

COMPLAINTS POLICY AND PROCEDURES (Statutory)



Preamble and Context

Academies within the MAT are proud of their reputation for handling the relatively few complaints the Trust receives in a timely manner. We are anxious to resolve all complaints at the earliest possible stage; for this reason, we have agreed with all the local authorities *, with whom we (mainly) work, that any complaint inadvertently received by any local authority staff in relation to one of our Academies, will be referred immediately to the Trust's Complaints Officer, Mr Nigel Goodall for further action.

*For the purposes of this policy, those local authorities with whom we work are mainly, but not exclusively, Redcar and Cleveland, Middlesbrough and North Yorkshire.

The complaints procedure covers all complaints about any provision of facilities or services that each academy provides with the exceptions below:

Admissions and statutory assessments of Special Education Needs (SEN) should be raised with the Local Authority.

All staff whistleblowing concerns should be addressed in accordance with the appropriate Academy Whistleblowing Policy.

Matters involving grievance and/or disciplinary procedures will be dealt with in accordance with the appropriate Academy Policy.

Definition

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 generally defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

Stage One: Academy Response - Complaint heard by Staff Member

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 Academy can be crucial in determining whether the complaint will escalate. To that end, all our staff are made fully aware of this complaints procedure so that they know what to do when they receive a complaint.

The Academy will respect the views of a complainant who indicates that he/she would have difficulty in discussing a complaint with a particular member of staff. In these cases, the Complaints Officer will consider referring the complainant to another staff member. Where the complaint concerns the Executive Principal, the Complaints Officer will refer the complainant to the Chair of the Academy Trust. Where the complaint concerns the Head of School, the Complaints Officer will refer the complainant to the Executive Principal.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the Complaints Officer may consider referring the complainant to another 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 crucial.

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Where the first approach is made to an individual Member, Trustee or Governor, that Member, Trustee or Governor will refer the complainant to the appropriate person and advise them of the procedure. Members, Trustees or Governors will not act unilaterally on an individual complaint 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 procedure.

Within 48 hours of receipt of the complaint, via the NMAT complaints email address (Complaints@nmat.co.uk), the complainant will receive an acknowledgement of dissatisfaction email from the Complaints Officer. This email will also confirm that the complaint is being addressed at Stage 1 of the Complaint procedure. A formal response will then be sent to the complainant within seven working days.

See below for 'exemptions to timescales' section.

Stage Two: Academy Response - Complaint heard by Head of School

The Head of School's influence will already have shaped the way complaints are handled in the Academy. At this point, the complainant may be dissatisfied with the way the complaint was handled at Stage One as well as pursuing their initial complaint. The Head of School may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

The complainant will receive an Academy acknowledgement of their dissatisfaction at Stage 1 of the Complaint procedure within 5 working days of the Academy receiving written confirmation from the complainant via Complaints@nmat.co.uk

The Head of School will then respond in writing within 10 working days of the Academy acknowledgement communication with the findings of all investigations into the complaint and any necessary outcomes as appropriate.

Stage Three: NMAT Response - Complaint heard by Executive Principal

If the complainant is still not satisfied that the complaint has been addressed at Stages One or Two, the complainant needs to write to the Executive Principal via Complaints@nmat.co.uk giving details of the complaint.

If a complaint is referred to the Executive Principal, but he deems it appropriate to refer it to the Head of School, to be addressed under Stage 2, the complainant will be sent an acknowledgement letter by the Executive Principal informing them of this.

On occasion, a complainant might perceive that their complaint is about the Head of School and, therefore, they would raise the complaint at Stage 3 of the process; however, the Executive Principal may decide that the complaint should be referred back to the Head of School at Stage 2 because it is actually about an Academy policy that has been implemented by the Head of School rather than the Head of School themselves per se.

The complainant will receive an Executive Principal acknowledgement of their dissatisfaction at Stage 2 of the Complaint procedure within 5 working days of receiving written confirmation from the complainant.

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The Executive Principal will then respond in writing within 10 working days (of the Executive Principal acknowledgement communication), with the findings of all investigations into the complaint and any necessary outcomes as appropriate.

Stage Four: NMAT Response - Complaint heard by Chair of the Academy Trust (Trustee Board)

If the complainant is still not satisfied that the complaint has been addressed at the Stages One to Three, the complainant needs to write to the Chair of the Academy Trust via Complaints@nmat.co.uk giving details of the complaint.

If a complaint is referred to the Chair of the Academy Trust, but they deem it appropriate to refer it to either the Executive Principal or to be addressed at Stage 2 by the Head of School, the complainant will be sent an acknowledgement letter by the Chair informing them of this.

On occasion, a complainant might perceive that their complaint is about the Executive Principal and, therefore, they would raise the complaint at Stage 4 of the process; however, the Chair of the Academy Trust may decide that the complaint should be referred back to the Executive Principal or Head of School at Stage 2 because the complaint is actually about an NMAT (or Academy specific) policy that has been implemented by the Executive Principal/Head of School rather than, about them per se.

For complaints that will be heard by the Chair, the Chair will convene a meeting of the NMAT Complaints Hearing Panel ('the Panel') through the Clerk to the Panel. The Complaints Hearing is the last Academy-based stage of the complaints process.

Individual complaints will not be heard by the whole Board of Trustees or Local Governing Body at any Stage, as this could compromise the impartiality of any panel set up for any further hearings following a serious complaint(s).

The Panel will review the complaint within two weeks of receipt of the letter to the Academy Trust requesting the implementation of Stage 4.

