The NSB Trust

Complaints Policy and Procedures

To be reviewed annually

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1. Introduction: who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at a school within The NSB Trust. Any person, including members of the public, may make a complaint to The NSB Trust about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

The difference between a concern and a complaint:

- 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 NSB Trust takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the respective school's Headteacher will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Headteacher will refer you to another staff member. The member of staff may be a more senior member of staff but does not have to be. The ability to consider the concern 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 NSB Trust will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

2. General Principles

Resolution of a complaint provides an opportunity for us to improve our practice and so strengthen our partnership with parents.

It is desirable for any concern/complaint to be addressed by a member of staff or members of the Trust Board at a level close to the cause for the concern.

Our procedures should be quick, consistent, and fair to all.

A complaint is distinct from any formal disciplinary procedure. Staff who are questioned during the investigation of a complaint will be treated fairly and have an opportunity to put their case. They will be offered support if needed.

If your concern/complaint has the potential to become a staff disciplinary issue, professional advice will be sought.

Confidentiality is important in securing the confidence of all concerned. Conversations and correspondence will be treated with discretion. You need to feel confident that a complaint will not disadvantage your child. However, you must realise that some information may have to be shared – as sensitively as possible – for us to carry out a thorough investigation.

Every complaint will be acknowledged as 'genuinely felt' by the complainant.

3. How to raise a complaint and the Complaints Procedure

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

Complaints against school staff (except the Headteacher) should be made in the first instance, to the Headteacher of the relevant school. Please mark them as Private and Confidential.

Complaints that involve or are about a Headteacher should be addressed to the Chair of the Trust Board, via the relevant school office. Please mark them as Private and Confidential.

Complaints about the Chair of the Local Committee or Trust Board, any individual member of the Local Committee or Trust Board or the whole Local Committee or Trust Board should be addressed to the Clerk to the Trust Board via the school office. Please mark them as Private and Confidential.

For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the school office. You can also ask a third- party organisation for example like the Citizens Advice to help you.

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

We will not normally investigate anonymous complaints. However, a Headteacher of the relevant school in the Trust or a Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

Timescale

You must raise the 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 time frame if exceptional circumstances apply.

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.

4. Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by The NSB Trust, other than complaints that are dealt with under other statutory procedures, including those listed below.

This policy does not cover complaints procedure relating to:

Exception type	**Process**
Admissions	Concerns about school admissions should be through relevant appeals processes
Exam Results	Examination review and appeals procedure
Whistleblowing	Whistleblowing Policy, Contact the Designated Officer at the Local Authority
Child Protection	Child Protection policy complaints procedure

Suspension and Exclusion	The school Behaviour policy guidance and School Discipline and Exclusions
Staff Grievances	Complaints from staff will be dealt with under the school's internal grievance procedures
Staff Conduct	Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate. 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.
Statutory Assessments of SEND	Relevant SEND Policy guidance and contacting the WNC LA

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our 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 this happens, we will inform you of a proposed new timescale.

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

5. Resolving complaints

At each stage in the procedure, The NSB Trust wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we 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 we 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

6. Withdrawal of a complaint

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

7. Stage 1: Informal complaints

It is to be hoped that most concerns can be expressed and resolved on an informal basis.

Concerns should be raised with either the school class teacher, school based middle leader or Senior Leadership Team of the relevant school. Anyone wishing to express a concern should not approach individual governors or trustees to raise a concern. They have no power to act on an individual basis, and it may also prevent them from considering a more formal complaint at Stage 3 of the procedure.

At the conclusion of their investigation, the appropriate person investigating the complaint will provide an informal response normally within 2-3 school days of the date of receipt of the complaint.

If the issue remains unresolved, the next step is to make a formal complaint.

8. Stage 2: Formal complaints

A Formal Complaint must be made to the Headteacher of the relevant school (unless they are about the Headteacher), via the school office. This must be done in writing (preferably on the Complaint Form below).

The Headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within **3** school days.

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

Note: The Headteacher will normally delegate the investigation to another member of the school's Senior Leadership Team (The Investigating Officer) but not the decision to be taken.

During the investigation, the Headteacher (or Investigating Officer) 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.

At the conclusion of their investigation, the school will provide a formal written response within 10 school days of the date of receipt of the complaint.

If the school is unable to meet this deadline, the complainant will be provided with a 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 NSB Trust will take to resolve the complaint.

The Headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

If the complaint is about a Headteacher, or an individual member of the Local Committee or Trust Board (including the Chair or Vice-Chair), or an individual member of the Trust Board, then a suitable member of the Trust Board will be appointed to complete all the actions at Stage 2.

Complaints about a Headteacher or member of the Trust Board must be made to the Chair of the NSB Trust Board, via the school office.

If the complaint is:

- jointly about the Chair and Vice Chair of either the Local Committee or The NSB Trust Board or
- the entire governing (local committee) or trust body or
- the majority of the governing (local committee) or trust body

Stage 2 will be considered by an independent investigator appointed by The NSB Trust board. At the conclusion of their investigation, the independent investigator will provide a formal written response.

Where complaints are about staff conduct, complainants will be informed if the matter is to be dealt with under the staff disciplinary procedures, but the outcomes of these procedures will not be shared with the complainant.

9. Stage 3: Panel hearings

Complaints rarely reach the appeal stage, but it is important that our Local Committees and Trust Board are prepared to deal with them.

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3. At The NSB Trust an individual complaint will not be considered by the full Local Committee and Trust Board. The Local Committee and Trust Board will instead establish a complaint panel (the 'Panel') to deal with the complaint. The Panel may consist of a member of the Local Committee and at least one member of the Trust Board taken from a nominated pool and a person who is independent of the management and running of the school making a panel of 3.

A request to escalate to Stage 3 must be made to the Chair of The NSB Trust, via the school office, within 5 school days of receipt of the Stage 2 response.

The date the complaint is received will be recorded and the Trust will acknowledge receipt of the complaint in writing (either by letter or email) within 3 school days.

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

The Clerk of the Panel will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 15 school days of receipt of the Stage 3 request. If this is not possible, The NSB Trust will provide an anticipated date and keep the complainant informed.

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

The Clerk of the Panel will ensure that the complainant, the Headteacher, and any other witnesses are given at least 5 school days' notice in writing of the date, time and place of the hearing or otherwise are in full agreement of a shorter timescale. The letter of notification to will also inform the complainant of their right to be accompanied by a friend/relative. Generally, we do not encourage either party to bring legal representatives to the Panel meeting. However, there may be occasions when legal representation is appropriate. This must be announced by either party prior to a meeting. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation. Representatives from the media are not permitted to attend.

The letter must establish whether there are communications issues – such as language, hearing impairment – and the clerk should make suitable arrangements as required. The letter will set out the procedure for the conduct of the hearing and any rights to submit further written evidence to the committee.

The Clerk of the Panel will invite the Headteacher and/or the person investigating the complaint to attend the hearing and to submit a written report for the panel in response to your complaint. The Headteacher may also invite the chair of the Trust Board, or any other members of staff directly involved in matters raised by the complainant to respond in writing and/or in person to the complaint. Any involvement of other staff is at the discretion of the chair of the panel.

All relevant documents should be received by all parties at least 5 school days before the meeting of the panel. This provides adequate opportunity to read them prior to the start of the meeting.

During the meeting:

- The Chair of the Panel should ensure that minutes of the meeting are taken.
- The Chair of the Panel should try to ensure that the proceedings are sufficiently informal that all participants feel at ease.
- At the conclusion of the representations and questions, the chair should explain that the Panel will consider the issues and write to both parties with their decision or judgement within 5 school days.
- All except for the Panel and any advisers should then withdraw and the Panel should consider the evidence. This should include: a judgement about the validity of the complaint; appropriate action to be taken by the school and/or the complainant; and where appropriate, recommendations on changes to the school's systems or procedures to ensure similar problems do not arise in the future.

The NSB Trust will keep a copy of all correspondence and notes confidentially on file. This will be separate from pupils' personal records.

If the complaint is:

- jointly about the Chair and Vice Chair of either the Local Committee or The NSB Trust Board or
- the entire local committee or trust body or
- the majority of the local committee or trust body

Stage 3 will be heard by a completely independent committee panel.

Any written material will be circulated to all parties at least 2 school days before the date of the meeting. The panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

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

The 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 must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The panel will consider the complaint, and all the evidence presented. The panel 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 panel will:

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

The Chair of the Stage 3 Panel will provide the complainant and the relevant school with a full explanation of their decision and the reason(s) for it, in writing, within 5 school days.

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 panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about.

Furthermore, they will be available for inspection on the relevant school premises by the proprietor and the Headteacher.

A written record will be kept of all complaints, this will be sent to Human Resources for The NSB Trust and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.

All correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

10. Next steps

If the complainant believes the school 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 ESFA after they have completed Stage 3.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by a school. They will consider whether the school has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed Part 7 of the Education (Independent School Standards) Regulations 2014.

