



Nicholas Postgate Academy Trust  
Complaints Policy

## Nicholas Postgate Academy Trust – Complaints Policy

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This document is a Statutory Policy for the Nicholas Postgate Academy Trust (referred to throughout as the Trust) and should be used for all the academies which form part of the Trust;

- Sacred Heart Secondary Catholic Voluntary Academy
- St Bede's Primary Catholic Voluntary Academy
- St Benedict's Primary Catholic Voluntary Academy
- St Joseph's Primary Catholic Voluntary Academy
- St Paulinus Primary Catholic Voluntary Academy

referred to throughout as the Academy or the Academies.

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## SECTION A – COMPLAINTS POLICY

### A1 Context

- A1.1 Academies are required, under Schedule 1, Part 7 of the Education (Independent School Standards) (England) Regulations 2010, to have in place a procedure to deal with complaints relating to the Academy and to any community facilities or services that the Academy provides. The law also requires that the procedure is publicised. This policy has been revised with reference to the EFA guidelines “Creating an Academy Complaints Procedure” January 2015, and should be read in conjunction with the Academy’s Home/Academy Agreement and Code of Conduct.
- A1.2 This policy applies to all concerns and complaints in relation to the Trust or the Academies other than those listed below where separate procedures apply.
- **Child Protection** issues
  - **Exclusions**
  - **Staff Discipline and Grievance**

### A2 Introduction

- A2.1 The majority of issues raised by parents, the community or pupils, are concerns rather than complaints. The Trust is committed to taking concerns seriously, at the earliest stage, in the hope of keeping the number of formal complaints to a minimum and without needing formal procedures. However, depending on the nature of the complaint, complainants may wish or be asked to follow the Trust’s formal complaints procedure. Any complaint needs to be made within one year of the incident occurring. If a complaint is older than a year it will not be investigated.
- A2.2 The prime aim of the Trust’s policy is to resolve any concerns or complaints as fairly and speedily as possible. Formal complaints will be dealt with in a sensitive, impartial and confidential manner. Malicious complaints may incur appropriate action by the Trust/Academy.
- A2.3 For the purposes of this policy, a "working day" is defined as a weekday during term time, when the Academy is open. The definition of "working day" excludes weekends and Bank Holidays.
- A2.4 The following details outline the stages that can be used to resolve complaints.

#### **The Policy has four main stages.**

In summary they are as follows: -

- **Stage 1** – A concern is raised informally with a staff member.
- **Stage 2** – Formal complaint is heard by a Complaints Co-ordinator [usually the Academy Business Manager] or an appropriate member of staff.
- **Stage 3** – Complaint is heard by Head Teacher.
- **Stage 4** – Complaint is heard by a Complaints Appeal Panel.

### A3 Stage 1 – Raising a Concern

- A3.1 Concerns can be raised with an academy at any time and will often generate an immediate response, which will resolve the concern. The Academy requests that complainants make their first contact with the Class/Subject Teacher, Form Tutor, Student Achievement Leader, as appropriate. On some occasions the concern raised may require investigation, or discussion with others and with complainants, in which case an informal but informed

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response will be received within a day or two. The majority of concerns will be satisfactorily dealt with in this way. However, if complainants are not satisfied with the result at Stage 1, they should write to or call the Academy within 10 working days and state what they would like the Academy to do. The Academy will then look at the complaint at the next stage.

### **A4 Stage 2 – Complaint Heard by the Complaints Co-ordinator or by an Appropriate Staff Member.**

A4.1 Formal complaints should be put in writing, preferably using the Complaint Form and addressed to the Head Teacher. **(Assistance with completing the written report is available within an Academy upon request)** The complaint will be logged, including the date it was received.

A4.2 The Academy will normally acknowledge receipt of the complaint within 2 working days of receiving it. In many cases this response will also report on the action the Academy has taken to resolve the issue. Alternatively, a meeting may be convened to discuss the matter further. This meeting will normally take place within 10 working days. The aim will be to resolve the matter as speedily as possible. However, if complainants are not satisfied with the result at Stage 2 they should write to or call the Academy within 10 working days of getting the Academy's response. Complainants will need to tell the Academy why they are still not satisfied and what they would like the Academy to do.

