University of Brighton

Academies Trust

POLICY

Policy title	Complaints
Written by	Director of Governance and Admissions
Policy owner	Trust Leader

Status	APPROVED – BoT 11/11/25
Summary of change	Reviewed and updated to reflect: • Change from ESFA to DfE • Operational staff changes during closure period

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1. Aims

1.1 Each academy in the University of Brighton Academies Trust aims to meet its statutory obligations when responding to complaints from parents/carers of pupils at the academy regarding their child.

1.2 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
- Respect complainants' desire for confidentiality
- Treat complainants with respect and courtesy
- Ensure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into academy improvement evaluation processes

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

1.4 We will aim to give the complainant the opportunity to complete the complaints procedure in full. To support this, the existence of this policy is publicised on the Trust website and is made available through each academy website.

1.5 Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

1.6 For procedures to deal with complaints that do not fall within the statutory duty to respond, please see Annex 1.

2. Legislation and guidance

2.1 This document meets the requirements set out in part 7 of the schedule to the Education (Independent Academy Standards) Regulations 2014, which states that we must have and make available a written procedure to deal with complaints from parents of pupils at the academy regarding their child.It is also based on guidance published by the Department for Education (DfE) on creating a complaints procedure that complies with the above regulations.

2.2 This policy complies with our funding agreement and articles of association.

2.3 For each of the academies with Early Years provision, in addition, it addresses duties set out in the Early Years Foundation Stage statutory framework with regards to dealing with complaints about the academy's fulfilment of Early Years Foundation Stage requirements.

3. Definitions and scope

3.1 Definitions

3.1.1 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 academy 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"

3.2 Scope

3.2.1 The academy 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.

3.2.2 This policy does **not** cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline[1]

Please see our separate policies for procedures relating to these types of complaint.

3.2.3 Complaints about services provided by other providers who use academy premises or facilities should be directed to the provider concerned.

3.3 Complaints about our fulfilment of early years requirements

3.3.1 All written complaints relating to an academy's fulfilment of the Early Years Foundation Stage requirements will be investigated and the complainant notified of the outcome within 28 days of receiving the complaint. The academy will keep a record of the complaint and make this available to Ofsted on request.

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

[1]Where complaints regarding staff conduct are considered under staff disciplinary procedures outcomes will not be shared with complainants.

3.3.3 We will notify parents and carers if we become aware that an academy is to be inspected by Ofsted. We will also supply a copy of the inspection report to parents and carers of children attending the setting on a regular basis.

4. Roles and responsibilities

4.1 The complainant

4.1.1 The complainant will get a more effective and timely response to their complaint if they:

- Follow these procedures
- Clearly set out their complaint succinctly
- Co-operate with the academy throughout the process, and respond to deadlines and communication promptly
- Treat all those involved with respect
- Not publish details about the complaint on social media - this will help to ensure that there won't be an impact on impartiality or prejudice towards the outcome of the investigation if details have been kept out of the public domain.

4.2 The investigator

4.2.1 An individual, unconnected to the complaint, will be appointed to look into the complaint and establish the facts. They will:

- Contact all relevant parties, keeping notes
- Consider records and any written evidence and keep these securely
- Within 20 school days, prepare a comprehensive report which includes the facts and potential solutions to be shared with the complainant and relevant academy staff.

4.3 Clerk to the Local Governing Body (LGB)

4.3.1 The clerk will:

- Be the contact point for the complainant and the LGB Complaints Panel, including circulating the relevant papers and evidence before Complaints Panel meetings
- Arrange the complaints hearing
- Record and circulate the minutes and outcome of the hearing

4.4 Complaints Panel chair

4.4.1 The Complaints Panel chair will:

- Act always with independence and fairness during their role as Chair
- Chair the meeting, ensuring that everyone is treated with respect throughout
- Make sure all parties see the relevant information, understand the purpose of the committee, and are allowed to present their case

5. Principles for investigation

5.5.1 When investigating a complaint, we will try to clarify:

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

5.1 Time scales

5.1.1 The complainant must raise the complaint within 6 weeks of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 6 weeks of the last incident.

