



NORTHAMPTON PRIMARY
ACADEMY TRUST PARTNERSHIP

Northampton Primary Academy Trust Simon de Senlis Primary School

Part of Northampton Primary Academy Trust Partnership

Complaints Policy & Procedure

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Introduction

- 1.1. Northamptonshire Primary Academy Trust (NPAT) is dedicated to providing the best possible education and support for all pupils within its schools. This means having a clear, fair, and efficient procedure for dealing with any complaints to or against a school, so that any issues that arise can be dealt with as swiftly and effectively as possible.
- 1.2. NPAT welcomes feedback on the services it provides. Should anyone be unhappy with any aspect of a school within the Trust, it is important that the Trust and relevant school learns about this. The Trust recognises there is a difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage reduces the numbers that develop into formal complaints. The Trust aims to ensure that concerns are handled, if at all possible, without the need for formal procedures. The Trust's formal complaints procedure is only necessary if efforts to resolve the concern informally are unsuccessful. Where an individual may feel that an issue has not been dealt with appropriately it is important, for all involved, that there is a clear and transparent process for a complaint to be looked into and followed up.
- 1.3. This policy outlines how complaints will be dealt with by the schools within NPAT in accordance with the requirements of The Education Act 2002 (Appendix A).
- 1.4. This policy will be followed in respect of all complaints by parents/carers against the schools within the Trust except in the following areas (where separate policies exist):
 - Safeguarding and child protection allegations;
 - Exclusions
 - Behaviour (including exclusions and anti-bullying)
 - Admissions
 - Complaints about statements of SEN/ EHC Plans
 - Disciplinary issues relating to members of staff; and
 - Allegations of abuse.
- 1.5. Please note that anonymous complaints will not be examined under this or any complaints procedure.
- 1.6. Please note that should a complaint, informal or formal, reveal an issue for which other procedures exist (for example, child protection) then it will be dealt with under those procedures rather than as a complaint.
- 1.7. All NPAT staff will be made aware of the Trust's complaints procedures and are expected to review this policy regularly in order that they are familiar with the process of dealing with complaints and can be of the most assistance when an issue is brought to their attention.

2.0 General Principles of complaints

2.1 Dealing with Complaints – Initial concerns

Schools need to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

These key messages deal with complaints but the underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. In most cases the class will receive the first approach. It would be helpful if staff were able to resolve issues on the spot, including apologising where necessary.

2.2 Dealing with Complaints – Formal procedures

The formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the

matter further.

The nominated member of staff to have responsibility for the operation and management of the school complaints procedure (the school's 'complaints co-ordinator'), is the Head Teacher of the relevant school within the trust (or the Senior Management Team member covering for his/her absence).

2.3 Framework of Principles

An effective Complaints Procedure will:

- encourage resolution of problems by informal means wherever possible;
- be easily accessible and publicised;
- be simple to understand and use;
- be impartial;
- be non-adversarial;
- allow swift handling with established time-limits for action and keeping people informed of the progress;
- ensure a full and fair investigation by an independent person where necessary;
- respect people's desire for confidentiality;
- address all the points at issue and provide an effective response and appropriate redress, where necessary;
- provide information to the school's senior management team so that services can be improved.

2.4 Investigating Complaints

At each stage, the person investigating the complaint (the complaints co-ordinator), 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;
- 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.

2.5 Resolving Complaints

At each stage in the procedure the school will want to keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the 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 school policies in light of the complaint.

Complainants will be encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence.

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.

2.6 Vexatious Complaints

If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the chair of the Governing Body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

2.7 Time-Limits

Complaints need to be considered, and resolved, as quickly and efficiently as possible. To ensure we operate an effective complaints procedure, realistic time limits for each action within each stage have been set. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

3.0 The stages of complaints

The complaints procedure for NPAT schools has three stages:

1. Initial Approach
2. Formal Complaint (to Headteacher or Chair of Governors)
3. Appeal (to Governor Committee)

Stage 1 – Initial Approach

Guidelines

- The vast majority of concerns and complaints can be resolved informally, often straight away by the class teacher, Phase Leader, Assistant/Deputy Headteacher or Headteacher.
- Schools should aim to ensure that parents feel able to raise concerns with staff without undue formality, either in person, by telephone or in writing. There may be occasions when it is appropriate or helpful for someone to accompany or act on behalf of a parent.
- Parents may not be clear at first that they are making a complaint. They may wish to ask a question or express an opinion. A preliminary discussion with school staff will usually clarify the issue and help parents to decide whether they wish to take the matter further.

Procedure

1. Parents should have an opportunity for informal discussion of their concerns with an appropriate member of staff. This discussion should aim to clarify the nature of the parent's concern and assure them that the school wishes to hear about it. The discussion should also aim to clarify what kind of outcome the parent is seeking.
2. If the member of staff first contacted cannot deal with the matter immediately, s/he should make a firm arrangement to deal with it at a future date or refer the matter to the Headteacher or another appropriate member of staff. In either case a note of the name, date and contact details of the complainant should be taken. The first contact should check later to make sure the referral has been successful.
3. Headteachers should ensure that staff have guidelines about when to refer a matter and who to.
4. If the concern relates to the Headteacher and the parent feels unable to raise it with the Headteacher they should be advised to contact the Chair of Governors.

5. The staff member/Headteacher dealing with the complaint should make sure that the complainant is clear about what will happen next (if anything). This should be put in writing if it seems the best way of making the next steps or outcome clear.
6. If no satisfactory solution has been found, the complainant should be informed about how they should proceed if they wish to take their complaint further. They should be informed of any advice and support that may be available to them.

Stage 2 – Formal Complaint to Headteacher or Chair of Governors

Guidelines

- The Headteacher needs to determine who has responsibility for responding to a formal complaint, including the decision about his/her own involvement at various stages.
- If the complainant is dissatisfied with the action of the Headteacher, or the Headteacher has been very closely involved informally, the Chair of Governors should carry out all the Stage Two procedures, with support if necessary from another governor, and with advice from relevant external agencies if required.
- Individuals on the governing body should not become involved at this stage to avoid prejudicing their possible future involvement.

Procedure

1. Parents who wish to pursue a formal complaint at Stage Two should be asked to put the complaint and their desired outcome in writing to the Chair of Governors or Headteacher. The Chair of Governors, Headteacher (or designated member of staff) should acknowledge the complaint in writing within three days of receipt giving a brief explanation of the complaints procedures and a target date for providing a response. Ideally, this should be within ten days. If it is not possible to deal with the matter in this time, the complainant should be informed of when it is likely to be concluded.
2. The Chair of Governors/Headteacher (or a designated member of staff) may offer an opportunity for the complainant to meet him/her. The complainant should, if she/he wishes, be allowed to be accompanied by a friend or relative who can speak on his/her behalf. Interpreting facilities should be made available if required.
3. If necessary, the Chair of Governors/Headteacher (or a designated member of staff) should interview any witnesses and take statements from those involved. If the complaint centres around a pupil, the pupil should also be interviewed, normally with parent/guardian present. In some circumstances this may not be possible or appropriate and a senior member of staff with whom the pupil feels comfortable should attend with him/her. If a member of staff is complained against, the needs of that person should be borne in mind. Advice may need to be sought from the school's HR provider.
4. The Chair of Governors/Headteacher (or designated member of staff) should keep written records of meetings, telephone conversations and other documentation.
5. Once all the relevant facts have been established, the Chair of Governors/Headteacher (or designated member of staff) should either write to the complainant or arrange a meeting to discuss or resolve the matter. This meeting should be followed up with a letter summarising the outcome of the meeting. The complainant should be advised in this letter that if they remain unhappy with the outcome, s/he may appeal to a panel of governors. The complainant should notify the Chair of Governors within two weeks of receiving the letter detailing the outcome of the complaint.

Stage 3 – Appeal to Panel of Governors

Guidelines

- Complaints only rarely reach the appeal stage, but it is important that governing bodies are prepared to deal with them. At this stage, the Chair of Governors may wish to seek advice or involvement from Northampton Primary Academy Trust.
- The aim of the appeal to a panel of governors is to resolve the complaint and achieve reconciliation between the school and the complainant. However, it may only be possible to establish the facts of a situation and make recommendations about future action, and to satisfy the complainant that their complaint has been taken seriously.
- It is important should a complaint reach the appeal stage that the governing body is impartial and independent and is seen to be so. Individual complaints should not be considered by the full governing body. The governing body will nominate a panel of three representatives to deal with the appeal process, dependent on the availability and suitability of governors to be involved.
- Panel members should have had no prior involvement with the complaint. Generally, the Chair of Governors is not on the panel as s/he may be involved at the earlier stage. Governing bodies should have regard to the advantages of having a mix of types of governor on the panel and be sensitive to issues of equal opportunity in the composition of the panel.
- Individual governors should not get involved in looking into complaints before this stage to avoid prejudicing their potential involvement. If individual governors are approached by parents or others with complaints, they should refer the complainant to the schools complaints procedure, making the necessary introduction to a member of staff or Headteacher if appropriate.
- Complaints that reach the appeal stage will do so because the complainant is not satisfied with the response so far. In this situation it is perhaps helpful for the governing body to view any complaint as being against the school rather than an individual staff member whose actions may have led to the original complaint.

Procedure

Upon receipt of a written request from the complainant for the complaint to proceed to Stage Three, the following procedure should be followed.

A suitable clerk to the panel should be appointed.

1. The clerk should write acknowledging receipt of the written request, informing the complainant that it will be heard by a committee of the governing body within 15 working days of receipt.
2. The clerk should convene a meeting of the complaints committee at a time which is convenient for the complainant and the school.
3. The clerk should ensure that the complainant, Headteacher and any other witnesses are given at least five working days' notice in writing of the date, time and place of the hearing or otherwise are in full agreement of a shorter timescale. The letter of notification to the complainant should also inform him/her of their right to be accompanied by a friend/relative who can act as an advocate. The chair should ensure that interpretation facilities for the hearing are offered and made available if required. The letter should set out the procedure for the conduct of the hearing (see Appendix A) and the complainant's right to submit further written evidence to the committee.
4. The clerk should invite the Headteacher to attend the hearing and to submit a written report for the committee in response to the complaint. The Headteacher may also invite the Chair of Governors or any other members of staff directly involved in matters raised by the complainant to respond in writing and/or in person to the complaint. Any involvement of other staff should be at the discretion of the chair of the committee.
5. All relevant documents should be received by all parties, (including the complainant) at least five days before the meeting of the panel. This provides adequate opportunity to read them prior to the start of the meeting.

6. A representative of Northampton Primary Academy Trust may be invited to attend the meeting to advise the committee.
7. The panel should elect a chairperson who should ensure that proper minutes of the meeting are taken.
8. The chair of the panel should try to ensure that the proceedings are sufficiently informal as possible and that the complainant and other participants feel at ease.
9. At the conclusion of the representations and questions, the chair should explain that the panel will consider the issues and write to both parties with their decision or judgement within 3 days.
10. All except for the governors' panel and any advisers should then withdraw and the panel should consider the evidence. This should include: a judgement about the validity of the complaint; appropriate action to be taken by the school and/or the parent; and where appropriate, recommendations on changes to the school's systems or procedures to ensure similar problems do not arise in the future.
11. The school should ensure that a copy of all correspondence and notes is kept confidentially on file in the school. This should be separate from pupils' personal records.
12. The broad outcomes recommended by the panel can be reported to the next full governing body or appropriate committee with the identity of all those taking part kept confidential. The governing body should monitor implementation of the recommendations.

Management of complaints to the Multi Academy Trust

Where the academy-based complaints procedures have been completed and the complainant does not feel their complaint has been dealt with to their satisfaction by the academy they may contact the Multi Academy Trust in writing to request a review of the complaint investigation.

Generally the Multi Academy Trust will only look into complaint about academies that fall into the following two areas.

a) The academy did not comply with its own complaints procedure when considering a complaint or the academy's complaints procedure does not comply with statutory requirements.

The Multi Academy Trust cannot review or overturn an academy's decisions about complaints but will look at whether the academy considered the complaint appropriately. The Multi Academy Trust will generally only do this after a complaint has been through the academy's own procedure but may investigate sooner if there is evidence of undue delays by the academy. If the Multi Academy Trust finds that an academy did not deal with a complaint appropriately it will request that the complaint is reconsidered. Similarly, if the academy's complaints procedure does not meet statutory requirements then the Multi Academy Trust will ensure this is put right.

b) The academy has failed to comply with a duty imposed under its funding agreement with the Secretary of State.

The Multi Academy Trust will seek to resolve any concerns regarding potential or actual breaches of the funding agreement with the academy. The Multi Academy Trust will also consider evidence that an academy has failed to comply with any other legal obligation placed on it.

Investigations will not usually take place 12 months or more after the decisions or action taken by the academy unless the complainant has good reason for the delay in making the complaint.

The Multi Academy Trust reserve the right not to investigate complaints considered to be vexatious or malicious or where the Multi Academy Trust is satisfied with the action that the academy has already taken or proposes to take to resolve the complaint.

Procedures for Dealing with a complaint

Written complaints will be acknowledged in writing within **5 working days**. The complainant will be given the name of the Investigating Officer at the Multi Academy Trust.

The complainant will be asked to submit a written summary of the complaint.

The academy will be asked to provide:

- an explanation of how each stage of its complaints procedures has been followed;
- a response to the summary of the complaint, together with relevant documents and copies of correspondence with the complainant.

The academy will be asked to respond within **10 working days**, notifying the Investigating Officer if there is any confidential information which may not be shared with the complaint such as data belonging to individuals not involved in the complaint.

The Investigating Officer will respond in writing to the complainant, usually within **15 working days**. However, whilst every effort will be made to complete investigations promptly, in some cases, requiring detailed investigations, it will take longer to produce a written response. Where this is the case the complainant will be advised of any revised timescale for production of the written response.

Where appropriate the Multi Academy Trust may direct the academy to review its decision on the complaint submitted to it or change its procedures for reaching the decision if they are non-compliant with statutory requirements

If the complainant still continues to be dissatisfied after the matter has been considered by the Multi Academy Trust they can write to the Secretary of State for Education via The Education Funding Agency using the following link [EFA Complaint Form](#)

APPENDIX A

LEGISLATION

Section 29 of the Education Act 2002 requires that:

- (1) The governing body of a maintained academy (including a maintained nurseries) shall –
 - (a) establish procedures for dealing with all complaints relating to the academy or to the provision of facilities or services, other than complaints failing to be dealt with in accordance with any procedures required to be established in relation to the academy by virtue of a statutory provision other than this section, and
 - (b) publicise the procedures so established.
- (2) In establishing or publicising procedures under subsection (1), the governing body shall have regard to any guidance given from time to time (in relation to England) by the Secretary of State.

Section 39 of the Education Act 2002 provides the following:

“maintained academy” means a community, foundation or voluntary academy, a community or foundation special academy or a maintained nursery academy”

Appendix B
Stage 2 – Formal Complaint Form

Your personal details

Your name:	
Your child's name:	
Your child's class:	
Your address including postcode:	
Daytime telephone number:	
Evening telephone number:	
Email address:	

Details of your complaint

1. Please provide full details of your complaint, including relevant dates and persons concerned where possible in the box below. Continue on a separate sheet if necessary.

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2. What action, if any, have you already taken to try and resolve your complaint? (who did you speak to and what was their response?). Continue on a separate sheet if necessary.

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3. How do you feel the problem could be resolved at this stage? Continue on a separate sheet if necessary.

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4. Are you attaching any paperwork? If so, please provide details. Continue on a separate sheet if necessary.

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Signed:

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Date:

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Thank you for completing the form and providing us with details of your complaint.

Please send in your completed form to the Headteacher, care of the main school reception.

Flowchart

Summary of Dealing with Complaints

