



Broadway Academy Policies

Our Children. Our Community. Believe it can be done!

Complaints Policy and Procedure

Approved by: Full Governing Board

Date approved: March 2025

Next review date: March 2027



Contents

	Section	Page
1	Introduction and scope	2
2	Aims and principles	2
3	Definitions	3
4	Roles and responsibilities	3
5	Principles for investigating complaints	3
6	Stages of complaints	5
	Stage 1 – informal	5
	Stage 2 – formal	6
	Stage 3 – Headteacher and CEO review	6
	Stage 4 – Governors’ panel hearing	7
7	Complaints against the Headteacher, a governor or the Board	8
	Stage 1 – informal	8
	Stage 2 – formal	8
	Stage 3 – review	8
8	Referring complaints on completion of Academy procedure	8
9	Persistent or vexatious complaints	8
10	Duplicate complaints	9
11	Complaints campaigns	9
12	Record keeping and confidentiality	9
13	Learning lessons	10
14	Monitoring	10
15	Training	10
16	Links with other policies	10
	Appendices	
	1. Process chart for handling complaints	12
	2. Complaints form	14
	3. Complaints hearing – order of proceedings	16

1. Introduction and scope

- 1.1 The Education and Skills Funding Agency's (ESFA) guidance requires academies to have a complaints procedure which meets the standards set out in Schedule 1, part 7 of the Education (Independent School Standards) Regulations 2014. The policy and procedure have been developed to meet those requirements. It is also based on [best practice guidance for academies complaints procedures](#) published by the Education and Skills Funding Agency (ESFA).
- 1.2 This policy complies with our funding agreement and articles of association.
- 1.3 This procedure will be used to deal with all concerns or complaints relating to the actions of staff and the application of Academy procedures where they affect individual students and where there is not a specific policy and procedure already in place.
- 1.4 This procedure will not apply to matters directly related to curriculum, a particular exclusion, child protection and safeguarding, special needs statementing or admission issues as these are all dealt with under separate procedures, details of which are available from the Academy.
- 1.5 Arrangements for handling complaints from parents of children with SEN about the support provided by the Academy are within the scope of this procedure. Where parents have specific complaints about the Education Health and Care Plan (EHCP) procedures or content, they should be referred to the local authority.
- 1.6 Complaints by members of staff will be dealt with through the appropriate HR policy and procedure (e.g. grievance, disciplinary, pay).
- 1.7 Complaints about services provided by other providers who use the Academy premises or facilities should be directed to the provider concerned.

2. Aims and principles

- 2.1 Broadway Academy Trust aims to meet its statutory obligations when responding to complaints from parents of students at the Academy and others. The underlying principle of the policy is that we try to resolve concerns or complaints by informal means wherever possible (usually by the staff directly concerned) without the need to invoke a formal process. Where this is not possible, formal procedures will be followed.

An unreasonable refusal by the complainant to attempt an informal resolution may result in the concern or complaint being taken no further.

- 2.2 Any concern or complaint should be brought to the attention of the Academy at the earliest opportunity. Any matter raised more than three months after the event will only be considered in exceptional circumstances.
- 2.3 A concern or complaint from a member of the public who is not a parent or a guardian of a child attending the Academy should be referred directly to the deputy headteacher unless the complaint is about the Headteacher and CEO in which case it should be referred to the Chair of the Governing Boards.
- 2.4 An anonymous complaint will not be dealt with unless there are exceptional circumstances.
- 2.5 When responding to complaints, we aim to:
 - Be impartial and non-adversarial, dealing with concerns in an open, transparent and constructive way
 - Address the issue(s) and provide an effective and prompt response

- Respect complainants' desire for confidentiality (except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them)
- Treat complainants with respect, courtesy and integrity in line with the Broadway values
- Keep complainants informed
- Facilitate a full and fair investigation
- Ensure that any decisions made are lawful
- Be sensitive to the needs of all parties involved

2.6 We will ensure we publicise the existence of this policy and make it available on the Academy website.

3. Definitions

- 3.1 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”