5.1.2 An exception to this time frame will be considered in circumstances where the Trust considers there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

5.1.3 When complaints are made out of term time, we will consider them to have been received on the next academy day.

5.1.4 If at any point we cannot reasonably meet the time scales we have set out in this policy, we will:

- Set new time limits with the complainant
- Send the complainant details of the new deadline and explain the delay

6. Complaints Procedure

6.1 The full process is provided in detail below.

7. Stage 1: Dealing with concerns and complaints informally

7.1 The vast majority of concerns and complaints can be resolved informally. There are many occasions where concerns are resolved straight away through the class teacher, subject leader, senior leader, other member of staff, or Principal depending on whom the parent first approached, without the need to resort to a formal complaints procedure, and this is preferable for all concerned.

7.2 In some instances, the complainant may also welcome the opportunity for an informal discussion with the Academy Principal, Chair of the LGB or other senior member of staff.

7.3 Although this stage involves dealing with the issue informally it may prove helpful later, although not essential at this stage, for the person responding to make a basic record of the issue or complaint raised, which may include brief notes of conversations (face to face or over the telephone), and the responses made.

7.4 The person who raised the issue should be informed of the action to be taken to resolve the issue. It may be helpful to confirm undertakings given about future action or monitoring in writing.

7.5 If the person is dissatisfied with the response they have been given at this stage, they should proceed to Stage 2, the formal stage.

8. Stage 2: Referral to the Principal or Chair of the LGB

8.1 The issue is referred to the Principal or Chair of the LGB for investigation, usually by the Complainant writing to the Principal (see Annex 3 – Complaints Form). This should include information about why they are complaining, and what they want to happen as a result of their complaint.

8.2 It is generally at this stage that it will become clear whether:

(i) it is appropriate for the complaint to be dealt with under these procedures or whether there are statutory processes which are more appropriate. If the latter is the case, the Principal will need to inform the Complainant of this and the way in which the complaint will be handled.

(ii) the Principal or the Chair of the LGB will investigate the complaint[2]. If the complaint is about the Principal the investigation is always conducted by the Chair[3].

(iii) the concern is a definite complaint. If the focus of the complaint is unclear, the Investigator may ask the Complainant to clarify, in writing, why they are complaining, and what they want to happen as a result of their complaint.

8.3 Any complaint received under this process should be acknowledged within 7 school days of receipt of the complaint with a written response from the Investigator within 20 school days of receipt of the complaint. The Complainant will also be informed in the initial letter from the Investigator that if the complaint is about a named member of staff the Complainant should be advised not to contact the member of staff directly for the duration of the complaint.

8.4 An investigation will be held and the Complainant should also be given the opportunity to meet with the Investigator, accompanied by a relative or friend if they so wish, to discuss their complaint. Written records of interviews with Complainants and with staff or witnesses carried out in the course of the investigation should be kept by the Investigator.

8.5 The letter conveying the findings of the Investigator should be provided to the Complainant within 20 school days of the receipt of the complaint and should include the outcome of the investigation accompanied by an explanation of those findings. The Complainant and should also be informed of the process for referral to the Clerk to the Complaints Panel for consideration under Stage 3 of the Complaints Policy. Any such referral should be made within 10 school days after receipt of the Investigator's letter.

8.6 In acknowledging any complaint, the Investigator may need to explain their powers in the matter in question and the extent to which it may or may not be possible to achieve the outcome desired by the Complainant. For example, a parent may be unhappy with their child's class placement. Whilst the Investigator can look at whether the decision about the class placement was made in a fair,

[2] The Principal or Chair investigating the complaint will henceforth be referred to as the 'Investigator' in this policy.

[3] In a situation where the Chair is not available or may have already been involved at an informal stage, an alternative Chair will be appointed.

reasonable and consistent way, they do not have the powers to change the placement. In such instances it is important that the Complainant is made aware at the outset of the scope of the investigation. However, when the Investigator is the Chair of the LGB and where it is not within the remit of the Investigator to change a decision, it may make a recommendation for the Principal to consider.

