



POLICY DOCUMENT

For use by all member schools

Complaints Procedure 2020-21

	Name	Date
Written By	London Borough of Bromley	
Approved FGB/ Sub-Committee	Neil Holland Resources Committee	7 December 2011
Review v1.1	Jacqui Nelson, Governor	4 November 2011
Review v1.2	Karen Partridge	5 March 2013
Review v1.3	Jacqui Nelson, Chair of Directors	July 2015
Review v1.4	Clive Lees, Chair of Directors	July 2016
Review v1.5	Clive Lees, Chair of Directors	September 2016
Review v1.6	Clive Lees, Chair of Directors	December 2017
Review v1.7	Clive Lees, Chair of Directors	December 2018
Review v1.8	Clive Lees, Chair of Directors	July 2019 (names updated Feb 2020)
Review v1.9	John Cliff, Chair of Directors	July 2020 (names updated Jan 2021)

Policy to be reviewed annually

COMPLAINTS PROCEDURE

Introduction

The Spring Partnership Trust endeavours to provide the best education possible for all of its pupils in an open and transparent environment. We welcome any feedback that we receive from parents, pupils and third parties, and we accept that not all of this will be positive. Where concerns are raised the Trust intends for these to be dealt with:

- Fairly
- Openly
- Promptly
- Without Prejudice

In order to do so, the board of directors has approved the following procedure which explains what you should do if you have any concerns about any of our schools. All members of staff will be familiar with the procedure and will be able to assist you. This policy only applies to parents/carers of current pupils.

The Trust complies with section 7 of the Independent Schools Standards Regulations (ISSR) 2014.

Any references to GDPR and Data Protection are used interchangeably within this policy. Any references to Headteacher in this policy also apply to Head of School and Executive Headteacher.

Which procedure do I need?

Sometimes, when concerns are more specific, there are alternative and more appropriate policies for dealing with them. The following list details specific topics of complaints, and the correct policy to refer to. You can access these policies on the trust website, individual school website or ask for a copy from one of the school receptions.

- Pupil admissions; please see the Trust's admissions policy on our websites;
- Pupil exclusions; please see the Trust's behaviour policy and each school's behaviour procedure on our websites;
- Staff grievance, capability or disciplinary; these are covered by the Trust's HR Procedures;
- Where the complaint concerns a third party used by a school or the Trust; please complain directly to the third party themselves;
- Anonymous complaints – please refer to the whistleblowing policy;
- Subject Access Requests and Freedom of Information Requests – please see the Trust's Data Protection and Freedom of Information policies.

Raising concerns

The majority of concerns can be dealt with without resorting to the procedure. Where you have a concern about any aspect of a school or your child's education or wellbeing, raise this with your child's class teacher on the phone or in person. Ideally, they will be able to address your concerns on the spot, or can arrange a meeting with you to discuss the issue.

All concerns will be dealt with confidentially, although the staff member may need to take notes if they feel that the matter may need to be taken further or it may arise again in the future. Any such notes will be kept in accordance with the principles of the Data Protection Act 2018. However, such notes would be able to be used to as evidence if further investigation was required, or if the concern became a formal complaint.

Safeguarding

Wherever a complaint indicates that a child's wellbeing or safety is at risk, the school is under a duty to report this immediately to the local authority. Any action taken will be in accordance with the Trust's safeguarding policy which can be found on each school's website.

Social Media

In order for complaints to be resolved as quickly and fairly as possible, The Spring Partnership Trust requests that complainants do not discuss complaints publically via social media such as facebook and twitter. Complaints will be dealt with confidentially for those involved, and we expect complainants to observe confidentiality also.

