

POLICY FOR HEARING AND DEALING WITH COMPLAINTS

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Owner	Chief Financial Officer
Approver	Trust Board

1. Introduction and Purpose

1.1. This policy applies to Northern Ambition Academy Trust and all of its academies. It may be used by parents/carers or other members of the community to raise a concern or make a complaint to the Trust or any of its academies. If a Northern Ambition employee has a concern or wishes to raise a complaint, they should refer to the Grievance Policy.

1.2. At Northern Ambition we understand that feedback from all academy stakeholders is an essential part of improving our organisation, from the education we deliver to the way we communicate with parents and pupils and all stakeholders as part of our organisational strategy. We want to encourage feedback, even when the feedback might be something an individual may not be happy about as we can only resolve complaints if we know about them.

1.3. We aim to ensure that any complaint is managed sympathetically, efficiently, quickly and at the appropriate level, and is resolved as soon as possible. We will try to resolve every complaint in a positive way with the aim of putting right a matter which may have gone wrong and, where necessary, we will review our systems and procedures in light of the circumstances of the complaint.

1.4. We recognise that a difficulty which is not resolved quickly and fairly can soon become a cause of resentment and so we need to know as soon as possible if there is any cause for dissatisfaction.

1.5. Individuals should never feel that a complaint will adversely affect a pupil or staff member, or their opportunities at one of our academies.

2. Scope

2.1. This policy can be used by all academy and trust stakeholders to raise a complaint.

2.2. This policy does not apply to all complaints made to the Academy or Trust. Certain topics of complaint may mean that the complaint should be paused whilst the content is investigated under a separate process. Should this be the case, you will be advised.

The following is an indicative list of such topics:

- Admissions appeals to schools.
- Safeguarding
- Staff grievances and disciplinary procedures
- Complaints about services provided by other providers using Academy premises or facilities.
- Whistleblowing
- Permanent exclusion appeals of pupils from an Academy.
- Statutory assessments of Special Educational Needs

3. Legislation and Regulation

This Policy is written in line with the following legislation and guidance:

- Education Skills and Funding Agency (ESFA) Guidance.
- The Education (Independent School Standards) Regulations 2014 Schedule 1, Part 7.3

4. Safeguarding

We are committed to safeguarding and promoting the welfare of all pupils. If concerns raised by parents/carers relate to a possible safeguarding issue, the matter may be referred to the Designated Safeguarding Lead (DSL) on the senior leadership team in an Academy. This will be handled in line with our Trust-wide Child Protection and Safeguarding Policy, as well as under this complaints policy.

5. The Data Protection Act 2018 and General Data Protection Regulations 2018

We take data protection seriously and will comply with data confidentiality. For more information on how we handle data, please see our privacy policies.

6. Management of 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.

6.1. 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.

An individual wishing to raise a trust concern (i.e., one that relates to Northern Ambition Academy Trust, Executive Team, or Trustees, rather than an Academy) should contact the Listen@Northernambition.org.uk mailbox.

6.2 Formal Stage

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 Councillor.

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 via the Listen@Northernambition.org.uk 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.

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.

We expect that most concerns can be resolved informally. For example, dissatisfaction about some aspect of teaching or pastoral care or a billing error should be able to be resolved by the relevant member of staff in the Academy.

Complaints of discrimination, harassment or victimisation are taken very seriously and should be dealt with via the formal complaints process.

Disciplinary/behaviour concerns: a problem over any disciplinary action taken or a sanction imposed against a pupil should be raised first of all with the member of staff who imposed it then with the senior leadership team.

6.3 Trust Complaints:

An individual wishing to raise a trust concern (i.e., one that relates to Northern Ambition Academy Trust, Executive Team, or Trustees, rather than an Academy) should contact the Listen@Northernambition.org.uk mailbox.

7. Monitoring and Recording

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.

8. Anonymous Complaints

In so far as we are able, we will manage anonymous complaints as we do any other complaint. Anyone considering submitting an anonymous complaint should be aware that there may be instances where our

ability to investigate a complaint thoroughly could be hindered by a lack of information – including our ability to speak to the complainant directly about their concerns.

