

Complaint Policy

Agreed by SLT: April 2021

Agreed by Committee: Board May 2021

Review: May 2024

Signed by:





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1.0 Core Values and how they link with this policy

think differently

- 1.1 The Complaint Policy has been written to help foster an environment that embraces and celebrates difference and ensures that all pupils are safe and embody practice that supports our Vision, Mission and Core Values. Employees at James Brindley Academy are expected to **THINK DIFFERENTLY** to inspire young people to overcome all barriers and achieve their dreams.
- 1.2 James Brindley Academy is committed to the principles of **ethical leadership** in implementing this policy, and this includes all employees respecting the rights of our young people as set out in the **UNICEF Charter**.

JBA Core Values	How this policy addresses these values
THRIVE – We create a positive environment where we thrive and succeed	Raising concerns can lead to improvement in many facets of the organisation. By leading improvement, all stakeholders at James Brindley can Thrive.
HIGH ASPIRATIONS – We have high aspirations for ourselves and others	All stakeholders should have high expectations of themselves and others. Where these expectations have fallen below they can be raised through this policy.
INCLUSION – We are inclusive in all we do and celebrate our differences	The policy has been developed to allow all stakeholders to raise concerns about any particular issues that individuals encounter.
NURTURE – We educate our young people and staff to nurture their emotional health and wellbeing	By creating an avenue to raise concerns it can support stakeholders to improve not only the organisational practice but also relieve the stressful burden they may face.
KEEP SAFE – We ensure that keeping safe and the safety of others is paramount	Concerns raised can enhance organisational practice which in turn may result in a safer environment to work and learn in.





2. Introduction

2.1 Rationale (Why)

James Brindley Academy recognises that raising concerns can provide a vital source of feedback on the service that is being provided. Every parent, pupil and external stakeholder should have a clear understanding of how to raise concerns in relation to James Brindley Academy, which allows them to act informally in the first instance and escalate to a formal complaint where this is deemed to be unsuccessful.

All academies must have a complaints procedure which meets the standards in accordance with the [Education \(Independent School Standards \(England\) Regulations 2014, Schedule 1, Part 7](#).

It is important that there is an opportunity for parents to have an open, honest, ongoing dialogue with the Academy and where this is the case parents may raise a concern with a member of staff. A concern should not be confused with a complaint, where it is unclear the member of staff should ask the parent whether they would like to make a complaint.

2.2 Definitions

According to the DfE (2016) the definition of a concern is '*an expression of worry or doubt over an issue considered to be important for which reassurances are sought*' and that of a complaint '*an expression of dissatisfaction however made, about actions taken or a lack of action*'.

Within this policy the term parent or complainant will be used to represent any persons other than staff making a complaint to James Brindley Academy.

2.3 Scope (Where, When, Who)

This policy sets out the way in which complaints from parents and others are managed by James Brindley Academy. Some complaints can fall under the remit of a separate policy and where this is the case the complainant will be informed and provided with a copy of the appropriate policy; examples of such complaints can be found in [appendix 1](#).

This policy is not for staff members to make a complaint; in these cases the appropriate academy policy should be used such as [grievance](#), [capability](#), [anti-harassment](#) or [whistleblowing](#).

2.4 Aims

The policy aims to:



- ✓ Ensure that all pupils, parents and other external stakeholders know that they have the right to raise a complaint with the Academy and what response they can expect.
- ✓ Provide clear information to pupils, parents and other external stakeholders on how to make a complaint to the Academy.
- ✓ Allow for a complaint to be made and considered initially on an informal basis.
- ✓ Establish a staged approach to complaints with clear timescales associated to each.
- ✓ Ensure that all informal complaints are responded to as appropriately and quickly as possible to reduce the likelihood of them becoming formal complaints.
- ✓ Make clear the responsibilities of different parties within the complaints process.
- ✓ Ensure that there is a consistent, thorough and fair approach to handling all complaints.
- ✓ Support staff to identify the appropriate action if they become aware of a complaint.
- ✓ Ensure that all complaints are reported and recorded appropriately.
- ✓ Improve the Academy by ensuring there is a clear feedback loop which incorporates learning opportunities and effective monitoring of associated actions from complaints.
- ✓ Ensure no complainant is disadvantaged, for example with regard to communication where preferences are related to disability or a learning difficulty.

3. Policy

- This policy must be accessible on the James Brindley Academy website and should be provided as a paper copy to any person who requests it or who enquires how to make a complaint.
- All complaints must be reported through [CPOMS](#) (Child Protection Online Management System) with any written correspondence attached to the report.
- Any complaints must be dealt with informally in the first instance and as quickly as possible, but no longer than the time outlined within this policy.
- Any meeting should be recorded, including any actions, and a copy sent to the complainant.
- The outcome of any complaint should be provided to the complainant in writing and, where relevant, the person complained about.



