



Complaints Policy

Version 5

This policy has been implemented after consultation with relevant recognised trade unions. Policy review will be carried out in consultation with recognised trade unions.

This policy applies to all NCLT institutions.



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1. Introduction

- 1.1 The Trust and its academies are committed to high quality provision and support and we operate in a climate of fairness, equality and mutual respect. We believe that we can learn from the experience and views of students, parents and other stakeholders and want to listen to and address any concerns that may arise.

At any stage of the complaints procedure, based on the details of the complaint, a decision may be made to deal with the complaint under a different and more relevant policy or procedure if appropriate.

- 1.2 Complaints should be logged promptly or at least within 2 calendar months of the incident. If a complaint is received after this time, unless there are exceptional circumstances, no further action will be taken.

2. Stage One – Informal Resolution

- 2.1 We will treat promptly, fairly and seriously any concerns from students, parents, carers or other individual or organisation involved with the Trust or its academies and endeavour to reach a speedy and satisfactory solution.

Where possible, concerns should be raised with the member of staff most directly involved and this may be done as an informal query, rather than a complaint necessarily under this policy. However, the complainant may also direct their concerns to the relevant Headteacher or Principal/Leader under stage one of this procedure. If a concern is raised directly with the Headteacher or Principal, it is likely the Headteacher or Principal will forward the concern to the most appropriate member of staff in the academy for it to be addressed. If the complainant is not sure who to contact, they should contact the main academy reception who will be able to help.

- 2.2 It is important not to let problems get too big or out of hand. Discussing or reporting a concern quickly will help the complainant and us to find a quick and effective resolution. If, after attempting to resolve the issue within stage one, a complainant remains dissatisfied with the outcome, they will be provided with information about the Trust's formal complaints procedure and will enter stage two.

3. Stage Two – Formal Resolution

- 3.1 Should the complainant be dissatisfied with the outcome of stage one of this procedure a formal complaint must be made in writing to the Complaints Officer. All formal complaints are dealt with by a single point of contact for all academies in the Trust, this point of contact is Lauren Walker (Complaints Officer) who can be contacted at lauren.walker@nclt.ac.uk.

For complaints about a Headteacher or Principal, the complaint will be directed to the CEO. For complaints about the CEO, the complaint will be directed to the Chair of the Board of Directors.

3.2 Complainants should:

- Outline in reasonable detail the nature of the complaint and any unresolved issues.
- Clarify, where possible, what actions they believe should be taken to resolve the complaint.

Receipt of the complaint will be acknowledged in writing within 5 academy days. The Complaints Officer will review the complaint and determine the most appropriate member of staff to handle the complaint or conduct further investigations, where the Complaints Officer deems this is required. Where complaints are serious, the Principal or Headteacher and/or the Trust CEO will be notified.

We will consider complaints made outside of term time to have been received on the first term date after the holiday period.

- 3.3 The investigating officer, a Senior Manager within the Trust, will carry out whatever further investigation is deemed necessary to understand the facts of the case and to achieve a successful outcome regarding the complaint. This may include, but is not confined to, interviewing relevant witnesses and taking statements of those involved, reviewing electronic or printed materials/policies etc.

The investigating officer will keep written records of all meetings undertaken as part of the investigation together with any other relevant documentation and evidence gathered.

- 3.4 A complainant may be accompanied by a friend or relative if requested to attend a meeting as part of the investigation. In this case, the complainant should make their own arrangements for such representation. The representative may ask questions, confer with the complainant and make summary statements but may not answer questions on behalf of the complainant.

- 3.5 The investigating officer should be made aware if the complainant has any additional requirements, for example a disability which should be considered prior to the meeting.

- 3.6 The investigating officer will respond to the complainant within 20 academy days of the written complaint being received, with a copy being submitted to the Complaints Officer.

A full written response will include a full explanation of the decision relating to the complaint and the reasons for it. Where appropriate, this includes what action the academy will take to resolve the complaint.

- 3.7 Complaints about staff will be dealt with under the academy's internal disciplinary procedures, if appropriate.

The complainant will not be informed of any outcome or action that may or may not be taken against an individual following a complaint, due to confidentiality.

The complainant will be advised that if they are dissatisfied with the outcome they may appeal the outcome of the complaint (see Stage Three).

4. Stage Three – Appeal

4.1 If previous mechanisms fail to produce an acceptable solution the complainant may then appeal in writing within 10 academy days of receipt of the letter informing the complainant of the outcome of stage two. This should be addressed for the attention of the Complaints Officer (Lauren Walker) in the first instance.

4.2 A panel will be appointed to hear the appeal and will comprise of three individuals not previously directly involved with the complaint, with one panel member who is independent of the management and running of the academy and who has had no former involvement in the case (for example, this may be another senior leader from within the Trust).

