



Complaints Policy

Status of the Policy	
Policy Agreed	Summer Term 2020
Policy Review	Summer Term 2021

Statement of intent

Balmoral Learning Trust schools and academies pride themselves on the quality of teaching provided for the pupils. However, if parents have concerns they can expect any issues to be treated seriously by the school or academy in accordance with the school complaints document.

The Complaints Procedure has been created to deal with any complaint against a member of staff or the school as a whole, relating to any aspects of the school or the provision of facilities or services.

A complaint can be brought by a parent/carer/guardian of a registered child at the school or any person who has been provided with a service/facility at the school. This person is referred to as the complainant.

Within Balmoral Learning Trust the class teacher or Head of School will be the first point of contact for a concern or complaint unless the complaint is against the Head of School when it will go to the Chair of the Local Governing Body. The concern or complaint will then be passed to the relevant member of staff to investigate further.

A concern becomes a complaint only when the complainant asserts that the school has acted wrongly in some significant decision, action, or failure to take action. Even when a complaint has been made, it can be resolved or withdrawn at any stage.

Aims

In line with the Education Act 2002, Balmoral Learning Trust schools and academies will:

- Encourage the resolution of problems by informal means wherever possible.
- Allow swift handling with established time-limits for action and keep people informed of any progress.
- Ensure a full and fair investigation by an independent person where necessary.
- Where possible respect people's desire for confidentiality.
- Address all the points at issue and provide an effective response and appropriate redress where necessary.
- Provide information to the school's senior management team so that services can be improved.
- The Trust Board would only become involved if the complaint cannot be dealt with at school level.

Dealing with concerns informally

The Trust recognises that a vast majority of complaints and concerns can be resolved informally. Where no satisfactory solution has been found, the complainant should be informed that he or she will need to consider whether to make a formal complaint in writing to the Head of School, following the complaints form in Appendix 1.

Framework of Principles

Our Complaints Procedure:-

- encourages resolution of problems by **informal** means wherever possible;
- is easily **accessible** and **publicised**;
- is **simple** to understand and use;
- is **impartial**;
- allows **swift** handling within agreed **time-limits** for action and keeping people informed of progress;
- ensures a full and **fair** investigation;
- respect people's desire for **confidentiality**;

Investigating Complaints

At each stage, the person investigating the complaint makes sure that they: -

- establish **what** has happened so far, and **who** has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contacts them (if unsure or further information is necessary);
- clarify what the complainant feels would put things right;
- interview those involved in the matter and/or those complained of, allowing them to be conducted the interview with an open mind and is prepared to persist in the questioning; • keep notes of the interview.

Resolving Complaints

At each stage in the procedure the Academy / School will keep in mind ways in which a complaint can be resolved. If appropriate will acknowledge that a complaint is upheld in whole or in part. We may offer one or more of the following:

- An explanation
- An admission that the situation could have been handled differently or better
- An assurance that we will try to ensure the event complained of will not recur
- An explanation of the steps that have been or will be taken to help ensure that it will not happen
- again and an indication of the timescales within which any changes will be made
- An undertaking to review school policies in light of the complaint
- An apology

Vexatious Complaints

There may be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of the Trust is able, under this policy, to inform them in writing that the procedure has been exhausted and that the matter is now closed.

Anonymous Complaints

We will not normally investigate anonymous complaints.

Time Scales

Complaints need to be considered, and resolved, as quickly and efficiently as possible using time limits published in this policy. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay. A complaint must be raised within 3 months of the incident or where a series of associated incidents have occurred, within 3 months of the last of these incidents.

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 a holiday.

Special circumstances

- If the complaint suggests that a child has been at risk of significant harm through violence, emotional abuse, sexual harassment or neglect, it may be referred without further notice to Together for Children- Social Care on Safeguarding.Children@togetherforchildren.org.uk or 01915617007
- If a social services authority decides to investigate a situation, this may postpone or supersede investigation by the Head of School or Governing Body.
- If the complaint is in relation to an allegation of harm by a member of staff the incident would be referred to the Local Authority Designated Officer

- Where a matter can be resolved through a legal appeal, it will not be considered as a formal complaint. The key areas are: admissions decisions; certain decisions relating to formal assessment of special educational needs; and decisions to permanently exclude a child.

Scope of this Complaints Procedure

This procedure covers all complaints other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
Admissions to schools	In the first instance contact the school to request an admission appeal form. An independent appeal panel considers all admission appeals.
Statutory assessments of Special Educational Needs	Concerns about statutory assessments of Special Educational Needs should be raised with Sunderland Council, Together for Children
Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.
Exclusion of children from school	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions .
Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.
Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.
Staff conduct	Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.
Complaints about other providers who may use school premises	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.

Balmoral Learning Trust will publicise the Trust Complaints Policy on their website.

Balmoral Learning Trust Concern and Complaints Procedure

Informal Stage

The school will take informal concerns and complaints seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The complainant should raise the concern or complaint as soon as possible with the relevant member of staff or the Phase Leader as appropriate, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the school office.

The school will acknowledge informal complaints within 5 school days, and investigate and provide a response within 10 school days.

The informal stage will involve a meeting between the complainant and the teacher, phase leader and/or the subject of the complaint, as appropriate.

If the complaint is not resolved informally, the complainant can escalate to Stage 1 as a formal complaint.

Stage 1

Formal complaints must be made to the Head of School (unless they are about the Head of School), via the school office. This must be done in writing on the Complaint Form.

The Head of School will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

Within this response, the Head of School will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Head of School can consider whether a face to face meeting is the most appropriate way of doing this.

Note: The Head of School may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.

Only complaints received in writing (preferably using the Complaints form in Appendix 1) will be considered.

Anonymous complaints will not be considered.