4. Roles and responsibilities

- 4.1 The complainant is expected to:
- Follow these procedures
 - Co-operate with the Academy throughout the process, and respond to deadlines and communication promptly
 - Treat all those involved with respect
 - Not approach individual governors about the complaint
 - Not publish details about the complaint on social media
- 4.2 The person investigating the complaint (usually a member of staff) appointed by the Headteacher and CEO to establish the facts will:
- Interview all relevant parties, keeping notes
 - Consider records and any written evidence and keep these securely
 - Prepare a comprehensive report to the Headteacher and CEO or complaints committee which includes the facts and potential solutions
- 4.3 The clerk to the Governing Board will:
- Be the contact point for the complainant and the complaints panel, including circulating the relevant papers and evidence before complaints panel meetings
 - Arrange the complaints hearing
 - Record and circulate the minutes and outcome of the hearing
- 4.4 The complaints panel chair will:
- Chair the meeting, ensuring that everyone is treated with respect throughout
 - Make sure all parties see the relevant information, understand the purpose of the panel, and are allowed to present their case
 - Ensure that the order of proceedings and guidance at Appendix 3 is followed

5. Principles for investigating complaints

- 5.1 When investigating a complaint, we will try to clarify:
- what has happened and who was involved

- the nature of the complaint and what remains unresolved
- what the complainant feels would put things right

We will interview those involved in the matter and / or those complained about, allowing them to be accompanied if they wish. Any person interviewed as part of an investigation is entitled to be accompanied by a friend or representative and / or an interpreter (where needed).

Time limits for making complaints

- 5.2 The complainant must raise the complaint within three months of the incident.

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.

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

Time limits for responding to complaints

- 5.3 A concern or complaint will be acknowledged as soon as it practical after it has been received. Attempts to deal with it informally will be started as soon as practicable in timescales shared with all parties.

Informal complaints should ideally be responded to within five working days of receiving the complaint or concern.

Once a complaint has been lodged formally, an investigation should begin within five working academy days and a realistic but reasonable timescale should be set for completion and feedback. It is reasonable for a complainant to expect to receive verbal or written feedback within five working academy days of an investigation completing.

However, where further investigations become necessary or delays occur, new time limits can be set, and the complainant will be sent details of the new deadline and an explanation for the delay.

Resolving Complaints

- 5.4 At any stage, the person dealing with the concern or complaint should endeavour to find a resolution, but this will depend on the nature of the concern or complaint and what the complainant wants.

It is of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

Complainants should be encouraged to state what actions they feel might resolve the problem at any stage – though this should be on the understanding that it may not be possible or reasonable to deliver them.

It may be appropriate and sufficient to acknowledge that the complaint is valid in whole or in part. An admission that the Academy could have handled the situation better is not the same as an admission of negligence.

In addition, it may be appropriate to offer one or more of the following:

- an expression of regret for any distress caused etc.
- an explanation
- an admission that the situation could have been handled differently or better

- an assurance that every effort will be made to ensure that the event complained of will not recur
 - an explanation of the steps that have been taken to try to ensure that it will not happen again
 - an undertaking to review academy policies in light of the complaint.
- 5.5 Use of the formal procedures means that all attempts at an informal resolution of the concern have failed; resolution will then depend upon any recommendations based on the judgements made from the evidence uncovered in the investigation.
- 5.6 An investigation may find no evidence for the complaint or that the complaint is otherwise groundless.

6. Stages of complaints procedure

Raising a complaint

- 6.1 A complaint from a member of the public, who is not a parent or guardian of a student attending the Academy, should contact [Head of Lower School \(Yrs 7-10\)](#) or [Head of Upper School \(Year 11-13\)](#) in the first instance.

- 6.2 Parents, carers or guardians wishing to raise a concern or make a complaint are encouraged to resolve the matter informally with the member of staff if known. Otherwise they should contact the year team for their child:

Year7Team@broadway-academy.co.uk
Year8Team@broadway-academy.co.uk
Year9Team@broadway-academy.co.uk
Year10Team@broadway-academy.co.uk
Year11Team@broadway-academy.co.uk
6thFormTeam@broadway-academy.co.uk

If the complainant is unclear who to contact or how to contact them, they should contact complaint@broadway-academy.co.uk Tel: 0121 566 4334.

They will receive an automated response with further advice and a link to this policy and process.

