The
Sir John Brunner
Foundation

# COMPLAINTS POLICY

SEPTEMBER 2026

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The Sir John Brunner Foundation

# Document Control Sheet

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| Document Type | Policy and Procedure |
| Document name | Complaints Policy |
| Originator | Head of Governance and Compliance |
| Approved by | Foundation Board |
| Date approved | 11 September 2026 |
| Review interval | Biennial |
| Date of last approval | 27 March 2024 |
| Date of next review | September 2028 |
| Equality Act 2010 issues fully considered | Considered to be neutral. No perceived inequalities in the way in which issues may be raised and would subsequently be dealt with. Specifically noting reasonable adjustments to support complainants. |

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# COMPLAINTS POLICY

## 1. PURPOSE

1.1 This policy aims to provide assurance that any complaint will be dealt with in a fair, transparent and timely manner, with the aim of achieving a satisfactory resolution at the earliest possible opportunity.

1.2 The Foundation recognises the value of complaints in supporting a culture of continuous quality improvement.

## 2. SCOPE

2.1 Complaints may be made by anyone who has an interest in the work of the Foundation. This may include external stakeholders, students, students' families, or members of the public.

2.2 This policy covers all complaints about the provision of services or facilities that the Foundation provides, except for the following, for which there are separate procedures in place:

- Admissions to schools
- Matters likely to require a Child Protection Investigation
- Statutory Assessment of Special Educational Need (SEN)
- Staff grievance or disciplinary procedures
- Exclusion
- Whistleblowing
- Complaints against other providers using Foundation premises
- Data Protection

## 3. MAKING A COMPLAINT

3.1 To enable proper investigation and timely resolution, complaints should be brought to the attention of the Academy or Foundation Central Team as soon as possible, and normally no later than 3 months after the event that gave rise to the complaint or, where a series of associated incidents have occurred, within 3 months of the last of these incidents. The Academy or Foundation Central Team will consider complaints made outside of this time frame only if exceptional circumstances apply.

3.2 All timescales in this procedure refer to working days, these exclude school or college holidays, in-service training (INSET) days and bank holidays.

3.3 Any complaints received outside of term time will be considered to have been received on the first school or college day after the holiday period.

3.4 If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or tribunals, this may impact on our ability to

adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations. If this happens, we will inform the complainant of a proposed new timescale.

3.5 If a complainant commences legal action against the Foundation or any of its academies in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

3.6 Personal information and any records relating to the complaint will be treated in confidence and in accordance with the Data Protection Act. Information will only be disclosed to those people who need to know to conduct the complaint process, or, where the Secretary of State or body conducting an inspection requests access to them (as per s.109 of the 2008 Education and Skills Act).

3.7 In accordance with equality law, we 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.

3.8 At each stage in the procedure, The Foundation and its academies want to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been, or will be, taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review Foundation or Academy policies in light of the complaint
- an apology.

3.9 If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

## 4. STAGE 1: INFORMAL CONCERNS

4.1 In the first instance, any issue or problem should be raised as soon as possible with the individual concerned informally. This may be a Leader, Teacher, or support colleague.

4.2 Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at a later stage of the procedure.

4.3 Informal concerns may be in person, via letter, email or a telephone call in the first instance.

4.4 The individual managing the informal concern will be expected to attempt to have initial dialogue with the complainant, within 3 working days wherever possible.

4.5 It is anticipated that most issues can be resolved informally through discussion. All colleagues across the Foundation are professionals who want to ensure they are providing the best service possible.

4.6 The Foundation and its academies will make every effort to resolve concerns and complaints on an informal basis. Issues or concerns resolved in this way may be noted to support planning for professional development, or to assist with trend or pattern spotting, but will not be recorded as a formal complaint.

