Bright Futures
EDUCATIONAL TRUST
The best *for* everyone, the best *from* everyone

Complaints Policy

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Distribution:	**All Staff** **Website**

This is a Trust-Wide Policy.

Contents

COMPLAINTS POLICY AND PROCEDURES

Bright Futures Educational Trust's [1] Strategy underpins all aspects of this policy and the way in which it will be applied. The specific elements of the Strategy are:

- Our vision, the best ***for*** everyone, the best ***from*** everyone
- **All three** of our values; **Integrity**: We do the right things for the right reasons; **Passion**: We take responsibility, work hard and have high aspirations and **Community:** We work together for a common purpose, acknowledging our diversity as strength
- Four of our commitments: **Supportive, Challenging and Fair, Effective Communication, Strong Governance and Accountability and Equality, Diversity and Inclusion.**

What is the Policy for?

Each Academy and workplace within the Trust undertakes to provide a safe and friendly environment in which students are supported to achieve their potential, both academically and socially.

We recognise, however, that sometimes things can go wrong. Parents, carers and members of the public may need to make a complaint or raise the concerns they have with our academies or the operations of the central trust. This policy explains what to do when that happens. The procedures outlined below apply to all academies in the Trust.

Definitions and scope

The Department for Education (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".

Who is the Policy for?

Parents/carers, suppliers, partners or members of the public are encouraged to use this procedure to raise any concerns they have. The policy is available on the Trust's website and each Academy's website too.

1. General principles

1.1 The resolution of a concern or complaint provides the potential opportunity for the Academy or central trust operation to improve its practice and develop further a strong partnership with parents/carers.

1.2 We will seek, as far as possible, to settle differences informally.

[1] Referred to throughout as 'Bright Futures' or 'the Trust'

1.3 In principle, any concern/complaint will be addressed by a member of staff or local governor at a level closest to the cause for concern.

1.4 We will ensure that all concerns and complaints are handled with care and sensitivity, fairly and consistently within an appropriate time frame.

1.5 Decision-makers should also be mindful of The 7 Principles of Public Life.

- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness
- Honesty
- Leadership

1.6 We will ensure that undue delay does not exacerbate the situation.

1.7 This policy and procedure provides more formal arrangements for dealing fairly and effectively with complaints which have proved impossible to settle informally.

1.8 Confidentiality is important in securing the confidence of all concerned. Conversations and correspondence will be treated with discretion. Parents/carers need to feel confident that a complaint will not disadvantage their child. However, the parties to a complaint should realise that some information may have to be shared to carry out a thorough investigation.

1.9 If the investigation of a concern or complaint shows that it is justified, then the Academy or central trust should consider how to make amends in an appropriate way.

1.10 All complaints will be recorded and monitored to identify issues and allow any lessons to be learned by the Academy or central trust.

1.11 We will not investigate anonymous complaints under the procedures in this policy. Anonymous complaints relating to the Academy will be referred to the Principal to decide what, if any, action should be taken.

1.12 We will seek to ensure that the complaints process is accessible to all and will make appropriate adjustments to enable all complainants to use the policy effectively. Such adjustments may include, for example, the use of translation services, adaptive technology, consideration of the time of meetings and venues as appropriate.

2. Terms used

2.1 Within this document, where the word “school” or “Academy” is used, it applies to all academies within the Trust. In addition, the term Bright Futures, ‘we’ or the Trust is used to describe all components of the Trust i.e. Academy and central operations.

2.2 For the purposes of this policy and procedures, a “parent/carer” includes the natural or adoptive parent of a student, irrespective of whether the student lives with them, whether they have parental responsibility or whether they have contact with the student. It also includes anyone with parental responsibility for a student, an adult (other than a parent) with whom the student lives and any adult who is involved in the day-to-day care of the student.

2.3 Any reference to a "student" will also include a prospective or former student of the Academy.

2.4 A person making a complaint will be referred to as a "complainant" throughout this policy.

2.5 For the purposes of this policy, an "Academy day" is defined as a weekday during term time, when the Academy is open to children. The definition excludes weekends, Academy holidays, bank holidays and non-student (or INSET) days.

3. Time limits

3.1 We aim to resolve concerns, difficulties and complaints in a timely manner. Time limits for each stage of the procedure are set out below.