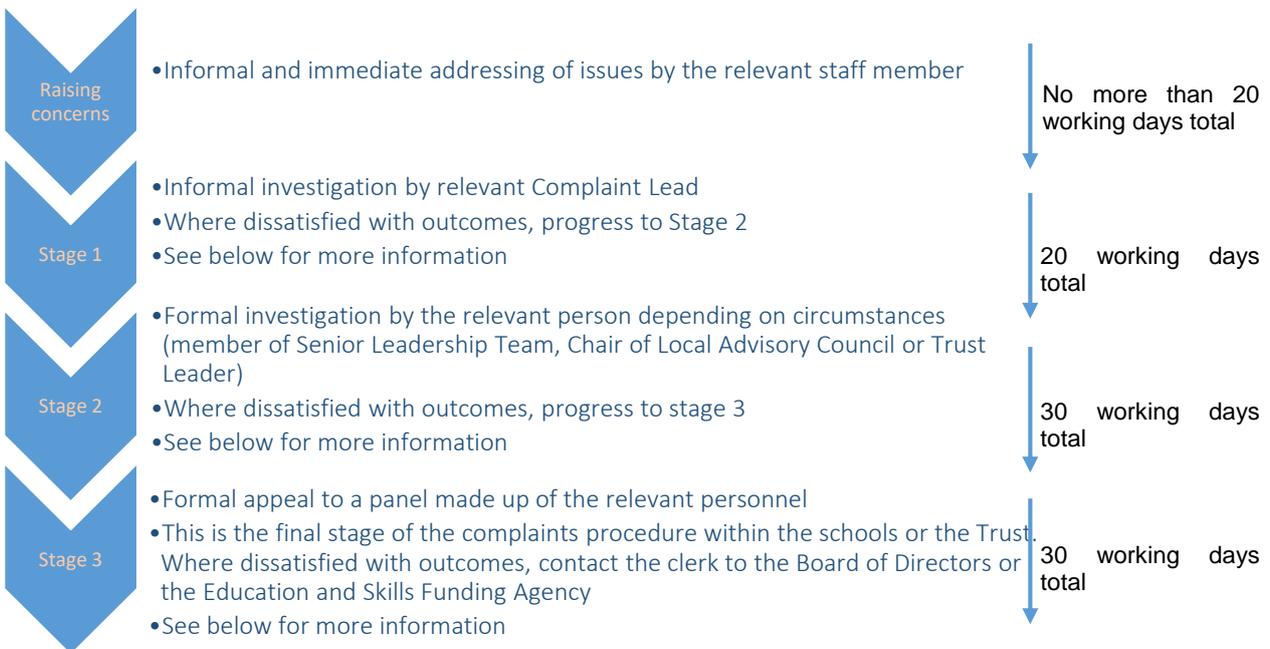
Complaints that result in staff capability or disciplinary

If at any formal stage of the complaint it is determined that staff disciplinary or capability proceedings are necessary in order to resolve the issue, the details of this action will remain confidential to the headteacher and/or the individual's line manager. The complainant is not entitled to participate in the proceedings or receive any detail about them.

Procedure

If you need to raise an issue in the first instance, please do so with the relevant member of staff who will be happy to talk to you and seek to establish a solution. If you are not satisfied and with this response and believe the issue has not been resolved, please use the following procedure. Further detail on the procedure to be followed in specific examples can be found below.

Timeline



Timeframes

The Spring Partnership Trust will endeavour to abide by timeframes stated under each stage but acknowledges that in some circumstances this is not always possible due to the complexity of information needed to review a complaint, or difficulties regarding individual's availability to deal with the complaint, for example. If it becomes apparent that it is not possible to complete any stage of the complaints procedure within a given timeframe, the individual responsible for handling the complaint will contact the complainant as soon as possible and come to an agreed timeframe that works for all parties involved.

The Spring Partnership Trust reserves the right not to investigate complaints that have been made three months after the subject of the complaint took place, except in exceptional circumstances. By exceptional circumstances we mean, for example, where new evidence has come to light, where the complaint is of an especially serious matter or where there is reasonable justification for why the complainant has been unable to raise the complaint before this time. The relevant person

will review the situation and decide whether or not to enact the complaints procedure, informing the appropriate Local Advisory Council member or Director of the decision.

Who should I approach?

In the first instance, you should contact your child's class teacher. If your complaint is about a different member of staff, you should contact them directly to try and resolve the issue informally.

Please see section below regarding modified procedures for complaints about the headteacher, Local Advisory Council members, Directors or Central Trust staff (including the CEO).

At all stages as few people as possible should be involved, partly for confidentiality purposes, but also to ensure that individuals who could be called upon to review the situation are able to be impartial.

Record Keeping

At all stages those responsible for reviewing the complaint will keep records of what the complaint was, any evidence that was considered, the outcome and at what stage it was resolved. Any actions taken will be recorded (regardless of whether the complaint was upheld).

Correspondence, statements and records relating to individual complaints will be kept confidential at all times unless being requested by the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act.

Any personal information recorded in regard to the complaint must be kept in accordance with the GDPR.

