

Complaints Procedure

| Review Date | Reviewer | Adopted | Implementation |
|----------------|----------|------------------|------------------|
| September 2016 | J Barker | September 2016 | 1 September 2016 |
| July 2018 | J Barker | July 2018 | 1 September 2018 |
| September 2020 | J Barker | 24 February 2019 | 1 March 2019 |
| September 2021 | J Barker | | |
| | | | |

Contents

| | | Page No |
|-----|--|---------|
| 1. | Introduction | 3 |
| 2. | Who can make a complaint? | 4 |
| 3. | Scope of this Complaints Procedure | 4 |
| 4. | The difference between a concern and a complaint | 5 |
| 5. | Role and Responsibilities | 6 |
| 6. | How to raise a concern or make a complaint | 9 |
| 7. | How we will deal with a complaint | 9 |
| 8. | Resolving complaints | 13 |
| 9. | Anonymous complaints | 14 |
| 10. | Time scales | 14 |
| 11. | Complaints received outside of term-time | 14 |
| 12. | Withdrawal of a complaint | 14 |
| 13. | Next steps | 14 |
| 14. | Managing serial and unreasonable complaints | 14 |
| | | |

Issue No: 3

Date: 1/03/2019

Quality Document Type:

Ref:

Originator of this document is:

Policy

TRUST/GOVERNANCE/COMPLAINTS

J Barker

1.0 Introduction

1.1 The procedure will be used in each Academy across the North East Learning Trust (NELT) for all complaints raised. The Trust will review this procedure every two years and assess its implementation and effectiveness. The Trust will monitor the procedure to ensure that all complaints are handled in accordance with the procedure.

1.2 A copy of the Complaints Procedure is available from the reception of the Academies across the Trust and from the following websites:

1.2.1 www.nelt.co.uk

1.2.2 www.shottonhallschool.co.uk

1.2.3 www.easingtonacademy.co.uk

1.2.4 www.teesdaleschool.com

1.2.5 www.browneyacademy.co.uk

1.3 The Trust provides a good education for all our children and young people and all staff work very hard to build positive relationships with all parents, the local community and other stakeholders. However, there is a statutory obligation to have in place a complaints procedure and that any such complaints will be dealt with in accordance the guidance set out by the Department for Education (DfE), The Education Funding Agency (EFA) and the Education (Independent School Standards) (England) Regulations 2014, Schedule 1, Part 7.

1.4 Our Trust aims to be fair, open and honest when dealing with any complaint. When considering a complaint, we endeavour to deal with them as swiftly as possible. We aim to resolve any complaint through dialogue and mutual understanding and, in all cases, we put the interests of the child above all other issues. Our procedure provides sufficient opportunity for any complaint to be fully discussed and then resolved.

1.5 Our complaints procedure will:

1.5.1 Encourage resolution of problems by informal means wherever possible;

1.5.2 Be easily accessible and publicised;

1.5.3 Be simple to understand and use;

1.5.4 Be impartial;

1.5.5 Be non-adversarial;

1.5.6 Allow swift handling by adhering to time limits for action and keeping people informed of the progress. Delays within the process will be communicated to all parties;

1.5.7 Ensure a full and fair investigation by an independent person where necessary;

1.5.8 Respect people's desire for confidentiality;

1.5.9 Address all the points at issue and provide effective response and appropriate redress, where necessary;

1.5.10 Provide information to the Trust and the Academy's Senior Leadership Team (SLT) to enable services to be improved.

| | | | |
|-----------|-----------|---------------------------------|-----------------------------|
| Issue No: | 3 | Quality Document Type: | Policy |
| Date: | 1/03/2019 | Ref: | TRUST/GOVERNANCE/COMPLAINTS |
| | | Originator of this document is: | J Barker |

1.6 Our policy will ensure that we are clear about the difference between a concern and a complaint. We will take concerns seriously at the earliest stage to reduce the numbers that develop into complaints.

1.7 To be effective, the application of the 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.

2.0 Who can make a complaint?

2.1 This procedure is not limited to parents/carers of children that are registered at any of our Academies. Any person, including members of the public, may make a complaint about any of the facilities or services we provide.

3.0 Scope of this Procedure

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

| Exceptions | Who to contact |
|---|--|
| <ul style="list-style-type: none"> Admissions to schools Statutory assessments of Special Educational Needs School re-organisation proposals | Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with the appropriate Local Authority. |
| <ul style="list-style-type: none"> 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). |
| <ul style="list-style-type: none"> Exclusion of children from school* | Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions . <i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i> |
| <ul style="list-style-type: none"> 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 |

| | | | |
|-----------|-----------|---------------------------------|-----------------------------|
| Issue No: | 3 | Quality Document Type: | Policy |
| Date: | 1/03/2019 | Ref: | TRUST/GOVERNANCE/COMPLAINTS |
| | | Originator of this document is: | J Barker |

| | |
|---|---|
| | <p>direct with their employer. Referrals can be made at: www.education.gov.uk/contactus.</p> <p>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.</p> |
| <ul style="list-style-type: none"> • Staff grievances | <p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p> |
| <ul style="list-style-type: none"> • Staff conduct | <p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>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.</p> |
| <ul style="list-style-type: none"> • Complaints about services provided by other providers who may use school premises or facilities | <p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.</p> |
| <ul style="list-style-type: none"> • National Curriculum - content | <p>Please contact the Department for Education at: www.education.gov.uk/contactus</p> |

3.2 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.

3.3 If a complainant commences legal action against the Trust and/or any of its Academies in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

4.0 The difference between a concern and a complaint

4.1 Our policy will ensure that we are clear about the difference between a concern and a complaint. We will take concerns seriously at the earliest stage to reduce the numbers that develop into complaints.

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

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

| | | | |
|-----------|-----------|---------------------------------|-----------------------------|
| Issue No: | 3 | Quality Document Type: | Policy |
| Date: | 1/03/2019 | Ref: | TRUST/GOVERNANCE/COMPLAINTS |
| | | Originator of this document is: | J Barker |

4.4 The Trust acknowledges that it is in everyone's interest that concerns, and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaint's procedure. The Trust takes concerns very seriously and will make every effort to resolve the matter as quickly as possible.

4.5 Should a complainant have difficulty discussing a concern with a particular member of staff, we will respect your views. In such a case, the Executive Head/Head of School/Headteacher will refer you to another member of staff. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Executive Head/Head of School/Headteacher will refer you to another staff member. The member of staff may be more senior but there is no requirement for this, the Trust believes that the ability to consider the concern objectively and impartially is more important.

4.6 The Trust appreciates that there are occasions when people would like to raise their concerns formally. In this case, we will attempt to resolve the issue internally, through the stages outlined within this complaint's procedure.

5.0 Roles and Responsibilities

5.1 Complainant

You will receive a more effective response to the complaint if you:

- 5.1.1 Explain the complaint in full as early as possible
- 5.1.2 Co-operate with the school in seeking a solution to the complaint
- 5.1.3 Respond promptly to requests for information or meetings or in agreeing the details of the complaint
- 5.1.4 Ask for assistance as needed
- 5.1.5 Treat all those involved in the complaint with respect
- 5.1.6 Refrain from publicising the details of their complaint on social media and respect confidentiality.

5.2 Investigator

The investigator's role is to establish the facts relevant to the complaint by:

- 5.2.1 Providing a comprehensive, open, transparent and fair consideration of the complaint through:
 - sensitive and thorough interviewing of the complainant where appropriate, to establish what has happened and who has been involved
 - interviewing staff and children/young people and other people relevant to the complaint
 - consideration of records and other relevant information
 - analysing information

| | | | |
|-----------|-----------|---------------------------------|-----------------------------|
| Issue No: | 3 | Quality Document Type: | Policy |
| Date: | 1/03/2019 | Ref: | TRUST/GOVERNANCE/COMPLAINTS |
| | | Originator of this document is: | J Barker |

5.2.2 Liaising with the complainant as appropriate to clarify what they feel would put things right.

5.3 The investigator should:

5.3.1 Conduct interviews with an open mind and be prepared to persist in the questioning

5.3.2 Keep notes of interviews or arrange for an independent note taker to record the meeting

5.3.3 Ensure that any papers produced during the investigation are kept securely pending any appeal

5.3.4 Be mindful of the timescales to respond

5.3.5 Prepare a comprehensive report for the Executive Head/Head of School/Headteacher (where the Executive Head/Head of School/Headteacher is not the Investigator) that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

5.4 The Executive Head/Head of School/Headteacher will determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

5.5 Governance Manager acting as Complaints Co-ordinator

The complaints co-ordinator should:

5.5.1 Ensure that the complainant is fully updated at each stage of the procedure

5.5.2 Liaise with staff members, Executive Head/Head of School/Headteacher, Chair of Governors to ensure the smooth running of the complaint's procedure

5.5.3 be aware of issues regarding:

5.5.3.1 sharing third party information

5.5.3.2 additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person

5.5.4 Keep records.

5.6 Governance Manager

The Governance Manager is the contact point for the complainant and the committee and should:

5.6.1 Ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)

5.6.2 Set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible

5.6.3 Collate any written material relevant to the complaint (for example; stage 1 paperwork,

| | | | |
|-----------|-----------|---------------------------------|-----------------------------|
| Issue No: | 3 | Quality Document Type: | Policy |
| Date: | 1/03/2019 | Ref: | TRUST/GOVERNANCE/COMPLAINTS |
| | | Originator of this document is: | J Barker |

school and complainant submissions) and send it to all parties within at least 7 days of the date of the meeting

5.6.4 Record the proceedings

5.6.5 Notify all parties of the committee's decision.

5.6.5 Circulate the minutes of the meeting as appropriate

5.7 Chair of the Complaints Committee

The Chair of the Complaints Committee will be nominated by the Committee at the beginning of the meeting, should ensure that:

5.7.1 the committee is open-minded and acts independently and that no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure

5.7.2 the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy

5.7.3 complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person

5.7.4 the remit of the committee and the procedure for the meeting is explained to the complainant at the start of the meeting

5.7.5 written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.

5.7.6 if a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting

5.7.7 both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself

5.7.8 the issues are addressed, and key findings of fact are made

5.7.11 the meeting is minuted

5.8 Committee Member

Committee members should be aware that:

5.8.1 they must be independent and impartial and be seen to be so. Therefore, any Governor with any prior involvement should declare an interest and take no part on the proceedings

5.8.2 the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant

5.8.3 the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.

| | | | |
|-----------|-----------|---------------------------------|-----------------------------|
| Issue No: | 3 | Quality Document Type: | Policy |
| Date: | 1/03/2019 | Ref: | TRUST/GOVERNANCE/COMPLAINTS |
| | | Originator of this document is: | J Barker |

6.0 How to raise a concern or make a complaint

6.1 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 of a complainant, as long as they have appropriate consent to do so.

6.2 Concerns should be raised with the teacher/Head of Year/Year Managers. If the issue remains unresolved, the next step is to make a formal complaint. All formal complaints must be made in writing.

6.3 For ease of use, a template complaint form (appendix 1) is included at the end of this procedure. If you require help in completing the form, please contact the Governance Manager. You can also ask third party organisations like the Citizens Advice to help you.

6.4 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.

6.5 Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 2 of the procedure.

6.6 Complaints against school staff should be made in the first instance, to the Executive Head/Head of School/Headteacher via the school office. Please mark them as Private and Confidential.

6.7 Complaints that involve or are about the Head of School/Headteacher should be addressed to the CEO, North East Learning Trust, The Academy at Shotton Hall, Passfield Way, Peterlee, SR8 1AU. Please mark them as Private and Confidential.

6.8 Complaints against the CEO should be made to the Chair of the Trustees, c/o North East Learning Trust, The Academy at Shotton Hall, Passfield Way, Peterlee, SR8 1AU. Please mark them as Private and Confidential.

6.9 Complaints about the Chair of Governors, any individual governor or the whole Local Academy Council should be addressed to the Governance Manager, c/o North East Learning Trust, The Academy at Shotton Hall, Passfield Way, Peterlee, SR8 1AU. Please mark them as Private and Confidential.

7.0 How we will deal with a complaint

7.1 The Trust has adopted a two-stage process for dealing with formal complaints.

7.2 Stage 1:

| | | | |
|-----------|-----------|---------------------------------|-----------------------------|
| Issue No: | 3 | Quality Document Type: | Policy |
| Date: | 1/03/2019 | Ref: | TRUST/GOVERNANCE/COMPLAINTS |
| | | Originator of this document is: | J Barker |

7.3 Formal complaints must be made to the Executive Head/Head of School/Headteacher (unless they are about the Executive Head/Head of School/Headteacher), via the school office. This may be done in person, in writing (preferably on the Complaint Form).

7.4 The Executive Head/Head of School/Headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 2 school days.

7.5 Within this response, the Executive Head/Head of School/Headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Executive Head/Head of School/Headteacher can consider whether a face to face meeting is the most appropriate way of doing this.

7.6 The Executive Head/Head of School/Headteacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.

7.7 During the investigation, the Executive Head/Head of School/Headteacher (or investigator) will:

7.2.5.1 if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish

7.2.5.1 keep a written record of any meetings/interviews in relation to their investigation.

7.2.6 At the conclusion of their investigation, the Executive Head/Head of School/Headteacher will provide a formal written response within 15 school days of the date of receipt of the complaint.

7.2.7 If the Executive Head/Head of School/Headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

7.2.8 The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the Academy will take to resolve the complaint.

7.2.9 The Executive Head/Head of School/Headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

7.2.10 If the complaint is about the Executive Head/Head of School/Headteacher, or a member of the Local Academy Council (including the Chair or Vice-Chair), the CEO will complete all the actions at Stage 1.

7.3 Where a complaint is made against the Chair or Vice-Chair of the Local Academy Council, the entire Local Academy Council or the majority of the Local Academy Council Stage 1 will be considered by an independent investigator appointed by the Chair of the Trustees. At the conclusion of their investigation, the independent investigator will provide a formal written response.

| | | | |
|-----------|-----------|---------------------------------|-----------------------------|
| Issue No: | 3 | Quality Document Type: | Policy |
| Date: | 1/03/2019 | Ref: | TRUST/GOVERNANCE/COMPLAINTS |
| | | Originator of this document is: | J Barker |

Stage 2:

7.4 If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to the Local Academy Complaints Committee. This is the final stage of the complaint's procedure.

7.5 A request to escalate to Stage 2 using the template (appendix 2) must be made to the Governance Manager c/o Easington Academy, Stockton Road, Easington Village, County Durham, SR8 3AY within 10 school days of receipt of the Stage 1 response.

The Governance Manager will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 2 school days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

7.6 The Governance Manager will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 20 school days of receipt of the Stage 2 request. If this is not possible, the Governance Manager will provide an anticipated date and keep the complainant informed.

7.7 If the complainant rejects the offer of three proposed dates, without good reason, the Governance Manager will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

7.8 The complaints committee will consist of at least three governors with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee. If there are fewer than three governors from the Local Academy Council available, the Governance Manager may source support from a Trustee or Governor from another Local Academy Council within the Trust, in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 2.

7.9 The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.

7.10 If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.

7.11 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.

7.12 In addition, any complainants will feel nervous and inhibited in a formal setting and Parents/carers often feel emotional when discussing an issue that affects their child. In addition, extra care will be taken when the complainant is a child/young person and present during all or part

| | | | |
|-----------|-----------|---------------------------------|-----------------------------|
| Issue No: | 3 | Quality Document Type: | Policy |
| Date: | 1/03/2019 | Ref: | TRUST/GOVERNANCE/COMPLAINTS |
| | | Originator of this document is: | J Barker |

of the meeting. Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.

7.13 The committee will respect the views of the child/young person and give them equal consideration to those of adults.

7.14 If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.

7.15 However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests. The welfare of the child/young person is paramount.

7.16 Representatives from the media are not permitted to attend.

7.17 At least 7 school days before the meeting, the Governance Manager will confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible.

7.18 Any written material along with a procedure for the meeting (appendix 3) will be circulated to all parties at least 7 school days before the date of the meeting. The committee will not accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

7.19 The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

7.20 The meeting will be held in private. 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.

7.21 The Complaints Committee when dealing with a complaint have the following options available:

7.21.1 Dismiss the complaint in whole or in part

7.21.2 Uphold the complaint in whole or in part

7.21.3 Decide on the appropriate action to be taken to resolve the complaint

7.21.4 Recommend changes to the Academy's systems or procedures to ensure that there are no reoccurrences of the issues.

7.22 The Governance Manager and Chair of the Complaints Committee will provide the complainant and the Academy with a full explanation of their decision and the reason(s) for it, in writing, within 5 school days.

| | | | |
|-----------|-----------|---------------------------------|-----------------------------|
| Issue No: | 3 | Quality Document Type: | Policy |
| Date: | 1/03/2019 | Ref: | TRUST/GOVERNANCE/COMPLAINTS |
| | | Originator of this document is: | J Barker |

7.23 The decision of the Complaints Committee is final and there is no further right of appeal to the Trust or Local Academy Council.

7.24 The letter to the complainant will include details of how to contact the ESFA if they are dissatisfied with the way their complaint has been handled.

7.25 Where the complaint is jointly about the Chair and Vice Chair or the entire Local Academy Council or the majority of the Local Academy Council Stage 2 Trustees or Governors from another Local Academy Council within the Trust.

7.26 The Governance Manager and Chair of the Complaints Committee will provide the complainant and the Academy with a full explanation of their decision and the reason(s) for it, in writing, within 5 school days.

7.27 The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the Trust will take to resolve the complaint.

7.28 The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

8.0 Resolving complaints

8.1 It would be helpful if Complainants consider what actions they feel might resolve the problem at any stage. It is important to recognise that an admission that the Academy could have handled the situation better is not the same as an admission of negligence.

8.2 At each stage in the procedure, we want 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:

8.2.1 An explanation

8.2.2 An admission that the situation could have been handled differently or better

8.2.3 An assurance that we will try to ensure the event complained of will not recur

8.2.4 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

8.2.5 An undertaking to review school policies in light of the complaint

8.2.6 An apology.

9.0 Anonymous complaints

9.1 We will not normally investigate anonymous complaints. However, the CEO if appropriate, will determine whether the complaint warrants an investigation.

| | | | |
|-----------|-----------|---------------------------------|-----------------------------|
| Issue No: | 3 | Quality Document Type: | Policy |
| Date: | 1/03/2019 | Ref: | TRUST/GOVERNANCE/COMPLAINTS |
| | | Originator of this document is: | J Barker |

10.0 Time scales

10.1 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.

11.0 Complaints received outside of term time

11.1 We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

12.0 Withdrawal of a Complaint

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

13.0 Next Steps

13.1 If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Education Standards Funding Agency after they have completed Stage 2.

13.2 The complainant can refer their complaint to the ESFA online at: [How ESFA handles complaints about academies](#), or by using the [schools complaints form](#) or in writing to:

ESFA Complaints
Chief Executive's Office
Cheylesmore House
Quinton Road
Coventry
CV1 2WT

14.0 Managing serial and unreasonable complaints

14.1 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 our Academies. However, we do not expect our staff to tolerate unacceptable behaviour and will act to protect staff from that behaviour, including that which is abusive, offensive or threatening.

14.2 The Trust defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the Academy, such as, if the complainant:

14.2.1 Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance

14.2.2 Refuses to co-operate with the complaint's investigation process

| | | | |
|-----------|-----------|---------------------------------|-----------------------------|
| Issue No: | 3 | Quality Document Type: | Policy |
| Date: | 1/03/2019 | Ref: | TRUST/GOVERNANCE/COMPLAINTS |
| | | Originator of this document is: | J Barker |

14.2.3 Refuses to accept that certain issues are not within the scope of the complaint's procedure

14.2.4 Insists on the complaint being dealt with in ways which are incompatible with the complaint's procedure or with good practice

14.2.5 Introduces trivial or irrelevant information which they expect to be considered and commented on

14.2.6 Raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales

14.2.7 Makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced

14.2.8 Changes the basis of the complaint as the investigation proceeds

14.2.9 Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)

14.2.10 Refuses 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

14.2.11 Seeks an unrealistic outcome

14.2.12 Makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with

14.2.13 Uses threats to intimidate

14.2.14 Uses abusive, offensive or discriminatory language or violence

14.2.15 Knowingly provides falsified information

14.2.16 Publishes unacceptable information on social media or other public forums.

14.3 Complainants should try to limit their communication with the Academy 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.

14.4 Whenever possible, CEO/Deputy CEO will discuss any concerns with the complainant informally before applying an '*unreasonable*' marking.

14.5 If the behaviour continues, the CEO/Deputy CEO will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact an Academy causing a significant level of disruption, we may specify methods of

| | | | |
|-----------|-----------|---------------------------------|-----------------------------|
| Issue No: | 3 | Quality Document Type: | Policy |
| Date: | 1/03/2019 | Ref: | TRUST/GOVERNANCE/COMPLAINTS |
| | | Originator of this document is: | J Barker |

communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

14.6 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 all Trust premises. Further information can be found in the Trust's Dealing with Violence and Aggression Policy.

| | | | |
|-----------|-----------|---------------------------------|-----------------------------|
| Issue No: | 3 | Quality Document Type: | Policy |
| Date: | 1/03/2019 | Ref: | TRUST/GOVERNANCE/COMPLAINTS |
| | | Originator of this document is: | J Barker |

Appendix 1

Complaint Form – Stage 1

Please complete and return to Executive Head/Head of School/Headteacher/CEO/Chair of Trustees/Governance Manager who will acknowledge receipt and explain what action will be taken.

| |
|--|
| Your name: |
| Academy your child attends: |
| Pupil's name (if relevant): |
| Your relationship to the pupil (if relevant): |
| Address: |
| Postcode: |
| Day time telephone number: |
| Evening telephone number: |

Please give details of your complaint, including whether you have spoken to anybody at the school about it.

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

| | | | |
|-----------|-----------|---------------------------------|-----------------------------|
| Issue No: | 3 | Quality Document Type: | Policy |
| Date: | 1/03/2019 | Ref: | TRUST/GOVERNANCE/COMPLAINTS |
| | | Originator of this document is: | J Barker |

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

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

| | | | |
|-----------|-----------|---------------------------------|-----------------------------|
| Issue No: | 3 | Quality Document Type: | Policy |
| Date: | 1/03/2019 | Ref: | TRUST/GOVERNANCE/COMPLAINTS |
| | | Originator of this document is: | J Barker |

Appendix 2 - Complaint form – Stage 2

| | |
|---|--|
| Your name | |
| Your child's name | |
| Your child's tutor group | |
| Academy your child attends | |
| Your address including postcode | |
| Name of Academy your complaint is against | |
| Daytime telephone number: | |
| Evening telephone number: | |
| E-mail address: | |

Details of your complaint

Please provide full details of your complaint, including relevant dates and persons concerned where possible in the box below. *(please continue on a separate sheet if necessary)*

| |
|--|
| |
|--|

| | | | |
|-----------|-----------|---------------------------------|-----------------------------|
| Issue No: | 3 | Quality Document Type: | Policy |
| Date: | 1/03/2019 | Ref: | TRUST/GOVERNANCE/COMPLAINTS |
| | | Originator of this document is: | J Barker |

What action, if any, have you already taken to try and resolve your complaint

(Please include details of who you spoke with and their response).

How do you feel the problem could be resolved at this stage?

| | | | |
|-----------|-----------|---------------------------------|-----------------------------|
| Issue No: | 3 | Quality Document Type: | Policy |
| Date: | 1/03/2019 | Ref: | TRUST/GOVERNANCE/COMPLAINTS |
| | | Originator of this document is: | J Barker |

Please attach any paperwork you feel is relevant to your complaint. You may wish to provide details of any attachments.

| | |
|------------------|--|
| Signature | |
|------------------|--|

| | |
|-------------|--|
| Date | |
|-------------|--|

Please return the completed form to the Governance Manager, by email joanne.barker@nelt.co.uk or by post c/o Easington Academy, Stockton Road, Easington Village, Peterlee, County Durham, Sr8 3AY.

Appendix 3 - Procedure for the meeting of the Complaints Committee in respect of a complaint

- The Chair will welcome all parties to the meeting and following introductions will confirm the purpose of the hearing and the procedure to be followed.
- The Complainant will be invited to present their appeal against the outcome of the complaint.
- The Executive Head/Head of School/Headteacher will be offered the opportunity to ask questions of the Complainant.
- Members of the Committee will be offered the opportunity to ask questions of the Complainant.
- The Executive/Head of School is then invited to confirm the actions taken by the school to resolve the complaint.
- The Complainant will be given the opportunity to ask questions of the Head of School.
- Members of the Committee will be offered the opportunity to ask questions of the Executive/Head of School.
- The Executive Head/Head of School/Headteacher is then invited to sum up the school's actions and response to the complaint.
- The complainant is then invited to sum up their complaint.
- At this stage both the Complainant and the Executive Head/Head of School/Headteacher will leave the meeting allowing members of the Committee to deliberate. A written response will be agreed and sent by the Governance Manager to the Complainant within 5 school days. The Executive Head/Head of School/Headteacher will also receive a copy of the Committee's letter.

| | | | |
|-----------|-----------|---------------------------------|-----------------------------|
| Issue No: | 3 | Quality Document Type: | Policy |
| Date: | 1/03/2019 | Ref: | TRUST/GOVERNANCE/COMPLAINTS |
| | | Originator of this document is: | J Barker |