



Brakenhale School

Complaints Procedure

Brakenhale School is part of the Greenshaw Learning Trust.

The Greenshaw Learning Trust is a charitable company limited by guarantee registered in England and Wales, company number 7633694, registered at Greenshaw Learning Trust, Grennell Road, Sutton, Surrey, SM1 3DY.

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COMPLAINTS PROCEDURE

Oct 2023

This Complaints Procedure sets out how Brakenhale School will deal with concerns and complaints.

This Complaints Procedure applies to Brakenhale School, which is part of the Greenshaw Learning Trust, in accordance with and pursuant to the Complaints Policy that is part of the Communications Policy of the Greenshaw Learning Trust, the Education (Independent Schools Standards) Regulations 2014 and appropriate DfE guidance.

This Complaints Procedure covers all complaints about any provision of services or community facilities by Brakenhale School, other than the matters that are subject to a separate statutory procedure as set out in Section 2 of this Complaints Procedure.

In implementing this procedure the governing body, Headteacher and school staff must take account of any advice or instruction given to them by the GLT CEO or Board of Trustees. If there is any question or doubt about the interpretation or implementation of this Procedure, the GLT CEO should be consulted.

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Approval and review:

This Procedure was approved by the Board of Trustees on: 20 October 2023

This Procedure is the responsibility of, and kept under review by: the GLT CEO

This Procedure is due for formal review by: May 2026.

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1 Principles

A concern may be defined as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*. A complaint may be defined as *'an expression of dissatisfaction however made, about actions taken or a lack of action'*. It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage.

The Greenshaw Learning Trust and its schools welcome comments on their services. Comments enable the Trust and its schools to clarify any misunderstandings that arise and give us the opportunity to review our processes if necessary. We are also pleased to learn of things that have gone well.

If a person has difficulty discussing a concern or complaint with a particular member of staff, they will be referred to another staff member. Similarly, if a member of staff feels unable to deal with a concern, the concern will be referred to another staff member.

If any person, including members of the public, wishes to raise their concerns more formally or make a complaint to the Trust or one of its schools-about any provision of facilities or services that they provide, the school will attempt to resolve the issue internally, through the stages outlined within this Complaints Procedure; except that for matters subject to a separate statutory procedure as listed in section 2 of this Procedure, the stated procedure will be followed.

The Trust will handle complaints from people who are not parents of children at its schools respectfully and expediently, and as far as is appropriate in line with this Complaints Procedure; except that for such complaints the Trust reserves the right to amend the procedure and omit a hearing before a panel with an independent member.

In accordance with equality law, the Trust will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

The Greenshaw Learning Trust and its schools will always deal with complaints in a courteous and reasonable manner, and follow their agreed procedures. We ask that those with comments and complaints present them in a similarly reasonable manner.

At each stage of this Procedure the school will seek to resolve the complaint. If a complainant wants to withdraw their complaint, they should notify the school in writing.

2 Exceptions to the Complaints Procedure

Certain matters are dealt with under separate procedures, and not through the School Complaints Procedure (information on these policies and procedures can be found on the School and Trust website or by contacting the school or the Trust):

- Complaints about child protection matters are handled under the Trust's child protection and safeguarding procedures and in accordance with relevant statutory guidance.
- Complaints about the administration of the appeals process for admissions to schools within the Trust are dealt with through the Trust Admissions Appeals Procedure.

- Representations against a pupil's suspension or exclusion from school are dealt with under the Trust's exclusions & suspensions procedure and the relevant statutory guidance.
- Complaints from Trust staff will be dealt with under the Trust's internal grievance procedures.
- Complaints about the conduct of Trust staff will be considered under the Trust's staff disciplinary procedures. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint, but will be notified that the matter is being addressed and allowed to progress their complaint through the school's complaint procedure.
- Complaints about the conduct of Trustees or governors or non-Trustee members of Trust Committees will be considered under the Trust's Trustee and Governor disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken, but will be notified that the matter is being addressed and allowed to progress their complaint through the school's complaint procedure.
- The Trust also has a Whistleblowing Policy for all members of Trust staff, contractors, Trustees and governors.

Concerns about statutory assessments of special educational needs should be raised directly with the relevant local authority.

