

NASAT Complaints Policy – NASAT 011

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EQUALITY STATEMENT

We will regularly review our policies, to ensure that we are:

- promoting equality of opportunity;
- eliminating discrimination and harassment;
- valuing diversity and promoting positive relationships;
- providing an inclusive education which enables all pupils to develop their full potential;
- meeting our obligations under the Equality Act 2010 and the protected characteristics therein.]

1. Purpose of this document

The purpose of this document is to set out the **schools'** policy for handling complaints.

The School prides itself on the quality of teaching and pastoral care provided to its pupils. It recognises that parents may, from time to time, have concerns about the progress, achievement, behaviour or welfare of their child. Parents are encouraged to make those concerns known to staff so that they can be addressed in partnership with the School.

The School will take all concerns and complaints seriously and will make every effort to deal with complaints informally, at an early stage, in the spirit of continued respect and partnership. Where complaints are raised, the School therefore intends to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when parents would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

2. Scope

This policy applies parents of current pupils and parents of past pupils if the complaint was initially raised when the pupil was still registered at the School. Although this procedure is made available to parents of prospective pupils, it is not available for use by them.

All references to '**parents**' or '**you**' means the holder(s) of parental responsibility for a pupil about whom the complaint relates and includes guardians and carers.

The School will not normally investigate anonymous complaints or complaints sent as part of a Complaints Campaign¹. However, the Director of Assurance and Compliance, if appropriate, will determine whether the complaint warrants an investigation.

For the avoidance of doubt this policy does not apply to those who are not parents of a pupil at the School. Complaints that fall in to this category will usually be dealt with as follows:

Parents should first attempt to address their complaint with the School informally. If this fails to resolve the situation, the complaint may be submitted in writing to the Principal who will acknowledge receipt of the complaint and thereafter issue a final written response within 28 school days. Where the complaint involves the Principal the Chair of Governors, will issue a final written response within the same timeframe. The School's written response, and decision, will be final.

This policy also does not cover complaints procedures relating to:

- admissions (appeals against admissions are managed under a separate statutory procedure);
- statutory assessments of special educational needs;
- matters likely to require a child protection investigation;
- exclusions (appeals against exclusions are managed under a separate statutory procedure);
- whistleblowing;
- staff grievances;
- staff discipline;
- complaints about services provided by other suppliers who may use the School premises or facilities.

3. Definition of a 'complaint'

A complaint is an expression of dissatisfaction with a real or perceived problem. It may be made about the School, about a specific department or about an individual member of staff and/or any matter about which a parent is unhappy and seeks action by the School.

¹ This would include, for example, large volume of complaints all based on the same subject from parents unconnected with the school.

4. Timescales

The School expects complaints to be made as soon as possible after an incident arises and no later than 3 months afterwards. We will consider exceptions to this timescale in circumstances where there were valid reasons for not making a complaint at that time and where the complaint can still be investigated in a fair manner for all involved.

We intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits are set for each stage of our complaints procedure. To this end, parents are also expected to proceed with their complaints in a timely and reasonable manner. As such, if parents wish to escalate their complaint to the next stage of the procedure (see Section 8 'The Complaints Process'), they will generally do this within 10 school days of conclusion of the relevant stage. Depending on the circumstances, the School may, acting reasonably, treat a complaint as closed if a parent has not proceeded within this timeframe. These time limits may not apply, for example, if it can be shown that there were good reasons for not making the complaint earlier, and/or proceeding to the next stage of this policy, and it is still possible to investigate the complaint properly.

Where further investigations are necessary, new time limits will be set, and the parent will be sent details of the new deadline with an explanation for the delay. New time limits will also need to be set where the complaint is received just before the start of a school holiday.

Note that a "school day" for the purposes of this procedure is defined as a weekday (Monday to Friday) during term time. Accordingly, the School will consider complaints made outside of term time to have been received on the first school day after the holiday period.

Note: Due to the current COVID-19 pandemic, timescales for investigating and/or responding to a complaint may need to be extended. The relevant member of staff will inform parents if there may be a delay to the anticipated timescales, for instance as a consequence of disruption to the School, staff absence or School site closure.

5. Withdrawal of a Complaint

If you wish to withdraw your complaint, you will be asked to confirm the withdrawal in writing.

6. Approach

We are committed to providing high quality, transparent and accessible services to everyone we educate. To do this we need you to tell us when we do things well and when we get things wrong.

You can expect to be treated with courtesy, respect and fairness at all times. We expect that you will also treat our staff dealing with your complaint with the same courtesy, respect and fairness.

