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| Reference number | OPED03 |
| Designation | Education Services Policy |

Complaints Policy and Procedure

Bright Minds Creative Academy

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| Owner: | Head Teacher | Consulted department(s): | Quality and Risk Team |
| Version: | 2.0 | Date of issue: | August 2023 |
| Date of next review: | September 2024 | Executive approval: | Education Policy Steering Group |
| Policy value: | Collaborative: ensuring that we embrace feedback from pupils and parents, recognising the important role it plays in continuous improvement. | | |

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| Scope: | <p>This procedure can be used by those with parental responsibility for pupils of Bright Minds Creative Academy to raise concerns and complaints about the school. This policy does not apply in respect of:</p> <ul style="list-style-type: none"> • admissions; • statutory assessments of Special Educational Needs (“SEN”); • safeguarding matters; • exclusions; • whistleblowing; • employee grievances; or • employee discipline. |
| Objectives | <ol style="list-style-type: none"> 1. To ensure that there is a consistent approach to the handling of concerns and complaints raised in respect of Bright Minds Creative Academy. 2. To ensure that concerns and complaints are an integral part of the school’s cycle of continuous improvement. |
| Applicable legislation/standards: | <ul style="list-style-type: none"> • Part 7 of the schedule to the Education (Independent School Standards) Regulations 2014 |

| Version | Date of withdrawal | Reason for withdrawal |
|---------|--------------------|-----------------------------|
| 1.0 | August 2023 | Update to new policy format |

1 Our Complaints Charter

Bright Minds Creative Academy embraces feedback from the school community, recognising the key part it plays in helping us identify opportunities for improvement and development. To demonstrate our commitment, we have developed a Complaints Charter.

Complaints Charter

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| Compassionate | <ol style="list-style-type: none"> 1. We will speak with kindness 2. We will listen carefully and without judgement 3. We will apologise when we have made a mistake |
| Collaborative | <ol style="list-style-type: none"> 4. We will communicate openly 5. We will try to resolve concerns informally but will use the formal procedure when this is not possible. 6. We will make reasonable adjustments for those who need support to access this procedure |
| Dependable | <ol style="list-style-type: none"> 7. We will apply this procedure consistently 8. We will meet the timescales we set 9. We will do what we say we will do |
| Inspiring | <ol style="list-style-type: none"> 10. We will act with integrity 11. We will treat people with respect 12. We will embody our values |

We will endeavour to apply our Complaints Charter in respect of all concerns and complaints received by our school.

2 Definitions

Concern - an expression of worry or doubt over an issue considered to be important for which reassurances are sought.

Complaint - an expression of dissatisfaction however made, about actions taken or a lack of action

3 Informal resolution (concerns)

Most concerns can be resolved quickly and easily by speaking to the appropriate member of the school's team, for example, the pupil's Teacher, the Pastoral Lead or the Head Teacher.

Parents should raise concerns as quickly as possible to assist with early resolution. If there is a delay in a concern being raised, the school may ask the complainant to make a formal complaint (see section 4 below).

The school will not make a specific record of informal concerns. Discussions and outcomes may, however, form part of the pupil's school records, for example, daily home-school contact logs, minutes of review meetings, etc.

There are no formally agreed timescales for resolution of concerns raised informally. Colleagues must, however, ensure that informal concerns are addressed promptly. If a concern is proving difficult to resolve, the person handling it must direct the complainant to the formal steps of this procedure and, if they have not already done so, must notify the Head Teacher.

4 Formal resolution (complaints)

4.1 Stage 1 - local resolution

If the complainant feels that informal resolution has not worked, or the matters are too significant to be considered informally, they can submit a stage 1 formal complaint in writing.

Complaints received out of term-time will be considered to be received on the next school day. For example, a complaint made during the school summer holidays will be considered to be received on the first day of the autumn term.

If a complainant has difficulty making a complaint in writing, the school will take reasonable steps to support the complainant in making their complaint.

The school will accept complaints made by third parties on behalf of parents. The school may, however, ask for evidence that the third party has consent to act on behalf of the parent (and to be privy to any information discussed during the complaints procedure and any personal data that may be disclosed in the response).