3.2 Although every effort will be made to comply with the time limits specified under each stage of the procedure, it may not always be possible to do so, for example due to the complexity or number of matters raised, or due to the unavailability of a complainant to attend a meeting, if offered. In all cases, where a time limit cannot be complied with, the Academy will write to the complainant within the specified time limit, setting out the reasons why the time limit cannot be complied with and confirming the new time limit which will apply.

4. Late complaints

4.1 Where a complaint is submitted more than three months (included school holidays) after the incident or event (or where the complaint relates to a series of incidents or events, more than three months from the date of the latest incident or event), we reserve the right to refuse to investigate the complaint under this policy if it appears reasonable and fair to do so, having regard to the circumstances surrounding the complaint.

4.2 Where it is decided that a complaint which was submitted late will not be investigated, we will write to the complainant notifying them of the decision within five Academy days of the complaint being received.

4.3 If the complainant is unhappy with the decision not to investigate a complaint which was submitted late, the complainant may write (in the case of Academy complaints) to the Chair of the Local Governing Body at the Academy asking for the decision to be reviewed. The Chair of the Local Governing Body will be provided with all relevant documentation relating to the complaint, together with the letter from the Academy to the complainant and will review the decision not to investigate the complaint. The Chair will not investigate the complaint itself during this review.

In the case of the operations of the central trust, the complainant may write to the Chief Executive Officer of the Trust (admin@bright-futures.co.uk) or to the postal address which can be found on the website https://www.bright-futures.co.uk/contact-us/

4.4 The Chair of the Local Governing Body will write to the complainant with the outcome of the review within 10 Academy days of the date that the letter from the complainant seeking the review was received and provide the Academy with a copy of the letter.

4.5 If the Chair of the Local Governing Body reverses the decision not to investigate the complaint, it will be referred to the Academy to be dealt with under this policy in the usual way.

4.6 If the Chair of the Local Governing Body upholds the decision not to investigate the complaint, the complainant may refer the concern or complaint to the Education and Skills Funding Agency as described towards the end of this policy.

4.7 In exceptional circumstances, the Chair of the Local Governing Body can delegate the responsibility for the review to the Vice-Chair of the Local Governing Body.

5. Resolution principles

5.1 It is in everyone's interest that concerns, difficulties and complaints are resolved to the satisfaction of all parties at the earliest possible stage. The way in which the concern, difficulty or complaint is dealt with after the matter is first raised by the complainant can be crucial in determining whether the complaint will escalate. To that end, members of staff will be periodically made aware of the procedure in this policy, so that they will know what to do when a concern or difficulty is raised with them.

5.2 At each stage of the complaints procedure, the investigator will consider how the complaint may be resolved. In considering how a complaint may be resolved, the investigator will give due regard to the seriousness of the complaint. It may be appropriate in order to bring the complaint to a resolution for the investigator to offer:

- An explanation
- An apology
- Reassurance that steps have been taken to prevent a recurrence of events which led to the complaint
- Reassurance that the Academy/central operations team will undertake a review of its policies and procedures in light of the complaint

5.3 None of the above will constitute an admission of negligence or an acceptance of liability on behalf of the Academy or Trust.

6. Record keeping and confidentiality

6.1 A written record will be kept by the Academy/central operations team of all formal complaints. This will include whether they were resolved at stage two or progressed to stage three or stage four, and the action taken by the Academy as a result of those complaints (whether or not the complaints were upheld).

6.2 All correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State (or someone acting on his/her behalf) requests access to them.

Which procedure do I need?

Sometimes, when concerns or complaints 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 or the Academy websites, or alternatively ask any of our receptionists for a copy.

Nature of concern	Appropriate Policy	Location
Student Admissions	Admissions Policy	Academy website
Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our Child Protection and Safeguarding Policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).	Trust and Academy websites
Student Exclusions	Suspensions and Exclusions Policy	Trust and Academy websites
Complaints about services provided by other providers who may use Academy premises or facilities	Providers should have their own complaints procedure to deal with complaints about service.	Contact provider directly
Data protection and UK GDPR issues	Data Protection Policy	Trust and Academy websites
Staff grievances	Complaints from staff will be dealt with under the Academy's internal grievance procedures.	
Staff conduct	Complaints about staff will be dealt with under the Academy's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.	Trust and Academy websites
Whistleblowing	Whistleblowing Policy	Trust website

Complaints that result in staff capability or disciplinary processes

If at any stage of this procedure it is determined that staff disciplinary or capability proceedings are necessary in order to resolve the issue, you will be informed that the complaints procedure has been terminated and that our own internal procedures will be followed to resolve the matter. From this point onwards you will not be entitled to participate in the proceedings or receive any further detail about them or their outcome.