- 6.3 Whoever receives the complaint should acknowledge its receipt and direct the complainant to the member of staff concerned or to the Student Support Manager for the year group, copying in the Deputy Heads and Headteacher.
- 6.4 If the member of staff feels too compromised to deal with the complaint, the matter should be referred to a Deputy Head so that it can be dealt with by a more appropriate member of staff. There may also be occasions when the complainant has concerns about discussing their complaint with a particular member of staff; this should also be directed to a Deputy Head.
- 6.5 If the first approach is made direct to a governor, they should direct the complainant to the appropriate person in line with this policy and advise the Headteacher. Governors should not act unilaterally on an individual complaint outside the procedure as such action may compromise future action regarding the complaint.

Stage 1: informal response

- 6.6 If the complainant wants an acknowledgement of the issue, and / or a resolution to a problem which is relatively straightforward, and / or the prevention of a recurrence, this is likely to be suited to an informal process

- 6.7 The Academy will make every effort to resolve matters of concern quickly. It may be the case that the provision or clarification of information will resolve the issue.
- 6.8 The Academy will acknowledge complaints promptly, investigate and provide a response within ten school days. If more time is needed, then the complainant will be advised.
- 6.9 Acknowledgement of receipt of the complaint will be made by the person who initially receives it and will include the name of the person who is looking into it and the response time.
- 6.10 Looking into the complaint may involve meeting the complainant to discuss the matter further, and may also involve talking to students, other staff members or consulting senior staff including the headteacher.
- 6.11 Feedback and resolution may be given in an email or letter to clarify or explain, but personal contact should be made with the complainant if possible. If appropriate, a response may involve a meeting between the complainant and the member of staff concerned or the Student Support Manager.
- 6.12 If the complaint is not resolved informally, it will be escalated to a formal complaint.

Stage 2: formal response

- 6.13 The formal stage involves the complainant putting the complaint to the Headteacher and CEO in a letter or email.
The complainant should provide details such as relevant dates, times and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they consider would reasonably resolve the complaint (see Appendix 2).
- 6.14 The Headteacher and CEO may ask a Deputy Head (or other nominated senior leader) to investigate; this will usually be a deputy or assistant head teacher who has not been involved with the case. The decision on the appropriate person rests with the headteacher.
- 6.15 The Headteacher, Deputy Headteacher (or other nominated senior leader) will acknowledge receipt of the complaint, explain that they will be looking into it and the response time. A response will be provided within no more than 15 school days. If more time is needed to conclude the investigation, the complainant must be advised.
- 6.16 The Headteacher, Deputy Headteacher (or other nominated senior leader) will attempt to resolve a complaint using whatever reasonable means are appropriate. This may involve meeting the complainant to discuss the matter further; it may also involve interviewing staff members or students.
- 6.17 If appropriate, providing a response may involve a meeting with the complainant. In any event, the written conclusion of the investigation will be sent to the complainant within 15 school days.
If more time is needed to conclude the investigation, the complainant must be advised.
- 6.18 If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the Headteacher and CEO in writing within five school days, stating why they do not feel their complaint has been resolved.

Stage 3: review

- 6.19 If the complaint at stage 2 was not investigated by the Headteacher, the Headteacher and CEO will meet with the complainant within ten working days to discuss their concerns and will review the investigation carried out.

Depending on the substance of the concerns raised at stage 3, the Headteacher's review may take place in the first meeting with the complainant or may require a more thorough review of investigation materials and further feedback.

- 6.20 The complainant will be advised if further time is needed to carry out the review. Otherwise, the written conclusion of the Headteacher's review will be sent to the complainant within 15 school days from receipt of the stage 3 complaint.
- 6.21 If the complainant continues to be dissatisfied with the response of the Academy and wishes to proceed to the next stage of this procedure, the Headteacher and CEO will refer the matter to the Chair of the Governing Board.
- 6.22 Where the Headteacher and CEO has investigated the complaint at Stage 2, the matter will be referred straight to stage 4.

