



# Complaints Procedures

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# Complaints Procedures

## 1. Introduction

These procedures are for use for complaints made by a pupil, parent or carer or a member of the public against an individual NET Academy. There are separate arrangements, laid down by law to cover the following:

- Complaints against the curriculum, collective worship and religious education.
- Appeals against admissions.
- Appeals against exclusions.
- Appeals about assessments and statements of special educational needs.
- Child protection allegations.
- Abuse towards staff involving children

Alternative procedures also apply in respect of Whistleblowing and staff related management issues.

For further guidance on any of the above please contact the Principal of the Academy concerned.

## Definitions

Academy	means any of the educational establishments sponsored by the Trust.
Chief Executive	means the Chief Executive of the Northern Education Trust
Nominated Officer	means a person appointed by a Principal or Executive Principal to conduct an investigation under these procedures
Academy Council	means a Local Academy Council, or any other local body appointed by the Trust to perform that role or similar
Member of Staff	means anyone employed by the Trust whether based in the central team or within an Academy
Principal	means Principal of the academy.
Executive Principal	means the Executive Principal overseeing the academy
Trust	means the Northern Education Trust

## 2. Overview

### 2.1 Dealing with Complaints: Informal Procedures

All parties must be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints. The complainant should initially raise any concern directly with the member of staff involved and if not satisfied discuss concerns with a more senior member of staff.

Concerns which are defined as something that is of interest or something that affects you directly but which may not be significant, ought to be handled, if possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally which will ensure the issue is dealt with as speedily as possible.

### Our Values

The Northern Education Trust and its academies share a set of **Guiding Principles** and commitments which include the **One Academy Rule**.

### Guiding Principles

The Welfare of others is the first concern of all.

The education of every child is held to be of equal value in our community academies.

### The One Academy Rule

All pupils, students and adults are expected to behave in a responsible manner, both to themselves and others, showing consideration, courtesy and respect at all times.

### 2.2 Dealing with Complaints: Formal Procedures

Formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further. **Such complaints MUST be made in writing to the Principal by completing the attached form at Appendix A.**

## 3. General Principles

### 3.1 Aims

The Complaints Procedure aims to:

- encourage resolution of problems by informal means wherever possible;
- be easily accessible and publicised;
- be simple to understand and use;
- be impartial;
- be non-adversarial;
- allow swift handling with established time-limits for action and keeping people informed of the progress;
- ensure a full and fair investigation by an independent person where necessary;
- respect people's desire for confidentiality;

- address all the points at issue and provide an effective response and appropriate redress, where necessary;
- provide information to the Academy or the Trust so that services can be improved.
- To complement but not duplicate staff performance management and disciplinary procedures

### 3.2 Investigating Complaints

At each stage, the person investigating the complaint, should ensure that they:

- establish and record what has happened so far, and who has been involved;
- clarify the nature of the complaint, through a written statement, and what remains unresolved;
- meet with the complainant or contact them (if unsure or further information is necessary);
- clarify what the complainant feels would resolve the issue;
- interview those involved in the matter and/or those complained of, with a colleague present or parent/carer in the case of a student.
- conduct the interview with an open mind and be prepared to persist in the questioning;
- keep notes of all discussions and interviews, indicating whether they were resolved at preliminary stage or whether they proceeded to panel hearing;
- Secure any available evidence including taking screen shots of any social media web pages.

**NB** – All documents will be kept securely in accordance with Data Protection principles.

### 3.3 Resolving Complaints

At each stage in the procedure the person investigating the complaint will consider ways to resolve a complaint. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- as far as practicable an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review our policies in light of the complaint.
- in certain justifiable circumstance to take reasonable action to rectify and/or recompense the individual affected.

Complainants should be encouraged to state what actions they feel might resolve the problem at any stage. An admission that the Academy could have handled the situation better is not the same as an admission of negligence.

It is important to clarify any misunderstandings that might have occurred in order to create a positive atmosphere in which to discuss any outstanding issues.

### 3.4 General Points

An anonymous complaint will not normally be investigated unless there are exceptional circumstances or the complaint is sufficiently serious to warrant investigation.

To allow for a proper investigation, complaints should be brought to the attention of the Principal in writing as soon as possible. Any matter raised more than 3 months after the event being complained of will not be considered, save in exceptional circumstances.

Investigation of any complaint or review request will begin within 5 working days of receipt of the same, save in exceptional circumstances i.e. where it is necessary to appoint an external independent person. The investigation will be completed as soon as reasonably practicable.

### 3.5 Habitual and Vexatious Complaints

There will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. It should be noted that the decision of the Academy is final; and any vexatious complaints will not be investigated further, unless new evidence has come to light.

