

# Trust Procedure



## Concerns and Complaints Procedure

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### Contained within this document:

- Legislation and guidance
- Informal procedure
- Formal procedure
- Appeal



# Concerns and Complaints Policy



## Policy/Procedure management log

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# Concerns and Complaints Policy

## Introduction

This procedure applies to general concerns or complaints that are received by schools within Nova Education Trust. This procedure covers complaints made by pupils, parents or other external stakeholders. There are however separate appeals procedures for a parent dissatisfied with a decision regarding either the admission or the exclusion of their child and for appeals against the grade awarded to their child in an external examination.

Nova Education Trust has separate procedure for dealing with staff complaints. These include the **Grievance procedure** for a complaint by an employee about an academy/school, the **Harassment procedure** for an employee complaining of bullying or intimidation, the **Staff disciplinary procedure** for an employee complaining about the conduct of another member of staff, the **Statement of procedures for dealing with allegations of abuse against staff** and the **Confidential reporting/whistle blowing procedure** for an allegation made in the public interest.

Please note that anonymous concerns or complaints cannot be dealt with under this procedure.

Each stage of the procedure should normally be exhausted before a complaint is referred to the next stage.

Any complaint raised more than three months after any linked decision, outcome or action will not be considered. The only exception will be if the delay in submitting the complaint was unavoidable, or if something that was originally unknown has come to light since.

The timescales in this procedure are those expected in normal circumstances, these may be increased if the complaint is detailed and/or requires an extensive investigation. If a complaint is made on the last day of term prior to an academy/school holiday period the timelines indicated will not be followed. The complainant will be informed in writing of any variations to the timescales and given a revised timetable for resolving their complaint.

Where complainants are invited to a planned meeting either as part of the investigation or for the complaints panel they may be accompanied by a friend or representative.

## Procedure

### **Stage 1 – Informal concerns/complaints**

Please note every effort should be made to resolve concerns or complaints informally through discussions with the appropriate member of staff concerned as follows:-

**Education issues** – if the matter relates to the classroom, the curriculum or special educational needs, please speak or write to the Class Teacher, Tutor, Head of Year, Deputy Head of Year or SENDCO, as appropriate.

**Pastoral care** – for concerns relating to matters outside the classroom, please speak or write to the Tutor, Head of Year, Deputy Head of Year or Senior Co-ordinator of Pastoral Support, as appropriate.

**Disciplinary matters** – a problem over any disciplinary action taken or a sanction imposed should be raised first of all with the appropriate Head of Year, Deputy Head of Year and if not resolved, with the Senior Leader for Pastoral Standards.

**Financial and administrative matters** – a query relating to charges or to other administrative matters should be raised either with the Finance Office or with the PA to the Head of School/Headteacher.

**Trust matter** – if the matter relates to a wider trust matter please speak or write to the Company Operations Officer at the Head Office address.

The complainant and member of staff should discuss the concern/complaint with the aim of resolving it informally. The member of staff will record details of the concern/complaint and try to identify what action/outcome the complainant is looking for.

Or

If the complainant has already discussed their complaint with the member of staff, or if this would be inappropriate, a senior manager in the academy/school (normally a member of the Senior Leadership Team) will discuss the complaint with the complainant again seeking to resolve it informally.

In the case of a trust matter one of the Vice-CEO's will discuss the complaint with the complainant again seeking to resolve the matter informally.

In line with DfE advice [*School complaints toolkit 2014*] all complaints and concerns to schools within Nova Education Trust either made in person, by telephone, or in writing should be recorded by the member of staff dealing with the concern/complaint. A standard form is provided for this purpose in Appendix A. Once completed a copy of the form should be sent to PA to the Headteacher who acts as the Academy/School's Complaints Co-ordinator.

In certain circumstances, the Head of School/Headteacher may instead choose to deal with the complaint informally in person.