7. Objectives

We aim to meet our statutory obligations when responding to complaints from parents of pupils at the School.

When responding to complaints, we aim to:

- be impartial and non-adversarial;
- facilitate a full and fair investigation;
- address parent's concerns and provide an effective and prompt response in line with the timeframes set out in this policy;
- respect the parents' desire for confidentiality²;
- treat parents with respect;
- ensure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law;
- consider, where appropriate, how the complaint can feed into school improvement evaluation processes.

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed in accordance with this policy.

We will ensure we publicise the existence of this policy and make it available on the School website, and at the School office in paper form on request.

8. The Complaints Process

STAGE 1 – INFORMAL

Generally, it is expected that where the matter relates to a pupil it will have been raised with the pupil's class teacher before a request is made to deal with it under this policy. If the matter cannot be resolved in this way (with the member of staff) or if the parent feels the matter is more serious that the first contact should be with a more senior member of staff, or senior leader. The relevant staff member/senior leader will seek to resolve matters at Stage 1 within 15 school days of the issue being raised by the parents.

Parents should note that:

- Any complaint relating to the Principal, or a member of the Local Governing Body must be raised in the first instance with the Chair of the Local Governing Body who will, if an informal resolution cannot be reached, investigate the complaint in accordance with Stage 2 of this procedure.
- Any complaint relating to the Chair of the Local Governing Body must be raised in the first instance with the Vice-Chair of the Local Governing Body who will, if an informal resolution cannot be reached, investigate the complaint in accordance with Stage 2 of this procedure.

² Except where disclosure is required due to the Secretary of State or a body conducting an inspection under section 109 of the Education and Skills Act 2008, or some other legal authority, and requests access to them.

- Any complaint relating to a Trustee must be raised in the first instance with the Chair of Trustees (or Vice Chair of Trustees, if the complaint relates to the Chair of Trustees) who will, investigate the complaint in accordance with Stage 2 of this procedure.
- Any complaint relating to the Chief Executive Officer must be raised in the first instance with the Chair of Trustees who will, if an informal resolution cannot be reached, investigate the complaint in accordance with Stage 2 of this procedure.

Where the matter is not resolved at this informal stage, parents may elevate it to the informal stage (Stage 2) as set out below.

STAGE 2 - INFORMAL

If the matter cannot be resolved in this way (with the member of staff) or if the parent/carer feels the matter is so serious that the first contact should be with a more senior member of staff, or senior leader.

If this fails to resolve the matter, parents/carers should progress the complaint to stage 3.

Note that it is a precondition to the operation of this policy that the complainant shall have made reasonable attempts to seek an informal resolution and shall have acted in relation to the matter in a reasonable and measured way. If the Principal considers that this precondition has not been met then he/she may refer the matter to the Chair of the Local Governance Body / Support Committee who will have the discretion, which will be exercised reasonably, not to allow a complaint to be pursued. Where the matter is not resolved at the informal stage, the parent or carer may elevate it to the formal stage

STAGE 3 – FORMAL COMPLAINT

- Parents must put their complaint in writing, addressed to the Principal (or, if relevant, Chair or Vice Chair of the Local Governing Body/Chair or Vice Chair of Trustees), within 10 school days of Stage 1 being concluded and set out briefly the facts and what it is that the parents consider should have been done or where the School has not met reasonable expectations. We will acknowledge receipt of your written complaint within 5 school days of it being received by the School.
- An investigation will be carried out by a nominated individual (identified by the Principal/Chair or Vice Chair of the Local Governing Body/Chair or Vice Chair of Trustees, as appropriate). Either the investigator or Principal/ Chair or Vice Chair of the Local Governing Body/Chair or Vice Chair of Trustees (as appropriate), may offer to speak with the parents. Whenever reasonably possible, this will take place within 28 school days of the written complaint being received by the School.

- The investigator will put her/his findings in writing for the Principal/ Chair or Vice Chair of the Local Governing Body/Chair or Vice Chair of Trustees' consideration.
- Once the Principal/ Chair or Vice Chair of the Local Governing Body/Chair or Vice Chair of Trustees is satisfied that, so far as is practicable, all of the relevant facts have been established, a decision will be made and the parents will be informed of this decision in writing. Whenever reasonably possible, this will be done within 15 school days of speaking with the parents, or otherwise within 28 school days of the written complaint being received from the parents.
- Where the parents remain dissatisfied he or she may request the complaint is dealt with at Stage 3 via a Complaints Panel meeting. Any such request must be set out in writing, stating where the parents remain dissatisfied and what remedies are being sought. Parents should also include any supporting evidence with their request. The request must be lodged within 10 school days of the parents receiving the Stage 2 findings in writing. The request must be sent to:
Head of Governance
NAS Head Office
393 City Road,
London
EC1V 1NG.

