

## Complaints Policy

<b>AREA:</b>	GOVERNANCE
<b>AUDIENCE:</b>	ALL STAKEHOLDERS
<b>REVIEW FREQUENCY:</b>	ANNUALLY
<b>DATE ISSUED:</b>	5.12.18
<b>LAST REVIEW DATE:</b>	SEPTEMBER 2023
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<b>OWNED &amp; REVIEWED BY:</b>	HEAD OF GOVERNANCE
<b>APPROVED BY:</b>	CHAIR OF BRUNEL BOARD OF TRUSTEES
<b>APPROVAL DATE:</b>	27.09.2023

*Brunel Academies Trust (Brunel) is a company limited by guarantee with registration number 10074054 and registered offices at Unit B4C Orbital Retail Park, Thamesdown Drive, Swindon, SN25 4AN; Brunel is the parent company and Sole Corporate Member of the subsidiary company, Brunel Education (BE), a company limited by guarantee with registration number 11991915 and registered offices also at Unit B4C Orbital Retail Park, Thamesdown Drive, Swindon, SN25 4AN.*

*The Brunel Education (BE) Board have approved and adopted the majority of Brunel Tier 1 policies and procedures. Tier 1 policies are centrally held policies relating to Governance, People Services, Finance, ICT and Operations and are the direct responsibility of Brunel. Tier 1 policies are created by the Brunel Central Services Team but adopted and reviewed by the Brunel Board.*

*We are committed to a sustainable future and to improving the social, economic, and environmental well being of the community. We are dedicated to environmental improvements that foster a sustainable future and lead to social and economical improvements in the communities we operate within.*

*Where this Brunel Tier 1 policy refers to Brunel this also therefore consistently applies to BE.*

### 1. Aims

Brunel Academies Trust (Brunel) aims to meet its statutory obligations when responding to complaints from parents of Children and Young People (C&YP) at the Education Provisions (EPs) and other stakeholders.

This policy sets out the way in which the Brunel aims to address concerns and complaints. Brunel recognises that there may be times when a parent/carers, employee, Member, Trustee, Governor or other stakeholder wishes to raise a concern or a complaint about a particular aspect of the work of one of the EPs within Brunel or the Brunel Central Services team.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation (by an independent person or panel where necessary)
- Address all the points at issue and provide an effective and prompt response
- Treat complainants with respect, politeness, honesty and in confidence
- Keep complainants informed of the progress of the complaints process at each stage
- Give complainants reasonable notice to attend any required meetings at each stage

- Brunel will give a full and clear written reply to formal complaints within 28 EP *working days* (excluding bank holidays and school holidays) of the complaint being received
- Brunel will acknowledge any mistakes and consider how the complaint can feed into an EP and any Trust improvement evaluation processes

Brunel try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The Trust 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, and on the websites of our EP's.

## 2. Legislation and Guidance

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 Children and Young People in our Trust.

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)**.

This policy complies with Brunel's funding agreement and Articles of Association. In addition, it addresses duties set out in the Early Years Foundation Stage statutory framework with regards to dealing with complaints about the Trust's fulfilment of Early Years Foundation Stage requirements.

## 3. Definitions and Scope

The DfE guidance explains the difference between a concern and a complaint:

A **concern** is defined as "an expression of worry or doubt over an issue considered to be important for which reassurances are sought".

The Trust will resolve concerns through day-to-day communication as far as possible.

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

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

This policy does not cover complaints procedures relating to:

- Admission Appeals
- Statutory assessments of special educational needs and disabilities (SEND) - Where parents/carers have specific complaints directly relating to the Education Health and Care Plan (EHCP) procedures, or about the content of their child/young person's/vulnerable

adult's EHCP, they should contact Swindon Borough Council. This is in accordance with the SEND Code of Practice

- Safeguarding matters
- Exclusion
- Whistleblowing
- Employee grievances
- Employee discipline
- Complaints about services provided by other providers who use Trust premises or facilities should be directed to the provider concerned

If necessary, please see our separate policies for procedures relating to these types of complaint.

