

Brixham College

Complaints Handling Policy

September 2019

Date adopted	September 2019
Prepared by	Mark Eager, Principal
Ratified by:	Full Trustees
Review Date	September 2022

Success in learning, success in life.



Introduction – The Policy

- Brixham College Academy Trust (“the College”) aims to ensure that as far as is practically possible to do so the achievements, success, wellbeing and safety of every student enrolled at the College shall be ensured to the best advantage of every student according to his or her abilities.
- The College including the Trustees and all staff take seriously any allegation of a failure to achieve these aims.
- Any person including parents carers and students should feel able to raise any concern or criticism initially without formality either in person, by telephone, in writing, by email or any other means (other than by social media or other publically accessible means) directly with the Principal, or the senior leadership team and any member of the teaching staff, or any member of the Trustees.
- The College distinguishes between a concern and a formal complaint.
 1. A concern or a verbal complaint should always be resolved swiftly and informally by an appropriate member of staff.
 2. A formal complaint is deemed to have been made against the College or any of its employees when formal notification in writing signed by the complainant is received by the College at the College’s main site premises in Higher Ranscombe Road Brixham addressed to either the Principal, or a member of the Senior Leadership Team, or a member of the teaching staff or to a member of the Trustees by personal delivery or ordinary post. A complaint made by email or any form of social media will not be accepted by or on behalf of the College.
 3. A formal complaint may arise following an unresolved concern or verbal complaint and becomes a formal complaint when made in writing, signed by the complainant and delivered to the College in accordance with the provisions of paragraph 2 above.
 4. An unresolved verbal complaint will not be considered further under this policy unless it is made in writing and received in accordance with the provisions of paragraph 2 above.

- Any concern or complaint shall be thoroughly investigated and as swiftly as possible and shall be acknowledged in writing within two College working days of receipt and (except in exceptional circumstances and in the case of any serious allegation of complaint which shall be determined at the absolute discretion of the Trustees , and where appropriate the Principal for which special procedures shall apply) shall be dealt with and the outcome notified to the complainant within seven College working days.
- All concerns and complaints shall be treated as confidential as between the complainant and the College but this does not preclude the referral of any complaint to an independent organisation or individual as part of the process of investigation.
- Where appropriate, support will be offered to a person who is the object of the complaint or concern.
- All concerns and complaints shall be appropriately recorded by the College and the Principal and/or the Senior Leadership team shall be informed of the outcome. If any action is appropriate following an upheld complaint it will not normally be disclosed to the complainant unless in the opinion of the Trustees and the Principal (except in the case of a complaint against the Principal personally) it is a matter of public interest to do so.
- All teaching staff shall receive appropriate training in handling concerns and complaints and will be made fully aware of this policy and the complaints handling procedures
- The Trustees consider that any upheld complaint or concern is an important element in College self-improvement and the raising of standards.

COMPLAINTS HANDLING PROCEDURES

All complaints, whether verbal, formal written complaints or those which are treated as exceptional shall be handled in accordance with the paragraphs set out below according to the nature of the complaint and to whom it is addressed.

1. Formal complaint made by a serving Trustee

- A formal complaint by a serving Trustee shall be considered by the Full Trustees unless the complainant agrees that the normal complaints handling procedure should be applied as though it was a formal complaint received by the Principal.

2. A complaint or concern received by a registered student

- In the first instance a verbal complaint or concern will be considered by an appropriate member of the teaching staff who will report his or her findings to the Principal who may either uphold the findings of the member of staff or proceed as though it was a formal complaint received by him.
- A verbal complaint may become a formal complaint if it is set out in writing either by the student or a parent or carer and will be treated as though it is addressed to the Principal.

3. Formal complaint received by a member of staff

- A formal complaint received by a member of staff shall be referred to the Principal who will, at his discretion, either deal with the complaint himself or refer it to a member of the Senior Leadership Team to investigate and handle the complaint.
- Receipt of the complaint shall be acknowledged in writing by the Principal or other person appointed to handle the complaint within the time limit referred to in this policy.
- The person handling the complaint shall carry out a full investigation which may include taking statements from students and other members of staff.
- The outcome of the investigation shall be notified to the complainant in writing even if the outcome has been communicated to the complainant verbally within the time limit of this policy.
- Unless the Principal personally has handled the complaint the outcome shall be notified to him and a record made.

