introductions of the panel, and explain the procedure and powers of the panel.
- Each attendee should be given the opportunity to present their case and answer questions from

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<sup>5</sup> The following meeting structure is a recommendation only. The Chair may decide to allow all attendees to be present at the same time, but not allow cross-examination.

the panel. They will then be thanked for their attendance and informed that they will be notified of the decision on the panel within 5 days.

#### **9.4 Conduct at meetings**

- 9.4.1 In most cases, each party is helpful, polite and patient, and accepts that it takes time to resolve a dispute. However, the conduct of some participants can make investigating and resolving a complaint difficult, or they may behave in a way that is unacceptable or inappropriate.
- 9.4.2 The Trust will never tolerate aggressive or intimidating behaviour, violence or abuse towards anyone attending a Complaints Panel meeting. This may include behaviour or language (verbal or non-verbal) that may cause individuals to feel afraid, threatened or abused; and it may include threats, personal verbal abuse, derogatory remarks and rudeness.
- 9.4.3 It is the responsibility of the panel members to monitor the conduct of those attending a panel meeting. If a member of the panel decides that an attendee is exhibiting unacceptable behaviour, in the first instance they will be asked to desist from that behaviour. If this request is ignored they may be asked to leave the meeting.

#### **9.5 The Role of the Clerk**

- To set up the Complaints Panel and invite all relevant parties.
- To ask for any written representations and supporting documentation.
- To circulate any representations in advance of the meeting, including a report from Stage 2 of the complaints process and a written account of the complaint from the Complainant, if available.
- To take detailed minutes of the meeting as a record of the evidence considered by the Complaints Panel (these minutes should be available to all parties on request).
- To provide advice to the Complaints Panel once the other parties have left the room.
- To write to all parties after the meeting with the Complaints Panel's findings.

#### **9.6 The Complaints Panel's Decision**

The panel can:

- dismiss the complaint in whole or in part
- uphold the complaint in whole or in part
- decide on the appropriate action to be taken to resolve the complaint
- recommend changes to the academy's systems or procedures to ensure that problems of a similar nature do not recur

### **10. Further recourse**

- 10.1 If the Complainant is dissatisfied with the Complaint Panel's handling of their complaint, further recourse to other agencies is available to them outside the scope of the Trust's own procedures. However, these agencies would be unable to take any action until the Trust's own procedures had been completed.
- 10.2 Complainants have a right of appeal to the Education and Skills Funding Agency. The Education and Skills Funding Agency will check whether the complaint has been dealt with properly by the Trust. It will consider complaints about academies that fall into any of the following three areas:
- (i) where there is undue delay or the academy did not comply with its own complaints procedure when considering a complaint
  - (ii) where the academy / Trust is in breach of its funding agreement with the Secretary of State
  - (iii) where an academy / Trust has failed to comply with any other legal obligation
- 10.3 The Education and Skills Funding Agency will not overturn the Trust's decision about a complaint. However, if it finds that the Trust did not deal with a complaint properly it will request the complaint is looked at again and procedures meet the requirements set out in the Regulations. If the Trust's complaints procedure does not meet the Regulations, it will ask the Trust to put this right. It may



seek to enforce the decision under the terms of the funding agreement on behalf of the Secretary of State, if appropriate.

## **11. Support for employees who have been the subject of a complaint**

11.1 In the first instance, staff members who have been subject to a complaint should seek support from their line manager. For information on the support and counselling service available to employees of the Trust please see Annex 6 below.

## **12. Persistent complaints**

### **12.1 Unreasonably persistent, vexatious or spurious complaints**

12.1.1 Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- Has made the same complaint before, and it's already been resolved by following the school's complaints procedure
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- Knowingly provides false information
- Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure
- Pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refused to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the time frames it sets out
- Changes the basis of the complaint as the investigation goes on
- Makes a complaint designed to cause disruption, annoyance or excessive demands on school time
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value

12.1.2 When a complaint is considered to be persistent, vexatious or spurious the Investigator will, following consultation with the Trust's Executive Director of Strategy, write to the Complainant explaining why the complaint is not being taken forward, and informing that they have the right to refer this decision to the Education and Skills Funding Agency.