- All information relating to individual complaints will be kept confidential except where they are requested during an inspection under a section 109 of the 2008 Act.
- The Trustee Board will ensure that if the complainant wishes, information whether verbal or written will be in the complainant's primary language.
- This policy must be reviewed a minimum of every three years or earlier where there are relevant changes in legislation.

4. Procedure

- **Any complaints which are related to staff conduct including safeguarding concerns must be reported to the Principal immediately in line with the [Safeguarding including Child Protection Policy](#).**
- All complaints will be considered informal within the first instance and will follow the stage 1 procedure.
- If a complainant is not satisfied with the outcome they may raise their complaint formally following the stage 2 procedure.
- Where an informal concern is raised this should be handled by informal conversations between the individual and an appropriate member of staff such as the form tutor.

4.1 Stage 1a: Informal Complaint

- The complainant should raise a complaint/concern as soon as possible with their child's Form Tutor/ Centre Leader, either in person, over the telephone or in writing.
- Where the concern is easily remedied and the complainant is satisfied with the action to be taken during the conversation with the Form Tutor/ Centre Leader, then the concern can be seen as resolved.
- Where the complainant is not satisfied that the complaint is resolved within the first discussion with the Tutor/ Centre Leader or the action requires further information then the complaint should move onto stage 1b.

Stage 1b: Informal Complaint

- The Centre Leader will acknowledge the complaint in writing, including a copy of the Academy's complaints policy, within 5 school days, inviting the complainant to a



meeting to discuss their complaint. The meeting should occur no longer than 10 school days from the complaint being raised.

- If a complainant does not wish to attend a meeting then the Centre Leader should attempt to discuss the complaint either over the telephone or via written communication. Notes should be taken of all conversations.
- During the discussion the Centre Leader should ask them what they want as an outcome.
- The complaint must be reported on [CPOMS](#) with any written correspondence attached.
- The complainant should be provided with a letter summarising the meeting or equivalent discussion, including any actions identified that the Academy will be taking and the timeline associated with said actions.
- The Centre Leader, where appropriate should investigate any issues and report findings back to the complainant including any associated actions with identified timescales.
- The complainant should be notified, in writing, of any delay in time scales as soon as the Academy is aware that this may be the case. The reason for any delays should be clearly outlined in the communication to the complainant.
- The complainant should be informed when all actions have been completed in writing advising them that the complaint will now be closed. If, however, there is a long term action it may be appropriate to notify the complainant that the complaint is being closed but that actions are still being pursued by the Academy.
- On notification that the complaint is being closed the complainant should also be advised that if they are not satisfied with the outcome then they may wish to raise the complaint formally.

4.2 Stage 2: Formal Complaint

- The complainant should notify the Academy in writing that they are not happy with the outcome of the informal stage and wish to make a formal complaint. The complaint should be addressed to the Principal.
- A copy of the complaint must be forwarded to the Company Secretary.
- If the complaint is about the Principal, the complaint should be made to the Chair of Trustees (for following points where this is the case the Principal will be replaced by the Chair of Trustees COTS).



- The Principal will nominate an investigator which will not be a member of staff from the sector/team identified within the complaint (the COTS may nominate a member of the Trustee Board or an independent party to investigate).
- The Academy will acknowledge the formal complaint in writing within 3 school days and invite the complainant to a meeting with the nominated investigator. The complainant will be advised that they may bring someone to support them at the meeting if they wish. The meeting should occur no longer than 8 school days from the complaint being formally raised, unless requested by the complainant.
- The meeting and any identified actions should be minuted and a copy should be provided to the complainant within 5 school days of the meeting. Guidance on the meeting agenda and the Investigators role and responsibility can be found in [appendix 3](#) of this document.
- Upon completion of the investigation the Investigator will provide the Principal with a written report.
- The Principal will decide what action, if any is required and write a letter of response to the complainant, clearly answering each point raised within the formal complaint directly.
- The Investigator will ensure that any actions identified within the investigation are entered onto the associated CPOMS report for monitoring and also feed this back to the Leadership Team for discussion and academy improvement.
- On notification that the complaint is being closed the complainant should also be advised that if they are not satisfied with the outcome then they may wish to escalate the complaint to stage 3.

