

Complaints Policy and Procedure

Applicable to:	✓	All individual academies within NEAT Academy Trust
	×	Specified academies only within NEAT Academy Trust
	✓	Central team within NEAT Academy Trust
Approval body:	NEAT Academy Trust Board of Directors, which may be delegated	

Status:

Statutory policy or document	Yes
Review frequency	As determined by the Board
Approval by	As determined by the Board

Publication:

Statutory requirement to publish on website	Yes – trust and school websites
If not, agreed to publish on website?	N/A

Version Control:

Revision Record of Issued Versions			
Author	Creation Date	Version	Status
Central Support Manager (SH)	18 December 2017	1.0	Agreed by directors for implementation.
Changed by	Revision Date	Version	Status
Director of HR and Governance (SH)	19 December 2018	2.0	Amended to reflect revised Scheme of Delegation agreed by Trust Board on 13.11.18
Director of Governance and Corporate Affairs (SH)	9 October 2020	3.0	Amended to address feedback provided by ESFA in relation to parental complaint. Approved by Executive Team on behalf of the Board on the basis that the amendments were minor.
Head of Governance and Corporate Affairs (SH)	26 March 2021 Applies from 01.04.21	4.0	Minor amendments. Approved by the Executive Team on behalf of the NEAT Academy Trust Board.

Review Date	
Frequency	Next Review Due
Every 3 years	October 2023 (or earlier if new guidance or legislation issued and/or business need for earlier review identified)

1 Purpose

The purpose of this policy is to ensure that any complaint about the trust or one of its academies is managed appropriately and resolved as soon as possible.

The trust welcomes feedback from parents and other stakeholders and needs to know as soon as possible if there is any cause for dissatisfaction. We will try to resolve every complaint in a positive way with the aim of putting right a matter which may have gone wrong and, where necessary, reviewing our systems and procedures.

2 Scope

This policy applies to complaints from:

- a parent/carer whose child attends or who has recently left one of the trust's academies;
- members of the public or other organisations;
- a local governor, non-executive director or member; or
- stakeholders for data protection and freedom of information related matters.

This policy is not intended to apply to complaints related to the following aspects of the trust's work as these are covered by separate procedures:

- child protection concerns;
- appeals about admissions or exclusions;
- specific complaints from parents about the Education Health and Care (EHC) plan procedures, or about the content of their child's EHC plan (or Statement of Special Educational Needs);
- grievances or appeals from employees; or
- complaints about services run by other providers who use the trust's premises or facilities.

The NEAT Group also has a separate policy for confidential reporting of concerns ("whistleblowing") which staff can use to raise concerns about malpractice in the workplace.

This policy does not apply to NEAT Active Ltd, which has its own policy.

3 Policy statement

The trust aims that:

- your complaint will be dealt with honestly, politely and confidentially;
- your complaint will be looked into thoroughly and fairly and every effort will be made to resolve the issue;
- all complaints will be dealt with on a timely basis in accordance with the deadlines for each stage of the procedure outlined below; and
- if at any stage we believe we are unable to meet the deadline we will tell you before the deadline, explain the reason we are unable to meet it and confirm a new deadline.

4 Legal considerations

This policy is intended to comply with the standards set out in the Education (Independent Schools Standards) (England) Regulations 2014.

5 Roles and responsibilities

- **NEAT Academy Trust Board of Directors:** The Board will review this policy and monitor the nature of complaints and their outcomes on a regular basis to ensure the effectiveness of this procedure.

6 How to make a complaint

To enable a proper investigation, complaints should be brought to the attention of the academy or the trust as soon as possible, and in general, no later than three months after the event that gave rise to the complaint.

Where a complaint is submitted more than three months after the incident or event (or where the complaint relates to a series of incidents or events, more than three months from the date of the latest incident or event), the trust reserves the right to refuse to investigate the complaint under this Complaints Procedure if it appears reasonable and fair to do so, having regard to any exceptional circumstances surrounding the complaint.

All personal information or records relating to complaints will be treated in confidence and in accordance with the requirements of the Data Protection Act and General Data Protection Regulations.

Please note we do not respond to or investigate anonymous complaints except in extreme circumstances where the safety of a child or vulnerable adult may be compromised.

7 Stage 1: Informal stage

All concerns or issues should be raised at an early stage to give the trust or academy the opportunity to consider the matter and take action where appropriate. Discussion at this early stage will also enable you to decide if you remain dissatisfied and wish to complain.

A complaint about any aspect of the trust's or academy's activities should in the first instance be raised with a relevant member of staff.

In the case of a complaint from a parent/carer, this may be the child's class or subject teacher, form tutor, year/pastoral leader or the academy's SEND co-ordinator. However in some circumstances it may be appropriate that the complaint is dealt with by a more senior member of staff, such as the deputy headteacher or headteacher.

You may make a complaint by telephone, email or letter, or in person if you contact the office to make an appointment in advance. Regardless of the communication method used, an appropriate member of staff will contact you to discuss the situation and may offer to meet with you.

We anticipate that most issues can be dealt with informally through discussion. We expect our staff to work hard to enable each pupil to succeed in all aspects of school life and to provide an effective and efficient service to all stakeholders. They will want to know if there is a problem and will seek to resolve the issue.

If you feel that the complaint has not been resolved under Stage 1, or where there is a general complaint about the academy's or the trust's activities, you have the right to

make a formal complaint under Stage 2.

8 Stage 2: Formal complaint

If the complaint is not resolved at the informal stage, you should put your complaint in writing. You may use the complaints form provided by the trust for this purpose, or you may submit a letter or e-mail if you prefer. In all cases you should:

- state clearly the reason for the complaint;
- explain clearly what steps have been taken to resolve the complaint so far and why this has not been satisfactory; and
- outline the desired outcome from the complaint.

Please contact the Clerk to the Directors if you have difficulty in providing details in writing so we can discuss with you alternative ways of receiving the information.

A formal complaint will be handled by one of the following:

- If your complaint is about the actions of a member of staff in one of our schools, it will be dealt with by the headteacher of that school.
- If your complaint is about the actions of the headteacher of one of our schools or a member of the trust's central team, it will be dealt with by the trust's CEO.
- If your complaint is about the actions of the trust's CEO or one of its local governors, non-executive directors or members, it will be dealt with by the Chair of the trust's Board of Directors. (If your complaint is about the actions of the chair of the trust's board of directors, please contact the Clerk to the Directors in the first instance and alternative arrangements to handle your complaint will be put in place.)

In all cases, the trust reserves the right for the Chair of the trust's Board of Directors to determine that the complaint should be handled by another party taking into account the circumstances of the case: for example, if there is a potential conflict of interest in the person named above handling the matter.

The named person will be responsible for ensuring that your complaint is investigated.

They will respond formally to you in writing to acknowledge the complaint within 5 school working days of receipt of your complaint, or 5 business working days if your complaint concerns the trust. They will explain how the complaint will be dealt with and contact you to clarify your concerns and to seek a resolution to them (this may be by telephone, e-mail, letter or in person).

The named person will inform you in writing of the outcome within 10 school working days of receipt of your complaint, or 10 business working days in the case of the trust. The response will detail any actions taken to investigate your complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions to be taken to resolve the complaint. You will be advised of how to escalate your complaint if you remain dissatisfied with the outcome of Stage 2.

9 Stage 3: Panel hearing

If you remain dissatisfied following Stage 2 and wish to take the complaint further, you should submit a written request for a panel hearing to the Clerk to the Directors.

The written request should:

- state clearly the reason for the complaint;
- explain clearly what steps have been taken to resolve the complaint so far and why the outcome at Stage 2 has not been satisfactory; and

- outline the desired outcome from the complaint.

The Clerk to the Directors will arrange for a panel to hear the complaint. The panel will consist of a majority of trust non-executive directors and must include one member who is independent of the management and running of the academy trust. None of the panel will have prior knowledge of the nature of the complaint.

The following procedure will apply:

- The panel hearing should be held within 20 school working days of receipt of your written request, or 20 business working days if your complaint concerns the trust.
- You will be given at least 10 school working days' notice of the panel hearing in writing, or 10 business working days if your complaint concerns the trust.
- The person who handled the complaint under stage 2 will be invited to the panel hearing to explain their investigation and the decision they reached.
- Both parties will be given the chance to submit any written documentation relevant to the complaint to the Clerk to the Directors no later than five school working days before the panel hearing, which will be circulated to both parties in advance.
- You may bring a friend, family member or interpreter to the hearing for support. Neither you nor the academy/trust will be represented by a legal adviser at the hearing.
- Both you and the person who handled the complaint under stage 2 will be given the opportunity to address the panel. The panel may ask questions of both parties.
- The panel may invite any person who could help establish the facts of the complaint to the hearing if they consider that they require further information before reaching a decision.
- When the panel has considered your complaint, the chair of the panel will write to you to tell you the outcome within 5 school working days of the panel hearing, or 5 business working days if your complaint concerns the trust. The response will detail any actions taken to investigate your complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions to be taken to resolve the complaint. The panel will ensure that those findings and recommendations are sent by e-mail or otherwise given to you and, where relevant, the person complained about. They will also be available for inspection on the academy's premises by the trust's board of directors and the headteacher.

There are no further stages to the complaints procedure within the trust.

10 Record keeping

A written record will be kept of all formal complaints, of whether they are resolved at Stage 2 or proceed to Stage 3 and action taken by the academy/trust as a result of those complaints (regardless of whether they are upheld).

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

11 Referring the matter to the Education and Skills Funding Agency (ESFA)

Complaints about academies are dealt with by the ESFA. It will only consider a

complaint if you have already exhausted our internal complaints procedure and its remit is limited to complaints that:

- there has been undue delay or non-compliance with our own procedure;
- we have failed to comply with a duty imposed upon us in our funding agreements with the Secretary of State; or
- we have failed to comply with any other legal obligation, unless there is another organisation better placed to consider the matter.

The ESFA cannot change any decision we have made about your complaint. Their role is to consider whether we considered your complaint properly by following a procedure that is in line with legal requirements.

You can submit a complaint to the ESFA after you have received the outcome of stage 3 of this Complaints Procedure:

- on-line at www.education.gov.uk/contactus
- by telephone on 0370 000 2288
- by writing to Academy Complaints and Customer Insight Unit, Education and Skills Funding Agency, Cheylesmore House, 5 Quinton Road, Coventry CV1 2WT.

12 Special considerations: malicious, vexatious or trivial complaints

There may be occasions when, despite a complaint being considered under one or more stages of this procedure, a person persists in making the same complaint. There may also be occasions when a complainant raises unreasonable persistent complaints or raises complaints about matters which do not affect them. There may also be occasions when a complaint is made about a matter which is clearly so trivial that it would be a waste of resources to deal with it under the formal stages of the procedure.

In all of these cases, the trust reserves the right to regard the complaint as malicious, vexatious or trivial and to refuse to investigate it under Stage 2 of this procedure, if it appears reasonable and fair to do so, having regard to the circumstances about the complaint. Any proposal to do so will require the authorisation of the CEO, or the Chair of the trust's Board of Directors if the complaint concerns the CEO. In these circumstances we will write to the person within 5 school working days of the complaint being raised under Stage 2, or 5 business working days if the complaint concerns the trust, to notify them of the decision

If the person is unhappy with the decision not to investigate a complaint under Stage 2, they may write to the Chair of the trust's Board of Directors. The Chair will review whether the decision not to investigate was reasonable but will not investigate the complaint itself. (If the decision not to investigate a complaint under Stage 2 was made by the Chair of the trust's Board of Directors, please contact the Clerk to the Directors in the first instance and alternative arrangements to review their decision will be put in place.)

The Chair will write to the person with the outcome of the review within 10 school working days from the date that the letter from the complainant seeking the review was received. If the Chair overturns the decision not to investigate the complaint, it will be referred to the relevant person to be dealt with under Stage 2. If the Chair upholds the decision not to investigate the complaint, the complainant may refer the matter to the Education and Skills Funding Agency using the procedure outlined above.

General

This policy is at the discretion of the trust and can be varied at any time. In the event of any conflict with primary legislation or statutory regulations, the legal provisions will have precedence over this policy in all cases.