4. Formal complaint received by the Principal

- Receipt of the complaint shall be acknowledged in writing by the Principal within the time scale referred to in this policy.
- The Principal may decide in consultation with the Chair of the Trustees that the complaint shall be handled as though the complaint had been received by the Trustees and shall be handled in accordance with the procedures set out in paragraph 5 below.

- Unless the decision is made under the previous paragraph to refer the complaint to the Trustees, the Principal shall carry out a full investigation which may include taking statements from students and members of staff.
- Whenever possible the complainant shall be invited to attend a meeting with the Principal to discuss the complaint and the outcome of the Principal's investigation.
- The outcome of the investigation shall be notified to the complainant in writing within the time limit of this policy and informed that if he or she is not satisfied with the outcome he or she may request in writing within five College working days of receipt of the written notification of the outcome that the complaint be reviewed by the Trustees. A record of the outcome shall be retained.
- The Principal shall inform the Chair of the Trustees of the details of the complaint, and the outcome of the Principal's investigation.

5. Formal complaint received by the Trustees

- The Trustees shall only investigate a formal complaint, which must be addressed to the Chair of the Trustees, unless either a decision has been made under paragraph 3 above to refer a formal complaint to the Trustees or a formal complaint has been referred to the Trustees under the procedures in paragraph 4 above.
- The Chair of the Trustees will acknowledge receipt of the complaint within the time scale referred to in this policy
- Except in the case of a formal complaint received under paragraph 1 above, the Chair of the Trustees shall (subject to the provisions of the paragraph 6) review the results of the College investigation into the complaint and the outcome of it and proceed to resolve the complaint by following the two stages of procedure set out below:
- **Stage 1**
 - a. A meeting shall be arranged between the complainant and the Principal and chaired by the Chair of Trustees at which both the complainant and the Principal (on behalf of the College) shall be invited to set out their respective points in the matter in an attempt to seek a resolution of the complaint.

- b. If at the end of the meeting the complaint remains unresolved, the complainant will be asked by the Chair of the Trustees if they wish the complaint to be reviewed further under Stage 2 and if that is what the complainant requires then the Chair of the Trustees shall inform the complainant, before closing the meeting, that stage 2 will be implemented

- **Stage 2**

- a. Within five College working days following the meeting under stage 1 above the Principal will send to the Chair of the Trustees a written statement of the complaint together with any supporting statements and documents.
- b. The Chair of the Trustees shall give notice in writing to the complainant formally advising them that the complaint will be further considered under the Stage 2 procedure and informing them of the hearing date which shall be not more than ten days following the date of the notice under this paragraph and to which they shall be invited to attend.
- c. A panel shall be constituted to consist of two Trustees but not the Principal or a staff Trustee and to include an independent member who is not involved in the management and running of the College.
- d. The Stage 2 Panel shall be provided with copies of the complaint and any supporting documents together with all statements and documents provided by the College in response to the complaint not less than forty eight hours before the date of the hearing and they may meet to discuss and consider the documents supplied to them in advance of the hearing.
- e. At the hearing the complainant may be accompanied by a friend or legal representative provided the College is notified in writing at least three days before the date of the hearing. The Stage 2 Panel shall appoint one of its members to act as the chair of the Panel.
- f. The hearing shall be opened by the Chair of the Panel who shall outline the order of procedure and shall invite the Principal to address the hearing and call any witnesses followed by giving the complainant the opportunity to address the hearing.
- g. The Stage 2 Panel may seek external advice either before or after the hearing before reaching a decision.
- h. The Chair of the Stage 2 Panel shall inform the complainant of the outcome of the hearing in writing within five days following the hearing and of any action that may be taken. The complainant shall also be informed of his right of appeal.