4.7 If the matter is not resolved in this way, then the complainant may wish to use the formal complaints procedure.

## 5. STAGE 2: FORMAL COMPLAINTS

5.1 Formal complaints should be made in writing to the Headteacher/Principal of the Academy concerned. Formal complaints should include:

- The nature of the complaint
- The date on which the incident occurred
- Contact information to include address and daytime telephone number
- Whether anyone else was affected or witnessed the incident

5.2 Receipt of the complaint will be acknowledged within 5 working days.

5.3 The complaint may be delegated to an appropriate senior colleague to be investigated.

5.4 It is anticipated that the investigation will be concluded and an outcome provided to the complainant within 15 working days of receipt of the formal complaint, including, where appropriate, details of the proposed resolution. There may be occasions where an investigation takes longer to conclude. Any delay should be communicated to the complainant and an explanation provided of the reason for not responding within the anticipated timescale.

5.5 Anonymous complaints will be logged, however the Foundation reserves the right not to investigate, except in extreme circumstances where the safety of a child or colleague may be compromised.

5.6 Formal complaints concerning the conduct of the Headteacher/Principal, should be made to the Chief Executive Officer, via the Head of Governance and Compliance. The CEO will delegate responsibility to lead Stage 2 of the complaints procedure to an appropriate colleague or independent person. Formal complaints concerning the conduct of a member of the Governing Body should be made to the Chair of Trustees, via the Head of Governance and Compliance. The Chair of Trustees will lead Stage 2 of the complaints procedure.

5.7 It is anticipated that the investigation into any complaint dealt with under 5.6 will be concluded, and an outcome provided, to the complainant within 15 working days of receipt of the formal complaint, including, where appropriate, details of the proposed resolution. There may be occasions where an investigation takes longer to conclude. Any delay should be communicated to the complainant and an explanation provided of the reason for not responding within the anticipated timescale.

5.8 Whenever possible and if requested, the identity of the complainant will not be disclosed in the course of the investigation. However, complainants are advised that full confidentiality cannot be guaranteed. Students and parents can, however, be assured that nothing will appear in their academic records to indicate that they have made a complaint.

## 6. STAGE 3: APPEAL

6.1 If a complainant is dissatisfied with the response to their complaint, they may seek a review by the Academy's Headteacher/Principal within 5 working days of receipt of the initial outcome.

6.2 Receipt of the appeal will be acknowledged within 5 working days.

6.3 The appeal should:

- state the reason for the complaint
- clearly explain what steps have been taken to try to resolve the complaint and why this has not been satisfactory
- outline the desired outcome being sought

6.4 The appeal is likely to be heard by the Headteacher/Principal, or other Senior Leader who has not had prior involvement in the resolution of the complaint.

6.5 A summary of their findings and recommendations will be provided to the complainant and, if relevant, the person complained about. It is anticipated that an outcome will be provided to the complainant within 15 working days of receipt of the appeal, including, where appropriate, details of the proposed resolution. There may be occasions where the appeal takes longer to conclude. Any delay should be communicated to the complainant and an explanation provided of the reason for not responding within the anticipated timescale.

6.6 If a complaint concerns the conduct of the Headteacher/ Principal, stage 3 of the complaints procedure will be led by the CEO or their delegate. If a complaint concerns the conduct of a member of the Governing Body, stage 3 will be led by a Trustee of the Foundation.

6.7 A summary of the findings of the appeal heard under clause 6.4 and recommendations made will be provided to the complainant and, if relevant, the person complained about. It is anticipated that an outcome will be provided to the complainant within 15 working days of receipt of the appeal, including, where

appropriate, details of the proposed resolution. There may be occasions where the appeal takes longer to conclude. Any delay should be communicated to the complainant and an explanation provided of the reason for not responding within the anticipated timescale.

## 7. STAGE 4: FINAL APPEAL

7.1 In the event that the complainant remains dissatisfied, they may make a final appeal to the Academy's Governing Body, via the Clerk to the Governing Body; again within 5 working days of receiving the appeal response.

7.2 Receipt of the final appeal will be acknowledged within 5 working days.

7.3 The appeal is likely to be heard by a panel of three Governors/independent individuals who were not directly involved in the matters detailed in the complaint. At least one member of the Appeal Panel should be independent of the running of the Academy.

