



Trust Complaints Policy and Procedure (This applies to all Trust Schools/College)

Accepted by: Board of Directors
Approving Body: Board of Directors
Committee: Board
Review Cycle: 1 year
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Who can make a complaint?

Northern Arch Learning Partnership is committed to providing high quality provision and support to its young people and to operating in a climate of fairness, equality and mutual respect. Suggestions about how Trust services may be improved will always be welcomed and given due consideration. Trust staff will do their best to help you resolve any complaints and ensure fairness for everyone involved. Any complaint will be treated as confidential, but it will usually be necessary to discuss the issue with any members of staff involved.

It is in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. Unless complaints are dealt with under separate and/or statutory procedures (examples identified later in this policy), we will use this complaints procedure.

If you have difficulty discussing a complaint with a particular member of staff, we will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a complaint, we will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is more important.

We understand, however, that there are occasions when people would like to raise their complaints formally. In this case, the Academy/Trust will attempt to resolve the issue through the stages outlined within this complaints procedure.

How to make a complaint about an Academy or its staff

A complaint can be made by following the Trust's **Complaints Procedure** (below).

It is hoped that most complaints can be dealt with and resolved at Stage 1 (*Informal complaints*). If the complainant is not satisfied with the response received at Stage 1, they should follow Stage 2 of the **Complaints Procedure** (*Formal complaints*).

For complaints relating to the Trust, including complaints about the Chief Executive Officer (CEO), the Chair of the Trust Board, a Trustee, the Governance Professional, or a member of the Trust's Central Team, please see the section 'Complaints escalated to/about the Trust'.

Anonymous complaints

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



Serial, persistent, frivolous or vexatious complaints

We will do our best to be helpful to people who contact the Academy/Trust with a complaint. There may be occasions, however, when despite all stages of the Complaints Procedure having been followed, the complainant remains dissatisfied. If a complainant tries to re-open the same issue, we will inform them that the procedure has been completed and the matter is now closed. If the complainant contacts the Academy/Trust again on the same issue, the correspondence may then be viewed as 'serial' or 'persistent' and we may choose not to respond.

We will also follow the DfE Guidance on identifying and dealing with 'frivolous' or 'vexatious' complaints as detailed in ['Best practice guidance for academies complaints procedures'](#) (DfE, 2021):

The characteristics of a 'frivolous' or 'vexatious' complaint are:

- *complaints which are obsessive, persistent, harassing, prolific, repetitious*
- *insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason*
- *insistence upon pursuing meritorious complaints in an unreasonable manner*
- *complaints which are designed to cause disruption or annoyance*
- *demands for redress that lack any serious purpose or value*

Academies should not refuse to accept further correspondence or complaints from an individual they have had repeat or excessive contact with. The application of a 'serial or persistent' marking should be against the subject or complaint itself rather than the complainant.

Time scales

You must raise the complaint within two calendar months of the incident or, where a series of associated incidents have occurred, within two months of the last of these incidents. We will only consider complaints made outside of this time frame if exceptional circumstances apply.

Complaints received outside of term time

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

Alternative Complaints Procedures

This procedure covers all complaints about any provision of services or facilities by the Trust, 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	Concerns about admissions should be handled through a separate process – either through the appeals process or via the 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 Children's Initial Advice Team (CIAT).



<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 .
<ul style="list-style-type: none">• Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.
<ul style="list-style-type: none">• Staff grievances	Complaints from staff will be dealt with under the Trust's internal grievance procedures.
<ul style="list-style-type: none">• Staff conduct	Complaints about staff will be dealt with under the Trust's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations. If this happens, we will inform you of a proposed new timescale.

If a complainant commences legal action against the Trust in relation to their complaint, we may, after consideration, suspend the complaints procedure until those legal proceedings have concluded.

Resolving complaints

At each stage in the procedure, the Trust wants to resolve the complaint.

Outcomes at stage two will be classified as follows:

- Upheld - the complaint is justified and appropriate action will be taken in light of this
- Partially upheld – some aspect or aspects of the complaint are considered to be justified and action may be taken in response
- Not upheld – the complaint is not justified

In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review academy policies in light of the complaint
- an apology

Withdrawal of a complaint

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



Trust Complaints Procedure

Stage 1 – Informal complaints

It is hoped that most complaints can be expressed and resolved on an informal basis.

Complaints should be raised in person, in writing or by telephone with the appropriate person. It is hoped that a resolution can be reached, and an informal response received, within ten school days of the date of receipt of the complaint.

Complainants should not approach individual governors to make a complaint. Governors have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 3 of the procedure.

If the issue remains unresolved, the next step is to make a formal complaint.

Stage 2 – Formal complaints

Formal complaints must be made in writing, preferably on the Complaints Form that is included at the end of this procedure, and must outline what actions the complainant feels might resolve the issue at this stage. If you require help in completing the form, please contact the Academy office.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

- Complaints against an Academy or its staff (except the Headteacher/Principal) should be addressed to the Academy's Headteacher/Principal via the Academy's main office, but may be delegated to a member of the senior leadership team by the Headteacher/Principal to investigate.
- Complaints relating to the Academy's Headteacher/Principal should be addressed to the CEO of the Trust, via the Trust's main office.
- Complaints relating to members of the Academy's governing body should be addressed to the Trust's Governance Professional via the Trust's main office for delegation to an appropriate governor or Trustee.

