

## Complaints Policy and Procedure

Key Manager	<b>Executive Assistant</b>
Ratified by Directors	<b>April 2019</b>
Review Dates:	<b>Spring 2023 (or sooner if DfE guidelines change)</b>
Location of Policy:	<b>Trust Intranet</b>
Access to Policy:	<b>Open</b>
Policy Context:	<b>This Policy applies to all staff and volunteers in the Nene Education Trust and anyone wishing to make a complaint about the Trust.</b>

### Revision History

Revision Date	Description	Sections Affected	Revised By	Approved By
30/04/2019	New policy		H R Director	Trust Board
Spring 2021	Changed Executive Administrator to Governance Manager	Various	Governance Manager	CEO under written Trust Board resolution 22/02/2021
	Changed HR Director to Senior HR Professional	Various	Governance Manager	CEO under written Trust Board resolution 22/02/2021
	<p>Stage 2 complaints removal of:- If there are fewer than three governors/Trustees available, the Governance Manager/Senior HR Professional will source any additional, independent governors or Trustees in order to make up the committee.</p> <p>Reason: A panel will <u>always</u> be 3 members. All panel members will be made up of Trustees and where Governors are included these will be from across Schools in the Trust ensuring impartiality without prior knowledge to the case.</p>	Stage 2 complaints	Governance Manager	CEO under written Trust Board resolution 22/02/2021
24/06/2021	Additional details regarding complaints relating to Centre Assessed Grades	Scope of the complaints procedure	Governance Manager	CEO under written Trust Board resolution 22/02/2021
November 2021	Changed Governance Manager to Executive Assistant and Senior HR Professional to COO	Various	Executive Assistant	CEO under written Trust Board resolution 22/02/2021

## Introduction

This policy sets out the way in which the Nene Education Trust (NET) aims to address concerns and complaints. NET recognises that there may be times when a parent/carer, trustee, school staff member/governor or other stakeholder, wishes to raise a concern or complaint about a particular aspect of the work of one of the academies in the Trust or member of the school staff; or trustees, members or governors; or a member of the centralTrust team. The Trust wants to know as soon as possible about such concerns or cause for dissatisfaction so that the issue can be dealt with appropriately and resolved promptly. This complaints policy is informed by the DfE Best Practice Guidance for Academies ComplaintsProcedures 2020.

## Who can make a complaint?

This policy may be used by:

- a parent whose child attends or who has recently left a Nene Education Trust school
- members of the public or other organisations,
- a governor, trustee, or member about a member of staff at a school or in the central Trust team or another elected member, trustee or governor,
- a member of staff against an individual staff member, governor, trustee or member,
- Stakeholders for GDPR and Freedom of Information related matters.

Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

## Our Aims

- Complaints will be dealt with honestly, politely and in confidence.
- Complaints will be investigated thoroughly and fairly and every effort will be made to resolve the issue.
- The timescales for dealing with complaints are specified below.
- We will provide updates on the progress of complaints at each stage.
- We will apologise if we have made a mistake.
- A full and clear written reply to formal complaints will be issued within 28 school working days (5½ weeks) of the complaint being received. In exceptional circumstances or complex investigations, a longer time period may be required. In these cases, individuals will be kept abreast of progress.

## The difference between a concern and a complaint

A concern may be defined as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*.

A complaint may be defined as *'an expression of dissatisfaction however made, about actions taken or a lack of action'*.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of

the complaints procedure. The Nene Education Trust takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty raising a concern or discussing a concern with a particular member of staff, we will respect your views. In these cases, the Principal of the school or in the case of the Trust, the Executive Assistant will refer the complaint to another suitable staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, the school and/or the Trust will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

### **How to raise a concern or make a complaint**

A concern or complaint can be made in person, in writing, by email, or by telephone. They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.

If this is a school matter, in the first instance, concerns should be raised with the most relevant member of staff; in most cases this will be the class teacher. If the concern or complaint is about the class teacher or another staff member it should be raised as a confidential matter with the Principal. If it is about the Principal it should be raised as a confidential matter with the Chief Executive Officer (CEO). If the issue remains unresolved, the next step is to make a formal complaint. All such complaints involving staff or governors should be marked as 'Private and Confidential'.

Complainants should not approach individual governors to raise concerns or complaints. Governors have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 2 of the procedure.

Complaints about the Chair of Governors, any individual governor, Trustee, member or the governing body as a whole should be addressed in confidence to the Executive Assistant via the Trust Head Office or via email to [enquiries@neneeducationtrust.org.uk](mailto:enquiries@neneeducationtrust.org.uk)

Complaints about a member of staff at the central Trust office, excluding the CEO, should be addressed to the Trust Chief Operations Officer via the Trust Head Office, marked Private and Confidential.

Complaints about the CEO should be raised as a confidential matter with the Chair of the Trust Board.

For ease of use, a template complaint form is included at the end of this policy.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

## Anonymous complaints

The Trust will not normally investigate anonymous complaints. However, the Principal, Chair of Governors, or the Chief Operating Officer, as/if appropriate, will determine whether the complaint warrants an investigation.