School pupils who have comments or complaints should in the first instance take them up through their class teacher / tutor / head of house / head of year as appropriate, rather than through the Complaints Procedure.

Complaints about third-party users of school premises or facilities should be taken up with the third party directly, and not through the school Complaints Procedure.

3 Raising a concern or making a complaint

A concern or complaint can be made in person, in writing or by telephone. A concern or complaint may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so.

If a person has a comment or complaint about our school, they should in the first instance contact the school in person, or by telephone, email or letter, via the member of staff they have been dealing with, or via Lisa Silk-Hale on lsilkhale@brakenhale.co.uk for an appointment to discuss the matter with an appropriate member of staff, and it will be dealt with under this Complaints Procedure.

Complaints about school staff should be made in the first instance, marked Private and Confidential, to: Lisa Silk-Hale on lsilkhale@brakenhale.co.uk.

Complaints about the Headteacher should be sent to complaints@greenshawlearningtrust.co.uk, for the attention of the CEO and marked private and confidential. Such a complaint may, where appropriate and at any stage, be referred back to the relevant school, to be dealt with under the School Complaints Procedure.

If the complaint is specifically about the conduct of the Headteacher, the complaint will be addressed under the Trust Complaints Procedure. A complaint may be presented as being 'about the Headteacher', but if it is actually a complaint about the policies and procedures of the school and/or Trust and their implementation, rather than the personal conduct of the Headteacher, the GLT CEO may refer it back to the relevant school-to seek a resolution under the school's Complaints Procedure.

If a person has a comment or complaint about the Greenshaw Learning Trust as a whole, the Trust Shared Service, an executive officer of the Trust, a governor or governing body of any school in the Trust, or a Trustee of the Trust, it should be taken up by via the member of staff they have been dealing with, or via complaints@greenshawlearningtrust.co.uk, and it will be dealt with under the Trust Complaints Procedure.

Anonymous complaints will not normally be investigated. However, the Headteacher will determine whether an anonymous complaint warrants an investigation.

Complaints made outside of school term time will be considered to have been received on the first school day after the holiday period.

If a school governor or a Trustee or member of staff of the Trust is contacted directly by a complainant in relation to a complaint about a school in the Trust, then they should refer the matter to the Headteacher of the school to be dealt with under this Complaints Procedure.

If a school governor or a Trustee or member of school staff is contacted directly by a complainant in relation to a complaint about the Trust as a whole or the Trust Shared Service, then they should refer the matter to the GLT CEO to be dealt with under the Trust Complaints Procedure.

All correspondence, statements and records relating to individual concerns and complaints will be kept confidential, except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them, and will be retained in line with the GLT Data Retention Policy and Part 7 of the Education (Independent School Standards) Regulations 2014.

A written record will be kept of all complaints and whether they are resolved following a formal procedure, or proceed to a committee or panel hearing; and the action taken by the school as a result of those complaints (regardless of whether they are upheld).

Where appropriate and at any stage, the Headteacher may suggest all parties attend a facilitated mediation session and participate in that session in good faith to reach a mutually agreed conclusion. Greenshaw Learning Trust will meet the cost of the mediation session(s), but the mediation sessions will be entirely private, confidential and without prejudice. The role of the mediator is neutral and impartial, and they aim to encourage and facilitate an agreement between both parties.

Where a mediation session takes place and an agreement cannot be reached, the complaint will continue through the Complaints Procedure. Should one need to be convened, the Complaints Stage 3 panel will be informed that the mediation process has taken place and that an agreement was not reached.

4 The Stages of the Complaints Procedure

The Complaints Procedure has three stages that must be followed consecutively:

- Stage 1 Informal resolution.
- Stage 2 Formal complaint.
- Stage 3 Complaints panel.

Once a complaint has been addressed under stage 1, the complainant may progress it to Stage 2 if they are not satisfied, or the Headteacher may refer the matter to Stage 2 so that it can be dealt with more effectively. Once a complaint has been addressed under stage 2, the complainant may progress it to Stage 3 if they are not satisfied, or the Headteacher may refer the matter to Stage 3 so that it can be

dealt with more effectively.

If a complaint is received at stage 2 or stage 3, the Headteacher may refer it back to the previous stage if that previous stage has not been carried out or if further consideration at that stage could be a more effective way of seeking resolution.

A complaint at school level may, where appropriate and at any stage, be referred to the Trust to be dealt with under the Trust Complaints Procedure, by the GLT CEO and a complaint made to the Trust may, where appropriate and at any stage, be referred back to the relevant school, to be dealt with under the School Complaints Procedure, by the GLT CEO, if that would be a more effective way of dealing with it.

At any meeting with school staff or governors or any panel, the complainant may be accompanied by a friend and/or interpreter; and the Headteacher or any other school staff may be accompanied by a fellow employee or professional representative.

The school will need written consent from the complainant before they can disclose any information about their complaint to a third party.

Generally, we do not encourage either party to bring legal representatives to any meeting. However, there may be occasions when legal representation is appropriate

The meetings 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 recording of meetings or conversations takes place. Consent will be recorded in any minutes taken. Representatives from the media are not permitted to attend.

There may be occasions where it may be reasonable to deviate from this Procedure, including not doing something the Procedure states will, should or may be done, or meeting stated timeframes; any deviations from the Procedure must be agreed by the GLT CEO and properly documented.

4.1 Stage 1: Informal resolution

In the first instance, if a person has a concern or complaint, they should contact the school in person, or by telephone, email or letter, via the member of staff they have been dealing with, or via Lisa Silk-Hale on lsilkhale@brakenhale.co.uk for an appointment to discuss the matter with an appropriate member of staff.

Most concerns should be resolved at this informal stage.

A complainant may find it helpful to write down the main substance of their complaint before contacting the school.

An appropriate member of school staff will seek to find a resolution through discussion and meetings with the complainant, informally.

The Headteacher may arrange for a member of staff from outside the school, or a volunteer or governor to meet with the complainant, where they believe that an independent perspective may help to resolve the matter. The Headteacher may also suggest all parties attend a facilitated mediation session and participate in that session in good faith to seek to reach a mutually agreed conclusion.

At the conclusion of Stage 1 the person who has sought to resolve the complaint, or the Headteacher or their nominee, will provide an informal response to the complainant in writing or by email.

If it does not prove possible to reach a resolution, the complainant may submit their complaint formally at Stage 2 as set out in **4.2** below, or the Headteacher may refer the matter to Stage 2 so that it can be dealt with more effectively.

The school has not set strict time limits on stage 1 as the aim is to seek a resolution informally, and the time that will take will depend on the nature and complexity of the issues involved. However, it is better if a concern or complaint is raised and dealt with promptly, and the school will seek to conclude stage 1 within 40 school days of the matter being raised with the School.

4.2 Stage 2: Formal complaint

If the complaint has not been resolved under Stage 1, the complainant may take their complaint to Stage 2 by completing the [Stage 2 Formal Complaint Form](#) available on the school website, and linked [HERE](#).

If the complainant wishes to request a reasonable adjustment, an alternative method of lodging the complaint and corresponding will be made available. Please contact us on complaints@greenshawlearningtrust.co.uk or 020 3988 0218 if you believe this to be the case.

A complaint will not normally be considered if it is lodged formally more than three months after the incident being complained about took place.

On receipt of a formal complaint the Headteacher may, if they think it may yet resolve the matter:

- refer the matter back to an appropriate member of staff for further consideration and to seek a resolution informally under Stage 1; or
- meet with the complainant themselves, to seek to resolve the matter informally under Stage 1.

Otherwise, the Headteacher will address the complaint as a formal complaint under stage 2.

The Headteacher will arrange for the complaint to be investigated. The investigation will seek to address all the points at issue and enable the Headteacher to give an effective response and propose appropriate redress. The Headteacher may delegate the investigation to an appropriate member of school or Trust staff.

The Headteacher may arrange for a member of staff from outside the school, or a volunteer or Trustee or governor, to meet with the complainant where they believe that an independent perspective may help to resolve the matter. The Headteacher may also suggest that all parties attend a facilitated mediation session and participate in that session in good faith to seek to reach a mutually agreed conclusion.

At the conclusion of Stage 2, the Headteacher will give a written response to the complainant and will endeavour to do so within 15 school days of receipt of the formal complaint.

However the thorough investigation of a complaint may involve various people, including members of staff and the complainant; therefore progress will depend on their availability. Timescales are likely to be extended during school holidays.

If the matters that are the subject of the complaint are also subject to other proceedings within the school (as set out in section 2 of this Procedure) or external proceedings (eg DfE, local authority or Police), those proceedings may take precedence over this Complaints Procedure and may require the timeframes in this Procedure to be extended.

Complainants will be advised of the reason for any delay beyond 15 school days.

After the investigation and having sought a resolution, the Headteacher will write to the complainant setting out their response to the complaint and advising the complainant of their right to take the matter to a Complaints Panel under stage 3.

4.3 Stage 3: Complaints Panel

If the complainant is not satisfied with the written response to their formal complaint or the way that it has been handled under stage 2, they may take the matter to a Complaints Panel appointed by the Governing Body, by emailing complaints@greenshawlearningtrust.co.uk to request a link to complete the **Stage 3 Complaint Form** within 20 school days of the written response from the Headteacher. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

If the complainant wishes to request a reasonable adjustment, an alternative method of lodging the complaint and corresponding will be made available. Please contact us on complaints@greenshawlearningtrust.co.uk or 020 3988 0218 if you believe this to be the case.

If stage 2 has not been carried out, or if we think it may yet resolve the matter, we may refer the matter back to stage 2 for further investigation and attempts to seek resolution.

The complainant should indicate on the Stage 3 Complaint form why they are not satisfied with how the complaint has been handled and which matters remain unresolved. No new complaints may be included.

On receipt of a Stage 3 Complaint Form, the Clerk to the Governing Body will be requested to establish a Complaints Panel made up of at least three people who do not have any conflict of interest and have not been involved with the matters that are the subject of the complaint, at least one of whom is independent of the management and running of the school.

The Clerk will arrange a meeting of the Complaints Panel at a convenient time for all parties, within 20 school days of receipt of the Stage 3 Complaint Form.

If the complainant rejects the offer of three proposed dates without good reason, the Clerk will decide when to hold the Complaints Panel meeting. The Complaints Panel will then proceed in the complainant's absence on the basis of written submissions from both parties.

Details of the complaint will be sent to the Headteacher, who will provide to the Clerk their response for consideration by the Complaints Panel.

Any documents from either the complainant or the Headteacher and/or their nominee to be considered by the Panel and the names of any witnesses who may be called should be received by the Clerk at least 5 school days before the meeting.

Electronic recordings are not normally accepted as evidence. However, transcripts of recordings may be accepted if independently notarised and with the written consent of all recorded parties. Recordings obtained covertly or without informed consent of all parties being recorded will not be accepted.

The agenda for the meeting and copies of all papers submitted will be sent to members of the Panel, the complainant and the Headteacher and/or their nominee before the meeting. The Headteacher and/or their nominee will copy relevant papers to any school staff named in the complaint.

The Complaints Panel will choose one of their number to chair the meeting.

The Complaints Panel will consider the complaint on the basis of the papers they receive and what is said at the meeting. The Panel should seek reconciliation and ways to put right things that may have gone wrong.

In the event of either party not attending the meeting, the Chair of the Panel has the discretion to proceed or to adjourn the meeting.

Once the Complaints Panel has heard from both parties, both parties will withdraw so that the Panel can make its decision. The Panel may:

- Uphold the complaint in full;
- Uphold the complaint in part; or
- Dismiss the complaint.

Or they may give a more complex response.

The Complaints Panel may make findings and recommendations and may refer issues of principle or general practice to the Headteacher and Governing Body.

The complainant, any persons complained about, the Headteacher and Chair of the Governing Body will be advised in writing or by electronic mail of the outcome of the meeting, including relevant findings and recommendations, within 10 school days of the meeting.

The complainant will be advised of their right to make a complaint to the Education and Skills Funding Agency – see section 5 of this Procedure

5. Complaints to the Department for Education (DfE)

If a complaint has been considered in accordance with the three stages of this Procedure, but the complainant is still not satisfied, then the complainant can make a complaint to the Department for Education (DfE)

The DfE will normally only consider a complaint after this Complaints Procedure has been exhausted.

