



Complaints Policy

Document Control Information	
Document Title	Compliments & Complaints Policy
Organisation / Site	Spring Brook Academy
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Approval Committee	Trustees

Revision and Approval History					
Author	Summary of changes	Issue	Date Applicable From	Approved by	Date of Next Review
R Righini	New Policy	1			10/10/2012
R Righini	Handling complaints from parents of SEN pupils	2			25/11/2013
R Righini	Full Policy Review	3			31/08/2017
R Righini	Full Policy Review	4			31/05/2019
S Smith/R Righini	Full Policy Review	5			28/04/2021
S Smith/RRighini	Full Policy Review	6	13/07/2021	Trustees	13/07/2023

Equality Impact

Statement We welcome feedback on this document and the way it operates. We are interested to know of any possible or actual adverse impact that may affect any groups in respect of any of the equalities act 2010 protected characteristics.

The person responsible for equality impact assessment for this document is the Director of Equality and Diversity.

Screening This document has been screened by the Equality Team and the impact has been assessed as:

- Not applicable
- Low
- Medium
- High

Equality Impact Assessment Form

To be completed by document author / lead person

Title of document		Complaints Policy			
Organisation / Site	New Bridge Multi Academy Trust	Person completing form	Rita Righini	Date	07/05/2021
Does the process affect one group less or more favourably than another on the basis of:					Yes / No
Age refers to a person belonging to a particular age					No
Disability A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.					No
Gender reassignment The process of transitioning from one gender to another.					No
Marriage and civil partnership Marriage and civil partnership means someone who is legally married or in a civil partnership. Marriage can either be between a man and a woman, or between partners of the same sex. Civil partnership is between partners of the same sex.					No
Pregnancy and maternity Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding					No
Race Race can mean your colour, or your nationality (including your citizenship). It can also mean your ethnic or national origins, which may not be the same as your current nationality. For example, you may have Chinese national origins and be living in Britain with a British passport. Race also covers ethnic and racial groups. This means a group of people who all share the same protected characteristic of ethnicity or race.					No
Religion and belief Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.					No
Sex A man or a woman.					No
Sexual orientation Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.					No
If you have identified potential discrimination, please explain how the exception is valid, legal and/or justified? enter					

To be completed by EIA Lead

If potential discrimination has been identified, are the exceptions valid, legal and/or justified?					N/A
Does this policy / service / procedure need adjusting to remove any disadvantage identified or to better promote equality?					No
Impact Assessment Result (See tool below)			Low impact		
Date assessed.			07/05/2021		
High Impact The policy or process has a major impact on equality		Medium Impact The policy or process has an impact on equality		Low Impact The policy or process might have an impact on equality	
There is significant potential for, or evidence of adverse impact. The policy has consequences for or affects significant numbers of people		There is some evidence to suggest potential for, or evidence of adverse impact. The policy has consequences for or affects some people		There is little evidence to suggest that the policy could result in adverse impact The policy has consequences for or affects few people	

1. Purpose

- 1.1 The purpose of this policy is to make everyone aware of how to make a complaint.
- 1.2 The DfE guidance explains the difference between a concern and a complaint
 - 1.2.1 A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”
 - 1.2.2 A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”
- 1.3 Legislation and Guidance
 - 1.3.1 This document meets the requirements set out in part 7 of the schedule to [the Education \(Independent School Standards\) Regulations 2014](#), which states that we must have and make available a written procedure to deal with complaints from parents of pupils at the school.
 - 1.3.2 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).
- 1.4 This policy complies with our funding agreement and articles of association.

2. Scope of Policy

- 2.1. New Bridge Multi Academy Trust (the Trust) and its schools intend to resolve complaints informally where possible, at the earliest possible stage.
- 2.2. There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.
- 2.3. This policy does **not** cover complaints procedures relating to:
 - 2.3.1. admissions
 - 2.3.2. statutory assessments of special educational needs (SEN)
 - 2.3.3. safeguarding matters
 - 2.3.4. exclusion
 - 2.3.5. whistle-blowing
 - 2.3.6. staff grievances
 - 2.3.7. staff discipline
- 2.4. Please see our separate policies for procedures relating to these types of complaint
- 2.5. Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

3. Reason for Review

- 3.1. This policy was reviewed as part of an audit in April 2021.