## Time scales

Complainants must raise their 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. The Trust will consider complaints made outside of this timeframe if exceptional circumstances apply.

## Complaints received outside of term time

The Trust will deem complaints made outside term time to have been received on the first school day after the holiday period.

## Scope of this Complaints Procedure

This procedure covers complaints about provision of community facilities or services by the Nene Education Trust, except complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
<ul style="list-style-type: none"><li>• Admissions to school</li><li>• Statutory assessments of Special Educational Needs</li><li>• School re-organisation proposals</li></ul>	Concerns about admissions, statutory assessments of Special Educational Needs, or school re- organisation proposals should be raised with North Northamptonshire Council.
<ul style="list-style-type: none"><li>• Matters likely to require a Child Protection Investigation</li></ul>	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.  If you have serious concerns, you may wish to contact the North Northamptonshire Council designated officer (LADO) who has local responsibility for safeguarding.
<ul style="list-style-type: none"><li>• Exclusion of children from school*</li></ul>	Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a> .  <i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i>

<ul style="list-style-type: none"> <li>Whistleblowing</li> </ul>	<p>We have an internal whistleblowing procedure for all our employees including temporary staff and contractors. This should be the first port of call for whistleblowing.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistle blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a></p> <p>School volunteers who have concerns about the Trust or Trust schools should complain through the school's complaints procedure. They may also be able to complain direct to North Northamptonshire Council or the Department for Education (see link above), depending on the substance of the complaint.</p>
<ul style="list-style-type: none"> <li>Staff grievances</li> </ul>	<p>Complaints from staff will be dealt with under the Trust's internal grievance procedures.</p>
<ul style="list-style-type: none"> <li>Staff conduct</li> </ul>	<p>Complaints about staff may be raised under this procedure. If appropriate, matters may be addressed under the school/Trust's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
<ul style="list-style-type: none"> <li>Governance conduct</li> </ul>	<p>Complaints about governance will be dealt with under the procedures set out in this policy (internal governance complaint) or staff grievance policy (staff complaint about governance).</p> <p>Reference will be made to the Governance Code of Conduct.</p>
<ul style="list-style-type: none"> <li>Complaints about services provided by other providers who may use school premises or facilities</li> </ul>	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them directly.</p>
<ul style="list-style-type: none"> <li>National Curriculum - content</li> </ul>	<p>Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a></p>

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on the Trust's ability to adhere to the timescales within this procedure or result in the procedure being suspended until those

public bodies have completed their investigations.

If a complainant commences legal action against the Nene Education Trust or any Trust school in relation to their complaint, the Trust will consider whether to suspend the complaints procedure in relation to the complaint until those legal proceedings have concluded.

### **Resolving complaints**

At each stage in the procedure, the Nene Education Trust will ensure complaints are handled honestly, politely and in confidence. They will be looked into thoroughly and fairly, and every effort will be made to resolve the complaint.

If appropriate, the Trust will acknowledge that the complaint is upheld in whole or in part. In addition, the Trust may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that the Trust will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology.

### **Withdrawal of a Complaint**

If a complainant wants to withdraw their complaint, the Trust will ask them to confirm this in writing.

## Formal Procedure

### Stage 1

If the concern or complaint is not resolved at the informal stage, the complaint should be made in writing and addressed to the Principal (unless it is about the Principal). This may be done in person, in writing (preferably on the Complaint Form), email, or by telephone.

The Principal will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 working school days.

Within this response, the Principal will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Principal can consider whether a face to face meeting is the most appropriate way of doing this.

*Note: The Principal may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.*

During the investigation, the Principal (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation.

If the Principal is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the school will take to resolve the complaint.

The Principal will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

If the formal complaint is about the Principal it should be raised as a confidential matter with the Chief Executive Officer (CEO).

Complaints about the CEO or a member of the governing body (including the Chair or Vice-Chair) will be addressed to the Chair of the Trust Board. A suitably skilled trustee/governor will be appointed to complete all the actions at Stage 1.

Stage 1 will be completed and a written response issued within 28 working school days of the complaint being received.

### Stage 2

If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2. This would be addressed by members of the Trust Complaints Committee, which is formed of the first three impartial governors/trustees available. This is the final stage of the complaints procedure.

A request to escalate to Stage 2 must be made to the Executive Assistant via email [enquiries@neneeducationtrust.org.uk](mailto:enquiries@neneeducationtrust.org.uk) within 5 working school days of receipt of the Stage 1 response. In the case of a complaint about the Trust, a Trustee, Member, CEO or central Trust team staff member, the request must be made to the Chief Operating Officer via the Trust Head Office marked Private and Confidential within 5 working school days of receipt of the Stage 1 response. Remove this sentence – keep all escalations to the enquiries inbox

The Executive Assistant will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 working school days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Executive Assistant will write to the complainant to inform them of the date of the Trust Complaints Committee meeting. The aim is to convene a meeting within 15 working school days of receipt of the Stage 2 request. If this is not possible, the Executive Assistant will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Executive Assistant will decide when to hold the committee meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

The Committee will consist of at least 3 members, who have had no prior connection with the complaint and at least one of these must be an independent member. A governor from a local governing board from a different school within the Trust who has no conflict of interest or prior knowledge of the complaint, can be an independent member. This ensures impartiality and reduces the risk of any possible conflict with the complaint that is being heard. When defining an independent person the Trust should not use any person who has a clear connection with the school (for example, a solicitor who routinely handles legal matters for the school).

