



## Complaints Procedures Policy

### Policy Preface

Northumberland Church of England Academy Trust is a Christian learning environment at the heart of its communities. We promote care and respect, and expect high standards in all aspects of our Trust life.

As a Church of England Academy Trust, we aim to build communities clearly based on the Christian values of love, forgiveness and reconciliation, integrity and the unique value of each individual. We aim to build self-esteem, model conflict resolution, protect the weak and are committed to justice and compassion. Mutual respect and trust are central within the Academy Trust.

This policy, and its associated procedures and protocols, is based on these key principles.

<b>Lead Person:</b>	<b>CEO</b>
<b>Creation date:</b>	October 2018
<b>Version</b>	1.1
<b>Last updated and approved:</b>	Approved October 2018, minor updates approved by CEO July 2020
<b>Latest edits:</b>	July 2020: Minor updates– change of monitoring subcommittee name to Finance, Operations and Risk Committee
<b>Next review due by:</b>	March 2021 (or earlier if new guidance or legislation issued)
<b>Approved by:</b>	Finance, Operations and Risk Committee
<b>Statutory Requirement:</b>	Yes
<b>Linked to:</b>	<ul style="list-style-type: none"><li>● Child protection and safeguarding policy and procedures</li><li>● Admissions policy</li><li>● Exclusions policy</li><li>● Staff grievance procedures</li><li>● Staff disciplinary procedures</li><li>● SEN policy and information report</li></ul>

## **1. Aims**

Northumberland Church of England Academy Trust welcomes any feedback that we receive from parents or carers, students and others. This feedback provides valuable information for the Trust's leaders to improve our services.

When responding to complaints, we aim to:

- Treat complainants with respect
- Carry out a full and fair investigation, keeping complainants informed of the progress
- Provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Consider how the complaint can help us improve

## **2. Legislation and guidance**

This document meets the requirements set out in part 7 of the schedule to [the Education \(Independent School Standards\) Regulations 2014](#), which states that we must have and make available a written procedure to deal with complaints from parents of pupils at our schools. It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on [creating a complaints procedure that complies with the above regulations](#), and refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE). In addition, it addresses duties set out in the [Early Years Foundation Stage statutory framework](#) with regards to dealing with complaints about the Bishop's School's fulfilment of Early Years Foundation Stage requirements.

## **3. Definitions and scope**

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed. The 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 Trust 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".

The Trust intends to resolve complaints informally where possible, at the earliest possible stage. There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does not cover complaints procedures relating to:

Admissions	Please refer to the Admissions Policy for each Trust school
Anonymous complaints	Please refer to the Whistleblowing Policy
Complaints about services provided by other providers who use school premises	Please complain directly to the provider concerned.
Exclusion	Please refer to the Trust Exclusion Policy
Freedom of Information and Subject Access requests	Please refer to the Trust’s Data Protection Policy
Safeguarding matters	<p>Please refer to the Trust Safeguarding and Child Protection Policy</p> <p>Wherever a complaint indicates that a child’s wellbeing or safety is at risk, the Trust will act in accordance with the Safeguarding and Child Protection Policy and is under a duty to report this immediately to the relevant Contacts and Referral Team, Children’s Safeguarding or the police. If a social services authority decides to investigate a situation, this may postpone or supersede investigation by the Trust.</p>
Statutory assessments of special educational needs (SEN)	Please refer to the Trust’s SEN Policy and Information Report

**Complaints that result in staff capability or disciplinary**

If at any formal stage of a complaint it is determined that staff disciplinary or capability proceedings are necessary in order to resolve the issue, the details of this action will remain confidential to the Principal and CEO. The complainant is entitled to be informed that action is being taken and the eventual outcome of any such action, but they are not entitled to participate in the proceedings or receive any detail about them.

**Complaints about our fulfilment of Early Years requirements**

We will investigate all written complaints relating to the Bishop’s School’s fulfilment of the Early Years Foundation Stage requirements, and notify the complainant of the outcome within 28 days of receiving the complaint. The school will keep a record of the complaint (see section 9) and make

this available to Ofsted on request.

Parents and carers can notify Ofsted if they believe that the school is not meeting Early Years Foundation Stage requirements, by calling 0300 123 4234 or 0300 123 4666, or by emailing [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk). An online contact form is also available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>.

We will notify parents and carers if we become aware that the Bishop's School is to be inspected by Ofsted. We will also supply a copy of the inspection report to parents and carers of children attending the setting on a regular basis.

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Northumberland Church of England Academy Trust will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will ensure we publicise the existence of this policy and make it available on the Trust website.

#### **4. Principles for investigation**

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage.

Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

The Trust expects that complaints will be made as soon as possible after an incident arises and no later than 3 months afterwards. 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.

#### **Social Media**

In order for complaints to be resolved as quickly and fairly as possible, the Trust requests the complainants do not discuss complaints publically via social media such as Facebook and Twitter. Complaints will be dealt with confidentially for those involved, and we expect complainants to observe confidentiality also.

#### **5. Stages of complaint (not complaints against the CEO, Principal or a Trustee)**

##### **Stage 1: informal**

NCEA Trust schools will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The complainant should raise the complaint as soon as possible with the relevant member of staff or the Principal as appropriate, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the relevant school office.

The school will acknowledge informal complaints within 5 school days, and investigate and provide a response within 10 school days.

The informal stage will involve a meeting between the complainant a senior member of staff, as appropriate.

If the complaint is not resolved informally, it will be escalated to a formal complaint.