Arrangements for handling complaints from parents of children with SEND about an EP's support are within the scope of this policy. Such complaints should first be made to the Head of Education Provision (HoEP) or Trust CEO; they will then be referred to this complaints policy.

#### **4. Principles for Investigation**

When investigating a complaint, we will try to clarify:

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

We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage.

Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

The Trust expects that complaints will be made as soon as possible after an incident arises, and no later than 3 months afterwards. 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; however Brunel will reserve the right to refuse a complaint investigation if raised after six months.

Please note that Brunel will not investigate anonymous complaints except in extreme circumstances where the safety of a child or vulnerable adult may be compromised.

#### **Complaints About Our Fulfilment of Early Years Requirements**

We will investigate all written complaints relating to the Trust's fulfilment of the Early Years Foundation Stage requirements and notify the complainant of the outcome with 28 days of receiving the complaint. EPs will keep a record of the complaint (see section entitled 'Record Keeping' below) and make this available to Ofsted on request.

Parents and carers can notify Ofsted if they believe that an EP is not meeting Early Years Foundation Stage requirements by:

- Calling 0300 123 4666, or
- Emailing [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk)
- Using the online contact form available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>

EP's will notify parents and carers if they become aware that they are to be inspected by Ofsted. EP's will also supply a copy of the inspection report to parents and carers of children attending the setting on a regular basis.

## **5. Summary of Complaints Procedure**

We have adopted a 3-stage process for dealing with complaints:

- Stage 1 – Informal Resolution
- Stage 2 – Formal Investigation by Head of Education Provision (HoEP)/CEO
- Stage 3 – Formal Investigation by Brunel Board of Trustees

### **Stage 1: Informal Resolution**

We make every effort to address any concerns or complaints early through informal measures.

The complainant should raise any concerns as soon as possible with the Trust's Complaints Officer, relevant member of the Trust's Central Team, or the Chief Executive Officer (CEO). If the concern regards the CEO, the complainant should contact the Chair of the Board of Trustees, (See Section 7).

If the complainant is unsure who to contact, or needs to contact the Chair of the Board of Trustees, they should contact the Clerk to the Board of Trustees at the Central Services office:

- Email: [carterm@brunel.org.uk](mailto:carterm@brunel.org.uk)
- Telephone: 01793 286620
- Post:  
Brunel Central Services Office  
Unit B4C Orbital Retail Park  
Thamesdown Drive  
Swindon  
SN25 4AN

The process for responding to and investigating an informal complaint about the Trust or central employees is the same as that set out in section 6.

## **Stage 2: Formal Investigation**

If the complaint is not resolved satisfactorily at the informal stage, the complainant must submit a formal complaint in writing.

The complainant will receive written acknowledgement of their complaint within *5 working days (excluding bank holidays and school holidays)*.

The investigating officer will then conduct an investigation, in line with the process set out in section 7, providing a written response to the complainant within 28 working days (*excluding bank holidays and school holidays*).

## **Step 3: Board of Trustees Panel Hearing**

Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at the second, formal, stage.

A panel will be appointed by the Trust and will consist of up to 3 members of the Board not involved in investigating the complaint in the formal stage. The panel will be appointed by or on behalf of the Trust and must consist of at least 3 people who were not directly involved in the matters detailed in the complaint. At least 1 panel member must be independent of the management and running of the EP.

The panel cannot be made up solely of Brunel Trustees, as they are not independent of the management and running of the EP.

The complainant must be notified of the date, time, and location of the review panel at least 5 working days in advance. However, the review panel reserves the right to convene at their convenience rather than that of the complainant.

The complainant and representatives from the Trust, as appropriate, will be present at the panel hearing. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied if they wish.

The Board will ensure that the hearing is properly minuted.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called, as appropriate, to present their evidence. The panel, the complainant and the Trust representative(s) will be given the chance to ask and reply to questions. Once the complainant and Trust representative(s) have presented their cases, they will be asked to leave, and evidence will then be considered.