12.1.3 Please see Annex 3 for a model letter to be used in these circumstances.

### **12.2 Steps we will take**

12.2.1 We will take every reasonable step to address the complainant's concerns, and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

12.2.2 If the complainant continues to contact the school in a disruptive way, we may put communications strategies in place. We may:

- Give the complainant a single point of contact via an email address
- Limit the number of times the complainant can make contact, such as a fixed number per term
- Ask the complainant to engage a third party to act on their behalf, such as [Citizens Advice](#)
- Put any other strategy in place as necessary

### **12.3 Stopping responding**

12.3.1 We may stop responding to the complainant when all of these factors are met:

- We believe we have taken all reasonable steps to help address their concerns
- We have provided a clear statement of our position and their options
- The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience

- Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.
- In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from our school site.

## **12.4 Duplicate complaints**

- 12.4.1 If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account. If we are satisfied that there are no new aspects, we will:
- Tell the new complainant that we have already investigated and responded to this issue, and the local process is complete
  - Direct them to the ESFA if they are dissatisfied with our original handling of the complaint
  - If there are new aspects, we will follow this procedure again.

## **12.3 Complaint campaigns**

- 12.3.1 Where the academy receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the academy, the academy may respond to these complaints by:
- Publishing a single response on the academy website
  - Sending a template response to all of the complainants
- 12.3.2 If complainants are not satisfied with the academy's response, or wish to pursue the complaint further, the normal procedures will apply.

## **13. Record keeping**

- 13.1 The academy will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls. Records of complaints that proceed to the review panel stage will also be retained by the Trust Governance Team.
- 13.2 This material will be treated as confidential and held centrally and will be viewed only by those involved in investigating the complaint or on the review panel.
- 13.3 This is except where the Secretary of State (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a school inspection.
- 13.4 Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and record retention schedule.
- 13.5 The details of the complaint, including the names of individuals involved, will not be shared with the whole Local Board in case a review panel needs to be organised at a later point. Where the Local Board is aware of the substance of the complaint before the review panel stage, the Clerk to the Local Board will (where reasonably practicable) arrange for an independent panel to hear the complaint.
- 13.6 Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the Executive Director of Policy and Governance, who will not unreasonably withhold consent.

## **14. Learning lessons**

14.1 The Local Board will review any underlying issues raised by complaints with the Principal, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the academy can make to its procedures or practice to help prevent similar events in the future.

## 15. Monitoring arrangements

12.1 The Board of Trustees will oversee the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The academy Local Board will track the number and nature of complaints, and review underlying issues as stated in section 14.

12.2 The Principal will nominate a named member of staff to log and manage complaints records which are resolved at Stage 1 or Stage 2 within an academy. Records of complaints which reach Stage 3 will be logged and managed by the Trust Governance Team.

12.3 This policy will be reviewed by the Board of Trustees every 3 years or earlier in line with legislation changes.

## 13. Links with other policies

- 13.1 Policies dealing with other forms of complaints include:
- Child protection and safeguarding policy and procedures
  - Admissions policy
  - Exclusions policy
  - Staff grievance procedures
  - Staff disciplinary procedures
  - SEN policy and information report
  - Privacy notices

## 9. Policy status and review

<b>Written by:</b>	Head of Governance and Admissions
<b>Owner:</b>	Director of Strategy
<b>Status:</b>	V5b=approved
<b>Approval date:</b>	V1 = 23/6/11 (Board of Trustees) V2 = 3/10/14 (Board of Trustees) V3 = 25/2/15 (Academic Committee) Merger editorial amendments 1 September 2017 V4 = 11/10/18 (Board of Trustees) V5 = 11/07/19 (Board of Trustees) V5a= minor editorial amendment 12 January 2020 V5b = minor editorial amendment for clarity on safeguarding complaints
<b>Review Date:</b>	July 2022

The Principal and Local Board are fully committed to the improvement of our academy. We welcome feedback from parents/carers and other members of the academy community and will always try to resolve any concerns as quickly as possible. In the first instance please discuss your complaint with your child's class teacher, if appropriate, or the Principal or a member of the Senior Leadership team.

If you would like to take your complaint further there is a procedure for individuals to use if they wish to make a formal complaint. Please see the academy website or ask at the academy office for a copy of the University of Brighton Academies Trust Complaints Policy.