### **A5 Stage 3 – Complaint Heard by the Head Teacher**

A5.1 If the matter has not been resolved at Stage 2, the Head Teacher will arrange further investigation. Following the investigation, which may involve a meeting, the Head Teacher will normally give a written response within 10 working days. If complainants are dissatisfied with the result at Stage 3, they should let the Academy know within 10 working days of getting the response.

### **A6 Stage 4 – Complaint Heard by the Complaints Appeal Panel**

A6.1 If the matter has still not been resolved at Stage 3, then complainant(s) should write to the Chair of the Local Management Board giving details of the complaint. The Chair or a nominated Governor will convene a Complaints Appeal Panel.

A6.2 The Complaints Appeal Panel will consist of two members of the Local Management Board (not staff governors) who have not previously been involved in the complaint, and one person independent of the management and running of the Academy (the process used for selecting the independent person will conform to relevant guidance). In deciding the make-up of the Panel, the Chair of the Local Management Board will try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation. The Panel will select its own Chair.

A6.3 The hearing will normally take place within 10 working days of the receipt of the written request for a Stage 4 investigation.

A6.4 The aim of the Complaints Appeal Panel hearing is to resolve the complaint impartially and to achieve reconciliation between the Academy and the complainant. All parties will be notified of the Panel's decision in writing within three working days after the date of the hearing. The letter will also contain what the complainants need to do should they wish to take the matter further.

A6.5 **N.B.** In cases where the matter concerns the conduct of the Head Teacher, the Head Teacher and Chair of the Local Management Board will be informed of the complaint. The Chair will arrange for the matter to be investigated. In cases where the matter concerns

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the conduct of a member of the Local Management Board the member will be informed of the complaint.

A6.6 **The Complaints Appeal Panel hearing is the last academy-based stage of the complaints process.**

A6.7 The procedure for the implementation of this policy can be found in Section B.

### **A7 Policy Review**

A7.1 The Local Management Board will receive termly reports from the Head Teacher on the number and nature of formal complaints received, the action taken to resolve the complaints, the timescales within which action was taken, and the outcomes from the process. The Local Management Board will note any learning opportunities arising from complaints raised and any consequent changes which might need to be made to improve the process. The policy will be comprehensively reviewed every two years.

## **SECTION B – COMPLAINTS PROCEDURE**

There are times when the Academy receives a complaint from a parent/guardian or another party. This document sets out the procedures that should be followed by all staff on receipt of a complaint.

### **B1 Principles**

B1.1 Informal concerns relating to the Academy or the provision of facilities or services will be treated seriously at the earliest stage.

B1.2 Concerns will be handled by the most appropriate person e.g. member of the support staff, Class Teacher, Tutor, Subject Leader, Student Achievement Leader, or member of the Leadership Team

B1.3 Most concerns will be dealt with straight away by telephone or face to face meeting. A record of the concern and the outcome of the contact made should be kept.

B1.4 If a concern needs further investigation, collection of information or referral to another member of staff, then a record of the concern and action taken so far should be passed to that member of staff. Full details of the investigation, including any contact made with the complainant, must be kept and filed once the matter has been resolved.

B1.5 The Head Teacher must be kept informed at all stages.

### **B2 Investigating Concerns/Complaints**

B2.1 It is suggested that at each stage, the person investigating the concern/complaint makes sure that they:

- establish what has happened so far, and who has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them [if unsure or further information is necessary];
- clarify what the complainant feels would put things right;

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- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct the interview with an open mind and be prepared to persist in the questioning;
- keep notes of the interview.

### B3 Resolving Concerns/Complaints

- B3.1 At each stage of the procedure the person dealing with the concern/complaint should keep in mind ways in which the matter can be resolved. It might be sufficient to acknowledge that the concern/complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:
- an apology;
  - an explanation;
  - an admission that the situation could have been handled differently or better;
  - an assurance that the event complained of will not recur;
  - an explanation of the steps that have been taken to ensure that it will not happen again;
  - an undertaking to review Trust/Academy policies in light of the complaint.
- B3.2 It would be useful if complainants were encouraged to state what actions they feel might resolve the problem at any stage. An admission that the Trust/Academy could have handled the situation better is not the same as an admission of negligence.
- B3.3 An effective procedure will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

### B4 Vexatious Complaints

- B4.1 If there is an occasion when, despite all stages of the procedure having been followed, the complainant remains dissatisfied and tries to reopen the same issue, the Chair of the Local Management Board is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