4.3 Stage 3: Panel Hearing

- The complainant should notify the Academy in writing, within 20 calendar days from the stage 2 outcome notification that they are not happy with the outcome of the formal stage and wish to refer their complaint to the Trustee Board. The complaint should be addressed to the Chair of Trustees (COTS).
- Complaints will only be accepted by the Trustee Board once they have been considered through stages 1 and 2 as outlined in [3.1](#) and [3.2](#) of this policy. Where this has not happened, the complaint will be redirected to the appropriate stage.
- If the COTs decides that the complaint has been dealt with reasonably, then they should write to the complainant to inform them and explain that their only grounds for



appeal is on the basis of how their complaint has been handled (and not against the decision made).

- If the COTS decides that the complaint may not have been dealt with reasonably, or that a formal appeal is appropriate, or if the Principal is the subject of the complaint, then a hearing should be arranged.
- On receipt of the complaint the COTS will acknowledge the complaint in writing, detailing what the next steps are in considering the complaint under the panel hearing and a proposed date for the panel hearing to take place. This should be provided to the complainant within 5 school days.
- The complainant must be advised that they may be accompanied to the panel hearing.
- Arrangements for the panel hearing should be notified to the complainant within 20 school days from the receipt of the complaint by the COTS. During the intervening period the COTS should seek any further clarification required about the complaint.
- The panel must consist of 3 panel members at least one of which must be independent of the management team and running of the Academy. Trustees are not independent of the Academy and therefore cannot constitute all 3 panel members (no Trustee may sit on the panel if they have had prior involvement in the complaint or the circumstances surrounding it).
- The panel should follow the guidance outlined in [appendix 4](#).
- Following the hearing the complainant and Principal should be notified of the decision in writing within 5 school days. The complainant should be informed that they may raise their complaint with the relevant external bodies if they are dissatisfied.
- The number of Trustees involved in any complaint should be limited so that any subsequent hearings, such as disciplinary will be independent and impartial.

4.4 Stage 4: Further Action

- If the complainant is dissatisfied with the handling of their complaint by the Academy, after completion of the [stage 3](#) panel hearing they may refer their complaint to the [Education Funding Authority \(EFA\)](#).
- If the complainant remains dissatisfied and attempts to reopen the complaint with the Academy the COTs will inform them in writing that the procedure has now been exhausted and the matter is now closed.



5. Serial and Persistent Complaints

- James Brindley Academy is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the Academy. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.
- The Academy defines unreasonable complainants as ‘those who, because of the frequency or nature of their contacts with the Academy, hinder our consideration of their or other people’s complaints’. Please refer to [appendix 5](#) for further information regarding unreasonable complaints.
- Complainants should limit the numbers of communications with the Academy while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.
- Whenever possible, the Principal or Chair of Trustees will discuss any concerns with the complainant regarding their complaint, informally before applying an ‘unreasonable’ marking.
- If the behaviour continues the Principal will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the Academy causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.
- In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from James Brindley Academy.

6. Vexatious Complaints

- Where a complainant remains dissatisfied and the CoTs has written to inform them that the procedure has been exhausted and that the matter is now closed; If the complainant writes again on the same issue, then the correspondence may be recognised as vexatious and there will be no obligation to respond.
- Should a complainant raise an entirely new, separate complaint, it must be responded to in accordance with this policy. It is not the complainant that is vexatious it is the correspondence.

7. Recording and Monitoring

- The Academy will ensure that all complaints are recorded centrally and that a full and accurate record is maintained.



- Compliance to the timescales in this policy will be monitored by the Principal and any deviance reported to the Leadership Team Meeting.
- Following a complaint, actions will be reported to and implementation monitored by the Leadership Team Meeting to ensure academy improvement from complaints is effective and that the risk from similar complaints is reduced.
- All actions will be entered onto the CPOMS record.
- The Trustee Board will ensure that the Academy is adhering to this policy through the Safeguarding and Premises Committee on a termly basis by an incident and complaints report (details of the complaint will not be provided so as to maintain the independence and impartiality of the Trustee Board).
- Complaints will be monitored to ensure the Academy fulfils its obligations under the Equality Act 2010.

8. Interviewing Pupils

- It may be necessary as part of an investigation for the investigator to consider interviewing a pupil(s). Where this is identified as being a possible requirement of the investigation, then the investigator should ensure that they consider
 - Whether interviewing the pupil(s) is likely to provide any information that it cannot be established via a different mechanism.
 - The likely impact on the pupil(s) wellbeing and potential impact on their education.
- The consideration of the impact on the pupil and the outcome must be documented by the investigator, to provide rationale for the decision taken.
- Where the Investigator deems it necessary to interview a pupil, the consent of the parent/carer must be sought.