4. Aim(s)

- 4.1. We aim to meet statutory obligations when responding to complaints from parents of pupils at the school, and others.
- 4.2. When responding to complaints, we aim to:
 - 4.2.1. be impartial and non-adversarial
 - 4.2.2. facilitate a full and fair investigation by an independent person or panel, where necessary
 - 4.2.3. address all the points at issue and provide an effective and prompt response
 - 4.2.4. respect complainants' desire for confidentiality
 - 4.2.5. treat complainants with respect and courtesy
- 4.3. Ensure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- 4.4. Keep complainants informed of the progress of the complaints process
- 4.5. Consider how the complaint can feed into improvement evaluation processes
- 4.6. We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed
- 4.7. We will aim to give the complainant the opportunity to complete the complaints procedure in full. To support this, we will ensure we publicise the existence of this policy and make it available on our website/s.
- 4.8. Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

5. Procedures and practice

5.1. Roles and responsibilities

5.1.1. *The complainant*

- 5.1.1.1. The complainant will get a more effective and timely response to their complaint if they:
 - follow these procedures.
 - co-operate with the school throughout the process, and respond to deadlines and communication promptly.
 - ask for assistance as needed.
 - treat all those involved with respect.
 - not publish details about the complaint on social media.

5.1.2. *The investigator*

- 5.1.2.1. An individual will be appointed to look into the complaint, and establish the facts. They will:
 - interview all relevant parties, keeping notes
 - consider records and any written evidence and keep these securely



prepare a comprehensive report to the headteacher or **complaints committee** which includes the facts and potential solutions.

5.1.3. *The Governors administrator will:*

- 5.1.3.1. record and circulate the minutes and outcome of the initial complaint

5.1.4. *The clerk to the governing body will:*

- 5.1.4.1. be the contact point for the complainant and the complaints committee with regards to ongoing complaints, including circulating the relevant papers and evidence before complaints committee meetings
- 5.1.4.2. arrange the complaints hearing
- 5.1.4.3. record and circulate the minutes and outcome of the hearing

5.1.5. The complaints committee chair will:

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

5.2. **Time scales**

- 5.2.1. The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.

- 5.2.2. We will consider exceptions to this time frame 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.

- 5.2.3. When complaints are made out of term time, we will consider them to have been received on the first school day after the relevant holiday period.

- 5.2.4. When complaints are made about holiday clubs, we will consider them to have been received on the first school day after the holiday period.

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

- 5.2.5.1. set new time limits with the complainant
- 5.2.5.2. send the complainant details of the new deadline and explain the delay.

5.3. Complaints about our fulfilment of early years requirements

- 5.3.1. We will investigate all written complaints relating to the school's fulfilment of the Early Years Foundation Stage (EYFS) requirements - see appendix 1.



5.4. Stages of Complaint

5.4.1. Stage 1: informal

- 5.4.1.1. We will take informal concerns 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.
- 5.4.1.2. The complainant should raise the complaint as soon as possible with the relevant member of staff or the headteacher, 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 admin office. The contact details are:
Spring Brook Academy info@springbrookacademy.org
- 5.4.1.3. We will acknowledge informal complaints within 2 school days, and investigate and provide a response within 5 school days.
- 5.4.1.4. The informal stage will involve a meeting between the complainant and the headteacher and/or the subject of the complaint, if appropriate.
- 5.4.1.5. If the complaint is not resolved informally, it will be escalated to a formal complaint.

5.4.2. Stage 2: formal

- 5.4.2.1. If the complaint cannot be resolved at Stage 1, then you must put your complaint in writing. This should be sent for the attention of the Headteacher.
- 5.4.2.2. The complainant should provide details such as relevant dates, times and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.
- 5.4.2.3. If complainants need assistance raising a formal complaint, they can contact the admin office.
- 5.4.2.4. The headteacher (or other person appointed by the headteacher for this purpose) will then conduct an investigation.
- 5.4.2.5. The written conclusion of this investigation will be sent to the complainant within 10 school days.
- 5.4.2.6. If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the clerk to the governors via the admin office in writing within 5 calendar days of receipt of the stage 2 outcome.

5.4.3. Stage 3: review panel

- 5.4.3.1. Complaints will be escalated to a governor complaints panel hearing if the complainant is not satisfied with the response at Stage 2. The hearing will, be convened as soon as possible and normally within 15 working days
- 5.4.3.2. The complainant must have reasonable notice of the date of the review panel; however, the review panel reserves the right to convene at their convenience rather than that of the complainant.
- 5.4.3.3. Stage 3 Complaints will be administered by the clerk to the governing body.
- 5.4.3.4. The panel must consist of at least 3 governors and **1 panel member that is independent of the management and running of the school.** The panel can be advised by a suitably qualified/senior leader from within the trust.
- 5.4.3.5. The clerk to the governing body will ensure all parties receive all relevant documents at least 5 days prior to the hearing.