### B5 Formal Complaints

- B5.1 When concerns have been discussed but not resolved then a complaint may be made formally as set out in the Trust's Complaints Policy.
- B5.2 Complaints against a member of staff will be referred to the Head Teacher. The Head Teacher may decide to conduct an investigation under the Staff Disciplinary procedure.
- B5.3 Complaints can be referred to the Complaints Appeal Panel. In this case the complainant needs to write to the Chair of the Local Management Board giving details of the complaint. The Chair will convene a Complaints Appeal Panel. The Complaints Appeal Panel hearing is the last academy-based stage of the complaints process. **Individual complaints will not be heard by the whole Local Management Board at any stage, as this could compromise the impartiality of any panel set up for an appeal hearing.**
- B5.4 Complaints about the Head Teacher, another individual or the Academy may be made to the Chair of the Local Management Board, a member of the Local Management Board or a member of the Nicholas Postgate Academy Trust Board. These will be referred to the Head Teacher and a response made by the Head Teacher after consulting with appropriate staff.

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- B5.5 The Head Teacher will inform the Chair of the Local Management Board if the complaint cannot be resolved following a preliminary investigation and the formal complaints procedure will then be followed. Details of the investigation and a report of action taken will be kept in writing.
- B5.6 Where a complaint relates to the conduct of the Head Teacher, the Chair of the Local Management Board will arrange for the matter to be investigated formally. Another member of the Leadership Team, a representative of the LA, a member of the Nicholas Postgate Academy Trust Board, or the Diocese may be involved.
- B5.7 Where a complaint relates to the conduct of the Trust Board an application can be made to the Director of Schools, Diocese of Middlesbrough.

### **B6 Complaints Appeal Panel**

#### **B6.1 Remit of the Panel**

B6.1.1 The panel can:

- 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's systems or procedures to ensure that problems of a similar nature do not recur.

B6.1.2 There are several points which anyone sitting on a Complaints Appeal Panel needs to remember:

- i. It is important that the appeal hearing is independent and impartial and that it is seen to be so. No governor 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 need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.
- ii. The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the Academy and the complainant. However, it has to be recognised 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 which will satisfy the complainant that his or her complaint has been taken seriously.
- iii. An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.
- iv. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
- v. The members of the panel need to be aware of the complaints procedure.

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### **B6.2 Attendance**

- B6.2.1 The following are entitled to attend a hearing, submit written evidence and address the Panel;
- The complainant and/or one representative
  - The Head Teacher and/or one representative
  - Any other person who the Complaints Appeal Panel considers to have a reasonable and just interest in the appeal and whose contribution would assist the Panel in their decision making

### **B6.3 Evidence**

- B6.3.1 All parties will be given the opportunity to submit written evidence to the Panel in support of their position including;
- Documents
  - Chronology and key dates
  - Written statements setting out further detail
- B6.3.2 The evidence will be considered by the Panel along with the initial submission.
- B6.3.3 All written evidence must be received by the Clerk no later than 5 working days in advance of the Panel Hearing. The Clerk will distribute the evidence to all parties no later than 3 working days in advance of the Panel Hearing.

## **B7 Roles and Responsibilities**

### **B7.1 The Role of the Clerk**

The Local Management Board will ensure that a Clerk is appointed to the Complaints Appeal Panel. The Clerk to the Complaints Appeal Panel will be the contact point for the complainant and will:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- inform the complainant in writing:
  - the date, time and venue of the hearing
  - the membership of the Appeal Panel (if appropriate)
  - the format that the hearing will take
  - the time that they should attend
  - the fact that they are able to be accompanied to the hearing if they wish
  - that they are able to submit further information for presentation to the panel and the deadline for receipt of this for distribution
  - that reasonable adjustments can be made to the proceedings should this be requested
- collate any written material and send it to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision.

The Clerk will also ensure that all correspondence, statements and records relating to individual complaints are kept confidential except where the Secretary of State or a body conducting and inspection under section 109 of the 2008 Act requests access to them.

### **B7.2 The Role of the Chair of the Local Management Board or the Nominated Governor**

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The Chair of the Local Management Board or Nominated Governor will:

- check that the correct procedure has been followed;
- if a hearing is appropriate, notify the clerk to arrange the Appeal Panel;
- set the terms of reference for the Appeal Panel.