Stage 4: Governors' panel hearing

- 6.23 Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at the third formal stage (or second, where the Headteacher and CEO has investigated the complaint at stage 2).
- 6.24 The complainant should complete the form at Appendix 2 and submit it with any other supporting information to the Chair of the Governing Board.
- 6.25 A complaints panel will be appointed by or on behalf of the Board and must consist of at least three people who were not directly involved in the matters detailed in the complaint. The panel must also include at least one member who is independent of the management and running of the academy, i.e. is not a Governing Board member.
- 6.26 The aim of the hearing, which must be held in private, will always be to resolve the complaint and achieve reconciliation between the Academy and the complainant.
- 6.27 The panel will have access to the existing record of the complaint's progress (see section 12).
- 6.28 The complainant must be given reasonable notice (at least ten school days) of the date of the panel meeting; however, the panel reserves the right to convene at their convenience rather than that of the complainant.
- 6.29 At the panel meeting, the complainant and representatives from the Academy, as appropriate, will be present. Each will have an opportunity to set out written submissions prior to the meeting; these must be submitted at least five school days in advance of the meeting date.
- 6.30 The complainant must be allowed to attend the panel hearing and be accompanied if they wish. Neither party is encouraged to bring legal representation, but consideration will be given on a case-by-case basis. For instance, if an Academy employee is called as a witness in a complaint meeting, they may wish to be supported by their union.
- 6.31 At the meeting, both sides will have the opportunity to give statements, present evidence and call appropriate witnesses (see Appendix 3 for order of proceedings).
- 6.32 The panel, the complainant and the Academy representative(s) will be given the chance to ask and respond to questions. Once the complainant and Academy representative(s) have presented their cases, they will be asked to leave, and evidence will then be considered.

- 6.33 The panel will discuss its findings and recommendations from the case. The complainant will receive written feedback including any decisions, recommendations and the reasons for them in writing within ten school days.

If more time is required, notice will be given.

- 6.34 The panel will make available copies of the minutes of the hearing, the findings and recommendations if requested by the complainant and, where relevant, an individual who is the subject of the complaint. A copy will be available for inspection by the Board and Headteacher.

- 6.35 The panel can:

- Uphold the complaint, in whole or in part
- Dismiss the complaint, in whole or in part

If the complaint is upheld, the panel will:

- Decide the appropriate action to resolve the complaint
- Where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future

7. Complaints against the headteacher, a governor or the governing board

Stage 1: informal response

- 7.1 Complaints made against the headteacher, or any member of the governing board should be directed to the Clerk of the Governing Board in the first instance. If the complaint is about the Headteacher and CEO or one member of the governing board (including the chair or vice-chair), a suitably skilled and impartial governor will be appointed to carry out the steps at stage 1 (set out in section 6 above).

Stage 2: formal response

- 7.2 If the complaint is not resolved at stage 1 or is jointly about the chair and vice-chair, the entire or majority of the governing board, an independent investigator will carry out the steps in stage 2 (set out in section 6 above). They will be appointed by the governing board and will write a formal response at the end of their investigation.

Stage 3: review panel

- 7.3 If the complaint is not resolved at stage 2, a committee of independent governors will hear the complaint and will carry out the steps at stage 4 (set out in section 6 above).

8. Referring complaints on completion of the Academy's procedure

- 8.1 If the complainant is 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. They will not overturn a school's decision about a complaint. However, it will consider whether the Academy has adhered to education legislation, its funding agreement, any statutory policies connected with the complaint and whether they have followed Part 7 of the Education (Independent School Standards) Regulations 2014.
- 8.2 The complainant can refer their complaint to the DfE online at: www.gov.uk/complain-about-school
- 8.3 We will include this information in the outcome letter to complainants.

9. Persistent or vexatious complaints

Unreasonably persistent or vexatious complaints

- 9.1 A complaint may become unreasonable if the person:

- Has made the same complaint before, and it has already been resolved by following the Academy's complaints procedure
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- Knowingly provides false information
- Insists on pursuing an unmeritorious complaint and/or unrealistic outcomes beyond all reason
- Pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refuses to co-operate with this complaints' procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the time frames it sets out
- Refuses to accept that certain issues are not within the scope of the complaints procedure
- Changes the basis of the complaint without justification as the investigation goes on
- Makes a complaint designed to cause disruption, annoyance or excessive demands on school time
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value

Steps we will take

- 9.2 We will take reasonable steps to address the complaint. We will give a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.
- 9.3 If the complainant continues to contact the Academy in a disruptive way, we will put appropriate communication strategies in place.

Stopping responding

- 9.4 We may stop responding to the complainant when all these factors are met:
We believe we have taken all reasonable steps to help address their concerns
- We have provided a clear statement of our position and their options
 - The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience

Where we stop responding, we will inform the individual that we intend to do so. The chair of the Governing Board will inform them in writing that the procedure has been exhausted and that the matter is now closed.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from the Academy site and ensuring appropriate measures of support are provided to staff where they are the subject of aggression and/or violence.