9. Stage 3: Review by Complaints Panel

9.1 Overview

9.1.1 Complaints only rarely reach this formal level, but it is important that the LGB is prepared to deal with them when necessary. The LGB has constituted a Complaints Panel for this purpose (please see **Annex 5** for the Terms of Reference). The Complaints Panel should be comprised of at least two LGB members and a member independent of the management and running of the academy. The Chair of the LGB should not be a member of the Panel if they have been involved at the previous stage.

9.1.2 The membership of the Complaints Panel should not include members who are employed at the academy.

9.1.3 Panel members will uphold the highest standards of objectivity and fairness in their consideration of the complaint and in their communication with the Clerk and each other during the period leading up to the panel meeting.

9.1.4 The purpose of the panel meeting is to review all of the evidence presented, pursue any points requiring further clarification, determine the outcome of the complaint and make any necessary recommendations. It is important to note that the panel meeting does not conduct a new investigation.

9.2 Timescale and documentation

9.2.1 Where the Clerk to the LGB receives a complaint under these procedures, they should arrange for a Complaints Panel to meet no more than 20 school days from receipt of the letter.

9.2.2 The Principal[4] should also be informed immediately that a complaint has been received and consulted about the proposed date of the hearing.

9.2.3 On issuing notification of the date and time of the hearing, the clerk will need to advise the Complainant and the Principal that any written documentation they wish the Panel to consider will need to be submitted in time to be circulated to Panel members 5 days prior to the hearing. The Complainant should be advised that they may be accompanied by a relative or friend. The Principal (or any staff member who is the subject of the complaint) should be advised that they may be accompanied by a professional support representative such as a senior colleague from another academy in the Trust.

[4] or the member of staff/governance volunteer who is the subject of the complaint, in the case of complaints about a member of Trust level staff, Chair/member of the Local Governing Body/Board of Trustees

9.2.4 If the complainant rejects the offer of 3 proposed dates without good reason, the Clerk will set a date. The hearing will go ahead using written submissions from both parties.

9.2.5 Notification of the hearing should also include details of the way in which the hearing will be conducted. The hearing should be minuted and copies of all relevant correspondence and notes should be kept on file by the clerk.

9.2.6 The panel will then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and 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 proprietor and Principal. Please see **Section 14** Record Keeping for more information.

9.2.7 The Complainant should also be informed of the opportunity for referral to the DfE if they are not satisfied that the complaint has been dealt with properly according to the Trust's procedure.

9.3 Procedure at the Complaints Panel meeting

9.3.1 The meeting will be held in private and usually using video conferencing facilities via MS Teams arranged by the Trust. The hearing is as informal as possible. The Complainant is entitled to be accompanied by a friend or relative. The Principal (or any staff member/governance volunteer who is the subject of the complaint) is entitled to be accompanied by a professional support representative such as a senior colleague from another academy in the Trust. Witnesses are only required to attend for the part of the hearing in which they give their evidence. Representatives from the media are not permitted to attend.

9.3.2 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 will be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

9.3.3 It is within the power of the Panel to decide whether to allow those invited to the Complaints Panel meeting to attend at the same time, or be invited to present their case separately. The agenda circulated prior to the meeting will make clear the meeting structure to be followed. If all attendees are invited to attend the meeting at the same time the following meeting structure may be followed[5]:

- The Chair of the panel should open the meeting by welcoming all those present and leading the introductions. The Chair should then outline the procedure and what the Complaints Panel's powers are.
- The Clerk should outline the order in which the parties will be able to state their case and ask questions. The Clerk should also draw attention to the estimated times included in the agenda and that although timing are approximate, the expectation is that they will be adhered to. Please see **Annex 6a** for a sample agenda with approximate timings.
- The panel should invite the Complainant to explain their complaint.

[5] The following meeting structure is a recommendation only. The Chair may decide to allow all attendees to be present at the same time, but not allow cross-examination.

- The Principal, followed by the panel, may question the Complainant.
- The Chair should invite the Principal to explain the academy's actions, followed by the academy witnesses.
- The Complainant, followed by the panel, may question the Principal and their witnesses.
- The Chair should invite the Principal to make their final statement.
- The Chair should invite the Complainant to make their final statement.
- The Chair should ask both parties to leave together so that the panel can discuss the case. The Chair should inform both parties that they will be notified of the decision on the panel within 5 days.
- The Complaints Panel should make their decision. The Clerk should be able to advise on procedural issues or draw from their notes if needed but should take no part in the decision.