- i. The proceedings of the hearing shall be fully minuted.
- **Appeal**
 - a. If the complainant wishes to appeal against the decision of the Stage 2 Panel they must notify the Clerk to the Trustees within ten College working days following receipt of the Stage 2 Panel decision.
 - b. An appeal panel (“the Appeal Panel”) shall be formed of at least three members. At least one member of the panel must be independent of the management and the running of the College. The remainder will be Trustees, which shall include at least one parent governor but shall exclude all Trustees who formed the Stage 2 panel.
 - c. The appeal shall be conducted in the same manner as for those steps set out in d. to i. inclusive of Stage 2 set out above substituting the Appeal Panel for references to the Stage 2 Panel.
 - d. At the time the complainant is informed of the Appeal Panel’s decision they shall be informed of their right of appeal to the Education Funding Agency within fourteen College working days of receipt of notification of the Appeal decision.

6. Complaints of an exceptional, unusual or serious nature

- In the event of a formal complaint being received by either the Principal or the Trustees which in consultation with the Principal and the Chair of the Trustees is of such an exceptional or serious nature that the complaint should not be considered solely by one individual the complaint shall be referred to the Academy Trustees (“the Trustees”).
- The Trustees shall either conduct a full investigation themselves or they may appoint an independent person or body to carry out a thorough review and report to them for their consideration.
- A meeting shall be arranged between the complainant and the Trustees and in the case of an independent report having been submitted to the Trustees, the author of the report shall present his or her report to the meeting and following any discussion and questions the Trustees shall make a decision on the validity of the complaint.
- At the conclusion of the meeting the Trustees shall indicate that their decision will be given to the complainant in writing within five College working days and advised of the procedure for appeal if the complainant is unable to accept the outcome.

- If the complainant is not able to accept the decision of the Trustees they may give notice within fourteen College working days of receipt of the decision to the Clerk of the Trustees of their decision to appeal which shall be made to the Education Funding Agency.
- The proceedings of the meeting shall be fully minuted.

The Role of the School Complaints Unit

If a complaint has completed the local procedures and the complainant remains dissatisfied, they have the right to refer their complaint to the Secretary of State. The Secretary of State has a duty to consider all complaints raised but will only intervene where the Trustees have acted unlawfully or unreasonably and where it is expedient or practical to do so.

The School Complaints Unit (SCU) considers complaints relating to Academies in England on behalf of the Secretary of State. The SCU will look at whether the complaints policy and any other relevant statutory policies were adhered to. The SCU also looks at whether statutory policies adhere to education legislation. However, the SCU will not normally re-investigate the substance of the complaint. This remains the responsibility of schools.

The SCU will not overturn a school's decision about a complaint except in exceptional circumstances where it is clear the school has acted unlawfully or unreasonably. If the SCU finds that the school has not handled a complaint in accordance with its procedure, we may request that the complaint is looked at again.

If legislative or policy breaches are found, the SCU will report them to the school and the complainant, and where necessary, ask for corrective action to be taken. The SCU normally also seeks written assurances as to future conduct. Failure to carry out remedial actions or provide written assurances could ultimately result in a formal Direction being issued by the Secretary of State in accordance with her powers under sections 496 and 497 of the Education Act 1996.

Schools may wish to contact the SCU for advice on whether they have acted reasonably; for example: in closing down a complaint from a serial complainant before the local procedure has been completed. However, the SCU will not be able to advise on how to resolve the complaint.

Further information can be obtained from the SCU by calling the National Helpline on 0370 000 2288 or going online at: www.education.gov.uk/help/contactus or by writing to: Department for Education School Complaints Unit 2nd Floor, Piccadilly Gate Store Street Manchester M1 2WD.

Disability Discrimination Act

The Disability Discrimination Act (DDA) covers many areas of everyday life, including education and access to goods and services. Generally, the provisions in the DDA to do with schools relate to pupils with disabilities.

However, many services provided by a school do not relate directly to your child's education, but are considered a 'service to the public' and are covered by the DDA.

The College will make 'reasonable adjustments' to procedures and policies, or provide you with aids to help you access our services, like putting information in accessible formats. Please contact us and advise of any special access you may require so we can support you, as parents/carers, through the process.

To be read in conjunction with the Communication with Parents Policy and the Dealing with aggressive and abusive parents, carers and members of the public Policy.