7.4 The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 20 working days of receipt of the Stage 4 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

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

7.6 A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting.

7.7 At least 10 working days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the committee at least 5 working days before the meeting.

7.8 Any written material will be circulated to all parties at least 5 working days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

7.9 The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included.

7.10 The meeting 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.

7.11 The committee will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

7.12 If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the Academy's systems or procedures to prevent similar issues in the future.

7.13 It is anticipated that the outcome of the Appeal Panel's findings and recommendations will be provided to both the complainant and, where appropriate, the person being complained about, within 5 working days. Any delay should be communicated to the complainant and an explanation provided of the reason for not responding within the anticipated timescale.

7.14 If a complaint concerns the Governing Body or a member of the Governing Body, stage 3 of the complaints procedure will be heard by a panel of three Trustees/independent individuals who were not directly involved in the matters detailed in the complaint. At least one member of the Appeal Panel should be independent of the running of the Foundation.

## 8. COMPLAINTS ESCALATED TO OR ABOUT THE TRUST, THE CEO OR TRUSTEES

8.1 If a complaint is escalated to the Trust, or if a complainant wishes to complain directly about the Trust, or a member of the Central Team (excluding the CEO), then the complaint should be sent to the CEO, via the Head of Governance. The CEO may delegate responsibility for investigating and responding to the complaint to an appropriate colleague or independent person.

8.2 The CEO, or delegate, will write to the complainant acknowledging the complaint within 5 working days of the date that the written request was received.

8.3 Following the investigation, the CEO or their delegate, will write to the complainant confirming the outcome within 15 working days of the date that the letter was received. If this time limit cannot be met, the CEO or their delegate, will write to the Complainant, explaining the reason for the delay and providing a revised date.

8.4 If the complaint concerns the CEO or a Trustee, the complaint should be investigated by the Chair of the Trust Board. If a formal complaint is received about the Chair of the Trust Board, the complaint will be referred to the Vice Chair for investigation

8.5 NB. Where the Chair of the Trust Board has investigated the complaint, they will write the letter of outcome to the Complainant and provide a copy to the CEO.

8.6 If the complaint concerns; jointly the Chair and Vice Chair; or the majority or entire Board of Trustees of the Foundation, the Clerk to the Board will determine the most appropriate course of action depending on the nature of the complaint.

8.7 If the complainant is not satisfied with the outcome of the previous stage, the complainant should write to the Clerk to the Trust Board asking for the complaint to be heard before a Complaint Panel, within 5 working days.

8.8 The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 working days.

8.9 Requests received outside of this time frame will only be considered if exceptional circumstances apply.

8.10 The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 20 working days of receipt of the Stage 2 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

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

8.12 The Complaint Panel will consist of three members. None of the three members of the Complaint Panel will have been involved in the incidents or events which led to the complaint, or have been involved in dealing with the complaint in the previous stages, of have any detailed prior knowledge of the complaint.

8.13 One of the Complaint Panel members will be independent of the management and running of the Academy Trust. This means that the independent Complaint Panel member will not be a Trustee or an employee of the Trust.

8.14 A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting.

8.15 Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

8.16 Representatives from the media are not permitted to attend.

8.17 At least 10 working days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible

- request copies of any further written material to be submitted to the committee at least 5 working days before the meeting.

8.18 Any written material will be circulated to all parties at least 5 working days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

8.19 The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

8.20 The meeting 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.

8.21 The committee will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

8.22 If the complaint is upheld in whole or in part, the panel will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the Foundation or Academy 's systems or procedures to prevent similar issues in the future.

8.23 It is anticipated that the Chair of the panel will provide the Panel's findings and recommendations to the complainant, the Sir John Brunner Foundation, and, where appropriate, the person being complained about, in writing, within 15 working days. Any delay should be communicated to the complainant and an explanation provided of the reason for not responding within the anticipated timescale.

8.24 The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the Academy premises by the proprietor and the head teacher.

8.25 A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.

8.26 All correspondence statements and records relating to individual 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.