The complainant can refer their complaint to the ESFA online or by telephone:

www.education.gov.uk/contactus
0370 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

11. Unreasonably persistent complaints

The NSB Trust will treat all complaints seriously. However, a complaint may become unreasonable if the person:

- has made the same complaint before, and it has already been resolved by following the school's complaints procedure
- makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- knowingly provides false information
- insists on pursuing a complaint that is unfounded, or out of scope of the Complaints procedure
- pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refuses to co-operate with this Complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the time frames it sets out
- changes the basis of the complaint as the investigation goes on
- makes a complaint designed to cause disruption, annoyance or excessive demands on school time
- seeks unrealistic outcomes, or a solution that lacks any serious purpose or value

We will take every reasonable step to address the complainant's concerns and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter

throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

If the complainant continues to contact the school in a disruptive way, we may put communications strategies in place. We may:

- give the complainant a single point of contact via an email address
- limit the number of times the complainant can make contact, such as a fixed number per term
- ask the complainant to engage a third party to act on their behalf, such as Citizens Advice
- put any other strategy in place as necessary

We may stop responding to the complainant when all of these factors are met:

- we believe we have taken all reasonable steps to help address their concerns
- we have provided a clear statement of our position and their options
- the complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from our school site.

13. Duplicate complaints

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, we will:

- tell the new complainant that we have already investigated and responded to this issue, and the local process is complete
- direct them to the DfE if they are dissatisfied with our original handling of the complaint

If there are new aspects, we will follow this procedure again.

14. Complaint campaigns

Where a school within The NSB Trust receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school may respond to these complaints by:

- publishing a single response on the school website
- sending a template response to all the complainants

If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the normal procedures will apply.

15. Dealing with complaints about racism

Racist Behaviour to a Pupil or Student

When an incident is reported as one pupil being racist towards another, an Incident Form will be completed and reviewed by a member of the Senior Leadership Team and may then be sent to the appropriate Headteacher for further review based on the details of the incident.

Racist incident data (but not an individual case) is reported and discussed at meetings of the Trust Board.

Racist Incident Alleged Against School Staff

The report/complaint should be made to a Headteacher within the Trust, or if a Headteacher is the subject of the report/complaint, to the Chair of the Trust Board

As racism is a disciplinary offence, the normal disciplinary procedures will be followed.

Institutional Racism

Parents who perceive that racist practice or policies are operated by the school should pursue these through the General Complaints Procedure.

16. Appendix A

Stage 2 - Formal Complaint

Part One – to be completed by the complainant

Your Name

Your son/daughter (if applicable)

Trust School attended:

Your address

Your contact numbers

Your email address

Date of complaint

Brief statement of the nature of complaint (a summary of the complaint only)

Was the complaint raised informally? Yes / No

If so, with whom?

When?

Signature

Part Two – to be completed by the school.

Person to deal with complaint

Has the complainant put their full complaint in writing? Yes / No / Not yet

Date complaint received

Signature

Once the complaint is in writing, this pro-forma and full written complaint must be forwarded to the respective Headteacher or the Executive Headteacher of the Trust (or the Chair of the Trust Board if the complaint is against the Headteacher) who will decide who will conduct the investigation.

The investigation will follow the procedures laid down in The NSB Trust's Complaints Policy.

17. Appendix B

Model Procedure for the Conduct of a Stage 3 Panel Hearing

1. The Chair of the Panel should invite all parties (except any witnesses) into the room, introduce and explain the role of each person. The person investigating the complaint will be able to respond instead of or as well as the Headteacher.

2. The Chair should explain that the purpose of the hearing is to review the complaint and try to resolve it and achieve reconciliation between the school and the complainant. This will not always be possible. It may only be possible to establish the facts of the situation and make recommendations about future action.

3. The Chair should ascertain whether the proposed procedure is acceptable. If so, the meeting will proceed along the following lines:
   - the complainant describes her/his complaint and may call witnesses
   - the Headteacher may seek clarification from the complainant and any witnesses
   - the Panel or its advisers may seek clarification from the complainant and any witnesses
   - the Headteacher will respond to the complaint and may call witnesses
   - the complainant may seek clarification from the Headteacher and any witnesses
   - the Panel (including any advisers) may seek clarification from the Headteacher and any witnesses
   - the Headteacher will be given the opportunity to sum up
   - the complainant will be given the opportunity to sum up
   - both parties will leave the room to allow the Panel to deliberate but any advisers may remain to offer technical and procedural advice

4. The Panel should make a decision or judgement on:
   - the validity of the complaint
   - appropriate action to be taken by the school and/or parent
   - and where appropriate, recommendations on changes to the school's systems or procedures to ensure similar problems do not arise in the future

5. The decision or judgement will be confirmed in writing within five school days.

NB *If there is more than one complainant this procedure should be followed for each one in turn, unless the complainants agree to the complaint being heard with all present in one sitting.*