- 5.4.3.6. At the review panel meeting, the complainant and the Stage 2 investigator will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.
- 5.4.3.7. Witnesses may also be present by agreement with the chair of the panel, as appropriate, to present their evidence.
- 5.4.3.8. The complainant can be accompanied if they wish by one other person. This may be a relative or friend who can attend as support but not make representation to the panel unless by prior agreement with the chair of the panel. Legal representation will not be permitted.
- 5.4.3.9. The panel hearing will follow the process set out in appendix 2.
- 5.4.3.10. The school will inform those involved of the decision in writing within 5 school days. The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the school premises by the proprietor and the head teacher.

5.5. **Complaining to the ESFA and Ofsted**

- 5.5.1. If the complainant is not satisfied with the outcome of this complaint procedure, they can refer their complaint to the ESFA. The ESFA will check whether the complaint has been dealt with properly by us. The ESFA will not overturn our decision about a complaint. However, it will look into:
 - 5.5.1.1. Whether there was undue delay, or we did not comply with the complaints procedure
 - 5.5.1.2. Whether we were in breach of our funding agreement with the secretary of state
 - 5.5.1.3. Whether we have failed to comply with any other legal obligation
- 5.5.2. If we did not deal with the complaint properly, we may be asked to re-investigate the complaint. If our complaints procedure is found to not meet regulations, we will be asked to correct the procedure accordingly.
- 5.5.3. For more information or to refer a complaint, see the following webpage: <https://www.gov.uk/complain-about-school>
- 5.5.4. We will include this information in the outcome letter to complainants

5.6. **Complaints against the headteacher, a governor or the governing board**

- 5.6.1. *Stage 1: informal*
 - 5.6.1.1. If the complaint is about the headteacher or one member of the governing board (including the chair or vice-chair), a suitably skilled and impartial person will carry out the steps at stage 1 above.
- 5.6.2. *Stage 2: Formal*
 - 5.6.2.1. If the complaint is not satisfied with the outcome at stage 1 an independent investigator will carry out the steps in stage 2. They will be appointed by the multi academy trust trustees board and will write a formal response at the end of their investigation
- 5.6.3. *Stage 3: review panel*



- 5.6.3.1. If the complaint is not satisfied with the outcome at stage 2 a committee of independent governors will hear the complaint. They will be sourced from the trustee board.

5.7. Unreasonable and persistent complaints

- 5.7.1. Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:
 - 5.7.1.1. has made the same complaint before, and it has already been resolved by following the school's complaints procedure
 - 5.7.1.2. makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
 - 5.7.1.3. knowingly provides false information
 - 5.7.1.4. Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure
 - 5.7.1.5. pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refuses 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.
 - 5.7.1.6. changes the basis of the complaint as the investigation goes on
 - 5.7.1.7. makes a complaint designed to cause disruption, annoyance or excessive demands on school time
 - 5.7.1.8. seeks unrealistic outcomes, or a solution that lacks any serious purpose or value
- 5.7.2. Steps we will take
 - 5.7.2.1. 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.
 - 5.7.2.2. 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
- 5.7.3. Stopping responding
 - 5.7.3.1. 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
 - 5.7.3.2. 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.



- 5.7.3.3. 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.

5.8. Duplicate complaints

- 5.8.1. 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.
- 5.8.2. If we are satisfied that there are no new aspects, we will:
 - 5.8.2.1. Tell the new complainant that we have already investigated and responded to this issue, and the local process is complete
 - 5.8.2.2. Direct them to the DfE if they are dissatisfied with our original handling of the complaint
 - 5.8.2.3. If there are new aspects, we will follow this procedure again.
- 5.8.3. Complaint campaigns
 - 5.8.3.1. Where the school receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school may respond to these complaints by:
 - Publishing a single response on the school website
 - Sending a template response to all of the complainantsIf complainants are not satisfied with the school's response, or wish to pursue the complaint further, the normal procedures will apply.

5.9. Record keeping

- 5.9.1. The school 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.
- 5.9.2. 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.
- 5.9.3. 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.
- 5.9.4. Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and records retention policy and schedule.
- 5.9.5. The details of the complaint, including the names of individuals involved, will not be shared with the whole governing board in case a review panel needs to be organised at a later point.