The term complaint in this policy includes requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998 or after 25<sup>th</sup> May 2018 the General Data Protection Regulations or any equivalent UK legislation.

For the purpose of this policy the following definition of habitual or vexatious complainants will be used:

The repeated and/or obsessive pursuit of:

- (i) unreasonable complaints and/or expectation of unrealistic outcomes; and/or
- (ii) reasonable complaints in an unreasonable manner.

This policy is intended to assist in identifying and managing persons who seek to be disruptive to an individual Academy through pursuing an unreasonable course of conduct.

### 3.6 Managing and Recording Complaints

An initial complaint may be made in person, by telephone, or in writing. Depending on the nature and/or seriousness of the complaint it may be appropriate to ask for the complaint to be put in writing as soon as possible. If the complainant wishes to invoke the formal stage of the complaints procedure, they **MUST** complete the form at **Appendix A**. At the end of a meeting or telephone call, the member of staff should seek to ensure that the complainant and the Academy have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls should be kept and a copy of any written response added to the record.

Within each Academy it is the responsibility of the Office Manager or other appropriate person in the academy to securely store all records of complaints centrally. The complaints, the stages used and the resolution should be recorded so that any obvious patterns can be dealt with appropriately.

All correspondence, and statements and records of complaint must be kept confidential but must be available to be shown to HMI Ofsted and auditors when they inspect or audit.

### **3.7 Governor Review**

The Local Academy Council will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and recommend changes where necessary by reporting any issues to the Trust.

Preferably, complaints information shared with Governors will not name individuals.

The process of listening to and resolving complaints will contribute to improvement. When individual complaints are heard, underlying issues that need to be addressed may arise. The monitoring and review of complaints by those responsible for the strategic oversight of the organisation can be a useful tool in evaluating the climate in the organisation and overall performance.

## **4. Complaints Procedure**

**It should be noted that this procedure only applies to those complaints arising out of the activities within an individual academy.**

### **4.1 Stage 1. Informal Stage: Complaint Heard by a Member of Staff**

The complainant is normally expected to arrange to communicate directly with the member of staff concerned. This may be by letter, by telephone or in person by appointment. Many concerns can be resolved by simple clarification or the provision of information and it is anticipated that most complaints will be resolved by this informal stage. In the case of serious concerns, it may be appropriate to address them directly to the Principal.

An unreasonable refusal to attempt an informal resolution may result in the procedure being terminated forthwith. Any dispute in relation to the “reasonableness” may be determined through the review process but will not include the member of staff who is the subject of the complaint.

### **4.2 Stage 2. Formal Stage: Complaint Heard by Principal\* (\*or nominated senior officer)**

If the complaint is not resolved at the informal stage the complainant **MUST** put the complaint in writing, using the Form at **Appendix A**, and pass it to the \*Principal who will carry out an investigation. The \*Principal also reserves the right to ask a Principal from another academy to carry out the investigation if they believe there is a conflict of interests, although this must be discussed with the Executive Principal first.

If the complaint is about the Principal, then an Executive Principal will carry out the investigation. If the complaint is about the Executive Principal, then a different Executive Principal will carry out the investigation.

The complainant should include details that might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents. The \*Principal should normally meet with the complainant to discuss his / her concerns within ten working days of receiving the complaint.

The \*Principal will collect such other evidence as s/he deems necessary.

The investigation will begin as soon as possible and when it has been concluded, the complainant, and the member of staff concerned, will be informed in writing, within ten working days of receiving the complaint, of the outcome. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- The concern is not substantiated by the evidence
- The concern was substantiated in part or in full. Some details may then be given of action the Academy may be taking to review procedures etc.... but details of the investigation or of any resulting staff disciplinary procedures will not be released
- The matter has been fully investigated and that appropriate procedures are being followed, which are strictly confidential. [e.g. where staff disciplinary procedures are being followed].

The complainant will be advised in writing that consideration of their complaint by the \*Principal (or Executive Principal if the complaint is about the Principal) is now concluded. If the complainant is not satisfied with the response at Stage 2, they can escalate their complaint to Stage 3.

#### **4.3 Stage 3: Complaint Heard by Academy Council Complaints Appeal Panel**

The complainant needs to write to the Executive Principal (or Chief Executive if the complaint is about the Executive Principal) giving details of the complaint.

The Executive Principal (or nominated Officer) should write to the complainant acknowledging receipt of the written request for the complaint to be heard. This acknowledgement must be sent within 5 working days and should inform the complainant of the arrangements for hearing the complaint within 20 working days of receiving it. The letter should explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received within 5 working days of the date of the hearing to allow adequate time for the documents to be circulated.

No person involved should have previous involvement in the complaint.

The Academy Council appeal hearing is the last Academy-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions.

