

POLICY FOR HEARING AND DEALING WITH COMPLAINTS

Version	Date
Last reviewed	January 2022 (minor amends to use Academy Council terminology consistently; addition of flowchart)
Next reviewed	January 2023
Owner	Director of Finance and Operations
Approver	Trust Board

Northern Ambition Academies Trust and the schools within it are committed to working in close partnership with all members of the school and the wider community. If, at any time, an individual has a concern about any aspect of one of the Trust's schools, our aim is that the concern will be dealt with informally as quickly, sympathetically and effectively as possible. It is hoped that most concerns will be settled satisfactorily at this stage. However, if there is a continuing concern, this can be directed through the formal stages outlined in the Trust's complaints procedure, detailed on the following pages.

1. Scope of this policy

This procedure applies equally to parents and any other individuals who are unhappy with some aspect of the school/Trust.

This policy does not cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline
- Services provided by other providers who use school premises or facilities, which should be directed to the provider concerned.

These are covered within separate arrangements.

Arrangements for handling complaints from parents of children with SEN about a school's support are within the scope of this policy.

2. Procedure for addressing complaints

It is in everyone's interest that complaints are resolved at the earliest possible stage. Also, whilst not wishing to encourage complaints, complainants should note that they have a duty to raise a matter as soon as conveniently possible. It can then be investigated more effectively whilst information is fresh in the minds of all parties.

For ease of understanding, a flow chart explaining the complaints process is included at appendix 1.

2.1 Informal Stage

In the first instance, it is hoped that the complainant will be able to discuss the issue with the member of staff concerned or another appropriate member of staff in school such as the class teacher or Head of Year. The school will respect the views of a complainant who indicates that he/she would have difficulty discussing the complaint with a particular member of staff. In these cases, the complainant should refer the complaint to the Principal/Headteacher, who may refer it to another member of staff to investigate.

Similarly, if the member of staff directly involved feels too compromised to deal with the complaint, the complaint will be referred to another member of staff via the Principal/Headteacher. The member of staff will consider the complaint objectively and impartially.

If the first approach is made to an Academy Council member, they will refer the issue and the complainant to the appropriate person within their school and advise the complainant of the procedure. Academy Council members will not act unilaterally outside the procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the process.

The complainant will receive a verbal or written response to the concern or complaint raised (as deemed appropriate in the circumstances), from the member of staff involved or nominated to respond by the Principal/Headteacher, within five school days.

2.2 Formal complaints process

The Trust operates a three-stage formal complaints procedure. If the complaint concerns the conduct of the Principal/Headteacher it will be dealt with in accordance with Stage 2 and directed to the Chair of the Academy Council.

Individual complaints will not be heard by the whole Academy Council or Trust Board at any stage as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

Stage 1: Complaint heard by the Principal/Headteacher

If the complainant is dissatisfied with the way the complaint was handled at the informal stage, the complainant should submit their complaint in writing, to the Principal/Headteacher, within 10 school days of the informal stage being concluded, making it clear in the letter why they are dissatisfied with the outcome of the informal stage.

If the complaint was dealt with by the Principal/Headteacher at the informal stage then the complainant should submit a formal complaint to the Chair of the Academy Council within 10 school days of receiving the outcome from the informal stage.

The Principal/Headteacher may delegate the task of collating information concerning the complaint to another staff member, but not the decision, nor the action to be taken.

Depending on the nature of the complaint, and at his/her discretion, the Principal/Headteacher will either meet with the complainant to discuss the complaint, or provide a response in writing.

The complainant will receive either a written or verbal response to their complaint within 10 school days of the complaint being received by the Principal/Headteacher.

Stage 2: Complaint reviewed by a nominated governor

If the complaint cannot be resolved at Stage 1 the complainant may take their complaint to the Chair of the Academy Council.

The complainant will need to write to the Chair of the Academy Council, care of the school, within 10 school days of the date of the letter notifying them of the outcome of Stage 1. The complainant should provide a copy of the original written complaint and give details in writing as to why they are not satisfied with the outcome at Stage 1.

The Chair or a nominated Academy Council member from the school who has not previously been involved in the complaint will investigate and make every effort to resolve the issue, having met with the Principal/Headteacher.

The Chair or nominated Academy Council member will write to the complainant at the conclusion of their investigation with the outcome reached and the process for appeal. Alternatively, the Chair or nominated Academy Council member may, at their discretion, arrange to meet with the complainant to discuss the outcome of their investigation.

Complainants will be informed of the outcome of the investigation either in writing or verbally within 10 school days of the complaint being received by the Chair of the Academy Council.

The complaint will move on to Stage 3 if the complainant remains dissatisfied by the outcome.

Stage 3: Complaint heard by the Trust Complaints Appeal Panel

If the complainant is not satisfied with the outcome of Stage 2, the complainant needs to write to the Chair of Trustees within 10 school days of the date of the letter or meeting informing them of the outcome of Stage 2, notifying that they wish their complaint to be heard by the Trust's Complaints Appeal Panel. The complainant should provide a copy of the original written complaint and give details in writing as to why they are not satisfied with the outcome at Stage 1 and Stage 2.