Stage 1 complaints will be recorded in the school's Complaints Log.

Stage 1 complaints will usually be considered by the Head Teacher of the school concerned. If the complaint is specifically about the Head Teacher, the complaint may be referred to a senior member of Horizon's Education Team for consideration. It should be noted that complaints about the Head Teacher's *conduct* will not be considered under this Complaints Procedure; rather conduct issues will be referred to the appropriate Operations Director or the Managing Director for consideration in accordance with Horizon's human resources policies and procedures. We will not normally give detailed feedback on the outcome of a conduct-related matter for data protection reasons and to preserve employer-employee confidentiality.

Stage 1 complaints will normally be responded to within 14 days. If a matter is complex, the timescale may be extended by the school. The complainant will be advised if this is the case within the initial 14-day timescale and given an indication of when a response can be expected.

Complaints will be responded to in writing. If a complaint outcome is initially delivered verbally, it will be followed up in writing.

Stage 1 complaint responses will contain details of the way in which the complainant can ask for their complaint to be considered at the next stage.

4.2 Stage 2 - review panel

If the complainant is unhappy with the stage 1 response, they can ask for the complaint to be heard by a stage 2 review panel by writing to the Head of Governance and Regulatory Affairs (contact details will be provided in the stage 1 response letter).

A complainant should ask for their complaint to be considered at stage 2 promptly. We will not normally accept a request for escalation to stage 2 if it is made more than one month after the stage 1 response is sent unless there is a genuine reason, for example, the complainant was unwell.

The review panel will meet within 30 working days of the complainant asking for the complaint to be heard at stage 2.

The panel will be made up of three independent people with no previous experience of the complaint or the complainant. At least one panel member will be independent of the management and running of the school; this person will also not form part of the school's Proprietor body (in practice, this will usually be a senior leader from Horizon's Residential Services or Supported Accommodation divisions).

The purpose of the panel is to:

- listen to all parties;
- consider whether the stage 1 investigation was sufficient;
- consider any new information that might help to resolve the complaint;
- make a decision and recommend a solution;
- recommend any appropriate action needed to remedy any injustice suffered by the complainant; and
- recommend any service improvements that need to be made by the school.

The panel will consider:

- the stage 1 investigation report and response;
- the reasons given by the investigating officer for the outcomes reached in the stage 1 response; and
- any further oral or written representations made by the complainant.

The panel will not reinvestigate the complaint or consider any new points of complaint that have not been considered at stage 1.

The Head of Governance and Regulatory Affairs will inform the complainant whether the stage 2 review panel will meet in-person or virtually, and/or whether it will consider only written representations, in which case, the complainant will not be required to attend.

The complainant will be informed of the date and place of the review panel at least ten days before the meeting. If it is an in-person panel meeting, the complainant may be accompanied but must inform the Head of Governance and Regulatory Affairs in advance.

Neither the complainant nor the school may be represented by a lawyer (or alternative qualified legal adviser).

The outcome of the review panel will be written up and sent to the complainant within five working days of the meeting.

The stage 2 review panel is the final stage in the school's complaints procedure. If the complainant remains dissatisfied after receiving the outcome of the review panel, they may choose to refer their complaint to the local authority funding the pupil's placement or to the Department for Education. It should be noted that the Department for Education will not normally consider individual complaints, but it may choose to pass the intelligence from the complaint to Ofsted to be used as the basis for a line of enquiry at the school's next inspection.

5 Additional elements relevant to the complaints process

5.1 Anonymous concerns and complaints

This policy and procedure only apply in respect of concerns and complaints raised by parents. We will not, therefore, respond to concerns or complaints raised anonymously. We will, however, consider the issues raised and take action where appropriate.

5.2 Repeated complaints

If we have responded to a complaint and we receive a duplicate complaint from someone else, we will assess it to determine whether there are aspects that we had not previously considered. If we are satisfied that there are no new aspects, we will inform the complainant and direct them to the local authority or the Department for Education if they are dissatisfied with our response to the original complaint. If there are new aspects, we will follow this policy and procedure again.