In our experience, in most cases, Complainants are helpful, polite and patient, and they give us time to sort out whatever has happened so that everyone has been listened to and the problem is resolved. The majority of Complainants will not be reminded to fulfil the academies' expectations to:

- conduct themselves in accordance with the Trust's Parent and Visitor Code of Conduct Policy;
- treat all members of the academy community with courtesy and respect;
- respect the needs of pupils/students and staff within the academy;
- avoid the use of violence, or threats of violence, towards people or property;
- recognise the time constraints under which members of staff in academies work and allow the academy a reasonable time to respond to a complaint
- follow the Trust's complaints procedure

Sometimes, however, those pursuing complaints or other issues treat staff and others in a way that is unacceptable. Whilst we recognise that some complaints may relate to serious and distressing incidents, we will not accept threatening or harassing behaviour towards any members of the academy community.

**Threatening or harassing behaviour** may include behaviour or language (verbal, non-verbal or written) that may cause staff to feel afraid, threatened or abused; and it may include threats, personal verbal abuse, derogatory remarks and rudeness, such as behaviour which is:

- out of proportion to the nature of the complaint;
- persistent – even when the complaints procedure has been exhausted;
- personally harassing;
- unjustifiably repetitious;
- pursuing complaints in an unreasonable manner (e.g. using abusive or threatening language;
- making complaints in public or via a social networking site such as Facebook;
- refusing to attend appointments to discuss the complaint

**We will not tolerate behaviour if:**

- it appears to be pursued in a way intended to cause personal distress rather than to seek a resolution;
- it appears to be deliberately targeted at one or more members of academy staff or others, without good cause;
- the way in which a complaint or other issues are pursued (as opposed to the complaint itself) causes undue distress to academy staff or others;
- it has a significant and disproportionate adverse effect on the academy community

**In cases of threatening or harassing behaviour, the academy may take some or all of the following steps, as appropriate:**

- inform the Complainant informally that his/her behaviour is now considered by the academy to be unreasonable or unacceptable, and request a changed approach;
- inform the Complainant in writing that the academy considers his/her behaviour to be threatening or harassing;
- require all future meetings with a member of staff to be conducted with a second person present. In the interests of all parties, notes of these meetings may be taken;

- inform the Complainant that, except in emergencies, the academy will respond only to written communication and that these may be required to be channelled through the Clerk to the Trust.

**The Trust will not tolerate any form of physical or verbal aggression against members of the academy community. If there is evidence of any such aggression the academy may:**

- ban the individual from entering the academy site, with immediate effect;
- request an Anti-Social Behaviour Order (ASBO);
- prosecute under Anti-Harassment legislation;
- call the police to remove the individual from the premises, under powers provided by the Education Act 1996.



## Complaint Form

Please complete and return to your academy who will acknowledge receipt and explain what action will be taken.

<b>Name of Academy:</b>	
<b>Your name:</b>	
<b>Pupil / Student's name (if relevant):</b>	
<b>Your relationship with the Pupil/Student (if relevant):</b>	
<b>Your address:</b>	
<b>Email address:</b>	
<b>Telephone number:</b>	Day time: Evening:
<b>Please give details of your complaint:</b>	

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

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

**Signature:**

**Date:**

**Official use**

**Date acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Date:**

**Persistent, vexatious or spurious complaint model letter**

Complainant address

Date

Dear Mr/Mrs/Ms

Following receipt of your communications and careful consideration of the same, I regret that I am unable to deal with this matter under the Trust's Complaints Policy because:

*(It will be appropriate to include SOME of the following statements)*

- You have not identified any specific incidents or actions about which you wish to complain.
- Your concerns are presented as conclusions rather than identifying specific incidents or actions about which you wish to complain;
- The concerns that you identify relate to historical actions and any evidence which might have enabled an objective investigation of your complaint is no longer available.
- The substance of your complaint has been addressed under this procedure already.
- The concerns that you raise do not fall within the scope of this procedure.
- You have not identified any potential sources of evidence which might allow the matter to be investigated.

If you wish my decision to be reviewed then you may take advantage of the procedure set out in the Trust's formal Complaints Policy, by referring it to the Education & Skills Funding Agency. Please find a copy of our Complaints Policy attached to this letter.

Yours sincerely,

Principal or Chair of Local Board

## UNIVERSITY OF BRIGHTON ACADEMIES TRUST

### COMPLAINTS PANEL

#### Terms of reference, constitution and membership

##### Terms of Reference

1. To consider complaints at Stage 3 of the trust's Complaints Policy in an academy within the trust in accordance with the policy and statutory guidance
2. To review the evidence presented and to determine the outcome
3. To advise parents of the Panel's decision and, in instances where the decision is to dismiss the complaint, on their right of appeal to the Education and Skills Funding Agency.
4. To report the outcomes of the hearing to the next meeting of the Local Board
5. To have due regard within its decisions to the need to eliminate unlawful discrimination, advance equality of opportunity, and foster good relations between different people, in accordance with the public sector general duty of the Equality Act (2010).