The panel must then put together its findings and recommendations from the case. The panel will also provide a copy of the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint, and make a copy available for inspection by the Trust Board.

The panel will inform those involved of the decision in writing within 5 working days (excluding bank holidays and school holidays).

## **6. Stage 1: Informal Resolution**

Brunel will take informal concerns seriously and make every effort to resolve that matter quickly.

The complainant should raise the complaint as soon as possible with the relevant EP employee, the Head of Education Provision or CEO, either in person or by letter, telephone or email. A meeting with the Head of Education Provision/CEO can be arranged if required. If the complainant is unclear who to contact or how to contact them, they should contact their EP office who will assist. If the complainant requires additional support or guidance to raise the complaint to this stage e.g., interpreter, extra support for disabilities, or mediation to set up and conduct a meeting, they should contact the HoEP.

Brunel anticipates that most issues can be dealt with informally through discussion.

The EP will acknowledge informal complaints within 5 Education Provision working days (excluding bank holidays and school holidays) and provide a response within 28 working days (excluding bank holidays and school holidays).

If the complaint is not resolved informally, it will be escalated to a formal complaint.

## **7. Stage 2: Formal Investigation**

The formal stage involves the complainant putting the complaint into writing. This letter should provide:

- details such as relevant dates and times
- the names of witnesses of events
- what the complainant feels would resolve the complaint

The letter should be submitted alongside copies of any relevant documents to the Head of Education Provision. There is a complaints form at the end of this policy for use if required. If the complainant needs support with a recording device to record a verbal submission of the complaint or any other communication support, please contact the Head of Education Provision.

If the complaint is about the HoEP or a Governor, it should be addressed to the CEO, who will determine who is best placed to deal with the complaint.

The CEO, HoEP or Chair of the Local Governing Committee (LGC) will respond formally to the complainant in writing to acknowledge the complaint within 5 Education Provision working days (excluding bank holidays and school holidays). They will explain how the complaint will be dealt with and may invite you to a meeting to clarify the concerns and to seek a resolution to them. This stage of the investigation may include reviews of relevant documents, interviews with learners, parents, employees and other involved parties. The CEO, HoEP or

Chair of the LGC will aim to inform you of the outcome within 10 Education Provision working days (excluding bank holidays and school holidays).

If you are not sure where to address your complaint, contact the Trust Complaints Officer at [cewhite@brunel.org.uk](mailto:cewhite@brunel.org.uk). If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the investigating officer in writing within 5 working days.

If the complainant requires additional support or guidance to raise the complaint to this stage e.g., interpreter, extra support for disabilities, or mediation to set up and conduct a meeting, they should contact the HoEP.

There are additional levels of governance who assume responsibility under specific circumstances for Stage 2, specifically:

- Where the complaint relates to the CEO, Trustee or a Member, the Chair of the Brunel Board assumes responsibility
- Where the complaint relates to a Governor, the CEO or Chair of the LGC assumes responsibility
- Where the complaint relates to the Chair of the LGC, the Chair of Brunel Board assumes responsibility
- Where the complaint relates to the Chair of the Brunel Board the CEO assumes responsibility

## **8. Stage 3: Brunel Board of Trustees Panel Hearing**

If the complainant remains dissatisfied following a formal Stage 2 and wishes to take the complaint further, they will be asked to put the complaint in writing, addressed to the Chair of the LGC.

The written complaint should:

- State clearly the reason for the complaint
- Explain clearly what steps have been taken to resolve the complaint so far by the Education Provision and why this has not been satisfactory
- Outline the desired outcome from the complaint

The panel will be appointed by or on behalf of the Trust and must consist of at least 3 people who were not directly involved in the matters detailed in the complaint. At least 1 panel member must be independent of the management and running of the EP.

The panel cannot be made up solely of Brunel Trustees/Local Governing Committee members, as they are not independent of the management and running of the EP.

As part of the formal stage, the complainant must make sure that members of the Complaints panel are provided with written information and/or evidence that you will use in the formal hearing.