9.3.4 If the Chair of the Panel decides not to allow the attendees to attend the meeting at the same time the following meeting structure may be followed (**Annex 6b**):

- The parties attending the meeting should be invited to join the meeting and present their case in the following order: Complainant, Complainant's witness(es), Principal, Witness(es) from/for the academy.
- When each attendee joins the meeting the Chair should lead the introductions of the panel, and explain the procedure and powers of the panel.
- Each attendee should be given the opportunity to present their case and answer questions from the panel. They will then be thanked for their attendance and informed that they will be notified of the decision on the panel within 5 days.

9.4 Conduct at meetings

9.4.1 In most cases, each party is helpful, polite and patient, and accepts that it takes time to resolve a dispute. However, the conduct of some participants can make investigating and resolving a complaint difficult, or they may behave in a way that is unacceptable or inappropriate.

9.4.2 The Trust will never tolerate aggressive or intimidating behaviour, violence or abuse towards anyone attending a Complaints Panel meeting. This may include behaviour or language (verbal or non-verbal) that may cause individuals to feel afraid, threatened or abused; and it may include threats, personal verbal abuse, derogatory remarks and rudeness.

9.4.3 It is the responsibility of the panel members to monitor the conduct of those attending a panel meeting. If a member of the panel decides that an attendee is exhibiting unacceptable behaviour, in the first instance they will be asked to desist from that behaviour. If this request is ignored they may be asked to leave the meeting.

9.5 The Role of the Clerk

- To set up the Complaints Panel and invite all relevant parties.
- To ask for any written representations and supporting documentation.
- To circulate any representations in advance of the meeting, including a report from Stage 2 of the complaints process and a written account of the complaint from the Complainant, if available.

- To take detailed minutes of the meeting as a record of the evidence considered by the Complaints Panel (these minutes should be available to all parties on request).
- To provide advice to the Complaints Panel once the other parties have left the room.
- To write to all parties after the meeting with the Complaints Panel's findings.

9.6 The Complaints Panel's Decision

The panel can:
- dismiss the complaint in whole or in part
- uphold the complaint in whole or in part

If the complaint is upheld, the panel will:
- decide on the appropriate action to be taken to resolve the complaint
- recommend changes to the academy's systems or procedures to ensure that problems of a similar nature do not recur

10. Further recourse

10.1 If the Complainant is dissatisfied with the Complaint Panel's handling of their complaint, further recourse to other agencies is available to them outside the scope of the Trust's own procedures. However, these agencies are unlikely to take any action until the Trust's own procedures had been completed.

10.2 Complainants have a right of appeal to the DfE. The DfE will check whether the complaint has been dealt with properly by the Trust. It will consider complaints about academies that fall into any of the following three areas:
(i) where there is undue delay or the academy did not comply with its own complaints procedure when considering a complaint
(ii) where the academy / Trust is in breach of its funding agreement with the Secretary of State
(iii) where an academy / Trust has failed to comply with any other legal obligation

10.3 The DfE will not overturn the Trust's decision about a complaint. However, if it finds that the Trust did not deal with a complaint properly it will request the complaint is looked at again and procedures meet the requirements set out in the Regulations. If the Trust's complaints procedure does not meet the Regulations, it will ask the Trust to put this right. It may seek to enforce the decision under the terms of the funding agreement on behalf of the Secretary of State, if appropriate.

11. Complaints made by parents/carers against the Trust Leader, Deputy CEO, Professional Services staff, a Trustee, the Board of Trustees, a Local Governor or a LGB

11.1 Complaints in this category should be submitted, in writing, to the Trust Leader or Chair of Trustees who will arrange for it to be handled according to the standard timeframes for complaints and in accordance with the table below:

Subject of complaint	Stage 1	Stage 2	Stage 3
Trust Leader	Trustee	Alternative Trustee	Panel of 2 Trustees plus independent member
Deputy CEO	Trust Leader	Trustee	Panel of 2 Trustees plus independent member
Professional Services staff	Line Manager	Equivalent or more senior manager	Panel of 2 Trustees plus independent member
Named Trustee	Trust Leader	Chair or Vice Chair of Board of Trustees	Panel of 2 Trustees plus independent member
Chair and Vice Chair of Board of Trustees	Trust Leader	Independent investigator	Panel of 3 independent statutory governors
Majority of Board of Trustees	Trust Leader	Independent investigator	Panel of 3 independent statutory governors
Chair of LGB	Trust Leader	Trustee	Panel of 2 Trustees plus independent member
LGB	Trust Leader	Trustee	Panel of 2 Trustees plus independent member
Named LGB member	Trust Leader	Trustee	Panel of 2 Trustees plus independent member

11.2 Any required independent investigation, or the sourcing of statutory governors to comprise a panel from other academy trusts or schools, will be the responsibility of the Trust Leadership. The appointment of an investigator or panel will be based on principles of independence and impartiality and the decision taken by the Trust Leadership will be final.

11.3 If a committee of independent statutory governors is required to hear the complaint, the statutory governors comprising this panel will be sourced by the Trust Leadership from other academy Trusts or schools. The appointment of the panel will be based on principles of independence and impartiality and the decision taken by the Trust Leadership will be final.

12. Support for employees who have been the subject of a complaint

12.1 In the first instance, staff members who have been subject to a complaint should seek support from their line manager. For information on the support and counselling service available to employees of the Trust please see Annex 7 below.

13. Persistent complaints

13.1 Unreasonably persistent, vexatious or spurious complaints

13.1.1 Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- Has made the same complaint before, and it's already been resolved by following the school's complaints procedure
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- Knowingly provides false information
- Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure
- Pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refused to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the time frames it sets out
- Changes the basis of the complaint as the investigation goes on
- Makes a complaint designed to cause disruption, annoyance or excessive demands on school time
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value

13.1.2 When a complaint is considered to be persistent, vexatious or spurious the Investigator will, following consultation with the Trust's Trust Leader, write to the Complainant explaining why the complaint is not being taken forward, and informing that they have the right to refer this decision to the DfE.

13.1.3 Please see Annex 4 for a model letter to be used in these circumstances.

13.2 Steps we will take

13.2.1 We will take every reasonable step to address the complainant's concerns, and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

13.2.2 It the complainant continues to contact the school in a disruptive way, we may put communications strategies in place. We may:

- Give the complainant a single point of contact via an email address
- Limit the number of times the complainant can make contact, such as a fixed number per term
- Ask the complainant to engage a third party to act on their behalf, such as Citizens Advice
- Put any other strategy in place as necessary

13.3 Stopping responding

13.3.1 We may stop responding to the complainant when all of these factors are met:

- We believe we have taken all reasonable steps to help address their concerns
- We have provided a clear statement of our position and their options
- The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience

- Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.
- 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 any of our premises.

13.4 Duplicate complaints

13.4.1 If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.

13.4.2 If we are satisfied that there are no new aspects, we will:
- Tell the new complainant that we have already investigated and responded to this issue, and the local process is complete
- Direct them to the DfE if they are dissatisfied with our original handling of the complaint
- If there are new aspects, we will follow this procedure again.

13.3 Complaint campaigns

12.3.1 Where the academy receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the academy, the academy may respond to these complaints by:
- Publishing a single response on the academy website
- Sending a template response to all of the complainants

13.3.2 If complainants are not satisfied with the academy's response, or wish to pursue the complaint further, the normal procedures will apply.

14. Record keeping

14.1 The academy will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls. Records of complaints that proceed to the review panel stage will also be retained by the Trust Governance Team.

14.2 This material will be treated as confidential and held centrally and will be viewed only by those involved in investigating the complaint or on the review panel.

14.3 This is except where the Secretary of State (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

14.4 Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and record retention schedule.

14.5 The details of the complaint, including the names of individuals involved, will not be shared with the whole LGB in case a review panel needs to be organised at a later point. Where the LGB is aware of the substance of the complaint before the review panel stage, the Clerk to the LGB will (where reasonably practicable) arrange for an independent panel to hear the complaint.

14.6 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 Trust Leadership, who will not unreasonably withhold consent.

