

# Complaints Policy

Version 7

**This policy applies to all NCLT establishments.**



**Wingfield Academy**



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## 1.0 **Introduction**

- 1.1 The Trust and its schools and colleges 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.
- 1.2 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.
- 1.3 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.
- 1.4 It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints' procedure. The Trust takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

## 2.0 **Scope**

- 2.1 This procedure covers all complaints about any provision of community facilities or services by any NCLT school/college, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
<ul style="list-style-type: none"><li>• Admissions to schools</li><li>• Statutory assessments of Special Educational Needs</li><li>• School re-organisation proposals</li></ul>	Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with the Trust/local authority as appropriate.
<ul style="list-style-type: none"><li>• Matters likely to require a Child Protection Investigation</li></ul>	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.  If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).
<ul style="list-style-type: none"><li>• Exclusion of children from school*</li></ul>	Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a> .  <i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i>
<ul style="list-style-type: none"><li>• Whistleblowing</li></ul>	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.  The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a> .

	Volunteer staff who have concerns about our school/college should complain through the complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.
• Staff grievances	Complaints from staff will be dealt with under the internal grievance procedures.
• Staff conduct	Complaints about staff will be dealt with under internal procedures, if appropriate.  Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.
• Complaints about services provided by other providers who may use school premises or facilities	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
• National Curriculum - content	Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>

- 2.2 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.
- 2.3 If a complainant commences legal action against any NCLT institution in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

### **3.0 Stage One – ‘Concerns’ : Informal Resolution**

**A concern may be defined as ‘an expression of worry or doubt over an issue considered to be important for which reassurances are sought’.**

- 2.1 We will treat promptly, fairly and seriously any concerns from students, parents, carers or other individuals or organisations involved with the Trust or its schools or colleges and endeavour to reach a speedy and satisfactory solution.
- 2.2 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 school or college reception who will be able to help.
- 2.3 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.

### 3.0 **Stage Two – ‘Complaint’: Formal Resolution**

A complaint may be defined as ‘an expression or statement of dissatisfaction about actions taken or a lack of action’.

- 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 schools/colleges in the Trust, this point of contact is Sam Corbett (Complaints Officer) who can be contacted at [complaints@nclt.ac.uk](mailto:complaints@nclt.ac.uk).
- 3.2 For complaints about a Headteacher or Principal, the complaint will be directed to the relevant phase’s Executive Director via the Complaints Officer.
- 3.3 For complaints about the CEO, the complaint will be directed to the Chair of the Board of Directors via the Complaints Officer. In the absence of the Chair, the Vice-Chair will be expected to deputise for the Chair and fulfil their role.

Note: Where the Chair/Vice-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 Chief Executive (except where the complaint is about them).

- 3.4 If the complaint is about any or all Advisors or Directors, the complaint will be directed to the CEO via the Complaints Officer.
- 3.5 Complainants should:
  - 3.5.1 Outline in reasonable detail the nature of the complaint and any unresolved issues.
  - 3.5.2 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.

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

- 3.6 The investigating officer, a Senior Manager within the Trust or Chair/Vice-Chair of the Board, as appropriate, 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.
- 3.7 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.
- 3.8 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.

- 3.9 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.
- 3.10 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.
- 3.11 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.
- 3.12 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.
- 3.13 The complainant will be advised that if they are dissatisfied with the outcome they may appeal the outcome of the complaint (see Stage Three).

#### **4.0 Stage Three – Appeal**

- 4.1 If previous mechanisms fail to produce an acceptable solution the complainant may then appeal in writing within 10 academy/school 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 (Sam Corbett) 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). *The independent panel member will not be a member, director or employee of the school but can be an Advisor from an Advisory Group from a different school or college. This is because such person would have no direct involvement with the management and running of the school being complained about.*
- 4.3 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.
- 4.4 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.
- 4.5 The meeting will be held in private. Reasonable adjustments will be made for any complaints with special requirements.
- 4.6 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 3 academy days, unless further investigation is required. The complainant will be informed of the expected timeframe.