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

The Academy Council may nominate a number of members with delegated powers to hear complaints at that stage, and set out its terms of reference. These include:

- drawing up its procedures;
- hearing individual appeals;
- making recommendations on policy as a result of complaints.



The Chairman will typically chair the Complaints Panel, but in their absence or if they have been previously involved the panel can be drawn from the nominated members and may consist of three members. In this case the panel may choose their own Chairman. One member of the panel will be independent of the management and running of the academy.

#### **4.3.1 The Remit of the Complaints Appeal Panel**

The panel can:

- 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 Academy's systems or procedures to ensure that problems of a similar nature do not recur (but only those within their authority under the Trust scheme of delegation).

There are several points which any governor sitting on a complaints panel needs to remember:

- a. It is important that the appeal hearing is independent and impartial and that it is seen to be so. No Governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- b. The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the Academy and the complainant. However, it must be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- c. An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel Chairman will ensure that the proceedings are as welcoming as possible.

The Academy will write and inform the complainant and any witnesses, the panel etc. of the date and location of the meeting 5 working days in advance. The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a friend/ interpreter. The letter should explain how the meeting will be conducted and the complainant's right to submit further written evidence to the panel. The \*Principal has the right to bring representation if so desired.

Intervention of parallel investigations relevant to the complaint by the Police or social services may cause variation to these time scales. Any such variation will be notified to the complainant.

#### **4.3.2 Hearing the Complaint at the Meeting**

The aim of the meeting will be to resolve the complaint and achieve reconciliation between the Academy and the complainant.

In the interest of natural justice, the introduction of previously undisclosed evidence or

witnesses would be a reason to adjourn the meeting so that the other side has time to consider and respond to the new evidence.

The recommended conduct of the meeting is as follows:

- a. The Chairman of the panel will welcome the complainant, introduce the panel members and explain the procedure.
- b. The Chairman of the panel will invite the complainant to explain the complaint.
- c. The Committee members may question the complainant about the complaint and the reasons why it has been made.
- d. The \*Principal will be invited by the Chairman of the panel to question the complainant about the complaint and why it has been made.
- e. The Chairman of the panel will invite the \*Principal to make a statement in response to the complaint. At the discretion of the Chairman of the panel the \*Principal may invite members of staff directly involved in the complaint to supplement his/her response.
- f. The Committee members may question the \*Principal and/or members of staff about the response to the complaint.
- g. The Chairman of the panel will allow the complainant to question the \*Principal and/or members of staff about the response to the complaint.
- h. Any party has the right to call witnesses, subject to the approval of the Chairman of the Committee.
- i. The Committee, the \*Principal and the complainant have the right to question any such witness.
- j. The \*Principal will be invited by the Chairman of the panel to make a final statement.
- k. The complainant will be invited by the Chairman of the panel to make a final statement.
- l. The Chairman of the panel will explain to the complainant and the \*Principal that the decision of the panel will now be considered and a written decision will be sent to both parties within 15 working days. The Chairman of the panel will then ask all parties to leave except for members of the Committee.
- m. The Committee will then consider the complaint and all the evidence presented and;
  - i. Reach a decision on the complaint and the reasons for it.
  - ii. Decide upon the appropriate action to be taken to resolve the complaint.
- n. The Governors sitting on the panel need to be aware of the complaints procedure before the meeting.

If the complainant remains unsatisfied, they may then take their complaint to the Education & Skills Funding Agency (ESFA).

### **4.3.3 Roles and Responsibilities**

#### **4.3.3.1 The Role of the Director of Human Resources**

The person in charge of co-ordinating the complaints procedure at the academy is the Principal. Overall responsibility is retained by the Trust through the Director of HR. The role of governors arises only in respect of appeals where the complainant remains dissatisfied with attempts to resolve the issue of complaint and as set out above.

The Director of HR may delegate elements of this role to relevant officers, but retains the responsibility of ensuring compliance with this policy.

#### **4.3.3.2 The Role of the Chairman of the Panel**

The Chairman of the Panel has a key role, ensuring that:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the panel is open minded and acting independently;
- no member of the panel has any involvement in an earlier stage of the procedure;
- each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties.

#### **4.3.3.3 The role of the clerk**

Any panel considering complaints should be clerked. The clerk would be the contact point for the complainant and be required to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing; and
- record the proceedings.

#### **4.3.3.4 Notification of the Panel's Decision**

The Chair of the Panel needs to ensure that the complainant is notified of the panel's decision, in writing within 7 days. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed. The \*Principal and where relevant, the person complained about will also be notified of the panel's decision.

#### **4.3.3.5 Checklist for a Panel Hearing**

The panel needs to take the following points into account:

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence. Students may not appear as witnesses, but they may provide statements.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.

