

## POLICY FOR HEARING AND DEALING WITH COMPLAINTS

Version	Date
Last reviewed	November 2018
Next reviewed	November 2019

Northern Ambition Academies Trust and the schools within it are committed to working in close partnership with all members of the school and the wider community.

If, at any time, an individual has a concern about any aspect of one of the Trust's schools, our aim is that the concern will be dealt with as quickly, sympathetically and effectively as possible. It is hoped that most concerns will be settled amicably at this stage.

However, if there is a continuing concern, this can be directed through the formal stages as outlined in the Trust's complaints procedure, detailed on the following pages. This procedure applies equally to parents and any other individuals who are unhappy with some aspect of the school/Trust.

### Procedure for addressing complaints

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. To this end all staff and governors are aware of the procedure to be followed if a complaint is raised. 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.

The Trust operates a five stage complaints procedure. If the complaint concerns the conduct of the Principal/Headteacher it will be dealt with in accordance with Stage 3 and directed to the Chair of Governors

### Stage 1: Initial Concern or Complaint

In the first instance, it is hoped that the complainant will be able to discuss the issue with the member of staff concerned. 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 a governor, they will refer the issue and the complainant to the appropriate person within their school and advise the complainant of the procedure. Governors will not act unilaterally outside the formal 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, from the member of staff involved or nominated to respond by the Principal/Headteacher, within five school days.

### Stage 2: Complaint heard by the Principal/Headteacher

The complainant may be dissatisfied with the way the complaint was handled at Stage 1, and/or wish to pursue their initial complaint. If so, the complainant should submit the complaint in writing, to the

Principal/Headteacher, within 10 school days of Stage 1 being concluded, making it clear in the letter why they are dissatisfied with the outcome of stage 1.

If the complaint was dealt with by the Principal/Headteacher at Stage 1 then the complainant should submit a formal complaint to the Chair of Governors within 10 school days of receiving the outcome from Stage 1.

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 3: Complaint heard by a nominated governor**

If the complaint cannot be resolved at Stage 2 the complainant may take their complaint to the Chair of Governors.

The complainant will need to write to the Chair of Governors, care of the school, within 10 school days of the date of the letter notifying them of the outcome of Stage 2. 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 2.

The Chair or a nominated governor 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 governor 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 governor 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 Governors.

The complaint will move on to Stage 4 if the complainant remains dissatisfied by the outcome.

### **Stage 4: Complaint heard by the Trust Board Complaints Appeal Panel**

If the complainant is not satisfied with the outcome of Stage 3, the complainant needs to write to the Chair of Trustees within 10 school days of the date of the letter or meeting informing them of the outcome of Stage 3, notifying that they wish their complaint to be heard by the Trust's Complaints Appeal Panel. The Chair of Trustees, or a nominated Trustee, will convene a Trust Board 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. 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.

The Trust Board will nominate three people to have delegated powers to hear the complaint at this stage. This may include staff, governors or Trustees. At least one will be a person who is independent from the management and operation of the school. All panel members will have no previous knowledge of 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 of the panel's decision, usually within five school days.

#### **Stage 5: Referring the complaint to the Education and Skills Funding Agency**

If the complainant is not satisfied that their complaint has been handled correctly, they can make a final appeal to the Education and Skills Funding Agency.

The ESFA will check whether the complaint has been dealt with properly by the Trust and will consider complaints about academies that fall into any of the following three areas:

- a) where there is undue delay or the Trust did not comply with its own complaints procedure when considering a complaint.
- b) where the Trust is in breach of its funding agreement with the Secretary of State.
- c) where an Trust has failed to comply with any other legal obligation.

The ESFA will not overturn the Trust's decision about a complaint. However, if they find we did not deal with a complaint properly, they will request the complaint is looked at again from the appropriate stage, following a process which meets the requirements set out in the Regulations.

#### **General and Monitoring**

All complaints and correspondence/hearings under the complaints policy are treated as confidential and will only be disclosed when required to do so by law.

The Academy Council will review, on an annual basis, the operation of the complaints policy within their own school, the number of complaints received reaching stage 3 or above, and the stage at which these complaints were resolved, and report this information to the Board of Trustees.

The Trustees will review this policy on an annual basis.

*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 from the school re-opening.