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### **Stage 2: formal**

The formal stage involves the complainant putting the complaint into writing to the Clerk to the Governing Body. This letter 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 feel would resolve the complaint. The Principal (or other person appointed by the Principal for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 15 school days.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the Chief Executive Officer in writing within 5 school days of receiving a Stage 2 response.

### **Stage 3: Inform the Chief Executive Officer in writing**

This letter should set out the details of the complaint including evidence as set out above. The complainant should also specify what they feel would resolve the complaint, and how they feel the previous stage of the procedure has not addressed their complaint sufficiently.

The written conclusion of this investigation will be sent to the complainant within 15 school days. If the complainant wishes to proceed to the next stage of the procedure, they should inform the Chair of Trustees in writing within 5 school days of receiving a Stage 3 response.

### **Stage 4: Inform the Chair of Trustees in writing**

This letter should set out the details of the complaint including evidence as set out above. The complainant should also specify what they feel would resolve the complaint, and how they feel the previous stage of the procedure has not addressed their complaint sufficiently.

The written conclusion of this investigation will be sent to the complainant within 15 school days. If the complainant wishes to proceed to the next stage of the procedure, they should inform the Chair of Trustees in writing within 5 school days of receiving a Stage 4 response.

### **Stage 5: review panel**

Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at stage 4.

The panel will be appointed by or on behalf of the Trust and must consist of at least 3 people who were not directly involved in the matters detailed in the complaint. At least 1 panel member must

be independent of the management and running of the school. The panel cannot be made up solely of governing board members, as they are not independent of the management and running of the school.

The panel will have access to the existing record of the complaint's progress (see section 9). The complainant must have reasonable notice, which would usually be 5 working days, of the date of the review panel; however, the review panel reserves the right to convene at their convenience rather than that of the complainant. At the review panel meeting, the complainant and representatives from the school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied if they wish. At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called, as appropriate, to present their evidence.

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The panel, the complainant and the Trust representative(s) will be given the chance to ask and reply to questions. Once the complainant and Trust representative(s) have presented their cases, they will be asked to leave and evidence will then be considered.

The panel must then put together its findings and recommendations from the case. The panel will also provide a copy of the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint, and make a copy available for inspection by the Governing Body, CEO and Principal.

The Clerk to Trustees will inform those involved of the decision in writing within 3 days.

## **6. Complaints against the Principal, CEO or a Trustee**

Complaints made against a Principal should be directed to the CEO. Complaints made against the CEO should be directed to the Chair of Trustees.

Where a complaint is against the Chair of Trustees or any member of the Trust Board, it should be made in writing to the Clerk to Trustees in the first instance. The Vice Chair or an independent investigator will conduct any proceedings.

## **7. Referring complaints on completion of the Trust's procedures**

If the complainant is unsatisfied with the outcome of the Trust's complaints procedure, they can refer their complaint to the Education and Skills Funding Agency (ESFA). The ESFA will check whether the complaint has been dealt with properly by the school. The ESFA will not overturn a Trust's decision about a complaint. However, it will look into:

- Whether there was undue delay, or the Trust did not comply with its own complaints procedure
- Whether the Trust was in breach of its funding agreement with the secretary of state
- Whether the Trust has failed to comply with any other legal obligation

If the Trust did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the Trust's complaints procedure is found to not meet regulations, the Trust will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

## **8. Persistent complaints**

Where a complainant tries to re-open the issue with the Trust after the complaints procedure has been fully exhausted and the Trust has done everything it reasonably can in response to the complaint, the Chair of Trustees (or other appropriate person in the case of a complaint about the Chair) will inform the complainant that the matter is closed.

If the complainant subsequently contacts the Trust again about the same issue, the Trust can choose not to respond. The normal circumstance in which we will not respond is if:

- The Trust has taken every reasonable step to address the complainant's needs, *and*
- The complainant has been given a clear statement of the Trust's position and their options (if any), *and*

- The complainant is contacting the Trust repeatedly but making substantially the same points each time

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However, this list is not intended to be exhaustive.

- The Trust will most likely choose not to respond if:
- We have reason to believe the individual is contacting the Trust with the intention of causing disruption or inconvenience, and/or
- The individual's letters/emails/telephone calls are often or always abusive or aggressive, and/or
- The individual makes insulting personal comments about, or threats towards, Trust staff

Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint.

Once the Trust has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

The Trust will ensure when making this decision that complainants making any new complaint are heard, and that the Trust acts reasonably.

## **Malicious, vexatious or unreasonably persistent complaints**

Where complaints are deemed after investigations to be malicious or unnecessarily time wasting they may be referred by the CEO to the Governing Body and further action will be considered.

## **9. Record-keeping**

The Trust 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. This material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or under the terms of the Data Protection Act, or where the material must be made available during a Trust inspection.

Records of complaints will be kept for 3 years.

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. Where the governing board is aware of the substance of the complaint before the review panel stage, the Trust will (where reasonably practicable) arrange for an independent panel to hear the complaint.

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.

### **10. Learning lessons**

The Finance, Operations and Risk Committee will review any underlying issues raised by complaints with the CEO and Principals, where appropriate, and respecting confidentiality, to

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determine whether there are any improvements that the Trust can make to its procedures or practice to help prevent similar events in the future.

### **11. Monitoring arrangements**

The Finance, Operations and Risk Committee will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The Finance, Operations and Risk Committee will track the number and nature of complaints, and review underlying issues as stated in section 10.

The complaints records are logged and managed by the Clerk to Trustees.