15. Learning lessons

15.1 The LGB will review any underlying issues raised by complaints with the Principal, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the academy can make to its procedures or practice to help prevent similar events in the future.

16. Monitoring arrangements

16.1 The Board of Trustees will oversee the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The academy LGB will track the number and nature of complaints, and review underlying issues as stated in section 14.

16.2 The Principal will nominate a named member of staff to log and manage complaints records which are resolved at Stage 1 or Stage 2 within an academy. Records of complaints which reach Stage 3 will be logged and managed by the Trust Governance Team.

16.3 This policy will be reviewed by the Board of Trustees every 3 years or earlier in line with legislation changes.

17. Links with other policies

17.1 Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Exclusions policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEN policy and information report
- Privacy notices

Annex 1 - Procedures for dealing with issued raised by community members other than parents/carers

For members of the community who may wish to raise complaints and concerns regarding decisions taken by the academy, the Trust or the Board of Trustees the following procedure will be used:

- For complaints regarding an academy – contact by telephone or by email to the contact details published on the academy website
- For complaints regarding the Trust, LGB or the Board of Trustees – contact by email to governance@brightonacademiestrust.org.uk

The issue will be investigated in accordance with the table below ensuring that there is no conflict of interest, and a written response issued to the complainant within 20 school days. If this timeframe cannot be met for any reason, the complainant will be contacted to explain the reasons for the delay.

Subject of complaint	**Investigator**
Academy	Principal (may be delegated to a direct report)
Principal	Chair of LGB
Trust	Trust Leader/Trustee
LGB	Trust Leader/Trustee
Board of Trustees	Independent investigation

The decision of the investigator will be final.

Complainants will still have a right of appeal to the DfE as set out in section 10 of this procedure.

Annex 2 - Complainant Code of Conduct

The Principal and Local Governing Body (LGB) are fully committed to the improvement of our academy. We welcome feedback from parents/carers and other members of the academy community and will always try to resolve any concerns as quickly as possible. In the first instance please discuss your complaint with your child's class teacher, if appropriate, or the Principal or a member of the Senior Leadership team.

If you would like to take your complaint further there is a procedure for individuals to use if they wish to make a formal complaint. Please see the academy website or ask at the academy office for a copy of the University of Brighton Academies Trust Complaints Policy.

In our experience, in most cases, Complainants are helpful, polite and patient, and they give us time to sort out whatever has happened so that everyone has been listened to and the problem is resolved. The majority of Complainants will not be reminded to fulfil the academies' expectations to:

- conduct themselves in accordance with the Trust's Parent and Visitor Code of Conduct Policy;
- treat all members of the academy community with courtesy and respect;
- respect the needs of pupils/students and staff within the academy;
- avoid the use of violence, or threats of violence, towards people or property;
- recognise the time constraints under which members of staff in academies work and allow the academy a reasonable time to respond to a complaint
- follow the Trust's complaints procedure

Sometimes, however, those pursuing complaints or other issues treat staff and others in a way that is unacceptable. Whilst we recognise that some complaints may relate to serious and distressing incidents, we will not accept threatening or harassing behaviour towards any members of the academy community.

Threatening or harassing behaviour may include behaviour or language (verbal, non-verbal or written) that may cause staff to feel afraid, threatened or abused; and it may include threats, personal verbal abuse, derogatory remarks and rudeness, such as behaviour which is:

- out of proportion to the nature of the complaint;
- persistent – even when the complaints procedure has been exhausted;
- personally harassing;
- unjustifiably repetitious;
- pursuing complaints in an unreasonable manner (e.g. using abusive or threatening language;
- making complaints in public or via a social networking site such as Facebook;
- refusing to attend appointments to discuss the complaint

We will not tolerate behaviour if:

- it appears to be pursued in a way intended to cause personal distress rather than to seek a resolution;
- it appears to be deliberately targeted at one or more members of academy staff or others, without good cause;
- the way in which a complaint or other issues are pursued (as opposed to the complaint itself) causes undue distress to academy staff or others;
- it has a significant and disproportionate adverse effect on the academy community

In cases of threatening or harassing behaviour, the academy may take some or all of the following steps, as appropriate:

- inform the Complainant informally that his/her behaviour is now considered by the academy to be unreasonable or unacceptable, and request a changed approach;
- inform the Complainant in writing that the academy considers his/her behaviour to be threatening or harassing;
- require all future meetings with a member of staff to be conducted with a second person present. In the interests of all parties, notes of these meetings may be taken;
- inform the Complainant that, except in emergencies, the academy will respond only to written communication and that these may be required to be channelled through a named individual.