Prior to the meeting, the committee members will decide amongst themselves who will act as the Chair of the Complaints Committee.

The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.

If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. Generally, parties will not be permitted to bring legal representatives to the committee meeting. However, there may be exceptional circumstances when more formal representation is appropriate. For instance, if a school or Trust employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

*Note: Complaints about staff conduct will not generally be handled under this Complaints procedure. Complainants will be advised that any complaints about staff conduct will be*



*considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.*

Representatives from the media are not permitted to attend.

At least 10 working school days before the committee meeting, the Executive Assistant will:

- confirm and notify the complainant of the date, time and venue of the committee meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible.
- in confirming the meeting request, copies of any further written material should be given to the Executive Assistant at least 5 working school days before the meeting for distribution to the committee.

The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint. New complaints must be dealt with from Stage 1 of the procedure.

The committee meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The committee will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school or Trust's systems or procedures to prevent similar issues in the future.

The Chair of the Committee will provide the complainant and the school (where appropriate) with a full explanation of their decision and the reason(s) for it, in writing, within 28 working school days of the request to escalate to Stage 2 being received. The findings and recommendations will be made available for inspection by the proprietor and the Principal

The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied (see section on Further Recourse below).

There are additional levels of governance which assume responsibility under specific circumstances for Stage 2.

Specifically:

- Where the complaint relates to the Chief Executive Officer, or a Trustee, governor, or a Member, the Chair of Trustees assumes responsibility.
- Where the complaint relates to the Chair of Trustees an independent investigator will be appointed by the Chief Executive Officer.
- For complaints to be addressed to the Chair of Trustees or the Chief Executive Officer, please contact the Trust Executive Assistant via email to [enquiries@neneeducationtrust.org.uk](mailto:enquiries@neneeducationtrust.org.uk)

## Recording Complaints

A written record will be kept of all formal complaints made at Stage 1 and 2, detailing:

- whether they are resolved and what action has been taken by the school/Trust as a result of those complaints (regardless of whether they are upheld).
- All correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or (or someone acting on his or her behalf) requests access to them.

Complaints documentation will be held securely on file in line with GDPR retention periods.

## Further Recourse

The Nene Education Trust anticipates that most complaints will be resolved by the internal processes outlined in this policy.

If the complainant believes the Trust did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed all stages.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by the school/Trust. They will consider whether the Nene Education Trust has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), by telephone on: 0370 000 2288 or by writing to:

Department for Education  
Piccadilly Gate, Store Street, Manchester M1 2WD

## Annex 1 Roles and Responsibilities

### Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

### Investigator

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
  - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
  - interviewing staff and children/young people and other people relevant to the complaint
  - consideration of records and other relevant information
  - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting

- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the Principal or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The Principal or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

**Executive Assistant acting as Complaints Co-ordinator** (but as appropriate to the complaint this could be the Principal, Clerk to the Governing Body/Trustees, or Senior HR Professional or other Trust central team staff member)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, Principal, Chair of Governors, and any other relevant party as appropriate to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
  - sharing third party information
  - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.

### **Clerk to the Complaints Committee**

The Clerk should:

- ensure that all people involved in the complaints process are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example; stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision.

## Trust Complaints Committee Chair

The committee chair, who is nominated in advance of the complaint meeting, should ensure;

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.

If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting

- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Complaints Co-ordinator – Executive Assistant

## Committee Member

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so
- no governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant
- we recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- many complainants will feel nervous and inhibited in a formal setting

- parents/carers often feel emotional when discussing an issue that affects their child.
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting
- careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.
- the committee should respect the views of the child/young person and give them equal consideration to those of adults.
- if the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.
- however, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.
- the welfare of any child/young person is paramount.

## Annex 2 Complaint Form

Please complete and return to the Executive Assistant via [enquiries@neneeducationtrust.org.uk](mailto:enquiries@neneeducationtrust.org.uk) who will acknowledge receipt and explain what action will be taken.

<b>Your name:</b>
<b>To which school does your complaint or concern apply (if relevant):</b>
<b>Pupil's name (if relevant):</b>
<b>Your relationship to the pupil (if relevant):</b>
<b>Your Address:</b>        <b>Postcode:</b> <b>Your contact details:</b> <b>Day time telephone number:</b> <b>Evening telephone number:</b>

**Please provide details of your complaint, including whether you have spoken to anybody at the school about it and whether any steps have already been taken to resolve the complaint.**

**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:**

## Areas of responsibility and lines of reporting for complaints

Who is the complaint about ?	Who should the complaint be addressed to
Class teacher or other member of staff	Principal
Principal	Chief Executive Officer
Chair of Governors, individual Governors, Trustee, member of Governing Body as a whole	Chair of the Trust Board
Member of staff at the central trust office (excluding the CEO)	Chief Operating Officer
Chief Executive Officer	Chair of the Trust Board