Safeguarding

Wherever a complaint indicates that a child's wellbeing or safety is at risk, the relevant Academy must take immediate action. Any action taken will be in accordance with the Trust Child Protection and Safeguarding Policy, a copy of which can be located on the relevant Academy's website.

When responding to complaints, we endeavour to:

- Keep the safety of our students at the forefront of our thinking
- Be open and accountable
- Act fairly and proportionately
- Be impartial, unbiased and fair
- Facilitate a full and fair investigation by an independent person or panel
- Address all the points at issue and provide an effective and prompt response
- Where possible, respect complainants' desire for confidentiality, but complainants should know that this is not always possible and is often detrimental to achieving a mutually acceptable solution
- Treat complainants with respect
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into Academy improvement evaluation processes

In light of this, we strive to ensure that our handling of complaints is a mark of the importance that we put on honouring and respecting those people that we serve. The policy set out below is designed to help us in this task.

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

Complainants will have access to a three-stage process in line with Department for Education (DfE) guidance.

We will monitor complaints so that we can learn from them and make improvements to systems and processes.

In brief

This policy explains the complaints process for Bright Futures Educational Trust. It is based on the DfE best practice guide. The policy has been updated following feedback from those involved in handling complaints and following changes in DfE guidance.

Legislation and guidance

This document is based on guidance published by the Education and Skills Funding Agency (ESFA) on creating a complaints procedure that complies with the above regulations https://www.gov.uk/government/publications/setting-up-an-academies-complaints-procedure and refers to good practice guidance on setting up complaints procedures from the Department for Education (DfE): https://www.gov.uk/government/publications/school-complaints-procedures

Decision making

Any decision made by an Academy, must also be made in line with the principles of administrative law. This means a decision is:

- lawful - it complies with education and other law, including human rights and equality law, such as the Human Rights Act 1998 (http://www.legislation.gov.uk/ukpga/1998/42/contents) and the Equality Act 2010 (http://www.legislation.gov.uk/ukpga/2010/15/contents)
- rational
- reasonable
- fair
- proportionate
- and judgments are based upon a balance of probability

For any complaints about the central operations of the Trust, Addendum 1 details the specific ways in which these will be managed. The rest of this policy applies to all complaints.

Complainants can only use one of the procedures. They cannot exhaust the Academy procedure and then raise the same concern using the central procedure. For example, if the complaint is about how an Academy has handled a student situation, then only the Academy procedure will apply. Likewise, if the matter is regarding the central trust operation (for example a supplier has a concern regarding the payment of invoices) then only the central trust procedure will apply.

This policy and procedure should not be used for matters which have separate policies and procedures such as appeals about student admissions or exclusions, concerns about allegations of child protection or abuse, and concerns regarding statutory assessments of special educational needs. Finally, any matters relating to alleged staff misconduct or professional competence, or 'whistleblowing' have separate policies and procedures.

Complaints often provide an opportunity to learn and improve. The Trust will review complaints and their handling as a means of improving the way we serve students, families and communities. This policy is consistent with Department for Education (DfE) Guidance March 2021: https://www.gov.uk/government/publications/setting-up-an-academies-complaints-procedure/best-practice-guidance-for-academies-complaints-procedures

Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at the Academy. Any person, including members of the public, may make a complaint to the Academy about any provision of facilities or services that we provide, however we will not disclose any information, or actions taken about a specific child to anyone other than those holding parental responsibility, or without written consent from the same. Unless complaints are dealt with under separate statutory

procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

Where parental responsibility has been removed from a parent, where sharing information with a parent may place the child or an adult at risk, or where under GDPR legislation the right to ownership of data at the age of 13 if deemed competent is established, a complaint will be considered but may not be progressed if parties do not consent to progress.