Stages of the Complaint

Stage 1 – Informal investigation by the relevant Complaint Lead

Where as a result of raising a concern the complainant still feels that the issue has not been addressed, or where the outcome has been that the complaint needs further investigation than can be resolved briefly, they may progress by making an informal complaint. In doing so, the following steps will be followed:

1. Complainant contacts staff member designated as School or Trust Complaint Lead depending on whether the complaint is regarding a member of School or Trust staff (see below for specific examples). Please see appendix 2 for the relevant contact details.
2. The complainant must explain in writing:
 - An overview of the complaint so far
 - who has been involved
 - why the complaint remains unresolved
 - action they would like to be taken to put things right.
3. The Complaint Lead will respond within 5 working days (excluding those which fall in the school holidays) of having received the written complaint. They will explain what action they intend to take.
4. An informal mediation meeting between the two parties will be arranged by the relevant person to see if a resolution can be reached.
5. The Complaint Lead will provide a written confirmation of the outcome of their investigation within 15 working days (excluding those which fall in the school holidays) of having sent confirmation of the intended action. Where the complainant is not satisfied with the

outcome, they are able to progress to stage 2 of the complaints process, and launch a formal written complaint.

6. The Complaint Lead will make a record of the concern and the outcomes of the discussion which will be held centrally in line with the principles of the Data Protection Act 2018.

Stage 2 – formal investigation by member of senior leadership team (SLT) or Trust leader

1. If you do not agree with the way that the Complaint Lead has handled the complaint you may submit a formal complaints form to the member of the SLT or Trust leader who is responsible for complaints (see form template in Appendix 1 and contact details in Appendix 2).
2. The staff member will respond in writing within 10 working days (excluding those that fall in the school holidays) of the date of receipt of the complaint to acknowledge receipt of the complaint and explain what action will be taken, giving clear timeframes. If this SLT member or Trust leader has prior knowledge of the issue, they will ask another member of the SLT or Trust leader to investigate.
3. A log of all correspondence in relation to the complaint will be kept in accordance with the Data Protection Principles.
4. The relevant staff member will consider all relevant evidence; this may include but is not limited to:
 - a statement from the complainant,
 - where relevant a statement from an individual who is the subject of the complaint
 - any previous correspondence regarding the complaint
 - any supporting documents in either case
 - interview with anyone related to the complaint.
5. The SLT member or Trust leader may decide to have a meeting with the complainant (and where relevant, the subject of the complaint) if they feel that it would be appropriate for the investigation.
6. After considering the available evidence, the staff member can:
 - Uphold the complaint and direct that certain action be taken to resolve it
 - Reject the complaint and provide the complainant with details of the stage three appeals process
 - Uphold the complaint in part: in other words, the SLT member or Trust leader may find one aspect of the complaint to be valid, but not another aspect. They may direct for certain action to be taken to resolve the aspect that they find in favour of the complainant.
7. The SLT member or Trust leader must inform the complainant of their decision in writing within 20 working days (excluding those that fall in the school holidays) of having issued written acknowledgement of the receipt of the complaint. They must explain clearly why they have come to the decision that they made. They must detail any agreed actions as a result of the complaint. Finally, they must direct the complainant to the complaints policy to explain how to progress the complaint to stage three if they are not satisfied.

Stage 3 – appeal – review by a panel of the Local Advisory Council or Directors

If the complainant is not satisfied with the action that the SLT member/Trust leader took in relation to the complaint, the complainant is able to appeal this decision.

They must write to the relevant clerk (see appendix 2 for contact details) as soon as possible after receiving notice of the Stage 2 decision, briefly outlining the content of the complaint and requesting that a complaints appeal panel is convened.

The clerk will fulfil the role of organising the time and date of the appeal hearing, inviting all the attendees, collating all the relevant documentation and distributing this 5 days in advance of the meeting, recording the proceedings in the form of minutes, and circulating these and the outcome of the meeting.

The complainant must request an appeal panel within 4 weeks of receiving the stage 2 decision or it will not be considered, except for in exceptional circumstances. On receipt of this written notification, the following steps will be followed:

1. The clerk will write to the complainant within five working days (not including the school holidays) to confirm receipt of the appeal request and detail further action to be taken.
2. The clerk will convene a panel of two local advisory council members/Directors and one person independent of the management and running of the school and Trust. All three panel members will have no prior knowledge of the content of the complaint.
3. The appeal hearing will take place within 20 working days (excluding those which fall in the school holidays) of receipt of the date of the confirmation letter from the clerk to the complainant, confirming the appeal.
4. In addition to the panel, the following parties will be invited, where applicable:
 - the complainant
 - the SLT member/Trust leader who dealt with the complaint at Stage 2
 - where the complaint regards a member of staff, the staff member who is the subject of the complaint.

The complainant is also able to bring a companion with them to the hearing if they wish. Where the subject of the complaint is a member of staff, that staff member is also able to bring a companion with them.