The Chair of Trustees, or a nominated trustee, will convene a Trust Complaints Appeal Panel. The appeal panel hearing is the last Trust-based stage of the complaints process and is not convened to merely rubber stamp previous decisions.

The Trust Board will nominate three people to have delegated powers to hear the complaint at this stage. This may include staff, Academy Council members or trustees. At least one will be a person who is independent from the management and operation of the school. Panel members will have had no previous involvement in the complaint. The panel will choose their own chair.

The remit of the Trust Board Complaints Appeal Panel is to:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

The panel will meet within 20 school days of receipt of the complaint. If no dates within this timescale are convenient to the complainant, the panel may meet outside this period. The complainant may attend the appeal hearing and be accompanied to this meeting.

The complainant will be notified in writing (either electronically or otherwise) of the panel's decision and any recommendations, usually within five school days. These findings or recommendations will also be made available to the person being complained about, where relevant, and available for inspection on the school premises by the proprietor or Headteacher.

2.3 Referring the complaint to the Education and Skills Funding Agency

If the complainant is not satisfied that their complaint has been handled correctly, they can make a final appeal to the Education and Skills Funding Agency.

The ESFA will check whether the complaint has been dealt with properly by the Trust and will consider complaints about academies that fall into any of the following three areas:

- a) where there is undue delay or the Trust did not comply with its own complaints procedure when considering a complaint.
- b) where the Trust is in breach of its funding agreement with the Secretary of State.
- c) where a Trust has failed to comply with any other legal obligation.

The ESFA will not overturn the Trust's decision about a complaint. However, if they find we did not deal with a complaint properly, they will request the complaint is looked at again from the appropriate stage, following a process which meets the requirements set out in the Regulations.

Further details about how the ESFA handles complaints and information about how to make a complaint to the ESFA, can be found at <https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy>

3. Serial and unreasonable complaints

In line with our core value of respect, Northern Ambition Academies Trust is committed to dealing with all complaints fairly and impartially – but we expect that respect to run both ways. We will not normally limit the contact complainants have with our schools. However, we do not expect our staff, Academy Council members or trustees to tolerate unacceptable behaviour and will take action to protect them from unreasonable behaviour, including any which is abusive, offensive or threatening.

Northern Ambition Academies Trust defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- 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, including referring complaints to ESFA or other regulatory bodies without following earlier stages of the complaints procedure and allowing the school to address the complaint
- introduces trivial or irrelevant information which 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 Trust's complaints procedure has been fully and properly implemented and completed including referral to the Department for Education or ESFA
- seeks an unrealistic outcome
- makes excessive demands on staff 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 malicious, threatening or wilfully inaccurate information on social media or other public forums.

We reserve the right not to consider complaints that:

- are malicious (that is, they are instituted without sufficient grounds and serving only to cause annoyance).
- use obscenities, racist or homophobic language.
- contain personally offensive remarks about members of our staff.
- are repeatedly submitted with only minor differences after we have fully addressed the complaint.

Complainants should try to limit communication with the school that relates to their complaint 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.

Whenever possible, the headteacher or Chair of Academy Council will endeavour to discuss any concerns with the complainant informally before applying an '*unreasonable*' marking.

If the behaviour continues, the headteacher or Chair of Academy Council as appropriate will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact schools within Northern Ambition Academies Trust causing a significant level of

disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

In response to any serious incident of aggression or violence, or any threats made against our staff, Academy Council members or trustees, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from any or all Trust sites.

4. Barring from the school premises

We have an obligation to ensure we remain a safe place for pupils, staff and other members of our community. Although fulfilling a public function, our schools are private property and the public has no automatic right of entry.

If a complainant or other individual's behaviour is a cause for concern they will be asked to leave the school premises. In serious cases the Headteacher/Principal will notify them in writing that their implied licence to be on the school premises has been temporarily revoked, subject to any written representation that they wish to make. The decision to bar will be reviewed upon receipt of any representations made and will either be confirmed or lifted. In the most serious cases, the Trust may determine that the individual should be barred from all Trust sites.

Any decision will be notified in writing with an explanation of how long the bar will be in place. Should anyone wish to complain about being barred they can do so via letter or email to the Headteacher or Chair of the Academy Council.

5. General and Monitoring

All complaints and correspondence, statements or records under the complaints policy are treated as confidential and will only be disclosed when required to do so by law or where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

The Academy Council will maintain records of complaints received reaching the formal stage, the stage at which these complaints were resolved and the action taken by the school as a result of those complaints. The Academy Council will review, on an annual basis, the operation of the complaints policy within their own school and report this information, along with the records of complaints, to the Board of Trustees.

The Trustees will review this policy on an annual basis.

Please Note - Timescales refer to 'school days'. These are days when the school is open and staff and pupils are required to attend. If a written complaint is received during a school holiday period, or when the school is otherwise closed, the complaint will be acknowledged in writing at the first practicable opportunity and the complaint will be progressed in accordance with this policy within five school days of the school re-opening.

APPENDIX 1: COMPLAINTS FLOWCHART