Complaints must be made within 3 months of the event. Complaints after this period will not be considered.

Where the first approach is made to a governor, the next step would be to refer the complainant to the appropriate line manager. Governors should not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

If the complaint is about the Head of School, or a member of the governing body (including the Chair or Vice-Chair), a Balmoral Learning Trust Director will be appointed to complete all the actions at Stage 1.

During the investigation, the Head of School (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the Head of School will provide a formal written response within 15 school days of the date of receipt of the complaint.

If the Head of School is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the School will take to resolve the complaint.

When the investigation has been concluded the complainant and the member of staff concerned will be informed in writing of the outcome. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- The concern was not substantiated by the evidence

- The concern was substantiated in part or in full. Some details may then be given of the action the Academy may be taking to review procedures etc but details of the investigation or of any disciplinary procedures will not be released.
- The matter has been fully investigated and that appropriate procedures are being followed which may be strictly confidential (e.g. where staff disciplinary procedures are being followed)

The Head of School will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

If no further communication is received from the complainant within 10 school days, it is deemed that the complaint has been resolved and should end.

Stage 2

Complaint heard by Governing Body Complaints Committee

The complainant needs to write to the Clerk to the Governors as directed by the Head of School giving details of the complaint using the Complaint Form (appendix 1). The Clerk will convene a Complaints Committee, none of the members will have been directly involved in previous consideration of the complaint. One of the committee members must be independent of the management and running of the Academy / School and one of the committee members must be a representative of the Trust Board along with the Chief Executive Officer. In addition there will be 2 members of the Local Governing Body, the first 2 impartial governors available. The Complaints Committee will investigate the complaint. This is the final stage of the complaints procedure.

A request to escalate to Stage 2 must be made to the Clerk, via the school office, within 10 working days of receipt of the Stage 1 response. Requests outside of this time frame will only be considered in exceptional circumstances.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 10 school days.

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 20 school days of receipt of the Stage 2 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.

If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend.

Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

Representatives from the media are not permitted to attend.

At least 10 school days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the committee at least 6 school days before the meeting.

Any written material will be circulated to all parties at least 5 school days before the date of the meeting. The committee will not accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not permitted.

If the complainant rejects the offer of 3 proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

No person involved should have previous involvement in the complaint.

The committee will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 2 will be heard by a committee of Trust directors plus an independent governor, member or director from a different trust or school.

The Chair of the Committee will provide the complainant and School with a full explanation of their decision and the reason(s) for it, in writing, within 10 school days.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the school will take to resolve the complaint.

The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled by School.

The Governors' appeal hearing is the last Academy-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions.

Next Steps

If the complainant believes the school 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 2.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by the School. They will consider whether the School 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:
www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Department for Education

Piccadilly Gate

Store Street Manchester

M1 2WD.

Appendix 1



Complaint Form

Please complete and return to either the Head of School or the Clerk to the Local Governing Body, who will acknowledge receipt and explain what action will be taken.

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address: Postcode: Day time telephone number: Evening telephone number:
Please give details of your complaint, including whether you have spoken to anybody t the school about it.

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:

Appendix 2

The Remit of the Complaints Appeal Committee

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.

There are several points which those sitting on a complaints panel need to remember: -

- It is important that the appeal hearing is independent and impartial and that it is seen to be so. No Governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the School and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child.
- The Clerk to the Governors will write and inform the complainant and any witnesses, the panel etc. of the date and location of the meeting 5 school days in advance. The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a friend/ interpreter. The letter should explain how the meeting will be conducted and the complainant's right to submit further written evidence to the panel. The Head of School Teacher has the right to bring representation if so desired.
- Intervention of parallel investigations relevant to the complaint by the Police or social services may cause variation to these time scales. Any such variation will be notified to the complainant.

Appendix 3

Checklist for a Committee Hearing

The committee needs to take the following points into account:-

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence. Pupils may not appear as witnesses, but they may provide statements.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The Head of School may question both the complainant and the witnesses after each has spoken.
- The Head of School is then invited to explain the Academy's actions and be followed by the Academy's witnesses.
- The complainant may question both the Head of School Teacher and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The Head of School is then invited to sum up the Academy's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The Chair explains that both parties will hear from the panel within a set time scale.

Summary:

Informal Complaint: Discussed with either class teacher, phase leader or Head of School.

- Issue resolved /Issue not resolved – complainant proceeds to Formal Stage 1 by completing the appropriate complaints form

Stage 1 : Complaint heard by Line Manager or Head of School

- Acknowledge receipt of complaint. Investigate.
- Write to complainant with outcome of investigation
- Issue resolved end of the procedure or
- Issue not resolved - complainant proceeds to Formal Stage 2 by completing the appropriate complaints form

Stage 2 : Complaint heard by Governing Body Complaints Committee

- Clerk to the Governors acknowledges receipt of complaint
- Clerk issues letter inviting complainant to meeting
- Complaint heard by Complaints Committee
- Letter issued confirming decision

Appendix 4

Roles and Responsibilities

Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

Investigator

The investigator's role is to establish the facts relevant to the complaint by providing a comprehensive, open, transparent and fair consideration of the complaint through:

- sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
- interviewing staff and children/young people and other people relevant to the complaint
- consideration of records and other relevant information o analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the Head of School or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The Head of School or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

Clerk to the Governing Body

The Clerk is the contact point for the complainant and the committee and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings

- circulate the minutes of the meeting
- notify all parties of the committee's decision.

Committee Chair

The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease
- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR. If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting
- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk

Committee Member

Committee members should be aware that:

- The meeting must be independent and impartial, and should be seen to be so
- No governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant.
- The complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- Many complainants will feel nervous and inhibited in a formal setting Parents/carers often feel emotional when discussing an issue that affects their child.