## 9. MONITORING OF COMPLAINTS

9.1 Academies and the Foundation's Central Team will maintain a log of all reported formal complaints, regardless of whether they are upheld or not, together with the stage they were resolved, the actions, and outcomes.

9.2 Each Academy's Governing Body will be presented with a report detailing all complaints, at least on an annual basis.

9.3 An annual summary report will be presented to the Foundation Board summarising any trends.

9.4 Details of complaints will be available for inspection by the Foundation's Trustees, Executive Team, and the Headteacher/Principal of the Academy concerned, as applicable.

## 10. EXTERNAL REVIEW

10.1 The Foundation anticipates all complaints will be resolved satisfactorily via the procedures outlined in this policy. However, if the complainant believes the Academy / Foundation did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 4.

10.2 The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by the Academy or Foundation. They will consider whether they have adhered to education legislation and any statutory policies connected with the complaint and whether they have followed Part 7 of the Education (Independent School Standards) Regulations 2014.

10.3 The complainant can refer their complaint to the Department for Education at https://www.gov.uk/complain-to-dfe

## Appendix 1

## Procedure for managing complaint campaigns and serial or persistent complaints

### Unreasonable complaints

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- Refuses to co-operate with the complaints investigation process
- Refuses to accept that certain issues are not within the scope of the complaints procedure
- Insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- Introduces trivial or irrelevant information that they expect to be taken into account and commented on
- Raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- Makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- Changes the basis of the complaint as the investigation proceeds
- Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- Refuses to accept the findings of the investigation into that complaint where the Foundation's complaint procedure has been fully and properly implemented and completed, including referral to the Department for Education
- Seeks an unrealistic outcome
- Makes excessive demands on academy time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- Uses threats to intimidate
- Uses abusive, offensive or discriminatory language or violence
- Knowingly provides falsified information
- Publishes unacceptable information on social media or other public forums

Please note: the above list is not intended to be exhaustive and is for guidance purposes only. It is at the discretion of the Foundation or the Academy what is deemed to be unreasonable.

Complainants should try to limit their communication with the Foundation or the Academy while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.

**Steps we will take**

We will take every reasonable step to address the complainant's comments and give them 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.

Whenever possible, the Foundation or the Academy will discuss any concerns with the complainant informally before applying an 'unreasonable' marking. If the behaviour continues, we will write to the complainant explaining that their behaviour is unreasonable, refer them to this policy and remind them to act in accordance with it. For complainants who excessively contact the Foundation or the Academy causing a significant level of disruption, we may:

- Give the complainant a single point of contact via an email address
- Limit the number of times the complainant can make contact, such as a fixed number per term
- Ask the complainant to engage a third party to act on their behalf, such as Citizens Advice
- Put any other strategy in place as necessary

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 Academy premises and ensuring appropriate measures of support are provided to staff where they are the subject of aggression and/or violence.

**Serial/persistent complaints**

If the complainant contacts the Foundation or the Academy again on the same issue, the correspondence may then be viewed as 'serial' or 'persistent'. We may stop responding to the complainant when the following conditions are met:

- We have taken every reasonable step to address the complainant's concerns
- The complainant has been given a clear statement of our position and their options
- The complainant contacts the Academy repeatedly, making substantially the same points each time

The case to stop responding is stronger if:

- The complainant's communications are often or always abusive or aggressive
- The complainant makes insulting personal comments about or threats towards staff
- We have reason to believe the individual is contacting the Foundation or the Academy with the intention of causing disruption or inconvenience

Where we decide to stop responding, we will inform the individual that we intend to do so. We will also explain that we will consider any new complaints they make provided the concerns raised are materially different to those raised previously and/or are unconnected to the previous concern

**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 that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and that the local process is complete
- Direct them to the DfE if they are dissatisfied with our original handling of the complaint

If a duplicate complaint is raised, which in the view of the Foundation or Academy, warrants further consideration, the procedure outlined in the Complaints Policy will be repeated.

**Complaint campaigns**

Where the Foundation or an 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 of the complainants

If complainants are not satisfied with the Foundation or Academy's response, or wish to pursue the complaint further, the normal procedures will apply.