##### Constitution and membership

1. Specific membership of a complaints panel will be determined as and when a meeting is scheduled;
2. A panel will consist of two non-staff members of the Local Board of the academy which is the subject of the complaint plus a member independent of the management and running of the academy/Trust<sup>67</sup>
3. In the event that membership cannot be drawn from the Local Board of the academy then members of an alternative Local Board within the Trust can sit on the panel
4. Members of the Local Board who have prior knowledge of the issue, or involvement in investigating the complaint at Stage 2, are specifically excluded from participating at Stage 3.

##### Clerk

- Local Board Clerk<sup>8</sup>

##### Quorum

- Quorum: Two members

##### Meetings

- As required

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<sup>6</sup> A list of suitable volunteers is available from the Trust Clerk

<sup>7</sup> If the subject of the complaint is a central team or member of central trust staff, the panel will consist of two Trustees plus an independent member

<sup>8</sup> If the Local Board Clerk is otherwise employed in the Academy then the responsibility will be passed to the Trust Clerk

### Sample agenda (all attendees present together)

#### Complaints Panel

Agenda for a meeting of the Complaints Panel of the University of Brighton Academies Trust, to consider the complaints brought by **(Complainant)** against **(Academy/member of staff)**, to be held on **(Date)**, starting at **(Time)** at **(Location)**.

#### Participants:

Panel members:  
Two members of the Local Board  
Independent panel member

#### Attendees:

Complainant  
Legal/Personal Support invited to attend by the Complainant  
Principal (or senior representative from the academy)  
Member of staff the complaint is made about (if the complaint is not about the Principal or academy)  
Professional support representative invited to attend by the Principal or staff member  
Witnesses

Item	Approximate time
1. Welcome, introductions and explanation of procedures, including possible outcomes <i>(Panel, Complainant, Principal, staff member [if applicable] and any attendees supporting the Complainant, Principal or staff member present)</i>	10am - 10.10am
2. Opportunity for Complainant to explain the complaint	10.10am - 10.30am
3. The Panel and the Principal/staff member may question the Complainant	10.30am – 10.40am
4. Opportunity for the Principal/staff member to make a statement	10.45am - 11.05pm
5. The panel and Complainant may question the Principal/staff member	11.05am – 11.15am
6. Witness statement(s), if available	11.15am – 11.25am (10 minutes to be scheduled for each witness)
7. The panel, Complainant and Principal/staff member may question the witness(es)	11.25am - 11.35am (10 minutes for the panel to question each witness)
8. Final statement by the Principal/staff member	11.35 – 11.40am
9. Final statement by the Complainant	11.40 – 11.45am
8. Conclusion of meeting	11.45am (later if more witnesses are present)
9. Private meeting of the Complaints Panel	11.35pm -



## Support for employees who have been the subject of a complaint

### Staff counselling and the Employee Assistance Programme

If you are experiencing problems at work or at home, you can see a trained counsellor located near you. You can refer yourself for counselling for any problem that is affecting your work and your school will pay for you to receive counselling.

The counselling service is delivered by an external provider called HM Assist, making the service completely confidential and independent of the Trust.

Counselling is just one aspect of the Employee Assistance Programme (EAP). The EAP can offer support in a range of areas related to your work life or your personal life, such as:

- advice on managing your money, including debts;
- maintaining a healthy work-life balance;
- advice on nutrition and health matters such as giving up smoking;
- managing relationships, including holding difficult conversations;
- support and advice for managers in managing staff.

### Counselling

Counselling can help with a wide range of issues, including:

- long-term ill health
- stress
- bereavement
- relationship and family problems
- critical incident or post-traumatic stress.

In the past, staff have found that counselling has helped them to put problems into perspective, enabled them to cope and increased their self-esteem and assertiveness.

In the event of a critical incident or serious breakdown of working relationships, group counselling can be provided and we also run our own [workplace mediation service](#).

### Applying for counselling

Our counselling service is provided by a company called HM Assist.

- Call HM Assist direct on **0800 141 2784**
- The service is available 24 hours a day, 365 days a year.

You will need to confirm the name of the academy you work in.