The panel will have access to the existing record of the complaint's progress. The Brunel Board of Trustees is responsible for ensuring that the panel is properly minuted.



**The complainant** is allowed to attend the panel hearing and be accompanied if they wish by a friend, representative and/or interpreter. Each will have an opportunity to set out written or oral submissions prior to the meeting. The Chair of the panel may invite any person who could help establish the facts of the complaint. The Chair will advise the complainant who this person is before the meeting.

The complainant will be given at least 5 Education Provision working days' notice of the date and time of the panel hearing.

If any **employee** is required by the Complaint Panel to attend a meeting, they will have the opportunity to be accompanied or represented as they wish. An employee named in a complaint may also choose to attend a meeting, even if not required to do so by the Complaints Panel, or they may be represented. If this happens all parties will be informed in advance.

At the hearing, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called, as appropriate, to present their evidence. The panel, the complainant and the EP representative(s) will be given the chance to ask and reply to questions. Once the complainant and EP representative(s) have presented their cases, they will be asked to leave, and evidence will then be considered.

When the panel has fully investigated the complaint, the Chair of the complaint panel or the Trustee in charge of the investigation will write to the complainant to advise of the findings and recommendations within 5 working days (excluding bank holidays and school holidays).

The findings and recommendations will also be reported to the LGC, and where relevant, the person who is the subject of the complaint, confirming the outcome of your complaint and any agreed actions.

The findings will also be made available for inspection on the Education Provision premises by the Chief Executive Officer (CEO) and the HoEP.

## **9. Referring Complaints on Completion of the EP and Trust procedures**

Brunel anticipates that most complaints will be resolved by the internal processes outlined in this policy.

However, Brunel's Education Provisions operate independently of the Local Authority and, as such, the Local Authority (LA) is unable to investigate complaints regarding academies even if the complaint relates to special educational needs provision. Therefore, anyone wishing to escalate a complaint about an Education Provision, which has not been satisfactorily resolved through the Brunel complaints procedure, should contact the Secretary of State at the Department for Education and request that the complaint be passed to the Education and Skills Funding Agency (ESFA) and/or Ofsted.

If the complainant believes the Education Provision/trust 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 ESFA after they have completed Stage 3.



The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by Brunel. They will consider whether the Education Provision has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed [Part 7 of the Education \(Independent School Standards\) Regulations 2014](#).

The complainant can refer their complaint to the ESFA online at:  
[www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), by telephone on: 0370 000 2288 or by writing to:

Academy Complaints and Customer Insight Unit  
Education and Skills Funding Agency  
Cheylesmore House  
5 Quinton Road  
Coventry  
CV1 2WT

The ESFA will check whether the complaint has been dealt with properly. The ESFA will not overturn the EP or Trust's decision about a complaint. However, it will look into:

- Whether there was undue delay, or the EP or Trust did not comply with its own complaint's procedure
- Whether the Trust was in breach of its funding agreement with the secretary of state
- Whether the Trust has failed to comply with any other legal obligation

If the complaint was not dealt with properly, the EP or Trust will be asked to re-investigate the complaint. If the complaints procedure is found not to meet regulations, the Trust will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage:  
<https://www.gov.uk/complain-about-school>

The contact details for Ofsted are as follows:  
Email : [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk)  
Tel : 0300 123 4666

## **10. Persistent complaints**

Where a complainant tries to re-open the issue with Brunel after the complaint's procedure has been fully exhausted and the EP or Trust has done everything it reasonably can in response to the complaint, the Chair of the Brunel Board of Trustees will inform the complainant that the matter is closed.

If the complainant subsequently contacts the EP or Trust again about the same issue, the EP or Trust can choose not to respond. The normal circumstance in which the EP or Trust will not respond is if:

- The EP or Trust has taken every reasonable step to address the complainant's needs, *and*
- The complainant has been given a clear statement of the EP or Trust's position and their options (if any), *and*

- The complainant is contacting the EP or Trust repeatedly but making substantially the same points each time

However, this list is not intended to be exhaustive.