A complainant will be entitled to attend the appeal panel hearing and is able to be accompanied by an appropriate companion (friend or relative) if they wish. The panel should be notified of the chosen companion in good time in advance of the hearing.

The complainant must submit any further written material they wish to include at this stage to the Complaints Officer at least 10 academy days before the meeting. Any written materials will be circulated to all parties at least 5 academy days before the meeting date. The panel will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint.

The panel may agree with the outcome of the initial complaint or may find that further investigation is required and/or that recommendations are put in place. The outcome of the appeal will be communicated in writing to the complainant within 10 academy days.

The panel can either uphold the complaint in whole or in part or dismiss the complaint in whole or in part. 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 academy system or procedures to prevent similar issues in the future.

A record of all formal complaints and their outcome will be kept confidentially by the Complaints Officer.

4.3 If the complainant is not satisfied with the academy's response to a complaint, they may complain to the **Education and Skills Funding Agency (ESFA)** or in some special circumstances to the **Secretary of State for Education** for students studying level 3 courses. The ESFA would normally expect such complaints to be made within 3 months of the conclusion of the academy's own complaints procedure.

Complainants should normally exhaust academy processes first before accessing the ESFA or Secretary of State for Education.

4.4 Very occasionally and regrettably it may be necessary to close a complaint where the complainant is still dissatisfied.

5. Unreasonable Complainants

- 5.1 The Trust is committed to dealing with all complaints fairly and to providing a high-quality service to those who complain. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from such behaviour, including that which is abusive, offensive or threatening.

The Trust defines unreasonable complainants as 'those who, because of the frequency or nature of their contacts with an academy would cause significant disruption to the safe and effective operation of the academy, harass or threaten any members of the academy or Trust, or engage in vexatious complaints by seeking to re-open matters that have already been subject to a concluded complaints procedure.'

Where a complainant acts in an unreasonable manner, the Complaints Officer may inform the complainant that the complaints procedure has been drawn to an end by reason of the conduct of the complainant.

- 5.2 A complaint may be regarded as unreasonable when the person making the complaint:

- Refuses to articulate their complaint and provide the relevant information, despite assistance being offered.
- Refuses to co-operate with the complaints investigation whilst still wishing their complaint to be resolved.
- Refuses to accept that certain issues are not within the scope of this policy.
- Insists on the complaint being dealt with in a way that is incompatible with the Complaints Policy or with good practice.
- Changes the basis of the complaint as the investigation proceeds.
- Introduces trivial or irrelevant information which the complainant expects to be taken in to account, or 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 complaint.
- Repeatedly makes the same complaint (despite previous investigations/responses concluding that the complaint has no grounds or has already been addressed).
- Seeks an unrealistic outcome.
- Refuses to accept the findings of an investigation, where the Complaints Policy has been exhausted.
- Makes excessive demands on the academy whilst the complaint is being dealt with, in terms of the amount of contact with staff regarding the complaint.
- Behaves inappropriately, such as maliciously, aggressively, threatening or intimidating, uses abusive language, falsifies information or knows the complaint to be false.

Where a complainant's behaviour is very serious, the concerns will be put in writing, the police may be informed and the complainant may be banned from academy premises. The safety of staff and students is of paramount importance to us and the public has no automatic right of entry.

Complainants should limit the number of communications with the academy whilst a complaint is being processed, so as not to delay an outcome being reached.

Policy Status

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| Policy Lead (Title) | Director of HR | Review Period | Every 3 years |
| Reviewed By | Trust Executive Team | Equality Impact Assessment Completed (Y/N) | Y |

POLICY AMENDMENTS

| Version | Approval Date | Trade Union Consultation Date (if applicable) | Page No./Paragraph No. | Amendment |
|---------|-------------------|---|------------------------|--|
| 1 | 28/5/2020 | N/A | | Updated with amended titles/names throughout. All Categories include Prefer not to say |
| 2 | 12/10/2020 BoD | N/A | | |
| 3 | 4/5/2021 | N/A | | Addition of guidance related to awarding of grades in summer 2021 |
| 4 | 24/11/2022 | N/A | | Updated as joint policy for WFA and NCLT colleges Removal of guidance related to awarding grades in summer 2021 Removal of Complaints Form & E&D monitoring form |
| 5 | TET 20/09/2023 | 15/12/2022 | | 2.1 Addition of 'where possible' 3.3 Investigating Officer will be a senior manager within the Trust 3.4 The representative may ask questions, confer with the complainant and make summary statements but may not answer questions on behalf of the complainant. 3.6 A full written response will include a full explanation of the decision relating to the complaint and the reasons for it. 3.7 Complaints about staff will be dealt with under the internal disciplinary procedures, if appropriate. 4.2 Companion may be a friend or relative. Extended to NCLT Primary Schools. |