



## Complaints Policy

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“Learning together; to be the best we can be”

# 1. Introduction

- 1.1. This policy and procedure is available on request to pupils, the parents of pupils and prospective pupils of the Nexus Multi Academy Trust. While pupils may themselves raise concerns and complaints under this policy and procedure, the Trust will involve parents should this occur. Copies are available from:

**Clerk to the Trust Board  
c/o Hilltop School  
Larch Road  
Maltby  
Rotherham  
S66 8AZ**

- 1.2. A copy of our complaints procedure is also available from each academy's office, and on the Trust website.
- 1.3. This policy and procedure is for the benefit of pupils, and parents of pupils. This policy and procedure will be relied upon in respect of **all complaints** by parents and pupils made against the Trust except in respect of;
- **child protection allegations** where a separate policy and procedure applies; and
  - **exclusions** where a separate policy and procedure applies;
- 1.4. The Trust expects that most concerns can be resolved informally and senior leaders will use their best endeavours to resolve any complaints that are made informally, or any concerns that are raised, on that basis.
- 1.5. If informal procedures fail to resolve the issue, a formal complaint about any matter **not** involving child protection allegations, internal assessment decisions or a decision to exclude a pupil, must be given verbally or in writing to the Headteacher of the relevant academy and will be dealt with under this Complaints Policy and Procedure.
- 1.6. Every complaint shall receive fair and proper consideration and a timely response. Please refer to the following guidelines for the specific timescales. We will do all we can to resolve your concern and to ensure you are happy with the education that your child receives from Nexus Multi Academy Trust. Parents can be assured that all complaints and expressions of concern, whether raised informally or formally, will be treated seriously and confidentially.

- 1.7. Correspondence, statements and records will remain confidential except in so far as is required by paragraph 6(2)(j) of the Education (Independent Schools Standards) Regulations 2003; where disclosure is required in the course of the academy's inspection; or where any other legal obligation prevails.

## 2. Scope

- 2.1. This policy relates to all academies and settings across Nexus MAT and supersedes any local policies and procedures that have been in use prior to the academy conversion. Where required, an individual Nexus MAT academy – in agreement with the Trust Chief Executive Officer - may publish a supplementary policy guidance document or procedure in line with this policy, to ensure that any idiosyncrasies associated with that specific academy are covered in their local policy library.

## 3. Complaints procedure

- 3.1. Our 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 Trust's senior management team so that services can be improved.

- 3.2. The Trust will be 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. Stage one - informal resolution

- 4.1. It is hoped that most complaints and concerns will be resolved quickly and informally.
- 4.2. If parents have a complaint they should normally contact their child's Class Teacher. In many cases, the matter will be resolved straightaway by this means to the parents' satisfaction. If the Class Teacher cannot resolve the matter alone, it may be necessary for him/her to consult the Senior teacher / Deputy Headteacher / Headteacher as appropriate to the academy.
- 4.3. Complaints made directly to the Headteacher will usually be referred to the relevant Class Teacher unless the Headteacher deems it appropriate for him/her to deal with the matter personally.
- 4.4. The Class Teacher will make a written record of all concerns and complaints and the date on which they were received. (Appendix 1). These records will be kept for one (1) year after the pupil leaves the Trust.
- 4.5. The Trust will use its reasonable endeavours to resolve any informal complaints within ten (10) working days of them being raised, except where they are raised in school holidays or within two (2) working days of their commencement, where the Trust will use its reasonable endeavours to resolve them as soon as possible after commencement of the new term (usually within ten (10) working days).
- 4.6. Should the matter not be resolved then parents will be advised to proceed with their complaint in accordance with Stage Two of this Procedure.

## 5. Stage 2 – Formal Resolution

- 5.1. If the complaint cannot be resolved on an informal basis (as set out in paragraphs above), then parents should put their complaint in writing to the Headteacher. Parents should also identify how they wish their complaint to be resolved.
- 5.2. The Headteacher will delegate responsibility for undertaking investigation of the complaint to a member of senior staff where appropriate, or will deal with the matter personally.
- 5.3. The Headteacher will decide, after considering the complaint, the appropriate course of action to take.

- 5.4. In most cases, the Headteacher will meet or speak with the parents concerned to discuss the matter. If possible, a resolution will be reached at this stage.
- 5.5. The Headteacher will use reasonable endeavours to speak to or meet parents within ten (10) working days of the formal complaint being received, except where the complaint is received in school holidays or within two (2) working days of their commencement, where the Headteacher will use his/her reasonable endeavours to speak or meet with parents as soon as possible after the commencement of the new term (usually within ten (10) working days).
- 5.6. It may be necessary for a member of senior staff, to carry out further investigations.
- 5.7. The Headteacher will keep a written record of all meetings and interviews held in relation to the complaint.
- 5.8. Once the Headteacher is satisfied that, so far as is practicable, all of the relevant facts have been established, a decision will be made. Parents will be informed of this decision in writing, giving reasons for the decision. The written decision should be provided no later than ten (10) working days after speaking or meeting with parents to discuss the matter (pursuant to paragraph 10 above). The Headteacher may also arrange to meet with parents to explain the decision.
- 5.9. The Trust will keep a written record of all formal complaints, including records of meetings and interviews held in relation to the complaint, and the Trust's decision, which record will be kept for one (1) year after the pupil leaves the Trust. This record will state if complaints were resolved at the preliminary hearing or if they were taken to appeal.
- 5.10. Where parents are dissatisfied with the outcome of the Trust's response to their formal complaint, the parents have the opportunity to have their complaint considered by an Independent Complaints Panel. (Please see stage 3 for further details.)

## 6. Stage three – panel hearing

- 6.1. If parents seek to invoke Stage Three following failure to reach an earlier resolution and/or where dissatisfied with the Headteacher's decision in respect of their formal complaint, the parents may, in writing addressed to the Chief Executive Officer, request that their complaint be further considered by an Independent Complaints Panel set up for this purpose.

- 6.2. This request for further assessment of the complaint will, for the purposes of this Procedure, be known as an 'appeal'.
- 6.3. Parents must lodge their appeal in writing and within ten (10) working days of the date of the Trust's decision made in accordance with the Stage Two Procedure. The parents should provide a list of their complaint(s) made against the Trust and which they believe to have been resolved unsatisfactorily by the Stage Two Procedure, along with the remedies sought in respect of each.
- 6.4. The Complaints Panel is only obliged to consider the complaint(s) lodged in this 'initial submission' although they may use their discretion to consider other relevant and related matters that may subsequently arise.
- 6.5. Where an appeal is received by Chief Executive Officer, he/she will refer it without delay to the Clerk to the Board of Directors, who will act as Clerk to the Complaints Panel. Where the appeal is received by the Trust during school holidays, or within two (2) working days of their commencement, the Trust has five (5) working days upon commencement of the school term to refer the matter to the Clerk.
- 6.6. The Clerk provides an independent source of advice on procedure for all parties.
- 6.7. Once an appeal has been received by the Clerk, he/she will acknowledge the appeal in writing within five (5) working days, and inform the parents of the steps involved in this Complaints Procedure.
- 6.8. The Clerk will then endeavour to convene an Independent Complaints Panel hearing as soon as possible to consider the matter, normally no later than twenty (20) school days after receipt by the Trust of parents' written notice that they wish to invoke the Stage Three Procedure, dependent upon the availability of the Panel members.
- 6.9. The Independent Complaints Panel will consist of the relevant Chair of the Local Governing Body, a Director of the Board who has not previously been involved in the complaint, and one person independent of the management and running of the school. The process used for selecting an independent person will conform to any relevant guidance issued by the Department for Education (DfE).
- 6.10. The following are entitled to attend a hearing, submit written representations and address the Panel:
- The parent/s) and/or one representative;
  - The relevant Headteacher and/or one representative; and

- Any other interested person whom the Complaints Panel considers to have a reasonable and just interest in the appeal and whose contribution would assist the Panel in their decision-making. Legal representation will not normally be appropriate.
- 6.11. Where the Complaints Panel deems it necessary, it may require that further particulars of the complaint or any related matter be supplied in advance of the hearing. In such cases all parties will be given the opportunity to submit written evidence to the Panel in support of their position, including:
- documents in support of complaint(s),
  - chronology and key dates relating to complaint(s), and
  - written submission setting out the complaint(s) in more detail.
- 6.12. This evidence will be considered by the Panel, along with the initial submission that was lodged by the parents.
- 6.13. Evidence will be initially sent to the Clerk, who will then circulate the documentation to all parties, including the Panel members, along with an order of proceedings. All written evidence must be received by the Clerk no later than ten (10) working days in advance of the hearing. The Clerk will distribute the written evidence to the relevant parties no later than five (5) working days in advance of the Panel hearing.
- 6.14. It is for the Panel to decide how to conduct the proceedings of the appeal, which should be reasonably informal so that all parties can present their case effectively. If possible, the Panel will resolve the parents' complaint immediately without the need for further investigation. Where further investigation is required, the Panel will decide how it should be carried out.
- 6.15. After due consideration of all the facts they consider relevant, the Panel will reach a decision, and may make recommendations, which it shall complete within ten (10) working days of the hearing. The decision reached by the Complaints Panel is final.
- 6.16. Any decision reached that may have financial implications for the Trust will need the appropriate approval from the relevant authorities e.g. the Board of Directors, although any such approval must be compatible with the decision of the Complaints Panel.
- 6.17. The Panel's findings will be sent by the Clerk in writing to the parents, the Headteacher, the school Governors and, where relevant, the person complained of.

- 6.18. The letter will state any reasons for the decision reached and recommendations made by the Complaints Panel.
- 6.19. The Trust will keep a record of all appeals, decisions and recommendations of the Complaints Panel, which record will be kept for one (1) year after the pupil leaves the Trust.

## 7. Role of the Education & Skills Funding Agency

- 7.1. It is the responsibility of academies to make sure that their complaints procedure is fully compliant with statutory requirements as outlined in their Funding Agreements and as per the [Education \(Independent School Standards \(England\) Regulations 2014](#) Schedule 1, Part 7.
- 7.2. It is the responsibility of the Education and Skills Funding Agency (ESFA) to ensure academies comply with their funding agreements.
- 7.3. If a complaint is made to the ESFA they will check whether the complaint has been dealt with properly by an academy. They will consider complaints about academies that fall into any of the following three areas:
  - 7.3.1. Where there is undue delay or the academy did not comply with its own complaints procedure when considering a complaint;
  - 7.3.2. Where the academy is in breach of its funding agreement with the Secretary of State;
  - 7.3.3. Where an academy has failed to comply with any other legal obligation
- 7.4. The ESFA will not overturn an academy's decision about a complaint. However, if they find an academy did not deal with a complaint properly, the ESFA will request the complaint is looked at again and that procedures meet the requirements set out in the regulations.



## Appendix 1 – Complaints Form

If the academy's complaints procedure does not meet the regulations, we will ask the academy to put this right.

**Please complete and return to ..... (name of staff member) who will acknowledge receipt and explain what action will be taken.**

<b>Your name:</b>	
<b>Pupil's name:</b>	
<b>Your relationship to the pupil:</b>	
<b>Address:</b>	
<b>Postcode:</b>	
<b>Day time telephone number:</b>	
<b>Evening telephone number:</b>	
<b>Please give details of your complaint. (continue on a separate page if necessary)</b>	

## Appendix 1 – Complaints Form

<b>What action, if any, have you already taken to try and resolve your complaint.</b> (e.g. Who did you speak to and what was the response?)
<b>What actions do you feel might resolve the problem at this stage?</b>

## Appendix 1 – Complaints Form

<b>Are you attaching any paperwork? If so, please give details.</b>	
<b>Signature:</b>	
<b>Date:</b>	
<b>Official use:</b>	
<b>Date acknowledgement sent:</b>	
<b>By who:</b>	
<b>Complaint referred to:</b>	
<b>Date:</b>	

## Appendix 2 – Complaints Procedure