STAGE 3 –COMPLAINTS PANEL

- The Head of Governance will acknowledge receipt of the parents' request for a Stage 3 Complaints Panel meeting, normally within 3 school days of receiving the request.
- The Complaints Panel will comprise of at least 3 people not directly involved in the matters detailed in the complaint, one of which will be independent of the management and running of the School. A governor from a local governing body of a different school within NASAT may sit as an independent Complaints Panel member, provided they have:
 - no conflict of interest,
 - no detailed prior knowledge of the circumstances of the complaint
 - not been directly involved in the matters detailed in the complaint.
- The Complaints Panel will appoint one of their members to act as Chair of the Complaints Panel.
- Parents may attend the Complaints Panel and be accompanied by one other person if they so wish. This may be a relative, teacher, friend or colleague. Legal representation will not normally be appropriate. The Principal may also be accompanied at the meeting by one other person if they wish.
- The Head of Governance will invite the School to put in writing its response to

the complaint and provide this within 28 school days. At the end of that period (whether or not the School has responded) the Head of Governance will convene a meeting of the Complaints Panel. The Complaints Panel meeting will be held on School premises (where possible) and normally within 25 school days of having received the parent's request for a Stage 3 Panel meeting. For the avoidance of doubt, the parents are entitled to make further written submissions ahead of the panel meeting, provided these are submitted to Head of Governance no later than 5 school days before the Complaints Panel meeting.

- The manner in which the Complaints Panel meeting is conducted shall be at the discretion of the Complaints Panel, and shall be as informal as circumstances allow.
- Unless the Chair of the Complaints Panel has received a request in advance of the Complaints Panel meeting for it to be electronically recorded, and has provided their express written permission to do so, any electronic recordings of meetings or conversations is prohibited.
- The Complaints Panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of the Chair.
- The Complaints Panel may ask for a notetaker to be present (such as a member of the School's administrative team), to take notes of the proceedings. These notes are not intended to be a verbatim transcript, but are simply for the benefit of the Complaints Panel, so that they can focus on listening to the parents' concerns. All those present at the Complaints Panel meeting will also be entitled, should they wish, to write their own notes for reference purposes.
- The Complaints Panel meeting will proceed irrespective of whether or not the parents and/or their companion attend. If the parents fail to attend on the day without compelling reasons, the Complaints Panel will still proceed in their absence and the process will continue to its conclusion. Any further attempt to re-open the matter will be considered as falling under the "Serial, vexatious, or persistent complainants" section as set out below.
- After due consideration of all the merits of the complaint, and all facts the Complaints Panel considers relevant, the Complaints Panel will make findings as to whether to dismiss the complaint in whole or in part; whether to uphold the complaint in whole or in part; and/or whether to make any recommendations.

- The Complaints Panel will write to parents with its decision as soon as reasonably practicable, aiming to do so within 20 school days of the Complaints Panel meeting (although additional time may be needed if the panel considers it necessary to carry out further investigation following the meeting).
- The Complaints Panel's decision is final and represents the conclusion of the School's complaints procedure.
- A copy of the Complaints Panel's findings and any recommendations will be sent by electronic mail or otherwise given to the parents and, where relevant, the person complained about as well as the Chair of Trustees and the Principal. These will also be made available for inspection on the school premises by NASAT and the Principal.

9. Complaints relating to the fulfilment of the Early Years Foundation Stage (EYFS) Statutory Framework Requirements

In order to comply with the EYFS statutory framework requirements, written concerns or complaints relating to the fulfilment of the EYFS statutory framework requirements will be dealt with in accordance with the following process:

- the written concern/complaint will be acknowledged within 10 school days;
- the Principal will appoint someone to investigate the concern or complaint. The investigation may include meeting with the parents and the Early Years teacher. A written response notifying the parents of the outcome of the investigation will be sent within 28 school days of the complaint being received;
- where the parents remain dissatisfied, [INSERT e.g. the Clerk] will ensure that a Complaints Panel will be convened in accordance with Stage 3 of this policy.

A record of the written complaints and their outcome will be maintained and made available to Ofsted on request.

Parents are further advised that where they have concerns regarding the School meeting EYFS requirements they may contact Ofsted on 0300 123 4666 or via email: enquiries@ofsted.gov.uk]

10. Records and Confidentiality

For all complaints which get to the formal stages (Stage 2 and beyond), the School will keep a written record. We will record the progress of the complaint and whether they were resolved at the formal stage or proceeded to a Complaints Panel meeting at Stage 3 and any actions taken by the School/Trust following the complaint (regardless of whether the complaint was upheld).

The School processes data in accordance with GDPR / data protection. When dealing with complaints, the School (including any Complaints Panel member appointed under the Stage 3 process) may process a range of information, which is likely to include the following information:

- date when the issue was raised;
- name of parents;
- name of the pupil;
- description of the issue;
- records of all the investigations (if appropriate);
- witness statements (if appropriate);
- name of member (s) of staff handling the issue at each stage;
- copies of all correspondence on the issue (including emails and records of phone conversations);
- notes of the Complaints Panel meeting; and
- the Complaints Panel's written decision.

This may include 'special category personal data' (as further detailed in the School's Privacy Notice, but potentially including information relating to physical or mental health) where this is necessary owing to the nature of the complaint.

The School will keep records of formal complaints and Complaints Panel meeting, as required by regulation. It will do so in accordance with its Privacy Notice but in most cases and where there are no safeguarding implications for a period of at least seven years after the pupil leaves the School.

Details of the number of formal complaints received by any given School from the preceding school year are available from the School office.

Correspondence, statements and records relating to individual complaints are to be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the Education and Skills Act 2008, or some other legal authority, requests access to them.

11. Education and Skills Funding Agency (ESFA)

Once the complaints process is concluded (or a complaint has been terminated due to undue delay or failure to lodge a request for a Stage 3 Complaints Panel meeting within the time stated in this policy) the matter is closed. If the parents are still not satisfied then they may contact the ESFA. There is an online procedure at:

https://form.education.gov.uk/service/Contact_the_Department_for_Education

or parents may write to the ESFA at:

Complaints Team

Education and Skills Funding Agency
Cheylesmore House
Quinton Road
Coventry
CV1 2WT

The ESFA will not reinvestigate the substance of complaints or overturn any decisions made by NASAT. They will consider whether NASAT/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.

12. Serial, vexatious, unreasonable or persistent complaints

The decision of the Complaints Panel at Stage 3 of the complaints procedure is final. If at any level parents attempt to reopen an issue or a closely related issue that has already been dealt with under this complaints procedure, the Chair of Trustees may write to the parents to inform them that the procedure has been exhausted and the matter closed, that continued correspondence on the same matter is vexatious and that the School/NASAT will not respond to any further correspondence on this issue or a closely related issue. If the parents write again on the same issue, there will be no obligation on the part of the School or NASAT to respond.

In some cases, we may decide to treat a complaint as vexatious, such as:

- complaints which are obsessive, persistent, harassing, prolific, repetitious
- insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason
- insistence upon pursuing meritorious complaints in an unreasonable manner
- complaints which are designed to cause disruption or annoyance
- demands for redress that lack any serious purpose or value

Where we do decide to treat a complaint as vexatious, we will write to tell the parents why we believe the complaint to fall in that category, what action we are taking and the duration of that action.

We will not normally limit the contact parents have with the School. However, we do not expect our staff to tolerate “unacceptable behaviour” and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening. We define “unreasonable behaviour” as that which hinders our consideration of complaints because of the frequency or nature of the parents’ contact with the School, such as, if parents:

- refuse to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- refuse to co-operate with the complaint’s investigation process
- refuse to accept that certain issues are not within the scope of the complaints procedure

- insist on the complaint being dealt with in ways which are incompatible with the complaint's procedure or with good practice
- introduce trivial or irrelevant information which they expect to be taken into account and commented on
- raise large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- make unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- change the basis of the complaint as the investigation proceeds
- repeatedly make the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- refuse to accept the findings of the investigation into that complaint where the School's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education
- seek an unrealistic outcome
- make excessive demands on School's 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
- use threats, intimidation or violence
- use abusive, offensive or discriminatory language
- knowingly provide falsified information
- publish unacceptable information in a variety of social media or other public forums

Parents should try to limit their communication with the School that relates to their complaint, while the 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 Principal or Chair of Trustees will discuss any concerns with parents informally before applying an 'unreasonable' marking.

If the behaviour continues, the Principal or Chair of Trustees will write to the parents explaining that their behaviour is unreasonable and ask them to change it. For parents who excessively contact the School causing a significant level of disruption, we may specify methods of communication and limit the number of contacts. This will be regularly reviewed.

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 the School site.