4.7 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:

4.7.1 Decide on the appropriate action to be taken to resolve the complaint.

4.7.2 Where appropriate, recommend changes to system or procedures to prevent similar issues in the future.

The panel will ensure that those findings and recommendations are (i) sent by email or otherwise given to the complainant and, where relevant, the person complained about and (ii) are available for inspection on school/college premises by the Trust/Principal.

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

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

4.8 If the complainant is not satisfied with the academy's response to a complaint, they may complain to the DfE.

The DfE will not normally reinvestigate the substance of complaints or overturn any decisions made by the Trust. They will consider whether the Trust/relevant school or college has 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.

The complainant can refer their complaint via the DfE's online complaints form or write to:

**School Complaints Unit**  
Department for Education  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

More information and the online form are available on the [DfE's website](https://www.gov.uk/complain-about-school) (<https://www.gov.uk/complain-about-school>)

**Ofsted** does not investigate individual complaints, but it can use complaints to inform its inspection schedule.

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

## **5.0 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.'

- 5.2 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.
- 5.3 A complaint may be regarded as unreasonable when the person making the complaint:
  - 5.3.1 Refuses to articulate their complaint and provide the relevant information, despite assistance being offered.
  - 5.3.2 Refuses to co-operate with the complaints investigation whilst still wishing their complaint to be resolved.
  - 5.3.3 Refuses to accept that certain issues are not within the scope of this policy.
  - 5.3.4 Insists on the complaint being dealt with in a way that is incompatible with the Complaints Policy or with good practice.
  - 5.3.5 Changes the basis of the complaint as the investigation proceeds.
  - 5.3.6 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.
  - 5.3.7 Makes unjustified complaints about staff who are trying to deal with the complaint.
  - 5.3.8 Repeatedly makes the same complaint (despite previous investigations/responses concluding that the complaint has no grounds or has already been addressed).
  - 5.3.9 Seeks an unrealistic outcome.
  - 5.3.10 Refuses to accept the findings of an investigation, where the Complaints Policy has been exhausted.
  - 5.3.11 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.
  - 5.3.12 Behaves inappropriately, such as maliciously, aggressively, threatening or intimidating, uses abusive language, falsifies information or knows the

complaint to be false.

5.3.13 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/school premises. The safety of staff and students is of paramount importance to us and the public has no automatic right of entry.

5.4 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.

## **6.0 Record keeping and Information Sharing**

6.1 The Trust commits to:

- 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
- Determining who is responsible for these records and is kept secure
- Ensuring that correspondence, statements and records relating to individual complaints are to 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

## **Appendix 1 - Complaints Appeal Panel Proceedings & Key Points**

### Hearing Panel members should be aware that:

- the meeting must be independent and impartial and should be seen to be so. No advisor / Director may sit on the Hearing Panel if they have had a prior involvement in the complaint or in the circumstances surrounding it
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- many complainants will feel nervous and inhibited in a formal setting. Parents/carers often feel emotional when discussing an issue that affects their child
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting

### Proceedings

- written material is seen by everyone in attendance in advance of the meeting (the complainant can send additional material up to 10 days prior)
- the procedure for hearing the appeal will be outlined by the Chair of the Panel, as below
- the complainant will present their complaint appeal
- panel members may, if they wish, ask questions of the complainant
- the Investigating Officer may ask questions of the complainant (if present)
- the Investigating Officer will be invited to explain how the complaint was managed and what decisions were taken on the complaint. (if present)
- the Panel may, if they wish, ask the Investigating Officer questions. (if present)
- the complainant may ask the Investigating Officer questions (if present)
- following summaries by the complainant and Investigating Officer, they will leave the meeting
- the Panel will then come to a decision on the complaint appeal. The Hearing Panel will consider the complaint and all the evidence presented.
- the Hearing Panel can:
  - uphold the complaint in whole or in part
  - dismiss the complaint in whole or in part
- If the complaint is upheld in whole or in part, the Hearing Panel will:
  - decide on the appropriate action to be taken to resolve the complaint
  - where appropriate, recommend changes to the Trust's systems or procedures to prevent similar issues in the future.
- The Chair of the Hearing Panel will provide the complainant and relevant Trust school with a full explanation of their decision and the reason(s) for it, in writing, within **3 school days** (template available)