### **B7.3 The Role of the Chair of the Complaints Appeal Panel**

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

- the remit of the Panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;.
- the issues are addressed;
- key findings of fact are made;
- 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.

### **B8 Notification of the Panel's Decision**

B8.1 The Chair of the Panel needs to ensure that the complainant is notified of the panel's decision, in writing, within ten working days. The letter will explain that if not satisfied with the outcome of the Trust's complaints procedure, the complainant may refer their complaint to the Education Funding Agency (EFA) via the Department of Education's School Complaint Form.

B8.2 Full minutes of the meeting will be made available within a reasonable period after first having been approved as a true record by the Chair and the Panel members.

### **B9 Further Action**

B9.1 If the complainant believes that the Complaints Appeal Panel acted unreasonably and the complainant is not satisfied, their complaint can be made directly to the EFA via the Department for Education's School Complaint Form online or by post to;

Ministerial and Public Communications Division  
Department for Education  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

The EFA will only look at complaints that fall into the following areas;

- Undue delay or non-compliance with the Academy complaints procedure
- Failure to comply with the terms of the Academy Funding Agreement
- Failure to comply with any other legal obligation

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- B9.2 More information about how to make a complaint to the EFA can be found in the “Procedure for dealing with complaints about academies” document available on the DfE website.

### **B10 Checklist for a Complaints Appeal Panel Hearing**

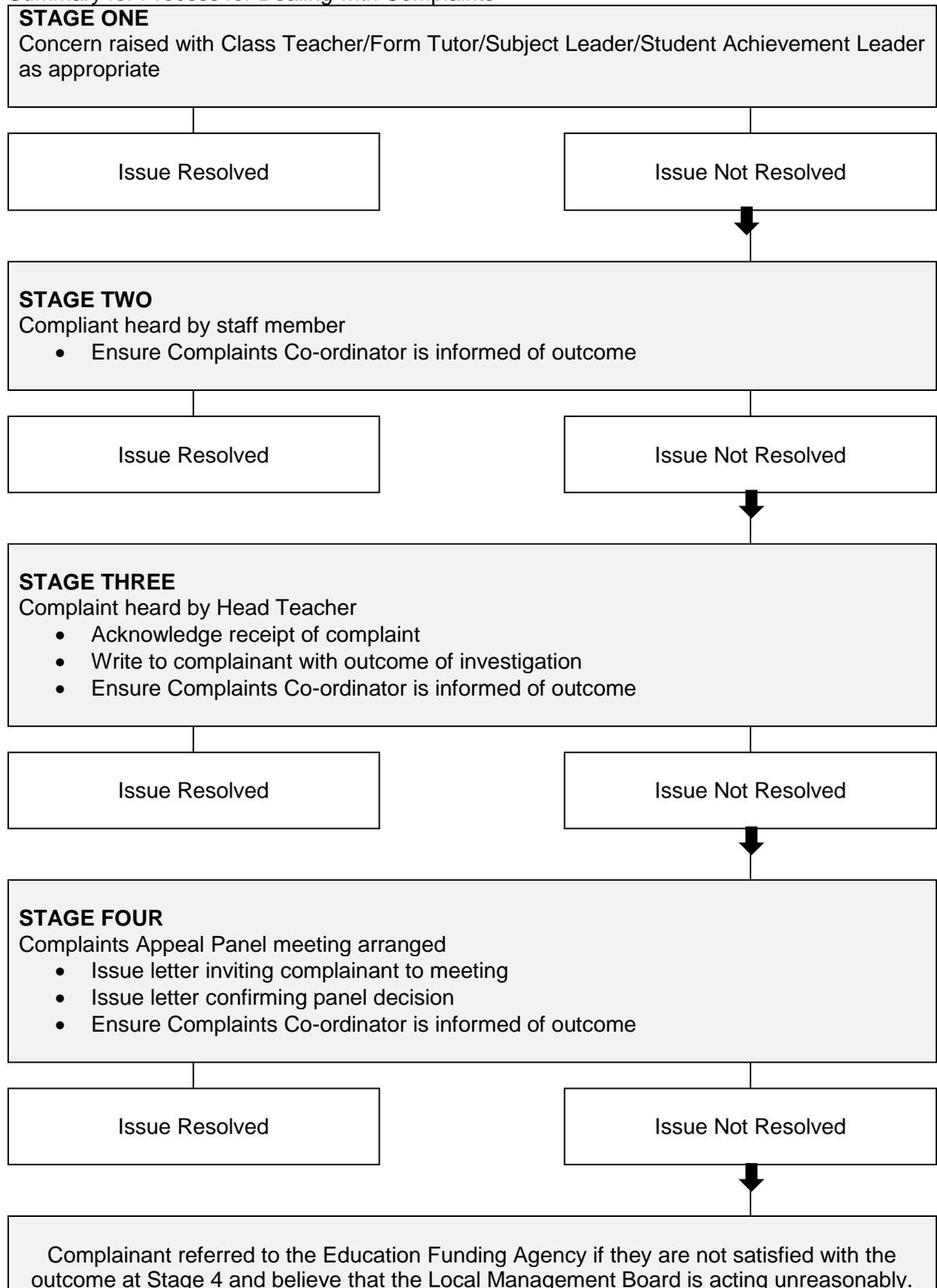
- B10.1 The Panel needs to take the following points into account:
- The hearing is as informal as possible
  - Witnesses are only required to attend for the part of the hearing in which they give their evidence
  - After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
  - The Head Teacher may question both the complainant and the witnesses after each has spoken.
  - The Head Teacher is then invited to explain the Academy’s actions and be followed by the Academy’s witnesses.
  - The complainant may question both the Head Teacher 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 Teacher is then invited to sum up the Academy’s actions and response to the complaint.
  - Both parties leave together while the panel decides on the issues.
  - The Chair explains that both parties will hear from the panel within a set time scale.