10. Duplicate complaints

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account. If we are satisfied there are no new aspects, we will tell the new complainant that we have already investigated and responded to this issue and the local process is now complete.

11. Complaints campaigns

Where the Academy receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the Academy, the Academy may respond to these complaints by:

- Publishing a single response on the Academy website
- Sending a template response to all the complainants

12. Record keeping and confidentiality

- 12.1 The Academy will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.
- 12.2 This material will be treated as confidential and stored securely and will be viewed only by those involved in investigating the complaint or hearing the complaint under the procedure.
This is except where:
- the Secretary of State (or someone acting on their behalf) requests access to records of a complaint
 - the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act 2018, or
 - the material must be made available during an Academy inspection.
- 12.3 Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and our records retention schedule.
- 12.4 The details of the complaint, including the names of individuals involved, will not be shared with the whole Governing Board in case a review panel needs to be organised at a later point.
- 12.5 Where the governing board is aware of the substance of the complaint before the review panel stage, the Academy will (where reasonably practicable) arrange for an independent panel to hear the complaint.
- 12.6 Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the Governing Board, who will not unreasonably withhold consent

13. Learning lessons

The Chair of the Governing Board will review any underlying issues raised through complaints with the Headteacher and CEO, where appropriate and respecting confidentiality, to determine whether there are any improvements that the Academy can make to its procedures or practice to help prevent similar events in the future.

14. Monitoring arrangements

The Chair of the Governing Board or a nominated governor will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly.
Complaints records are logged and managed by JOB TITLE OF STAFF MEMBER

15. Training

The Chair of the Governing Board and the Headteacher and CEO will ensure that staff likely to be involved in handling complaints are given adequate training to do so.

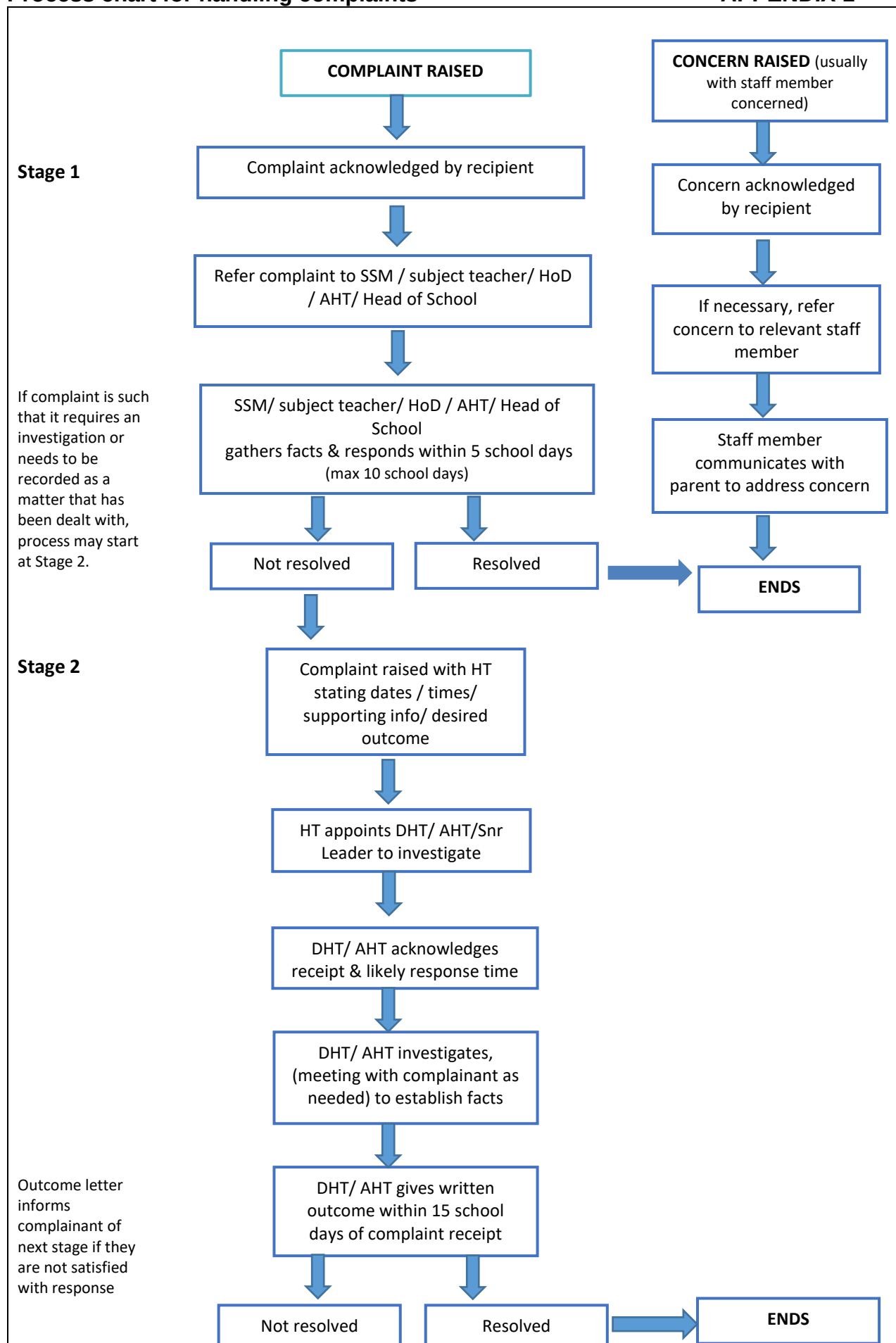
16. Links with other policies

Policies dealing with other forms of complaints include:

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

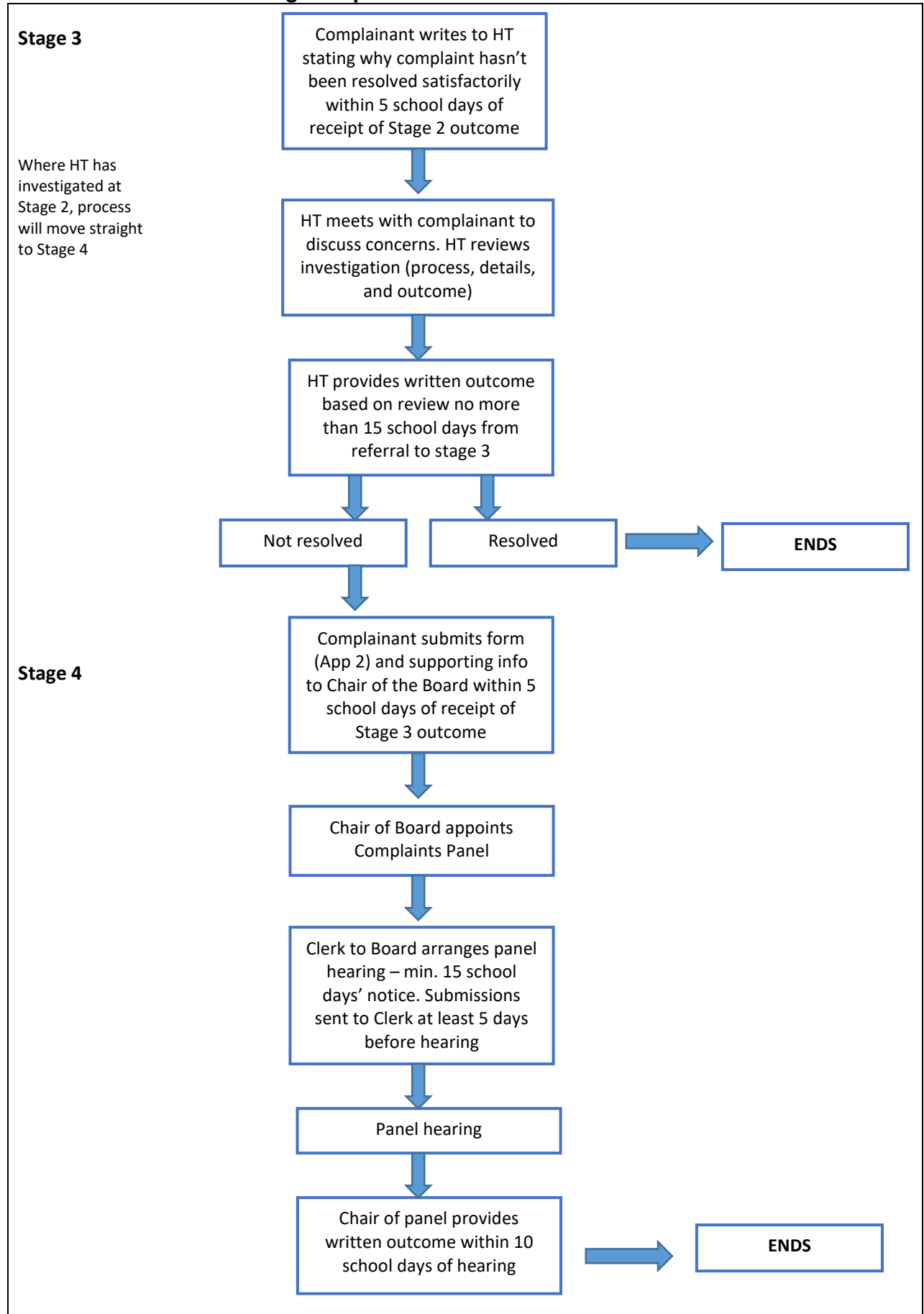
Process chart for handling complaints

APPENDIX 1



Process chart for handling complaints

APPENDIX 1



Complaints Form for submission to Headteacher and CEO

APPENDIX 2

Broadway Academy Trust - Formal complaint to Headteacher

Please complete and return to Mr R Skelton, Headteacher
c/o the Headteacher's PA, Broadway Academy Trust, The Broadway.
Birmingham B20 3DP or by email c/o Sharon.crow@broadway-academy.co.uk



Your name:			
Student's name:		Year group	
Your relationship to the pupil:			
Address:			
		Postcode:	
Telephone number:		Email:	
Please give details of your complaint			
What action, if any, have you taken to try and resolve your complaint. (Who have you spoken to and what was the outcome)?			

What actions do you consider might reasonably resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Official use	
Date acknowledgement sent:	Complaint referred to:
Acknowledgement sent by:	Date referred:

The Complaints Panel Hearing

The hearing should be as informal as reasonably possible.

The complainant shall be given notice in writing at least ten working days in advance of the time and place of the Hearing and advised that they may be accompanied by a person of their choice - a friend or representative (and if needed, an interpreter).

All documents submitted at the panel should have been disclosed previously to all parties.

Witnesses are only required to attend for the part of the hearing in which they give their evidence.

It will not usually be appropriate for the panel to consider any issues or material which is introduced at the hearing for the first time. The Chair may adjourn to address the issues and deal with it appropriately.

The **Chair of the Panel** has a key role in ensuring that:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption
- the issues are addressed
- key findings of fact are made
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- each side is given the opportunity to state their case and ask questions
- written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it, but the Chair will decide if it is in scope of the hearing
- the complainant is notified within the agreed deadline of the panel's decision, in writing, with any recommendations about what further steps may be planned or available.

Procedure

1. The Chair of the Appeals Panel shall carry out introductions and explain the process to be followed.
2. The complainant will be invited to explain their complaint and why they still feel it is not resolved and present any witness evidence.
3. The Headteacher and CEO (or nominated designate) may question both the complainant and the witnesses after each has spoken.

4. The Headteacher and CEO (or nominated designate) will then be invited to explain the Academy's actions and responses to the complaint and present any Academy witnesses.
5. The complainant may question both the Headteacher and CEO (or nominated designate) and any witnesses after each has spoken.
6. The Panel members may question either side at any point in the proceedings.
7. The complainant will be invited to sum up their complaint.
8. The Headteacher and CEO (or nominated designate) will be invited to sum up the Academy's actions and response to the complaint.
9. Both parties will withdraw while the panel deliberates. The Chair will explain the timescale within which both parties will hear from the panel.
10. The Panel will:
 - Dismiss the complaint in whole or in part, or
 - Uphold the complaint in whole or in part, or
 - Where appropriate decide action to be taken to uphold the complaint, or
 - Recommend changes to Academy systems or procedures to seek to ensure that problems of a similar nature do not recur.
11. The Chair will write to both parties within ten working days setting out the panel's decision with any recommendations about what further steps may be planned or available. The letter will also advise the complainant that they can refer the complaint to the ESFA (in line with section 8 of the policy).
12. There will be no further right to internal appeal.