However, if the complaint concerns the Head of School/Headteacher and this has already been raised with the Head of School/Headteacher without being resolved, the complaint must be made in writing to the Chair of Governors using the Complaint Form (see Appendix B). The Chair will then invoke the formal procedure outlined in Stage 2 (below) and will take the place of the Head of School/Headteacher in investigating the complaint.

In the case of a trust matter if the complaint concerns the CEO the complaint must be made in writing to the Chair of Directors using the Complaint Form (see appendix B). The Chair will then invoke the formal procedure outlined in Stage 2 (below) and will take the place of the CEO in investigating the complaint.

## **Stage 2 – Formal Complaint**

If a complaint cannot be resolved informally the complaint should be put in writing using the form in Appendix B and sent to the Head of School/Headteacher (CEO for Trust matters) within 10 working days of the conclusion of Stage 1.

The Head of School/Headteacher (CEO for Trust matters) will ensure the complaint is investigated fully. The Head of School/Headteacher (CEO) may delegate responsibility for conducting the investigation to another member of staff; the Investigating Officer.

The Head of School/Headteacher (CEO) will review all the information and discuss the findings with the complainant with the aim of resolving the complaint to the satisfaction of the complainant.

The Head of School/Headteacher (CEO) will decide on the outcome and inform the complainant in writing of the decision, together with details of how to appeal against the decision if they remain dissatisfied.

The Head of School/Headteacher (CEO) or the Investigating Officer will:-

- Acknowledge the complaint within 5 working days.
- Investigate the complaint and then decide how best to resolve it within a further 10 working days.
- Provide a written response outlining how the investigation was conducted and the outcome of the complaint, as well as offering the complainant the opportunity to discuss the outcome if appropriate. This should normally be within 5 working days of completing the investigation.
- Advise the complainant that if they are dissatisfied with the outcome of their complaint they can ask for this to be considered by a Stage 3 appeal panel.

Where the complaint concerns the Head of School/Headteacher (or in the case of Trust matters the CEO), the Head of School/Headteacher will inform the complainant in writing that they should send a completed Complaint Form to the Chair of Governors (or in the case of Trust matters the Chair of Directors), who will then take the place of the Head of School/Headteacher/CEO throughout the formal procedure.

## **Stage 3 – Appeal Panel**

If the complainant is dissatisfied with the Stage 2 outcome they should write within 10 days of the notification of the Stage 2 outcome to the Chair of Governors (or in the case of Trust matters the Chair of Directors) stating the reasons for the appeal and requesting that their complaint is referred to a panel. The complainant should complete the form in Appendix C.

The Chair of the Governing Body (or Directors) or the Clerk to the Governors will acknowledge receipt of the request within 5 working days. A meeting of the panel will be convened within 20 working days of the request.

The aim of the hearing, which will be held in private, will be to resolve the complaint and achieve reconciliation between the academy/school (trust) and the complainant.

The panel will take the following points into account:-

- The hearing will be as informal as possible
- Witnesses will only be required to attend for the part of the hearing in which they give their evidence
- After introductions, the complainant will be invited to explain their complaint, and be followed by their witnesses
- The Head of School/Headteacher (CEO) may question both the complainant and the witnesses after each has spoken
- The Head of School/Headteacher (CEO) will be invited to explain the academy's/school's (trust's) actions and be followed by the academy's/school's (trust's) witnesses
- The complainant may question both the Head of School/Headteacher (CEO) 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 Head of School/Headteacher (CEO) is then invited to sum up the academy's/school's (trust's) actions and response to the complaint
- The Chair explains that both parties will hear from the panel within a set time scale of 7 working days
- Both parties leave together whilst the panel decides on the issues

The panel will consider whether to:

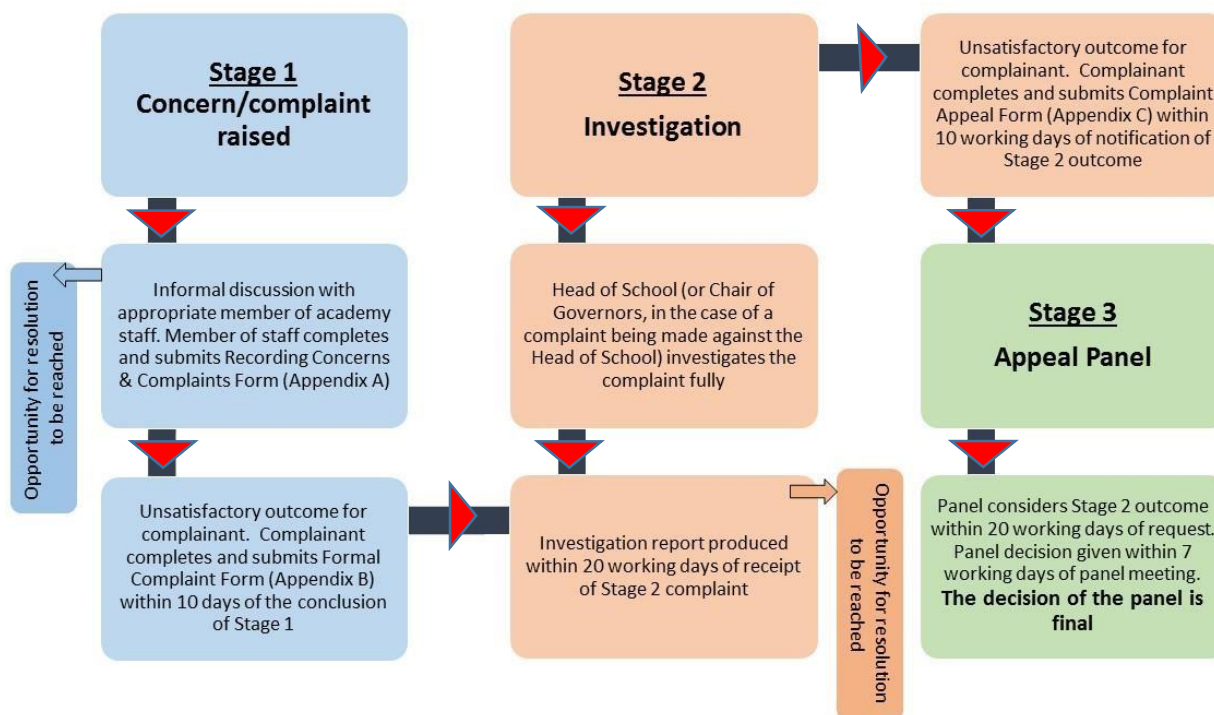
- dismiss the complaint in whole or in part
- uphold the complaint in whole or in part
- decide on the appropriate action to be taken to resolve the complaint
- recommend changes to the academy/school's (trust's) systems or procedures to ensure that problems of a similar nature do not recur

The panel will take into account whether the complaint has been handled properly and reasonably in accordance with this procedure and whether the Stage 2 outcome was reasonable and appropriate. The panel will comprise at least three members of the governing body, plus an additional person who is independent of the management and running of the academy/school (trust). No governor (director) may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, governors will endeavour to ensure that there is a cross-section of the categories of governor.

The complainant should be informed of the panel decision in writing within 7 working days.

The decision of the panel is final.

An overview of the Nova Education Trust concern/complaints procedure is outlined below:-



Should the complainant still remain unsatisfied after the decision of the Appeal Panel the next stage is for them to may make a complaint to the Secretary of State for Education if so desired.

### **Secretary of State**

A complaint may be made to the Secretary of State for Education on the grounds that a governing body has acted or is proposing to act unreasonably, or that the governing body has failed to discharge its duties under legislation.