Principles for investigation

When investigating a complaint, we will try to clarify:

1. What has happened
2. What should have happened
3. Who was involved
4. What the complainant feels would put things right

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

The Academy expects that complaints will be made as soon as possible after an incident arises and no later than three months afterwards. We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

Support

Of course, it is important that the complainant has support during the complaints process but also the person being complained about must have access to support from a line manager and/or a colleague during this process.

Legal representation

In the event that a complaint progresses to a Review Panel, complainants have the right to be accompanied if they wish but neither the complainant nor the Academy can bring legal representation. These Review Panels are not a form of legal proceedings. The aim of the Review Panels are:

- reconciliation
- to put right things that may have gone wrong

Witnesses such as Academy employees will also have the right to be accompanied, by a colleague or union or professional association representative, but not to be legally represented.

Brief overview of the procedure for making a complaint

The Academy's complaints procedure consists of four stages:

Stage 1: Informal

The vast majority of concerns and complaints can be resolved informally. The Academy will aim to ensure that parents/carers feel able to raise concerns with staff without undue formality, either in person, by telephone or in writing.

1.1 Parents/carers should have an opportunity for informal discussion of their concerns with an appropriate member of staff. This discussion should aim to clarify the nature of the parent's/carer's concern and assure them that the Academy wishes to hear about it. The discussion should also aim to clarify what kind of outcome the parent/carer is seeking.

1.2 If the member of staff first contacted cannot deal with the matter immediately, they should make a firm arrangement to deal with it at a future date or refer the matter to another appropriate member of staff.

1.3 Staff should seek advice from their line manager if they are unsure of how to deal with the matter raised. Any matter that could potentially result in the following should immediately be referred to the Principal: legal or insurance claim, allegations against staff or child protection matters.

1.4 If the concern relates to the Principal and the parent feels unable to raise it with them, they should be advised to contact the Vice Chair of the Local Governing Body, via the clerk or the Academy office. The Vice Chair will follow this informal procedure detailed in stage 1.

1.5 The staff member dealing with the concern should make sure that the complainant is clear about what will happen next (if anything). Agreed actions and timescales should be recorded and shared with the complainant, including what the next stage is, if they are not satisfied with the outcome.

1.6 If no satisfactory solution has been found, the complainant should be informed about how they should proceed if they wish to take their complaint further. They should be informed of any advice and support that may be available to them.

1.7 The Academy will aim to resolve a concern or difficulty within 15 Academy days of the date that it was raised. Where a concern or difficulty has not been resolved by informal means within this time limit from the date it was raised, the complainant can submit matters raised as a formal complaint under stage 2 of the Complaints Policy.

1.8 No new unrelated complaints can be made at this stage, nor can additional unrelated matters be raised that have not been raised informally at stage 1.

At each stage the timescales can be extended, if agreed by both parties

Stage 2 Formal: Inform Principal in writing

2.1 Parents or carers/complainants who wish to pursue a formal complaint at stage 2 should put the complaint and their desired outcome in writing, in the form of a letter with relevant times, names of the witnesses of events, alongside copies of relevant documents, to the Principal. The complainant should also state what they feel would resolve the complaint.

2.2 The Principal should acknowledge the complaint orally or in writing within three Academy days of receipt. Ideally a response should be provided within 10 Academy days. If it is not possible to deal with the matter in this time, the complainant should be informed of when it is likely to be concluded.

2.3 The Principal will ensure that an independent investigation is carried out. This may be delegated to another member of staff, where in the Principal's opinion, this would be more appropriate. Investigations should aim to clarify what has happened, who has been involved and what the complainant feels would put things rights.

2.4 Where the Principal believes that an investigation conducted by Academy staff could not be independent, they will ask another Bright Futures' Principal/Deputy CEO to undertake the investigation.

2.5 The Principal (or designated member of staff) may offer an opportunity for the complainant to meet with them. The complainant should, if they wish, be allowed to be accompanied by a friend or relative who can speak on their behalf.

2.6 The Principal (or designated member of staff who will be investigating) will keep written records of all meetings, telephone conversations and any other documentation which will be held securely on the Academy premises.

2.7 Once all relevant facts have been established, the Principal (or designated member of staff who will be investigating) should either write to the complainant or arrange a meeting to discuss or resolve the matter. This meeting should be followed up with a letter summarising the outcome of the meeting. The complainant should be advised in the letter that if they remain unhappy with the outcome, they may have the decision reviewed under stage 3 of these procedures.