- The \*Principal may question both the complainant and the witnesses after each has spoken.
- The \*Principal is then invited to explain the Academy's actions and be followed by the Academy's witnesses.
- The complainant may question both the Principal and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The \*Principal is then invited to sum up the Academy's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The Chairman explains that both parties will hear from the panel within a set time scale.

## 5. Making a Complaint to the Department for Education

**Making a complaint to the Department should only happen once all other routes have been followed.** The exception to this may be where there is a child protection concern, or where a child is missing education.

More information about making a complaint can be found on the DfE website:

<http://www.education.gov.uk/schools/leadership/schoolperformance/b00212240/making-complaint-school/how-to-complain>

The complaint will be investigated by the ESFA (Education & Skills Funding Agency). Generally, the ESFA can only look at complaints that fall into the following two areas:

1. The Trust did not comply with its own complaints procedure when considering a complaint or the academy's complaints procedure does not comply with statutory requirements.
2. The Trust has failed to comply with a duty imposed on it under its funding agreement with the Secretary of State.

## 6. Other Relevant Policies

Confidential Reporting

Grievance Policy



## Appendix A - Complaint Form

Please complete and return to the \*Principal who will acknowledge receipt and explain what action will be taken.

**Your name:**

**Student's name and school:**

**Your relationship to the student:**

**Address:**

**Postcode:**

**Contact telephone number:**

**Please give details of your complaint.**

**What action, if any, have you already taken to try and resolve your complaint. For example, have you spoken with the Member of Staff concerned and if so what was their response?**

**What actions do you feel might resolve the problem at this stage?**

**Are you attaching any paperwork? If so, please give details.**

**Signature:**

**Date:**

**Official use**

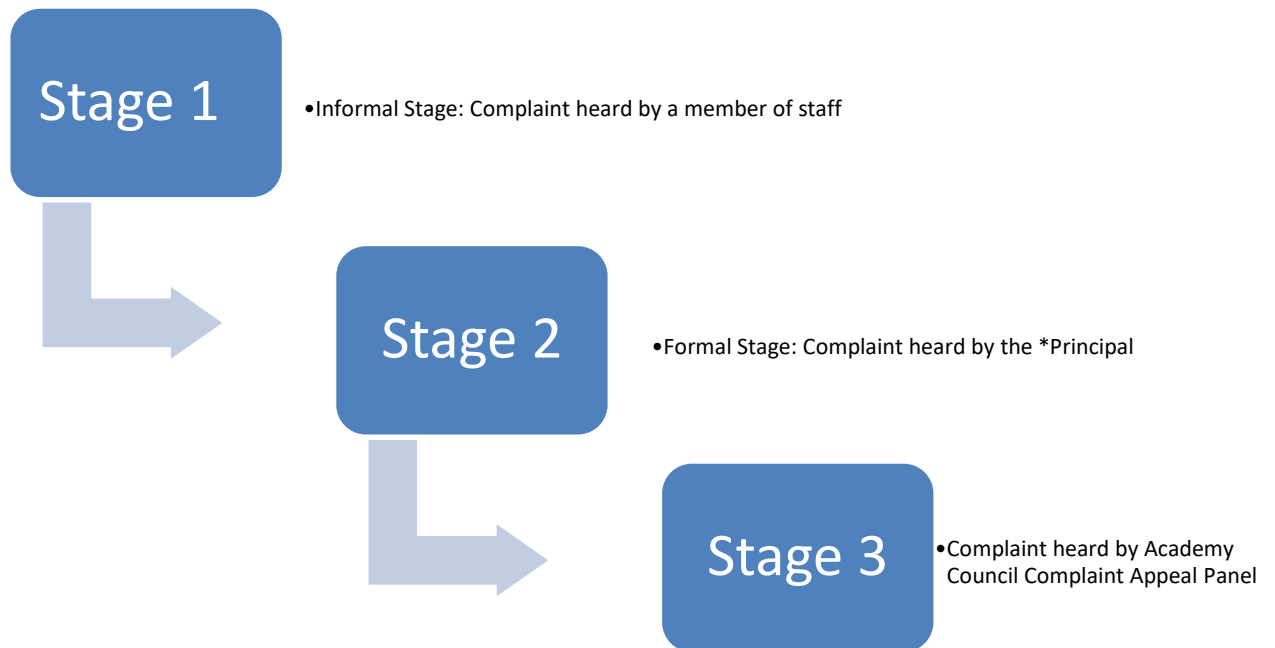
**Date acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Date:**

## APPENDIX B – Summary of dealing with Complaints



**NB – Making a complaint to the Department for Education should only happen once all other routes have been followed.**