The complaint should set out fully the concerns and reasons why the complaint is being submitted, enclosing all previous correspondence relevant to the complaint. Complaints to the Secretary of State should be made in writing via the Education Funding Agency. The EFA's procedure for handling complaints can be accessed at:

<https://www.education.gov.uk/academys/leadership/academyperformance/academy-complaints-form>

### **Unreasonable behaviour and managing vexatious complaints**

Nova Education Trust is committed to providing the highest quality education, care and guidance for all pupils and will consider feedback, constructive criticism and complaints. However, Nova Education Trust does not tolerate behaviour that is abusive or threatening. If behaviour is unacceptable, action will be taken to restrict the individuals contact with pupils, members of staff, governors and directors of the trust.

Nova Education Trust will not respond to complaints that are vexatious or harassing by nature. By this, we mean either receipt of a further complaint (or repeated complaints) about a matter that the academy/school can demonstrate that it has satisfactorily responded to in accordance with this policy.

If a complainant is considered by the academy/school (trust) to be acting unreasonably the Head of School/Headteacher (CEO) or Chair of Governors (Chair of Directors) of the academy/school (trust) will write to the complainant to explain the process that any future complaints from that person will be dealt with. Any restrictions imposed will be appropriate and proportionate.

## Appendix A

### Stage 1 – Informal Stage - Recording Concerns and Complaints

Please complete and return to your named contact in school who will acknowledge receipt and explain any next steps.

<b>Your name:</b>	
<b>Complainants name:</b>	
<b>Their relationship to any pupil (if relevant):</b>	
<b>The Pupil's name:</b>	
<b>Their address:</b>	
<b>Postcode:</b>	
<b>Email address:</b>	
<b>Day time telephone number:</b>	
<b>Evening telephone number:</b>	
<b>Please give details of the complaint/concern raised:</b>	
<b>What action to resolve the complaint/concern, if any, did you agree?</b>	
<b>What were the agreed next steps?</b>	
<b>Are you attaching any paperwork? Is so, please give details below.</b>	
<b>Signature:</b>	<b>Date:</b>
<b>Official Use Only</b>	
<b>Date acknowledgement sent:</b>	
<b>By who:</b>	
<b>Complaint referred to:</b>	
<b>Date:</b>	

## Appendix B

Stage 2 – Formal Complaint – Please send completed form to Head of School/Headteacher

<b>Your name:</b>	
<b>Pupil's name (if relevant):</b>	
<b>Your relationships to the pupil (if relevant):</b>	
<b>Address:</b>  <b>Postcode:</b>  <b>Email address:</b> <b>Day time telephone number:</b> <b>Evening telephone number:</b>	
<b>Please give details of your complaint:</b>	
<b>What action, if any, have you already taken to try and resolve your complaint. (Who did you speak to and what was the response)?</b>	
<b>What actions do you feel might resolve the problem at this stage?</b>	
<b>Are you attaching any paperwork? Is so, please give details below.</b>	
<b>Signature:</b>	<b>Date:</b>
<b>Official Use Only</b>	
<b>Date acknowledgement sent:</b>	
<b>By who:</b>	
<b>Complaint referred to:</b>	
<b>Date:</b>	



## Appendix C

Stage 3 – Complaint Appeal Form – Please send completed form to the Chair of Governors

<b>Your name:</b>	
<b>Pupil's name (if relevant):</b>	
<b>Your relationships to the pupil (if relevant):</b>	
<b>Address:</b>  <b>Postcode:</b>  <b>Email address:</b> <b>Day time telephone number:</b> <b>Evening telephone number:</b>	
<b>Please confirm that you are requesting that your complaint be taken to a panel for consideration (circle your response).</b>	
<b>Yes</b>	<b>No</b>
<b>Please provide details of why you were dissatisfied with the outcome of the Stage 2 investigation.</b>	
<b>What actions do you feel might resolve the problem at this stage?</b>	
<b>Are you attaching any paperwork? Is so, please give details below.</b>	
<b>Signature:</b>	<b>Date:</b>
<b>Official Use Only</b>	
<b>Date acknowledgement sent:</b>	
<b>By who:</b>	
<b>Complaint referred to:</b>	
<b>Date:</b>	