2.8 Where relevant, findings and recommendations may also be sent to the person(s) complained about.

2.9 Any formal complaint about the Principal should be made in writing to the Chair of the Local Governing Body. In such situations, the Chair of the Local Governing Body should carry out the stage 2 procedures.

Stage 3: Review of the Stage 2 outcome

3.1 If the complainant is unsatisfied with the outcome of the complaint under stage 2, the complainant may write to the Clerk to the Local Governing Body asking for the complaint to be reviewed by the Chair of the Local Governing Body, within five Academy days of receiving the letter, or the meeting, confirming the outcome of stage 2.

Where the complaint involves the Principal and the Chair of the Local Governing Body has previously been involved in the complaint, another Chair of a Bright Futures Governing Body will replace the Academy's Chair for this purpose.

3.2 No new matters can be raised in this stage. Only documentation referenced in stages 1 and 2 can be reviewed. The complainant should not repeat the matters raised in their original letter or attach documentation already provided but should clearly set out how and why the complainant does not accept the findings made under stage 2.

3.3 The complainant's letter will be acknowledged within five Academy days of receipt. The acknowledgement letter will confirm the date that the formal complaint was received, the action to be taken and the specified time limit.

3.4 The Chair of the Local Governing Body will be provided with all documentation relating to the complaint within five Academy days of receipt of the letter requesting a review under stage 3, including records of stage 1 (if applicable), the original letter of complaint, any documentation provided by the complainant with their complaint, all investigation records under stage 2 and any letter of outcome under stage 2.

3.5 The Chair of the Local Governing Body will review all the documentation received and consider the matters raised in complaint and the investigation carried out under stage 2. The Chair of the Local Governing Body will only speak to the persons involved in the matters raised to clarify matters which were not confirmed during the stage 2 investigation, if believed necessary.

3.6 If the Chair of the Local Governing Body deems it to be appropriate in relation to the matters raised, the complainant will be offered a meeting to discuss the issues raised. If a meeting is deemed appropriate, it will usually take place after the review has been completed with the aim of reaching a mutually acceptable resolution.

3.7 The Chair of the Local Governing Body will write to the complainant confirming the outcome of the review within 20 Academy days from the date that the request for a review was received. The letter will set out whether the Chair agrees with the findings and conclusion under stage 2, and give reasons, as well as responding to any criticisms of the stage 2 investigation. The letter will inform the complainant that, if they are unsatisfied with the outcome of the stage 3 review, they should write to the Clerk to the Local Governing Body within five Academy days of receipt of the letter requesting a Complaint Panel hearing under stage 4 of this policy.

3.8 In appropriate cases, the Chair of the Local Governing Body may delegate the review under stage 3 to the Vice-Chair, if they have previously been involved at stage 2.

Stage 4: Appeal to a Panel

If the complainant is not satisfied with the outcome of stage 3, they may lodge the complaint to be heard at the final stage of the procedure. This should be addressed to the clerk via the Academy office and must clearly state the grounds for escalating the complaint. No Panel can be convened without the complainant stating these grounds.

4.1 Upon receipt of a written request from the complainant to proceed to stage 4, the Clerk to the Local Governing Body should write acknowledging receipt of the written request, informing the complainant that an Appeal Panel will hear the appeal within 15 Academy days of its receipt.

4.2 The Clerk will convene a meeting of the Complaints Appeal Panel at a time that aims to be convenient for the complainant and the Academy.

4.3 The Clerk will ensure that all members of the Panel have no prior involvement with the complaint and will liaise with the Trust's Director of People & Culture to identify appropriate Panel members. The Panel will consist of two governors, one being from the Academy the complaint relates to and another independent governor from one of Bright Futures' other Academies. The final member will be appointed by Bright Futures Educational Trust.

4.4 Individual governors should not get involved in looking into complaints before this stage to avoid prejudicing their potential involvement. If individual governors are approached by parents or others with complaints, they should refer the complainant to the Academy complaints procedure.