The DfE cannot review or overturn decisions about complaints made by the school or the Trust; they can only investigate whether the school and/or Trust has considered the complaint appropriately and may request the Trust to re- consider the complaint or to review its procedure.

If a complainant wishes to refer their complaint to the DfE, they should visit [How DfE handles complaints about academies](#) for further information and the address to which to send their complaint.

6. Complaint campaigns and serial, persistent and vexatious complaints

If a GLT school and/or the Trust receives a complaint that is on the same subject as a complaint that has already been investigated and responded to in accordance with this Procedure, the Headteacher and/or GLT CEO may use relevant aspects of that investigation and response in responding to the new complaint, rather than repeating them.

If a GLT school and/or the Trust receives a large number of complaints all based on the same subject, the school and/or Trust may send a common response to all complainants and/or publish a single response on the school and/or Trust website.

If a GLT school and/or the Trust receives a number of similar complaints from persons unconnected with the school and/or Trust, the school and/or Trust may send a common response to all complainants and/or publish a single response on the school and/or Trust website.

If a complainant tries to re-open the same issues that have been addressed through all stages of the Complaints Procedure the Headteacher and/or GLT CEO will inform the complainant that the procedure has been completed and that the matter is now closed.

If a complainant continues to raise the same issues that have been addressed through all stages of the Complaints Procedure, the Headteacher and/or GLT CEO may deem the complaint to be 'serial' or 'persistent'; in which case the Headteacher and/or GLT CEO will inform the complainant that the complaint has been addressed in accordance with the Complaints Procedure and correspondence in the matter is now closed.

If a complaint is deemed persistent or serial, that does not prevent the complainant contacting a GLT school and/or the Trust about other matters or raising other complaints.

If an individual:

- seeks to pursue a complaint in a manner which is obsessive, persistent, harassing, prolific, repetitious, excessive, unreasonable, abusive or offensive, or is designed to cause disruption or annoyance;
- insists upon pursuing unmeritorious complaints and/or outcomes that are unrealistic;
- demands redress that lacks any serious purpose or value or is beyond the remit of the school and/or Trust; or
- behaves in a way that causes a significant level of disruption, regardless of whether or not they have raised a complaint;

then the Headteacher and/or GLT CEO may deem it to be a vexatious complaint.

If a complainant continues to seek to pursue a vexatious complaint, the Headteacher and/or GLT CEO may:

- restrict the individual to a single named member of school and/or Trust staff or single point of contact via a school and/or Trust email address;
- limit the number of times the individual can make contact with the school and/or Trust, and/or the number of times the school and/or Trust will respond, such as a fixed number of times per term;
- prohibit the individual from communicating with specific school and/or Trust staff or groups of staff;
- place other appropriate and reasonable restrictions on the individual in the interests of the safe and efficient operation of the school and/or Trust.

If an individual persists to the point that may constitute harassment of members of staff of a GLT school and/or the Trust, the Headteacher and/or GLT CEO may bar the individual from school and/or Trust

premises and the school and/or Trust may seek legal remedy to safeguard its staff and students.

7. Reporting and monitoring

The Headteacher/CEO and/or their nominee will:

- record the progress of the complaint and the final outcome.
- record whether the case progressed to a panel hearing.
- record the action taken by the school or the trust, regardless of outcome.
- determine who is responsible for these records and make sure the data is kept secure and in accordance with the GLT Data Protection Policy and GLT Data Retention Procedure.

The findings and recommendations of the Panel at stage 3 will be copied to relevant senior managers in the school and Trust, and to the relevant Governing Body and/or Trust Committee, so that services can be improved, and will be made available for inspection on the school/Trust premises by the Headteacher/CEO.

8. Review

This Procedure will be kept under review by the GLT CEO.

Factual changes to named persons and contact details in the Procedure will be updated and authorised by the GLT CEO.

Minor technical changes to the Procedure that are required by changes to legislation or DfE guidance may be made and authorised by the GLT CEO.

Proposals for more significant changes to the Procedure will be considered and approved by the Board of Trustees.

This Procedure will be formally reviewed by the Board of Trustees at least once every 4 years.