9. Expectations in relation to raising a complaint

9.1. It is hoped that stage 1 complaints raised with academies can be resolved at a local level and on informal basis. Those raising a concern should raise this directly with the headteacher at the academy. The details of the headteacher, address and telephone number will be found in the 'contact us' section of the academy website.

9.2. The Trust and its academies expect that anyone raising a concern to:

- Treat all staff with courtesy and respect.
- Respect the needs and well-being of pupils and staff.
- Avoid any use, or threatened use, of violence to people or property.
- Avoid any aggression, verbal abuse, or other intimidating behaviour.
- Ensure that written communications state the facts surrounding the concern without using threatening or unpleasant language.
- Recognise the time constraints under which members of staff in our academies work and allow the Academy a reasonable time to respond.
- Recognise that resolving a specific problem can sometimes take some time. Should these expectations not be met the trust has the right to reject the complaint.

10. Persistent or unreasonable complainants

Each complaint will be reviewed individually and responded to, based on the information received.

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 considered 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.

11. 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.

12. Timescales

You must raise a complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this timeframe if exceptional circumstances apply.

13. Complaints received outside of term time

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

14. Complaints to the Education and Skills Funding Agency (ESFA)

14.1 The Education and Skills Funding Agency (ESFA) has a responsibility to ensure that academies comply with their funding agreements.

14.2 If the ESFA receives a complaint regarding a Northern Ambition academy or the trust it will check whether the complaint has been dealt with properly.

14.3 ESFA will consider complaints about Northern Ambition or its academies that fall into any of the following three areas: a. where there is undue delay or the trust/academy did not comply with its own complaints procedure when considering a complaint; b. where the trust/academy is in breach of its funding agreement with the Secretary of State c. where the trust/academy has failed to comply with any other legal obligation.

14.4 ESFA will not normally reinvestigate the substance of complaints or overturn an academy or our trust's decision about a complaint. However, if ESFA find that an academy or the trust did not deal with a complaint properly they will request the complaint is looked at again and procedures meet the requirements set out in the Regulations:

The complainant can refer their complaint to the ESFA online at www.education.gov.uk/contactus, by telephone on 0300 000 2288 or by writing to: Academy Complaints and Customer Insight Unit Education and Skills Funding Agency Cheylesmore House 5 Quinton Road Coventry CV1 2WT

15 Request to be accompanied.

If assistance with the request to attend and be accompanied at the panel is required, for example because of a disability, please inform the Governance Officer /Governance Manager at Listen@northernambition.org.uk who will be happy to make appropriate arrangements. You have the right to attend the panel hearing and may be accompanied by another person, for example a relative, teacher or friend.

The Governance Officer will acknowledge the request for a hearing in writing within two working days of receipt. Every effort will be made to enable the hearing to take place within 15 working days of receipt of the request. However, note that the panel will not sit during half terms or academy holidays. Planning the hearing

Informal stage

- If there is something you are unhappy with, you can raise the issue **informally** with a **member of staff** - this might be a class teacher, Head of Year or other member of staff in school. By talking things through, most complaints can be resolved at this stage.

Formal stage 1: Complaint to Headteacher

- If you are unhappy with how the complaint was handled at the informal stage, you can complain to the **Headteacher**, in **writing**, explaining what you are complaining about and why you were not satisfied with how it was dealt with at the informal stage. You must do this within 10 school days of the informal stage being completed.

Formal stage 2: Complaint to Academy Council

- If you are unhappy with how the complaint was handled at stage 1, you can complain to the **Chair of the Academy Council**, in **writing**, explaining what you are complaining about and why you were not satisfied with how it was dealt with at stage 1. You must do this within 10 school days of the informal stage being completed.

Formal stage 3: Trustee complaints appeal panel

- If you are unhappy with how the complaint was handled at stage 2, you can complain to the **Chair of Trustees**, in **writing via listen@Northernambition.org.uk** explaining what you are complaining about and why you were not satisfied with how it was dealt with at stage 1 and 2. You must do this within 10 school days of the informal stage being completed.

Option to complain outside the Trust to the ESFA

- If you are still unhappy with how the complaint has been handled after the panel has made their decision, you can then refer your complaint to the ESFA. **ESFA have no authority to overturn the Trust's decision** but they can ask for the complaint to be reconsidered if they think we have not followed our complaints process properly.