The companion can be a friend or a colleague. Neither party is able to bring legal representation with them. If after the hearing any party feels that legal action is necessary, please see the contact details at the end of the document.

5. If the attendance of any pupils is required at the hearing, parental permission will be sought if they are under the age of 18. Extra care will be taken to consider the vulnerability of children where they are present at a complaints hearing.
6. Where the complaint is about a Local Advisory Council member it is acceptable for the panel to be made up of Local Advisory Council members from other Trust Schools who have no prior knowledge of the complaint. In the case of a complaint about a Director, the complainant may ask for the appeal to be heard by an entirely independent panel. However, the constitution of the panel is at the discretion of the Trust who will notify the clerk of their decision. Timescales may be affected while the school/Trust source appropriate individuals for the review.
7. The panel can make the following decisions:
 - Dismiss the complaint in whole or in part
 - Uphold the complaint in whole or in part
 - Decide on the appropriate action to be taken to resolve the complaint

- Recommend changes to school or Trust systems or procedures to ensure that problems of a similar nature do not recur.
- 8. All parties who attended the meeting will be informed in writing of the outcome of the appeal within 5 working days (excluding those which fall in the school holidays).
- 9. A copy of the findings and recommendations made at this stage will be provided in writing to the complainant and, where relevant, the person complained about, as well being held on file at the relevant school.

This is the final stage at which the school or Trust will consider the complaint. If the complainant remains dissatisfied and wishes to take the complaint further, please see the contact details at the end of the document.

Modified procedures for complaints about the Headteacher, Local Advisory Council members, Directors or Central Trust staff

Where a complaint is about the headteacher, you should first directly approach the headteacher in an attempt to resolve the issue informally. If you are not satisfied with the outcome you should notify the clerk to the Local Advisory Council (see contact details at the end of the document). Your complaint will move to the Stage 2 process, although with the Chair of the Local Advisory Council as the individual responsible for the investigation rather than the member of the Senior Leadership Team.

Where a complaint regards a member of the Local Advisory Council, the same process applies as for the headteacher.

Where a complaint concerns the Chair of the Local Advisory Council, the individual should contact the clerk to the Board of Directors. In this case the procedure will be modified as follows:

Modified Stage 1 - Informal review by Director;

Modified Stage 2 - If the complaint remains unresolved an investigation will be undertaken by the Chair of Directors;

Stage 3 - If the complaint continues to remain unresolved a panel of Directors will conduct a formal investigation.

Where a complaint concerns a Director of the Trust, the individual should contact the clerk to the Board of Directors. In this case the procedure will be modified as follows:

Modified Stage 1 – Informal review by Vice Chair of Directors;

Modified Stage 2 – If the complaint remains unresolved an investigation will be undertaken by the Chair of Directors;

Stage 3 - If the complaint continues to remain unresolved a panel of Directors will conduct a formal investigation.

Where a complaint concerns a member of the Central Trust staff, the procedure described above will be followed by the Trust Complaint Lead (Stage 1) then a Trust Leader (Stage 2), concluding with a formal investigation by a panel of Local Advisory Council members or Directors as appropriate.

Where a complaint concerns the CEO the individual should contact the Chair of Directors. Informal resolution will be sought, but where this fails, the complaints procedure at Stage 3 will take immediate effect. A Director or independent investigator will manage the complaint.

Unreasonable complaints

Where a complainant raises an issue that has already been dealt with via the Trust's complaints procedure, and that procedure has been exhausted, the school or Trust will not reinvestigate the complaint except in exceptional circumstances, for example where new evidence has come to light.

If a complainant persists in raising the same issue, the relevant Complaint Lead will write to them explaining that the matter has been dealt with fully in line with the Trust complaints procedure, and therefore the case is now closed. The complainant will be provided with the contact details of the Department for Education (see the end of this document) if they wish to take the matter further.

Unreasonable complaints include the following scenarios:

- The complainant refuses to co-operate with the school or Trust's relevant procedures.
- The complainant changes the basis of the complaint as the complaint progresses.
- The complainant seeks an unrealistic outcome.
- Excessive demands are made on the time of staff, Local Advisory Council members or Directors and it is clearly intended to aggravate.
- The complainant acts in a way that is abusive or offensive.

The Complaint Lead will use their discretion to choose not to investigate these complaints in consultation with the DfE Best Practice Advice for School Complaints guidance 2016. Where they decide to take this course of action they must inform the chair of the Local Advisory Council (or Chair of Directors for Trust complaints) that they have done so, explaining the nature of the complaint and why they have chosen not to investigate. If the chair deems it appropriate to, they can redirect the Complaint Lead to investigate the complaint. The full complaints procedure will commence from stage one on this direction.

For complainants who excessively contact a particular school (or the Trust) causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

If the chair upholds the Complaint Lead's decision not to look into the complaint and the complainant deems this decision to be so unreasonable that no other rational body in the same position would have made that decision, then the complainant may write to the Education and Skills Funding Agency (ESFA) (see the contact details at the end of the document).

Contact details for external organisations if not satisfied with the outcomes of the complaints procedure in full.

- If you have any queries regarding any aspect of the complaints procedure or if the complainant remains dissatisfied with the outcome of the complaints procedure, they may contact the clerk to the Trust Board (kcrossley@springpartnership.co.uk).
- If the complainant feels that the Local Advisory Council or Board of Directors acted 'unreasonably' in the handling of the complaint, the complaint can be referred to the ESFA (contact information below) after the complaints procedure has been exhausted. Please note that unreasonable is used in a legal sense and means acting in a way that no reasonable school or authority would act in the same circumstances. Further information can be found in the following link:
<https://www.gov.uk/government/organisations/education-and-skills-funding-agency/about/complaints-procedure>
- Online contact information:
Department for Education's schools complaints form
https://form.education.gov.uk/submitform.php?self=1&form_id=cCCNJ1xSfBE&type=form&ShowMsg=1&form_name=Contact+the+Department+for+Education&noRegister=false&ret=%2Fmodule%2Fservices&noLoginPrompt=1
- Postal contact information:
Ministerial and Public Communications Division
Department for Education
Piccadilly Gate

Store Street
Manchester
M1 2WD

The number of formal complaints that have been received by the Trust in the period Aug 2019 to July 2020 is 0.

Appendix 1

The Spring Partnership Trust Formal Complaints Form

Name	
Name of pupil, year group and your relationship to them (where applicable)	
Contact address	
Contact telephone day	
Contact telephone mobile	
Contact email address	
Details of the complaint	
Action taken so far (including staff member who has dealt with it so far) or solutions offered	
The reason that this was not a satisfactory resolution for you	
What action would you like to be taken to resolve the problem?	

Signed:	
Dated:	

<i>Official use</i> Date received: Signed:
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Appendix 2

The Spring Partnership Trust - Complaint Contact Details

Hayes Primary School

School Complaint Lead and contact details	Amy Adams amy.adams@hayes-pri.bromley.sch.uk
Member of SLT responsible for complaints and contact details	Niv Vitarana niv.vitarana@hayes-pri.bromley.sch.uk
Clerk to the Local Advisory Council and contact details	Kathy Lewis klewis40.305@lgflmail.org

St Mary Cray Primary Academy

School Complaint Lead and contact details	Julie Green julie.green@st-marycray.bromley.sch.uk
Member of SLT responsible for complaints and contact details	Phillipa Bild phillipa.bild@st-marycray.bromley.sch.uk
Clerk to the Local Advisory Council and contact details	Kathy Lewis klewis40.305@lgflmail.org

Castlecombe Primary School and Dorset Road Infant School

School Complaint Lead and contact details	Rhiannon Sampson rhiannon.sampson@castlecombe.bromley.sch.uk
Member of SLT responsible for complaints and contact details	Rachel Haig rachel.haig@castlecombe.bromley.sch.uk
Clerk to the Local Advisory Council and contact details	Kathy Lewis klewis40.305@lgflmail.org

Leesons Primary School

School Complaint Lead and contact details	Sara Donnelly admin@leesons.bromley.sch.uk
Member of SLT responsible for complaints and contact details	Phill Collins p.collins@leesons.bromley.sch.uk
Clerk to the Local Advisory Council and contact details	Ash Edmunds ash.edmunds@midfield.bromley.sch.uk

Midfield Primary School

School Complaint Lead and contact details	Philip Le Conte philip.leconte@midfield.bromley.sch.uk
Member of SLT responsible for complaints and contact details	Jackie Barton jackie.barton@midfield.bromley.sch.uk
Clerk to the Local Advisory Council and contact details	Ash Edmunds ash.edmunds@midfield.bromley.sch.uk

The Spring Partnership Trust

Trust Complaint Lead and contact details	Verity Bolton vbolton@springpartnership.co.uk
Trust Leader responsible for complaints and contact details	Jo Brinkley jbrinkley@springpartnership.co.uk
Clerk to Board of Directors and contact details	Kate Crossley kcrossley@springpartnership.co.uk