- 5.9.6. Where the governing board is aware of the substance of the complaint before the review panel stage, the school will (where reasonably practicable) arrange for an independent panel to hear the complaint.
- 5.9.7. 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 governing board, who will not unreasonably withhold consent.
- 5.10. **Learning lessons**
- 5.10.1. We will review any underlying issues raised by complaints where appropriate, and respecting confidentiality, to determine whether there are any improvements that we can make to our procedures or practice to help prevent similar events in the future.
- 5.11. **Sources and references**
- 5.11.1. The Key
- 5.12. **Other useful documents**
- 5.12.1. Admissions
- 5.12.2. Statutory assessments of special educational needs (SEN)
- 5.12.3. Safeguarding matters
- 5.12.4. Exclusion
- 5.12.5. Whistle-blowing
- 5.12.6. Staff grievances
- 5.12.7. Staff discipline
- 5.13. **Monitoring**
- 5.13.1. This policy will be monitored through the MAT's accountability framework.



APPENDIX 1

Early Years Foundation Stage Requirements

1. In line with the EYFS the school will notify the complainant of the outcome within 28 days of receiving the complaint.
2. The school will keep a record of the complaint and make this available to Ofsted on request.
3. Parents and carers can notify Ofsted if they believe that the school is not meeting Early Years Foundation Stage requirements, by calling 0300 123 4666, or by emailing enquiries@ofsted.gov.uk. An online contact form is also available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>.
4. We will notify parents and carers if we become aware that the school 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.
5. Schools with Early Years Settings will use this policy for dealing with concerns and complaints from parents and/or carers, and must keep a written record of any complaints, and their outcome.
6. Schools with Early Years Settings will investigate written complaints relating to their fulfilment of the EYFS requirements and notify complainants of the outcome of the investigation within 28 days of having received the complaint.
7. The record of complaints will be made available to Ofsted on request.
8. Schools with Early Years Settings will make available to parents and/or carers details about how to contact Ofsted with which they are registered as appropriate, if they believe the school is not meeting the EYFS requirements.
9. If schools with Early Years Settings become aware that they are to be inspected by Ofsted they will notify parents and/or carers. After an inspection by Ofsted these schools will supply a copy of the report to parents and/or carers of children attending on a regular basis.



APPENDIX 2

Conduct of a Complaints Panel Hearing

1. Preliminaries

- a. The complainant will have been notified in writing of the hearing and the right to provide information and to be accompanied.

2. Those present will be as follows:

- a. the complaints hearing panel to hear the case and any adviser to the panel
- b. the stage 2 investigating officer - to respond to the complainant
- c. the complainant (and any person accompanying the complainant)
- d. agreed witnesses called only by the chair of the panel (not in the room until called)

3. The process of the Panel hearing

- a. The Investigating Officer, the complainant and any person accompanying the complainant enter the room together when invited to do so
- b. The chair of the panel introduces all parties, and outlines the procedure as follows:

4. Stage 2 Complainant - Presentation of complaint

- a. The complainant outlines why he/she is not satisfied with the decision made by the investigating officer at stage 2.
- b. If witnesses are attending to give evidence for the complainant, they will enter in turn and present their evidence. They can be questioned by the investigating officer and/or the panel.
- c. Witnesses leave the room at the conclusion of their evidence and examination
- d. The investigating officer may seek clarification from the complainant.
- e. Members of the panel may seek clarification from the complainant.

5. Investigating Officer responds – Presentation of finding / evidence

- a. The investigating officer responds.
- b. If witnesses are attending to give evidence for the investigating officer, they will enter in turn and present their evidence. They can be questioned by the complainant and/or the panel.
- c. The complainant may seek clarification from the investigating officer.
- d. Members of the panel may seek clarification from the investigating officer.

6. Summing up

- a. The complainant sums up (no new evidence may be introduced).
- b. The investigating officer sums up (no new evidence may be introduced)

7. End of hearing

- a. All retire from the room except the panel and any adviser.



- b. The panel considers the evidence and determines whether the complaint is to be upheld or dismissed.
- c. Before reaching a decision, the panel may recall the parties to clarify points and/or adjourn for further investigation if required.
- d. The complainant and the investigating officer are invited to return and are informed of the decision.
- e. The decision will be confirmed in writing within 5 working days.