The Trust will not tolerate any form of physical or verbal aggression against members of the academy community. If there is evidence of any such aggression the academy may:

- ban the individual from entering the academy site, with immediate effect;
- request an Anti-Social Behaviour Order (ASBO);
- prosecute under Anti-Harassment legislation;
- call the police to remove the individual from the premises, under powers provided by the Education Act 1996.

Annex 3 - Complaint Form

Please complete and return to your academy who will acknowledge receipt and explain what action will be taken.

Name of Academy:	
Your name:	
Pupil / Student's name (if relevant):	
Your relationship with the Pupil/Student (if relevant):	
Your address:	
Email address:	
Telephone number:	Day time: Evening:
Please give details of your complaint:	

What action, if any, have you already taken to try and 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?	
Signature:	
Date:	

Official use

Date acknowledgement sent:	
By who:	
Complaint referred to:	
Date:	

Annex 4 - Persistent, vexatious or spurious complaint model letter

Complainant address

Date

Dear Mr/Mrs/Ms

Following receipt of your communications and careful consideration of the same, I regret that I am unable to deal with this matter under the Trust's Complaints Policy because:

(It will be appropriate to include SOME of the following statements)

- You have not identified any specific incidents or actions about which you wish to complain.
- Your concerns are presented as conclusions rather than identifying specific incidents or actions about which you wish to complain;
- The concerns that you identify relate to historical actions and any evidence which might have enabled an objective investigation of your complaint is no longer available.
- The substance of your complaint has been addressed under this procedure already.
- The concerns that you raise do not fall within the scope of this procedure.
- You have not identified any potential sources of evidence which might allow the matter to be investigated.

If you wish my decision to be reviewed then you may take advantage of the procedure set out in the Trust's formal Complaints Policy, by referring it to the Education & Skills Funding Agency. Please find a copy of our Complaints Policy attached to this letter.

Yours sincerely,

Principal or Chair of Local Governing Body

Annex 5 – Complaints Panel Terms of Reference

UNIVERSITY OF BRIGHTON ACADEMIES TRUST

COMPLAINTS PANEL

Terms of reference, constitution and membership

Terms of Reference

1. To consider complaints at Stage 3 of the trust's Complaints Policy in accordance with the policy and statutory guidance
2. To review the evidence presented and to determine the outcome
3. To advise complainants of the Panel's decision and, in instances where the decision is to dismiss the complaint, on their right of appeal to the Education and Skills Funding Agency.
4. To report the outcomes of the hearing to the next meeting of the LGB (academy complaints) or Board of Trustees.
5. To have due regard within its decisions to the need to eliminate unlawful discrimination, advance equality of opportunity, and foster good relations between different people, in accordance with the public sector general duty of the Equality Act (2010).

Constitution and membership

Specific membership of a complaints panel will be determined as and when a meeting is scheduled;

1. **For academy complaints**:
   - A panel will consist of two non-staff members of the Local Governing Body (LGB) of the academy which is the subject of the complaint plus a member independent of the management and running of the academy[6]
   - In the event that membership cannot be drawn from the LGB of the academy then members of an alternative LGB within the Trust can sit on the panel
   - Members of the LGB who have prior knowledge of the issue, or involvement in investigating the complaint at Stage 2, are specifically excluded from participating at Stage 3.