The Panel will consist of 4 people. The Panel may consist of 1 member, 1 trustee and 1 governor from LGB or 1 Trustee and 2 Governors (as appropriate). In addition, the Panel will consist of a fourth individual, who will be independent of the management and running of the Academy. All members of the Panel will have delegated powers to hear complaints however it would normally preclude anyone who works at the Academy.

Exemptions to response timescales

If it is not possible to respond within the time periods stated above, the complainant will be given an explanation as to the reasons, and asked to agree to a reasonable extension of the timescale.

The Remit of the Complaints Hearing Panel

The Panel can:

- Dismiss the complaint in whole or in part;
- Uphold the complaint in whole or in part;

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- Decide on the appropriate action to be taken to resolve the complaint;
- Recommend changes to the Trust or Academy's systems or procedures to ensure that problems of a similar nature do not recur.

There are several points which any individual sitting on a Complaints Panel needs to remember:

- It is important that the hearing is independent and impartial. No individual may sit on the Panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- The aim of the Panel is to resolve the complaint and achieve reconciliation between the Trust and/or Academy and the complainant. However, it has to be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations that will satisfy the complainant that his/her complaint has been taken seriously.
- The Panel will consider all the information and all parties concerned may make additional written representations for the Panel to consider as part of the hearing.
- A copy of any findings and recommendations reached by the Panel will be made available to the complainant and where relevant, the person complained about.

All individual's sitting on the Panel will be made fully aware of this policy and procedure.

Roles and Responsibilities

The Role of the Clerk

The Chair of the Academy Trust will ensure that a Clerk is appointed to the Complaints Hearing Panel ('the Panel'). The Clerk to the Panel will be the contact point for the complainant and confirm:

- When the hearing will take place;
- Collate any written material and send it to the parties in advance of the hearing;
- Record the proceedings;
- Notify all parties of the Panel's decision;
- Ensure findings and recommendations are available for inspection by the Academy Trust and/or the Executive Principal.

The Role of the Chair of the Academy Trust

The Chair of the Academy Trust will:

- Check that the correct procedure has been followed;
- If a hearing is appropriate, notify the Clerk to arrange the Panel;

The Role of the Chair of the Panel

The Chair of the Panel has a key role, ensuring that:

- The remit of the Panel is explained to all parties and ensures all parties have had the opportunity to make additional written representations;
- The issues are addressed;

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- Key findings of fact are made;
- Parents/Complainants are allowed to attend and be accompanied at the Panel hearing if they wish;
- Parents and others who may not be used to speaking at such a hearing are put at ease;
- The hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- The Panel is open minded and acting independently;
- No member of the Panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- Each side is given the opportunity to state their case and ask questions;
- Written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

Notification of the Panel's Decision

The Chair of the Panel will ensure that the complainant is notified of the Panel's decision, in writing, with the Panel's response, within 5 working days.

The letter will explain that, if not satisfied with the outcome of the Academy's Complaints Procedure, the complainant may refer their complaint to the Secretary of State for Education via the Education Funding Agency (EFA).

Further Action

If the complainant believes that the Trust have acted unreasonably, their complaint can be referred to the Secretary of State for Education at the Department for Education.

Serial / Persistent / Unreasonable Complaints

There will be occasions when, despite the best endeavours of the academy, the complainant is still dissatisfied. Once the Academy Trust feels all avenues for resolution have been exhausted it may not be an effective use of time and resources to continue communications regarding the same issues and as such, NMAT will inform the complainant that the matter is closed. If the complainant persists the Trust may choose not to respond, and the complainant then has the right to refer their complaint(s) to the Secretary of State for Education via the Education Funding Agency (EFA).

The Academy Trust is committed to dealing with all complaints fairly and impartially, and to providing a high quality of service to those who complain. We will not normally limit the contact complainants have with an Academy or Academy Trust. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from such behaviour, including that which is abusive, offensive or threatening.

Unreasonable Complaints Definitions

NMAT defines unreasonable complainants as *'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'*.

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A complaint may be regarded as unreasonable when the person making the complaint:

- 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 while still wishing their complaint to be resolved;
- Refuses to accept that certain issues are not within the scope of a complaints procedure;
- Insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice;
- Introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or 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 Academy Trust's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- Seeks an unrealistic outcome;
- Makes excessive demands on Academy time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:

- Maliciously;
- Aggressively;
- Using threats, intimidation *or violence*;
- Using abusive, offensive or discriminatory language;
- Knowing it to be false;
- Using falsified information;
- Publishing unacceptable information in a variety of media such as in social media websites and

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newspapers.

Complainants should limit the numbers of communications with the Academy Trust/Academy whilst a 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 Head of School, Executive Principal or Chair of Academy Trust will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Head of School, Executive Principal or Chair of Academy Trust will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the Trust or the Academy causing a significant level of disruption, the Trust may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. **Please refer to NMAT's Visitor Behaviour Policy**

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Appendix 1

COMPLAINT FORM – NUNTHORPE MULTI ACADEMY TRUST.

Please complete and return to Mr Nigel Goodall, (Complaints Officer) at Complaints@nmat.co.uk who will acknowledge receipt and explain what action will be taken.

Your Name:	
Name of Academy:	
Students Name:	
Your relationship to the Student:	
Address:	
Postcode:	
Day Time telephone number:	
Evening telephone number:	
Please give details of your complaint:	
What action, if any, have you already taken to try and resolve your complaint (who did you speak to and what was the response)?	
What actions do you feel might resolve the problem at this stage?	

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Are you attaching any paperwork? If so, please give details?	
Signature:	
Date:	

Official Use only

Date acknowledgement sent:	
By who:	
Complaint referred to:	
Date:	

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