4.5 The Clerk should ensure that the complainant, the Principal and any other witnesses are given at least five Academy days' notice in writing of the date, time and place of the hearing or otherwise are in full agreement of a shorter timescale. The letter of notification to the complainant should also inform them of their right to be accompanied by a friend or relative who can act as an advocate. The letter should set out the procedure for the conduct of the hearing

4.6 The Clerk should invite the Principal/Executive team member to attend the hearing and to submit a written report for the committee in response to the complaint. This report will also refer to the outcomes of the previous stages and copies provided. The Principal may also invite the Chair of the Local Governing Body, or any other members of staff directly involved in the matter raised by the complainant to respond in writing and/or in person to the complaint. Any involvement of other staff should be at the discretion of the Chair of the Panel, and should they be called as a witness any member of staff can ask to be accompanied by their Trade Union representative.

4.7 All relevant documents should be received by all parties at least five Academy days before the meeting of the Panel.

4.8 A professional advisor may be invited to attend the meeting to advise the committee.

4.9 The Panel should elect a Chair who should ensure that proper Minutes of the meeting are taken.

4.10 The Chair of the Panel should try to ensure that the proceedings are sufficiently informal as possible and that the complainant and other participants feel at ease.

4.11 The aim of the appeal to the Panel is to resolve the complaint and achieve reconciliation between the Academy and the complainant and to put things right that may have gone wrong. However, it may only be possible to establish the facts of a situation and make recommendations about future actions, and to satisfy the complainant that their complaint has been taken seriously.

A copy of the panel's findings and recommendations should be provided to the complainant and, where relevant, the person complained about. These should also be available for inspection on the school premises by the 'proprietor' (senior Trust officials and trustees) and the Principal.

4.12 The Panel's findings and recommendations will be communicated in writing to all parties within five Academy days of the hearing. They should include: a judgement about the validity of the complaint; appropriate action to be taken by the Academy and/or parent; and where appropriate, recommendations on changes to the Academy's systems or procedures to ensure similar problems do not arise in future.

4.13 The Academy should ensure that a copy of all correspondence and notes is kept confidentially on file in the Academy. This should be separate from students' personal records.

4.14 Once the matter is concluded, the broad outcomes recommended by the Panel can be reported at the next full Local Governing Body or appropriate Committee meeting, with the identity of all those taking part kept confidential. The Local Governing Body should monitor the implementation of any recommendations.

This ends the internal complaints procedure.

Behaviour of complainants

When a complaint is made, we aim to deal with the complainant in a friendly, courteous and professional manner and the same is expected of the complainant.

Bright Futures has a duty to ensure the safety and welfare of its staff. Members of staff who are dealing with complaints are not expected to tolerate unacceptable behaviour by complainants.

Unacceptable behaviour is defined as behaviour that is unacceptable by normal standards and is disadvantageous to the individual, such as the threat of or use of harassment, verbal abuse or physical violence. Examples of unacceptable behaviour may include:

- Harassment through aggressive or abusive language or behaviour (face-to-face, by telephone, in written or electronic communications). Members of staff should not be subjected to rude, abusive, derogatory, threatening or harassing language or unwanted physical or non-verbal conduct.
- Unreasonable demands and persistence. What constitutes unreasonable demands may depend on the circumstances surrounding the behaviour but could include demanding responses or action within an unreasonable timescale, continual phone calls or letters or continuing refusal to accept a decision made in relation to a complaint.

If Bright Futures considers that a complainant's behaviour is unacceptable then it will tell them why it finds their behaviour unacceptable and ask them to change it. If the unacceptable behaviour continues, the Academy will take action to restrict future contact with the Academy, by for example:

- Requesting contact in a particular form (for example, letter only)
- Requiring contact to take place with a named member of staff only
- Asking the complainant to enter into an agreement about their conduct

Where the behaviour is so extreme that it threatens the immediate or subsequent safety and welfare of a member of staff, other options may be considered, for example, requiring the complainant to leave the premises immediately, reporting the matter to the police or taking legal action. In such cases, the complainant may not be given prior warning of that action.