Appendix 1: Complaints which are not covered by the Complaints Policy

Type of Complaint	Appropriate Procedure	Contact
Safeguarding including staff conduct	Safeguarding Including Child Protection Policy	Principal or Chair of Trustees if allegation relates to former
Conduct of Academy staff not relating to safeguarding	Disciplinary procedure	Principal
Admission of pupils	Admissions Policy	Trustee Board or SENAR if the child has a SEN Statement / EHCP
Exclusion of pupils	Behaviour Policy	Trustee Board of Academy or SENAR if the child has a SEN Statement / EHCP
Transport / Pupil Guides	Travel Assist	Travel Assist Birmingham Local Authority travelassist@birmingham.gov.uk
Statutory assessment of Special Educational Needs (SEN)	Special Educational Needs Assessment and Review Service (SENAR)	Tel: 0121 303 1888 Email: SENAR@birmingham.gov.uk



Appendix 2: Interviewing Best Practice Tips (DfE, 2016)

Children/young people

- ✓ Children/young people should be interviewed in the presence of another member of staff, or in the case of serious complaints (e.g. where the possibility of criminal investigation exists) in the presence of their parents/carers. However, it might not always be possible to conduct an interview in case it prejudices a LADO (Local Authority Designated Officer) or police investigation.
- ✓ Care should be taken in these circumstances not to create an intimidating atmosphere.
- ✓ Children/young people should be told what the interview is about and that they can have someone with them.

Staff/Witnesses

- ✓ Explain the complaint and your role clearly to the interviewee and confirm that they understand the complaints procedure and their role in it.
- ✓ Staff are allowed a colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager.
- ✓ Use open, not leading questions.
- ✓ Do not express opinions in words or attitude.
- ✓ Ask single not multiple questions, i.e. one question at a time.
- ✓ Try to separate 'hearsay' evidence from fact by asking interviewees how they know a particular fact.
- ✓ Persist with questions if necessary. Do not be afraid to ask the same question twice. Make notes of each answer given.
- ✓ Deal with conflicting evidence by seeking corroborative evidence. If this is not available, discuss with the Principal / Chair of Trustees the option of a meeting between the conflicting witnesses.
- ✓ Make a formal record of the interview from the written notes as soon as possible while the memory is fresh. Show the interviewee the formal record, ask if s/he has anything to add, and to sign the record as accurate.



Appendix 3: Roles and Responsibilities

The Panel Clerk (Company Secretary)

The Clerk is the contact point for the complainant for the panel meeting and is expected to:-

- ✓ set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- ✓ collate any written material and send it to the parties in advance of the hearing;
- ✓ meet and welcome the parties as they arrive at the hearing;
- ✓ record the proceedings;
- ✓ circulate the minutes of the panel hearing;
- ✓ notify all parties of the panel's decision.

The Investigator

The Investigator is the person involved in Stages 1 and/ or 2 of the procedure. The Investigator should consult the HR Manager where the investigation process is likely to involve interviewing staff members to ensure that the correct academy procedures are followed.

The Investigator's role can include:-

- ✓ 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;
 - consideration of records and other relevant information;
 - interviewing staff and children/young people and other people relevant to the complaint;
 - analysing information;
- ✓ effectively liaising with the complainant and the Principal as appropriate to clarify what the complainant feels would put things right;
- ✓ identifying solutions and recommending courses of action to resolve problems;
- ✓ being mindful of the timescales to respond;
- ✓ responding to the complainant in plain and clear language;
- ✓ agreeing the timescales for the investigation with the complainant and notifying them if this is required to be extended.

The person investigating the complaint should make sure that they:

- ✓ 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.



Appendix 4: Procedure for a Trustee Board Panel dealing with a complaint

NB: Both the complainant, Principal and their representatives are present until item 8 of this procedure

1. The Chair of the panel opens the hearing explaining that the purpose of the meeting is to listen to the parental complaint.
2. The complainant presents their case stating the issues clearly.
3. Trustees, parents/carer/ have an opportunity to ask questions of the parent to seek clarification where required.
4. The Principal responds to the complaint including providing information about how the concerns have been handled identifying any action taken.
5. The parents/carer and Trustees have an opportunity to ask questions of the Principal to seek clarification where required.
6. The Principal sums up.
7. The complainant sums up.
8. The Principal and complainant leave to allow the panel to consider the concerns.
9. The Company Secretary will confirm to the Principal and complainant, in writing, the panel's decision within 5 school days of the hearing.



Appendix 5: Unreasonable Complainant Behaviour

A complaint may be regarded as unreasonable when the person making the complaint:-

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with this complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where this complaint procedure has been fully and properly implemented and completed including referral to the Education and Skills Funding Authority (ESFA);
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

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

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

(Department for Education, 2016)