The EP or Trust will be most likely to choose not to respond if:

- There is reason to believe the individual is contacting the EP with the intention of causing disruption or inconvenience, and/or
- The individual's letters/emails/telephone calls are often or always abusive or aggressive, and/or
- The individual makes insulting personal comments about, or threats towards, EP or Trust employees

Unreasonable behaviour, which is abusive, offensive, or threatening may constitute an unreasonably persistent complaint.

Once the EP or Trust has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

The EP or Trust will ensure when making this decision that complainants making any new complaint are heard, and that the EP and Trust act reasonably.

## **11. Record-keeping and confidentiality**

Brunel will record and keep progress of all complaints, including information about:

- Actions taken at stages 2 & 3 as a result of the complaint regardless of whether they are upheld
- All correspondence, statements and records, which will be kept confidential except where the Secretary of State (or someone acting on his behalf) requests access to them
- The stage at which the complaint was resolved, i.e., stage 2 or 3
- The final outcome

The records will also include copies of letters and email, and notes related to meetings and phone calls.

This material will be treated as confidential and stored securely and will be viewed only by those involved in investigating the complaint or on the review panel. In the case of complaints about the Trust or central employees, these records will be managed by the Clerk to the Board of Trustees and will be stored securely in the Trust's offices under restricted access.

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 under the terms of the Data Protection Act, or where the material must be made available during an EP inspection.

Records of complaints will be kept for 6 years, (as guided by the Information and Records Management Society's toolkit for Education Provisions).

The details of the complaint, including the names of individuals involved, will not be shared with the whole Local Governing Committee of the EP (nor the entire Trust Board) in case a review panel needs to be organised at a later point.

Where the Trust Board is aware of the substance of the complaint before the review panel stage, they will (where reasonably practicable) arrange for an independent panel to hear the complaint.

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 Brunel Board of Trustees, who will not unreasonably withhold consent.

## **12. Learning lessons**

The Brunel Board of Trustees will review any underlying issues raised by complaints with the HoEP, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the Education Provision can make to its procedures or practice to help prevent similar events in the future.

The Brunel Board and CEO will receive regular reports on the types of complaints received in each EP in order to support the development of appropriate support structures, and to inform an improvement to procedures or practice.

## **13. Review**

The Brunel Board of Trustees will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly.

The Brunel Board will track the number and nature of complaints, and review underlying issues as stated in the section entitled 'Learning lessons'. The Brunel Board will also ensure that outcomes inform any necessary changes or improvements to this policy.

The complaints records are logged and managed by the Trust Complaints Officer.

The CEO will monitor the effectiveness of the complaint's procedure Trust-wide.

This policy will be reviewed by the CEO once per year or if necessary, changes need to be implemented. At each review, the policy will be approved by the Chair of the Board of Trustees.

## **14. Links with other policies**

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Employee grievance procedures
- Employee disciplinary procedures

- Whistleblowing Policy

## 15. Equality

This policy has been Diversity Impact Assessed (DIA) to identify opportunities to promote equality and mitigate any negative or adverse impacts on particular groups.

**This policy is adopted by the Brunel and will be reviewed every 1 year or earlier if change to legislation.**

Signed:



CEO

Signed:



Chairman of the Brunel Board

Approval Date: 27 September 2023

## Appendix One

## COMPLAINTS FORM

Your name:
Academy/Education Provision:
Child/Young Person's Name and Class (if relevant):
Your relationship to the Child/Young Person (if relevant):
Address: Post Code: Day time telephone number: Evening telephone number: E-mail address:
If you are making a complaint on behalf of someone else, please provide their details below:
Please give details of your complaint:
What action, if any, have you already taken to try to resolve your complaint. (Who did you speak to and what was the response)?
What actions do you feel might resolve the problem at this stage?
Are you attaching any paperwork? If yes, please give details:
Signature: <span style="float: right;">Date:</span>

Official Use Only
Date acknowledgement sent:
By whom:
Complaint referred to:
Date: