



BRIGSHAW
LEARNING PARTNERSHIP

Complaints Policy

Monitoring and Review of this Document:

The Trust shall be responsible for reviewing this document from time to time to ensure that it meets legal requirements and reflects best practice.



The Brigshaw Learning Partnership is an exempt charity regulated by the Secretary of State for Education. It is a company limited by guarantee registered in England and Wales, Registered Company Number 10301662, whose registered office is at The Brigshaw Learning Partnership, Brigshaw High School, Allerton Bywater, Castleford WF10 2HR

Providing a cradle to career education that allows our children to enjoy lives of **choice** and **opportunity**



Document Controls

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Availability

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

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

Legislation and Guidance

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

Complaints Procedure

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

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



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

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

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

The Trust expects that most concerns can be resolved informally and will use their best endeavours to resolve any complaints that are made informally, or any concerns that are raised, on that basis. If informal procedures fail to resolve the issue, a formal complaint about any matter not involving those listed above must be sent in writing to the Headteacher and will be dealt with under this Complaints Procedure. Complaints should be sent via the school office and marked as 'Private and Confidential' (see Appendix A). If you require help in completing the form, please contact the school office. You can also ask a third-party organisation for example like the Citizens Advice to help you.

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

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

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

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

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

You must raise the complaint ideally within 10 working days of the incident and certainly within 3 months. Where a series of associated incidents have occurred, within 3 months of the last of these incidents. We will consider exceptions to this time frame in exceptional circumstances only.



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

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

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

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

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

Anonymous complaints

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

Complaints received outside of term time

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

Complaint campaigns

A complaint campaign is defined as:

- The school or trust receiving a number of complaints all based on the same subject.
- The school or trust receiving multiple complaints from complainants unconnected to the school.

In the event of a complaint campaign (as defined above), the school will not respond to each complaint individually but will either:

- send a template response to all complainants or
- publish a single response on the school or trust website



Aims

Our Complaints Procedure will:

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

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



Stage One - Informal Resolution

- 1.1. If pupils or parents have a concern, they should normally contact the relevant teacher or staff member in the first instance. In many cases, the matter will be resolved straightaway by this means. If the teacher cannot resolve the matter alone, it may be necessary for them to consult the Senior Leadership Team as appropriate.
- 1.2. Complaints made directly to the Headteacher will usually be referred to the relevant teacher unless the Headteacher deems it appropriate to deal with the matter personally. In most cases, complainants should be offered the opportunity to discuss their complaint in person, over the telephone or by virtual means.
- 1.3. The school will use its reasonable endeavours to resolve any informal complaints within ten working days of them being raised, except where they are raised in school holidays where the school will use its reasonable endeavours to resolve them as soon as possible after commencement of the new term (usually within ten working days).
- 1.4. Should the matter not be resolved as referred to in paragraph 1.3 above, or in the event that the teacher and the parents fail to reach a satisfactory resolution, parents will be advised to proceed with their complaint in accordance with Stage Two of this Procedure.

Stage Two – Formal Resolution

- 2.1 If the complaint cannot be resolved on an informal basis (as set out in Stage One above) then parents should put their complaint in writing to the Headteacher using the Complaint Form (Appendix A), unless the complainant has sufficient reason to request a reasonable adjustment to be made.
- 2.2 The Headteacher will delegate responsibility for undertaking investigation of the complaint to a member of the Senior Leadership Team where appropriate, or will deal with the matter personally.
- 2.3 The Headteacher will decide, after considering the complaint, the appropriate course of action to take.
- 2.4 In most cases, the Headteacher/investigating Officer will meet or speak with the parents concerned to discuss the matter. If possible, a resolution will be reached at this stage.
- 2.5 The Headteacher/investigating officer will use reasonable endeavours to speak to or meet parents within ten working days of the formal complaint being received, except where the complaint is received in school holidays, where the Head Teacher will use their reasonable endeavours to speak or meet with parents as soon as possible after the commencement of the new term (usually within ten working days).
- 2.6 It may be necessary for a member of senior staff to carry out further investigations.
- 2.7 Once the Headteacher/investigating officer is satisfied that, so far as is practicable, all of the relevant facts have been established, a decision will be made. Parents will be informed of this decision in writing, giving reasons for the decision. The written decision should be provided no later than 15 working days after speaking or meeting with parents to discuss the matter. The Headteacher/investigating officer may also arrange to meet with parents to explain the decision.
- 2.8 If the school or Trust is unable to meet this deadline, the complainant will be provided with an update and a revised response date.



- 2.9 Where parents are dissatisfied with the outcome of the response to their formal complaint, the parents have the opportunity to have their complaint considered by an independent Complaints Panel. (Please see Stage 3 for further details.)

Stage Three – Panel Hearing

- 3.1 If parents seek to invoke Stage Three following failure to reach an earlier resolution, and where dissatisfied with the decision in respect of their formal complaint, the parents may request that their complaint be further considered by an independent Complaints Panel set up for this purpose. This is the final stage of the complaints procedure.
- 3.2 This request for further assessment of the complaint will, for the purposes of this Procedure, be known as an ‘appeal’.
- 3.3 Parents must lodge their appeal in writing to the clerk to the BLP Board, and within ten working days of the date of receiving the Stage Two response. Requests received outside of the 10 working days will only be considered if exceptional circumstances apply.
- 3.4 The parents should provide a list of their complaint(s) and which they believe to have been resolved unsatisfactorily by the Stage Two Procedure, along with the remedies sought in respect of each.
- 3.5 The Complaints Panel is only obliged to consider the complaint(s) lodged in this ‘initial submission’ although they may use their discretion to consider other relevant and related matters that may subsequently arise.
- 3.6 The Clerk to the BLP Board of Governors will act as Clerk to the Complaints Panel. Where the appeal is received by the school during school holidays, the school has five working days upon commencement of the school term to refer the matter to the Clerk.
- 3.7 The Clerk provides an independent source of advice on procedure for all parties.
- 3.8 Once an appeal has been received by the Clerk, they will acknowledge the appeal in writing within five working days, and inform the parents of the steps involved in this Complaints Procedure.
- 3.9 The Clerk will then endeavour to convene an independent Complaints Panel hearing as soon as possible to consider the matter, dependent upon the availability of the Panel members.
- 3.10 The Complaints Panel will consist of three people who were not directly involved in the matters detailed in the complaint. The panel may include:
- members of the Local school committee (governing body)
 - members of the Trust Board
 - members of another Trust local school committee,
- 3.11 One person on the panel will be independent of the management and running of the school. The independent person will conform to the relevant guidance issued by the Department for Education (DfE) and may be a local governor from a different school within the BLP. Prior to the meeting, the panel will decide who will act as chair of the complaints panel.



3.12 following are entitled to attend a hearing, submit written representations and address the Panel:

- a) The parent(s) and/or one representative;
- b) The Headteacher/investigating officer and/or one representative; and
- c) Any other interested person whom the Complaints Panel considers to have a reasonable and just interest in the appeal and whose contribution would assist the Panel in their decision-making. Legal representation will not normally be appropriate.

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

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

This evidence will be considered by the Panel, along with the initial submission that was lodged by the parents. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

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

3.13 The panel will 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.**

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

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

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 that outcomes will not be shared with them.*

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

- uphold the complaint, in whole or in part;
- dismiss the complaint, in whole or in part



- 3.16 If the complaint is upheld, in whole or part, the Panel 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
- 3.17 Any decision reached that may have wider implications for the Trust will need the appropriate approval from the relevant authorities e.g. the Trust Board, although any such approval must be compatible with the decision of the Complaints Panel.
- 3.18 The Panel's findings and recommendations will be sent by the Clerk in writing to the complainant and, where relevant, the person complained about. The findings and recommendations will be made available for inspection on the school premises by the Headteacher. The letter will state any reasons for the decision reached by the Panel.

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

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 Two.

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

The complainant can refer their complaint to the Department for Education online at:

www.education.gov.uk/contactus



(Appendix A): Complaint form

Please complete and return to the school reception, marked 'Private and Confidential' and for the attention of the Headteacher. Alternatively, complete and return to BLP complaints email: complaints@brigshawtrust.com

Your name:	
Pupil's name:	
Your relationship to the pupil:	
Address:	
Postcode:	
Preferred contact number:	

Please give details of your complaint. *(continue on a separate page if necessary)*

What action, if any, have you already taken to try and resolve your complaint.

(e.g. Who did you speak to and what was the response?)



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

Are you attaching any paperwork? If so, please give details.

Signature:		Date:	
Office Use:			
Date acknowledgement sent:			
By Who:			
Complaint referred to:			
Date:			



(Appendix B): Early Years Provision procedure

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

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

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



(Appendix C): Policy and procedure for managing serial and unreasonable complaints

Brigshaw Learning Partnership is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. 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.

We adopt the Dfe's definition of unreasonable complainants as those who, because of their frequency or nature of their contacts with the school/trust, hinder our consideration of their or other people's complaints.

Brigshaw Learning Partnership may judge that a complaint is unreasonable by assessing a number of factors including those that are outlined below.

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 cooperate with the complaints investigation process
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- 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 the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education
- seeks an unrealistic outcome
- makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums.

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 social media websites and newspapers

A complaint may also be considered unreasonable if it is manifestly unjustified, inappropriate, or an improper use of formal procedure. In assessing this, the trust or school will consider a range of factors including:

- whether a complaint has a reasonable foundation
- the history and context of the complaint (and any evidence where relevant)
- whether the time and cost of investigating the complaint is proportionate to the issue(s) complained of
- whether an investigation of the complaint is likely to cause a disproportionate or unjustified level of disruption, irritation or distress
- unexplained delay in raising a complaint or issue
- if the purpose of the complaint is to obtain an outcome which is unavailable via the complaints procedure, such as a claim for compensation, damages, or a refund of fees paid
- any evidence of a complaint being brought for an improper purpose

Complainants should try to limit their communication with the school that relates to their complaint, while the 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 headteacher, governor, Trustee or CEO will discuss any concerns with the complainant informally before applying an '*unreasonable*' marking.

If the behaviour continues, the headteacher, governor, Trustee or CEO will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact school causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

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 the school.

It is open to a complainant to request that a complaints panel be convened to determine the single issue of whether the school's dismissal of the complaint's original complaint was justified.