5.3 Campaigns

Where we receive a large volume of complaints about the same issue(s), we may respond by publishing a single response on our website, or by sending a template response to all of the complainants.

5.2 Unreasonable and unreasonably persistent complainants

As outlined in our Complaints Charter, we will always treat complainants with fairness and respect. In return, we ask that you treat our school colleagues with the same respect.

We do not normally limit contact with our school, however, if a complainant displays unreasonable or unreasonably persistent behaviour, we may need to take action to limit contact in the interests of maintaining the effectiveness of this policy and procedure and to ensure the safety and wellbeing of our colleagues.

Examples of unreasonable and unreasonably persistent behaviour include, but are not limited to:

- being abusive or making threats of any kind;
- being physically or verbally intimidating;
- refusing to leave the school's premises when asked;
- refusing to agree what the complaint is about or changing the scope of the complaint during the process;
- making the same complaint multiple times;
- making the same complaint to different people with the aim of getting a different response; or
- failing to engage fairly in the complaints process, for example, refusing to provide information when asked.

In the unlikely event that we identify that a complainant is acting unreasonably, we will write to them to draw their attention to the behaviour. If the behaviour does not change, we may take steps to limit the complainant's contact with our services by providing a single point of contact and/or we may stop responding to correspondence (we will, however, continue to read all correspondence thoroughly).

6. Learning lessons

A fundamental objective of this policy and procedure is to ensure that we learn lessons from complaints in order to continue developing and improving our school. At a local level, the Head Teacher will use complaints outcomes to identify actions necessary to support the school's development and will be accountable for ensuring that such actions are appropriately implemented.

We will also share the learning from complaints, being careful to protect the identity of the complainant, with other Head Teachers and leaders in the Horizon Group in order that they may benefit from it.

7 Roles and responsibilities

7.1 Head Teacher

The Head Teacher is responsible for the effective implementation of this policy at Bright Minds Creative Academy. They will:

- ensure that all school colleagues are aware of, and understand, this policy, and that it is easily accessible to them;
- publish this policy on the school's website;
- ensure that school colleagues are empowered to respond to informal concerns in line with the scope of their role;
- respond to complaints at stage 1 of the formal process (unless they are directly involved in the matter under consideration);
- direct the complainant to stage 2 of the process in their response at stage 1;
- engage openly and transparently in the stage 2 process;

- ensure that actions identified as a result of a complaint are implemented within appropriate timescales;
- own the school's Complaints Log and ensure that entries are accurate and complete;
- share the learning from complaints with other leaders, both in school and across Horizon, in an anonymised format.

7.2 Proprietor

The proprietor is responsible for oversight of school complaints and for ensuring that there is an appropriate route for the consideration of complaints relating directly to the Head Teacher. The proprietor has delegated responsibility for coordinating stage 2 review panels to the Head of Governance and Regulatory Affairs and will make available such colleagues as may be required to form a panel with sufficient independence.

7.3 All school colleagues

School colleagues will:

- read this policy and ensure that they have understood it, raising with the school's senior leadership team anything they do not understand or feel able to comply with;
- observe our Complaints Charter;
- make reasonable attempts to resolve informal concerns in a timely manner and in accordance with the scope of their role;
- escalate to the Head Teacher any informal concerns they have been unable to resolve and/or any formal complaints they may receive;
- participate openly and honestly in any complaint investigations;
- assist the Head Teacher to implement any actions identified as the result of a complaint.

8 Policy compliance and effectiveness

Compliance with, and effectiveness of, this policy will be monitored via reviews of school's complaints logs undertaken by senior leaders in Education Services.

9 Policy review

This policy will be reviewed every year, or earlier if there are changes in relevant legislation, guidance, best practice or Horizon's processes.

10 Equality impact

This policy has been subject to an equality impact assessment and Horizon is satisfied that it does not unfairly disadvantage any person.

11 Links with other policies

Policies dealing with other types of concern include:

- Child Protection and Safeguarding Policy and Procedures
- Admissions Policy
- Exclusion Policy
- Staff Grievance Procedures
- Staff Disciplinary Procedures
- Whistleblowing Policy