### **B11 Record Keeping and Reporting**

- B11.1 The Trust/Academy will keep a record of all appeals, decisions and recommendations of the Complaints Appeal Panel.
- B11.2 Local Management Boards will receive a termly anonymised summary of all complaints via the Head Teacher’s Report.

**APPENDIX 1 – COMPLAINTS FLOWCHART**

Summary for Process for Dealing with Complaints



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### APPENDIX 2 – COMPLAINT FORM [2 PAGES]

Please complete as appropriate to your complaint and return to .....  
who will acknowledge receipt and explain what action will be taken.

Your name:	
Pupil's name:	Class/Tutor Group:
Name of Academy:	
Your relationship to the pupil:	
Address:	
Post Code:	
Daytime telephone number:	Mobile number:
Evening telephone number:	Date of complaint:
Please give details of your complaint:	
What action, if any have you already taken to try to resolve your complaint? [Who did you speak to and what was the response?]	

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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 only**

Date received:

Date acknowledgement sent:

By whom:

Complaint referred to:

Date:

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### APPENDIX 3 – PUPIL COMPLAINT FORM [2 PAGES]

Please complete this form and return to ..... who will write to you to confirm that they have received your complaint and explain what action will be taken.

Name of Academy:				
Your name:	Class/Tutor Group:			
Address:				
Post Code:	Mobile number:			
Daytime telephone number:	Date of complaint:			
Evening telephone number:				
Please tell us what your complaint is about:				
How do you feel about the complaint you are making? - Choose one of the pictures below to describe your feelings.				
 <input type="checkbox"/>	 <input type="checkbox"/>	 <input type="checkbox"/>	 <input type="checkbox"/>	 <input type="checkbox"/>

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What action, if any have you already taken to try to sort out the problem?  
[Who did you speak to and what was the response?]

What actions do you feel might resolve the problem at this stage?

Are you attaching any evidence? If so, please give details.

Signature:

Date:

**Official use only**

Date received:

Date acknowledgement sent:

By whom:

Complaint referred to:

Date:

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**APPENDIX 4 – STAFF RESPONSE TO COMPLAINT FORM [2 PAGES]**

Please complete and return to ..... as soon as possible, and no later than 2 working days.

Name of Academy:	
Name of staff member:	
Name of pupil:	Class/Tutor Group:
Name of person making the complaint:	
Relationship of complainant to the pupil:	
Pupil's address:	
Post Code	
Daytime telephone number:	Mobile number:
Evening telephone number:	Date of complaint:
Please give details of the circumstances surrounding the complaint:	

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What action, if any, have you already taken to try and resolve the complaint? Please include dates. [Who did you speak to and what was the response?]

What actions do you feel might resolve the problem at this stage?

Signature of staff member:

Date:

### **Official use only**

Date received:

Date acknowledgement sent:

By whom:

Complaint referred to:

Date: