



# Complaints Procedure

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### **Who can make a complaint?**

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint 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**

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

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

It is hoped that most concerns will be settled amicably without recourse to the formal Complaints procedure. However, if there is a continuing concern, this can be directed through the formal stages as outlined in the Trust's Complaints Procedure, detailed on the following pages. Northern Schools 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 Principal will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Principal will refer you to another staff member. The member of staff may be more senior 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, Northern Schools Trust will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

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

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

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

Complaints that involve or are about the Principal should be addressed to the Chair of Governors, via the school office. Please mark them as Private and Confidential.

Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to the Clerk to the Governing Body via the school office. Please mark them as Private and Confidential.

Complaints about the Chief Executive Officer (CEO) or a trustee of the Trust, should be addressed to the Chair of Trustees, via the trust office. Please mark them as Private and Confidential.

Complaints about the Chair of the Trust or the whole Trust Board should be addressed to the Clerk to the Trust, via the Trust office. Please mark them as Private and Confidential. The clerk will then determine the most appropriate course of action, seeking advice as appropriate. This will depend upon the nature of the complaint.

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.

### Complaints relating to SEN

This complaints procedure will cover complaints related to SEN support in our schools. This procedure does not cover complaints about EHC plans. Complaints related to EHC plans should be directed towards the local authority.

### Anonymous complaints

We will not normally investigate anonymous complaints. However, the Principal or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

### Time scales

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.

### Scope of this complaints procedure

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

Exceptions	Who to contact
Admissions to schools	Concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority.
Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.  If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).
Exclusion of children from school*	Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a> .  <i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i>
Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.  The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a> .  Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.

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.
Third party services	Complaints about services provided by a third party who may use the school premises or facilities should be directed to the service provider.

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 Northern Schools Trust in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

### **Resolving complaints**

At each stage in the procedure, Northern Schools 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.

### **Withdrawal of a complaint**

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

### **Provision of evidence**

Evidence can be provided, if available, at any of the formal stages of the complaints procedure. This could be, but is not limited to, photographs, emails, letters and witness statements. Evidence can be provided by both the complainant to support their complaint and by the school to support their position. When evidence is provided all parties must have a chance to review prior to a decision on the complaint being made. For a Stage 4 Complaints Panel of the Trust meeting, this evidence must be provided at least 10 days prior to the meeting date.

## Stages of the Complaint Procedure

### Stage 1 – Informal Resolution

Concerns that are to be raised on an informal basis are to be made, in the first instance, with the student's Form Tutor and Head of House at North Liverpool Academy, or Coach, Academic Mentor and Year Group Progress Leader at Liverpool Life Sciences and The Studio, before a request is made to deal with it under this policy. If a matter is not resolved at the informal stage then a complainant may take it to the formal stage.

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. The Chair of Trustees shall have a discretion, which will be exercised reasonably, not to allow a complaint to be pursued where this precondition has not been met.

Where the matter is not resolved at the informal stage, the parent may elevate it to the formal stage.

### Stage 2 – Formal Resolution at Local Level: Investigation by a member of the Senior Leadership Team

1. The complainant must put the complaint in writing, addressed to the Principal of the school, setting out briefly the facts and stating what it is that the complainant considers should have been done or where the school has not met reasonable expectations.
2. An investigation will be carried out by a member of the Senior Leadership Team of the school; which may include the offer of a meeting with the complainant. The investigator will speak to others involved. Whenever reasonably possible, any meeting with the complainant will take place within 15 school days of the written complaint being received.
3. The investigator will put her/his findings in writing and will indicate what, if any, steps should be taken to resolve the matter. Whenever reasonably possible, this will be done within 15 school days of any meeting with the complainant; if no meeting is arranged it will be within 15 school days of the written complaint being received.

Any complaint relating to the Principal of the school must be raised in the first instance with the Chair of Governors who will, if an informal resolution cannot be reached, investigate in the same way as in the first stage of the formal process outlined above.

Where the complainant remains dissatisfied he/she may request the complaint is dealt with at Stage 3. Any such request **must** be set out in writing, stating where the complainant remains dissatisfied and lodged within **10** school days of the complainant receiving the findings in writing.

### Stage 3 – Formal Resolution: Chair of Governing Body

1. The complainant must put the complaint in writing, addressed to the Chair of the Governing Body, setting out briefly the facts and stating what it is that the complainant considers should have been done or where the school has not met reasonable expectations.
2. The Chair of the Governing Body may appoint any other member of the Local Governing Body of the school to investigate the complaint. The investigation may include the offer of a meeting with the complainant. Whenever reasonably possible, any meeting with the complainant will take place within 15 school days of the written complaint being received.

3. The investigator will put her/his findings in writing and will indicate what, if any, steps should be taken to resolve the matter. Whenever reasonably possible, this will be done within 15 school days of any meeting with the complainant; if no meeting is arranged it will be within 15 school days of the written complaint being received.

Where the complainant remains dissatisfied he may request the complaint is dealt with at Stage 4. Any such request **must** be set out in writing, stating where the complainant remains dissatisfied, what remedies are being sought and be lodged within **10** school days of the complainant receiving the findings in writing. The request must be addressed to the Clerk to the Governors.

#### **Stage 4 – Formal Resolution: Panel Hearing**

1. A Complaints Panel of the Trust will consider all complaints at Stage 4.
2. The Complaints Panel must comprise at least three people, which will include one person who is independent of the management and running of the Trust. The DfE have issued guidance that a governor who is not a Trustee, from a local governing body at a different school within the Trust, who has no conflict of interest or prior knowledge of the complaint, can be an independent panel member.
3. The Complaints Panel may also include one or more persons from the following categories:
  - (i) A member of the local governing body of the school where the complaint emanated from;
  - (ii) A member of a local governing body from another school within the Trust;
  - (iii) A member of the Board of Trustees from the Trust.
4. None of the members of the Complaints Panel will have been directly involved in the matters detailed in the complaint.

The Clerk will invite the school to put in writing its response to the complainant's reasons. The school will provide this within 15 school days. At the end of that period (whether or not the school has responded) the Clerk will convene a meeting of a Complaints Panel. That meeting will be held as quickly as practicable given the need to find a date that is reasonably convenient for the complainant, the school and the members of the Complaints Panel. Whenever possible, the meeting will be held within 15 school days of the end of the school's response time. This meeting may be held in person, or if the complainant agrees, by video-conference. If held by video-conference, the panel will ensure that all parties are treated fairly, all parties are treated equitably, decisions are transparent and decisions are communicated effectively to all parties. A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. We do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.

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.

*Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under (Human Resources) staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.*

Representatives from the media are not permitted to attend.

5. The meeting is not a court case, it will be held in private, and will be as informal as circumstances allow. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken. The complainant will have the opportunity to put her/his reasons for dissatisfaction and to enlarge on them but may not introduce reasons that were not previously put in writing. The school will have the opportunity to put its side of things and each side, as well as the Panel members, will be able to ask questions. The complainant will have the opportunity to make final comments to the Panel. Further information on this procedure is available in the appendix.
6. The Panel may make findings and recommendations and a copy of those findings and recommendations will be
  - (i) sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about; and
  - (ii) available for inspection on the school premises by the Trust and the Principal.
7. The Panel will formulate its response as quickly as reasonably possible, aiming to do so within 10 school days, and the Clerk will notify all concerned.

#### **Attendance at a Complaints Panel Hearing**

The Complaints Panel will only proceed if the complainant and/or their representative attend. If the complainant does not confirm attendance or fails to attend on the day without compelling reasons, the Complaints Panel will not proceed and the complainant will lose their right to the complaint being heard. Any further attempt to re-open the matter will be considered as falling under the serial/persistent complaint section as below.

#### **Managing unreasonable requests**

The Trust is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. We will not normally limit the contact complainants have with the schools; 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.

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 cooperate 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 adopted 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 Trust's complaints procedure has been fully and properly implemented and completed including referral to the DfE.
- Seeks an unrealistic outcome.
- Makes excessive demands on school 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, 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.
- By publishing unacceptable information in a variety of media, e.g. social media websites and newspapers.

Complainants should limit the numbers of communications with a school while 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 principal or chair of governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues, the principal will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the school causing a significant level of disruption, the school may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after six months.

A decision to stop responding will only be considered in circumstances where the following statements are true:

- Every reasonable step has been taken to address the complainant's concerns.
- The complainant has been given a clear statement of the school's position and their options.
- The complainant contacts the school repeatedly, making substantially the same points each time.

If the above criteria are met, in making a decision to stop responding the school will also consider if the complainant is often abusive or aggressive in their communication, makes insulting personal comments about or threats towards staff, and if the school believes their intent is to disrupt or inconvenience the school.

The school will not stop responding to a complainant on the basis that they are difficult to deal with or they ask complex questions.

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. This may include banning an individual from the premises.

### **Complaints campaigns**

For the purposes of this policy, “**complaints campaigns**” are where the school receives large volumes of complaints that are all based on the same subject.

Where the school becomes the subject of a complaints campaign from complainants who are not connected with the school, **a standard, single response will be published on the school’s website**. If the school receives a large number of complaints about the same subject from complainants who are connected to the school, e.g. parents, each complainant will receive an individual response.

If complainants remain dissatisfied with the school’s response, they will be directed to the DfE.

### **Record Keeping**

A written record will be kept of all complaints that were resolved at the formal stage of the complaints procedure. Records will contain details of whether the complaint was resolved at stage 2, stage 3 or whether it proceeded to a stage 4 panel hearing. The action taken by the school or the Trust as a result of a complaint (regardless of whether they are upheld) will also be recorded.

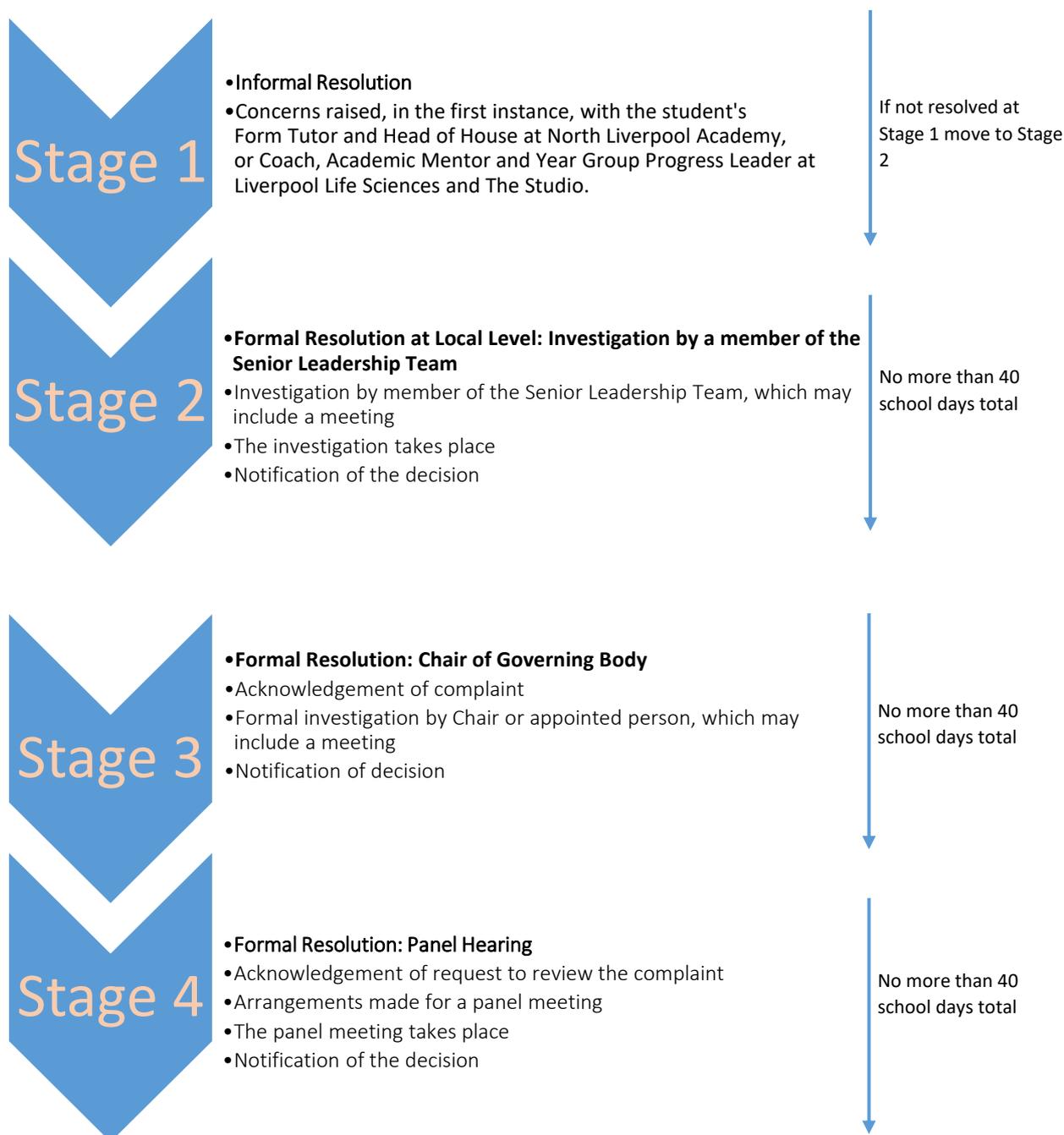
### **Confidentiality**

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 Education and Skills Act 2008 requests access to them.

### **Next Steps**

If the complainant feels that the governing board acted ‘unreasonably’ in the handling of the complaint, they can complain to the Department for Education after the complaints procedure has been exhausted. Please note that ‘unreasonable’ is used in a legal sense and means acting in a way in which no reasonable school or authority would act in the same circumstances.  
<https://www.gov.uk/complain-about-school>

## Timescale for completing the formal stages of the procedure



Northern Schools Trust will endeavour to complete the formal stages of its complaints procedure in a timely manner and within the timescale for each stage that is referred to above. However, if it becomes clear that for any reason Northern Schools Trust is unable to meet the timescale for completing a stage of the procedure, the complainant will be advised of this immediately, along with the reason for the delay and the revised timescale.

## Appendix A

### Complaints Panel of the Trust Procedure for Hearing the Complaint

#### Introduction

The aim of the meeting is to resolve the complaint and achieve reconciliation between the school and the complainant.

The Chair of the Complaints Panel of the Trust will ensure that the meeting is properly minuted.

Although the meeting will follow the structured order below, given potential sensitivities and anxieties, the Chair will endeavour to ensure that the proceedings are as informal as possible and that all parties are put at their ease.

The introduction of new information or witnesses, previously not notified to all parties, would be reason to adjourn the meeting so that everyone has time to consider and respond to the new information.

#### Order of Meeting

1. The Chair welcomes the complainant and his/her companion and introduces everyone present.
2. The Chair explains the purpose of the meeting, the procedure, and that all written evidence has been made available to all parties.
3. The complainant/companion explains the complaint, calling in witnesses if appropriate.
4. The Complaints Panel of the Trust and Principal may question the complainant and witnesses.
5. The Principal/Chair of Governors are then invited to present a response to the complaint, including action taken to address the complaint at stage 2 and 3 of the procedure and calling witnesses, if appropriate.
6. The Complaints Panel of the Trust and complainant may question the Principal/Chair of Governors.
7. The Complaints Panel of the Trust may ask questions at any point.
8. The complainant summarises their case, highlighting evidence, including anything that has emerged in the questioning.
9. The Principal summarises the school's position, highlighting evidence, including anything that has emerged in the questioning.

#### **N.B. No new points to be added at stages 8 or 9.**

10. The Chair of the Panel checks that all parties feel that they have had a fair hearing and reminds everyone of the confidentiality of the case.

11. Either party may request an adjournment of the hearing at any stage and this may be allowed on the grounds that further inquiries are necessary, but it should also be borne in mind that a speedy resolution of the complaint is usually desirable and advantageous.

12. The Chair of the Panel thanks both parties for attending and gives an indication of when they can expect to hear the outcome. All parties then leave the room together. The Complaints Panel of the Trust considers the complaint and reaches a unanimous or majority decision. The Complaints Panel of the Trust also decides what action (if any) to take to resolve the complaint and, if appropriate, recommends changes to ensure similar complaints are not made in future.

14. When a decision has been made, the Chair informs both parties both by electronic mail and in writing of the outcome of the complaint. This will usually be within 10 school days, unless there are exceptional circumstances which prevent this, in which case the Complainant will be notified of this and the reason for the delay.

15. The Panel's decision is to be regarded as final and the Complainant will be advised of any further recourse available should he or she be dissatisfied with the outcome.