Referring complaints on completion of the Academy's or Bright Futures' procedure

If the complainant remains unsatisfied with the outcome of the Academy's complaints procedure, they can refer their complaint to the Department for Education (DfE). The DfE will check whether the complaint has been dealt with properly by the Academy. It is important to note that the DfE will not overturn an Academy's or the Trust's decision about a complaint. However, it will look into a complaint if the Academy:

- does not have a complaints procedure
- did not provide a copy of its complaints procedure when requested
- does not have a procedure that complies with statutory regulations
- has not followed its published complaints procedure
- has not allowed its complaints procedure to be completed

The Department for Education (DfE) cannot change an Academy's decision about a complaint. Their role is to make sure the Academy handles the complaint properly by following a published procedure.

If the Academy did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the Academy's complaints procedure is found to not meet regulations, the Academy will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage: https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-anacademy

The Department for Education (DfE) is not able to help with complaints about:

- a child or young person's statement of special educational needs
- the quality of education or leadership, or concerns affecting the Academy as a whole, which are addressed through Ofsted inspections (see the Academy's inspection guide for parents)
- discrimination
- data protection - you can raise complaints about this with the Academy's Data Protection Officer or with the Information Commissioner's Office
- exam malpractice or maladministration - any complaints should be raised with the Office of Qualifications and Examinations Regulation (Ofqual) or the relevant awarding body
- child protection (safeguarding) - issues should be raised with your local authority designated officer (LADO) and/or the Director of Children's Services using the 'report child abuse to local council' GOV.UK page)
- criminal cases - please report these to the police

Persistent or vexatious complaints

Where a complainant tries to re-open the issue with the Academy after the complaints procedure has been fully exhausted and the Academy has done everything it reasonably can in response to the complaint, the Principal will inform the complainant that the matter is closed. If the complainant subsequently contacts the Academy again about the same issue, the Academy can choose not to respond. The normal circumstance in which we will not respond is if:

- The Academy has taken every reasonable step to address the complainant's needs, and
- The complainant has been given a clear statement of the Academy's position and their options (if any), and
- The complainant is contacting the Academy repeatedly but making substantially the same points each time.

The Academy will be most likely to choose not to respond if:

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

Unreasonable behaviour, which is abusive, offensive or threatening, is entirely unacceptable and will not be tolerated, and may also constitute an unreasonably persistent or vexatious complaint.

Once the Academy has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email. This decision is not taken lightly and will be made in discussion with the Chair of Governors following a stage 2 intervention. Academies must not stop responding just because an individual is difficult to deal with or asks complex questions.

The Academy will ensure when making this decision that complainants making any new complaint are heard, and that the Academy acts reasonably.

Unreasonably persistent complaints

- Whenever possible, the Principal will discuss any concerns with the complainant informally before applying an 'unreasonable' marking
- If the behaviour continues, the Principal will write to the complainant explaining that their behaviour is unreasonable and asking them to change it
- For complainants who excessively contact one of our Academies 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 six months
- In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the Academy

Barring from the Academy premises

The public has no automatic right of entry to our Academies. Academies will therefore act to ensure they remain a safe place for students, staff and other members of their community.

If a parent's behaviour is a cause for concern, an Academy can ask them to leave Academy premises. In serious cases, the Principal or Trust can notify them in writing that their implied license to be on Academy premises has been temporarily revoked subject to any representations that the parent may wish to make. Academies should always give the parent the opportunity to formally express their views on the decision to bar in writing.

The Principal's decision to bar entry should be reviewed by the Deputy Chief Executive Officer. They should take into account any representations made by the individual and decide whether to either confirm or lift the bar. If the decision is confirmed, the individual should be notified in writing, explaining:

- how long the ban will be in place
- when the decision will be reviewed

Once the Academy's appeal process has been completed, individuals may be able to apply to the Courts. Individuals wishing to exercise this option should seek independent legal advice.

Information about students

Regardless of the application of any communication strategy or stage of the complaints process, Academies must provide parents and carers with the information they are entitled to under The Education (Pupil Information) (England) Regulations 2005, within the statutory time frame.

Different procedures apply to freedom of information (FOI) and data protection (DP) correspondence.

Duplicate complaints

After closing a complaint at the end of the complaints procedure, there may be a duplicate complaint from:

- a spouse

- a partner
- a grandparent
- a child

If the complaint is about the same subject, the Academy can inform the new complainant that the Academy has already considered that complaint and the local process is complete. The complainant should be advised to contact the Department for Education (DfE) if they are dissatisfied with the Academy's handling of the original complaint.

Care must be taken not to overlook any new aspects to the complaint that may not have been previously considered. The Academy will need to ensure these are investigated and dealt with to the full extent of the complaints procedure.

Complaint campaigns

If an Academy becomes the focus of a campaign and receives large volumes of complaints:

- all based on the same subject
- from complainants unconnected with the Academy

The Academy will respond by using the following strategies:

- sending a template response to all complainants
- publishing a single response on the Academy website

And will notify the central team so that similar events can be tracked in case of an organised national campaign.

Third parties

Third party providers using the Academy premises to provide community facilities or services should have their own complaints procedures in place that mirror the ethos and approach of Bright Futures Educational Trust.

Parental responsibility

Conflict between estranged parents over the application of parental responsibility is a common cause of complaints made to academies. https://www.gov.uk/government/publications/dealing-with-issues-relating-to-parental-responsibility contains specific advice about how to approach issues concerning parental responsibility.

Where a parent requests information or reports on their child as part of an ongoing complaint, seeking to build evidence about the parenting capacity of another parent following a separation or divorce the Academy will maintain a neutral position and supply all requested data to both parties holding parental responsibility.

Recording meetings

The hearing will be held in private. 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 must be sought before meetings or conversations take place. Consent will be recorded in any Minutes taken.

The Panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

Complaints about our fulfilment of Early Years requirements

We will investigate all written complaints relating to the Academy's fulfilment of the Early Years Foundation Stage requirements and notify the complainant 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.

Parents and carers can notify Ofsted if they believe that the Academy is not meeting Early Years Foundation Stage requirements, by calling 0300 123 4234 or 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#orgcontacts

We will notify parents and carers if we become aware that the 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.

Addendum 1
Central trust operations complaints procedure

Stage 1 - Informal
All points in the section titled 'Brief overview of the procedure for making a complaint' of this policy apply, with the exception that these informal complaints are made by email to the central office (admin@bright-futures.co.uk). The complaint will be referred to the appropriate member of staff who will follow the informal stage 1 procedure.

Stage 2 - Formal
All points in the section titled 'Brief overview of the procedure for making a complaint' of this policy apply, with the exception that these formal complaints are made by email to the central office (admin@bright-futures.co.uk). The formal complaint will then be investigated, and an outcome determined by a member of the Trust's Executive Team.

Stage 3 - Appeal Panel
Where a complainant is not satisfied with the outcome of stage 2, they may ask for their complaint to be heard by an Appeal Panel. To do this they should email admin@bright-futures.co.uk, asking for it to be for the attention of the Chief Executive Officer. The email should clearly state the grounds for the appeal.

An Appeal Panel will be convened as per the points in the section titled 'Brief overview of the procedure for making a complaint' of the policy and will comprise the Chief Executive Officer and two Trustees.

Addendum 2
Model procedure for the conduct of a Stage 4 Appeal Panel Hearing

1. The Chair of the Panel should invite all parties (except any witnesses) into the room, introduce them and explain the role of each person.

2. The Chair should explain to all present that the purpose of the hearing is to review the complaint and try to resolve it and achieve reconciliation between the Academy or the central trust and the complainant. However, it may only be possible to establish the facts of the situation and make recommendations about future action.

3. The Chair should then ascertain whether the proposed procedure is acceptable. If so, the meeting will proceed along the following lines:

    a. The Complainant describes their complaint and may call witnesses
    b. The Principal/Executive Team member may seek clarification from the complainant and any witnesses
    c. The Appeal Panel or its advisers may seek clarification from the complainant and any witnesses
    d. The Principal/Executive Team member will respond to the complaint and may call witnesses.
    e. The complainant may seek clarification from the Principal/Executive Team member and any witnesses
    f. The Panel or its advisers may seek clarification from the Principal/Executive Team member and any witnesses
    g. The Principal/Executive Team member will be given the opportunity to sum up
    h. The complainant will be given the opportunity to sum up
    i. Both parties will leave the room to allow the Panel to deliberate but any advisers may remain to offer technical and procedure advice

4. The Panel should make a decision or judgement on the validity of the complaint; appropriate action to be taken by the Academy and/or parent; and where appropriate, recommendations on changes to the Academy's systems or procedures to ensure similar problems do not arise in the future.

5. The decision or judgement will be confirmed in writing to all parties within five Academy days.