2. **For complaints relating to the Trust Leader/Deputy CEO, Professional Service Team members, Local Governors or Trustees**
   - The panel will consist of two Trustees plus a member independent of the management and running of the Trust

3. **For complaints jointly about the Chair and Vice-Chair of Trustees, the entire Board of Trustees or the majority of the Board of Trustees**
   - The panel will consist of an independent panel of statutory governors sourced by the Trust Leadership

[6] A LGB member from a different academy can fulfil the role of an independent member

Clerk
Nominated staff member

Quorum

- Quorum: Three members

Meetings

- As required

Annex 6a – Sample agenda - all attendees present together

Complaints Panel

Agenda for a meeting of the Complaints Panel of the University of Brighton Academies Trust, to consider the complaints brought by **(Complainant)** against **(Academy/member of staff),** to be held on **(Date),** starting at **(Time)** at **(Location)**.

Participants:
Panel members:
Two members of the LGB
Independent panel member

Attendees:
Complainant
Personal Support invited to attend by the Complainant
Principal (or senior representative from the academy)
Member of staff the complaint is made about (if the complaint is not about the Principal or academy)
Professional support representative invited to attend by the Principal or staff member
Witnesses

Clerk

Item	**Approximate time**
1. Welcome, introductions and explanation of procedures, including possible outcomes *(Panel, Complainant, Principal, staff member [if applicable] and any attendees supporting the Complainant, Principal or staff member present)*	10am – 10.10am
2. Opportunity for Complainant to explain the complaint	10.10am – 10.30am
3. The Panel and the Principal/staff member may question the Complainant	10.30am – 10.40am
4. Opportunity for the Principal/staff member to make a statement	10.45am – 11.05pm
5. The panel and Complainant may question the Principal/staff member	11.05am – 11.15am
6. Witness statement(s), if available	11.15am – 11.25am (10 minutes to be scheduled for each witness)
7. The panel, Complainant and Principal/staff member may question the witness(es)	11.25am – 11.35am (10 minutes for the panel to question each witness)
8. Final statement by the Principal/staff member	11.35 – 11.40am

9. Final statement by the Complainant	11.40 – 11.45am
8. Conclusion of meeting	11.45am (later if more witnesses are present)
9. Private meeting of the Complaints Panel	11.35pm -

Annex 6b – Sample agenda – Complainant and Principal attend separately

Complaints Panel

Agenda for a meeting of the Complaints Panel of the University of Brighton Academies Trust, to consider the complaint brought by **(complainant)** against **(academy/member of staff**), to be held on **(date),** starting at (**time)**. The meeting will be held virtually via Microsoft Teams, details of how to access the hearing have been forwarded in advance of the hearing.

Participants:

Panel members:
Two LGB members
Independent Panel member

Attendees:
Complainant
Personal support invited to attend by complainant
Principal (or senior representative from the academy)
Member of staff the complaint is made about (if the complaint is not about the Principal or academy)
Professional support representative invited to attend by the Principal or staff member
Witnesses

Clerk

Item	**Approximate time**
1. Welcome, introductions, and explanation of procedures, including possible outcomes to Complainant	9.30am– 9.35am
2. Opportunity for Complainant to explain the complaint	9.35 – 9.45am
3. The Panel may question the Complainant	9.45 – 9.55am
4. Final statement by the Complainant	9.55 – 10.05am
5. Conclusion of the hearing with the Complainant. The Complainants leave the hearing following this item.	10.05 – 10.10am
6. Principal joins the meeting	10.10am
7. Welcome, introductions and explanation of procedures, including possible outcomes to Principal	10.10 -10.15am
8. Opportunity for the Principal to make a statement	10.15– 10.25am
9. The Panel may question the Principal	10.25am – 10.35am
10. Final statement by the Principal	10.35am –10.40am

11. Conclusion of the hearing with the Principal. The Principal leaves the hearing following this item.	10.40am
9. Private meeting of the Complaints Panel	

Annex 7 - Support for employees who have been the subject of a complaint

Employee Assistance Programme

The Employee Assistance Programme (EAP) is a welfare initiative available to all our staff to give counselling, information, signposting and support. This service covers a range of Family Issues, Financial information, Legal Information, Stress and Anxiety and Bereavement. We care about our employees and understand that everybody encounters situations or difficulties at some point in their life and can benefit from independent help and support. The service is free, confidential and available 24 hours a day.
To access the EAP in confidence, call BHSF Limited on **0800 015 7287** and quote the University of Brighton Academies Trust as the employer. Alternatively, please access the online portal from the Intranet.