For Complaints about the Trust, including complaints about the Chief Executive Officer (CEO), the Chair of the Trust Board, a Trustee, the Governance Professional, or a member of the Trust's Central Team, please see the section 'Complaints escalated to/about the Trust'.

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

The investigator will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The investigator can consider whether a face to



face meeting is the most appropriate way of doing this.

During the investigation, the investigator will:

- if necessary, interview those involved in the matter and/or those complained of
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the investigator will provide a formal written response within twenty school days of the date of receipt of the complaint, where possible.

If the investigator is unable to meet this deadline, they will provide the complainant with an update and revised response date.

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/Trust will take to resolve the complaint.

The investigator will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

Stage 3 – Panel Hearing

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3 – a panel hearing consisting of at least three people who were not directly involved in the matters detailed in the complaint, with one panel member who is independent of the management and running of the Academy (*or Trust, as appropriate*). With the exception of the MAT's trustees, we are satisfied that a governor from a local governing body at a different Academy within the MAT, who has no conflict of interest or prior knowledge of the complaint, can be an independent panel member. This is because such person would have no direct involvement with the management and running of the Academy being complained about.

This is the final stage of the complaints procedure.

A request to escalate to Stage 3 must be made to the Governance Professional, via the Trust office, within five school days of receipt of the Stage 2 response.

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

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

The Governance Professional will also write to the complainant to inform them of the date of the panel meeting. They will aim to convene a meeting within twenty five school days of receipt of the Stage 3 request. If this is not possible, the Governance Professional will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Governance Professional 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.

If the complaint is:

- jointly about an Academy Chair and Vice Chair or



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- an entire Academy governing body or
- the majority of an Academy governing body

Stage 3 will be heard by the Trustees and an independent panel member.

A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. We do not encourage either party to bring legal representatives to the committee meeting. Representatives from the media are not permitted to attend.

Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with the complainant.

At least ten school days before the meeting, the Governance Professional will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that the dates are convenient to all relevant parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the panel members at least seven school days before the meeting.

Any written material will be circulated to all parties at least five school days before the date of the meeting.

The panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The panel 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.

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.

The panel will consider the complaint and all the evidence presented. The panel can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the panel will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the Academy's/Trust's systems or procedures to prevent similar issues in the future.

The Chair of the panel will provide the complainant and the Academy/Trust with a full explanation of their decision and the reason(s) for it, in writing, within five school days of the panel meeting.

The letter to the complainant will include details of how to contact the Department for Education (DfE) if they are dissatisfied with the way their complaint has been handled by the Academy/Trust. 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/Trust will take to resolve the complaint.



The panel will ensure that those findings and recommendations are given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the Academy premises by the CEO and the Headteacher/Principal.

A written record will be kept of all Stage 2 and Stage 3 complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.

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

Complaints escalated to / about the Trust

If a complaint is escalated to the Trust, or if a complainant wishes to complain directly about the Trust, then the complaint should be sent to the CEO to be investigated. The CEO will contact the complainant directly, or delegate to an appropriate colleague to contact the complainant, acknowledging receipt of the complaint within five school days. The acknowledgement will confirm that the complaint will now be investigated under the relevant stage of this Complaints Policy and will confirm the date for providing a response to the complainant.

- If the complaint concerns the CEO, a Trustee or the Governance Professional, the complaint should be made to the Chair of the Trust Board, via the Trust's main office.
- If the complaint concerns the Chair of the Trust Board, the complaint should be made to the Vice Chair of the Board for investigation, via the Trust's main office.

Where the Chair or Vice Chair of the Trust Board has investigated the complaint, they will write the letter of outcome to the complainant and provide a copy to the CEO.

If the complainant is not satisfied with the outcome of the previous stage, the complainant should write to the Governance Professional for the Trust Board, asking for the complaint to be heard before a Complaint Panel (Stage 3), within five school days.

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

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

The Governance Professional will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within twenty five school days of receipt of the Stage 3 request. If this is not possible, the Governance Professional will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Governance Professional 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.



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If the complaint is:

- jointly about the Chair and Vice Chair of the Trust Board or
- the entire Trust Board or
- the majority of the Trust Board

Stage 3 will be heard by a completely independent committee panel.

The Complaint Panel will consist of three members. None of the three members of the Complaint Panel will have been involved in the incidents or events which led to the complaint, or have been involved in dealing with the complaint in the previous stages, or have any detailed prior knowledge of the complaint.

One of the Complaint Panel members will be independent of the management and running of the Trust. This means that the independent Complaint Panel member will not be a Trustee or an employee of the Trust.

A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. We do not encourage either party to bring legal representatives to the committee meeting.

Representatives from the media are not permitted to attend.

Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with the complainant.

At least ten school days before the meeting, the Governance Professional 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
- request copies of any further written material to be submitted to the committee at least seven school days before the meeting.

Any written material will be circulated to all parties at least five school days before the date of the meeting.

The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

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.

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.

The committee will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.



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If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the Trust's systems or procedures to prevent similar issues in the future.

The Chair of the Committee will provide the complainant and Northern Arch Learning Partnership with a full explanation of their decision and the reason(s) for it, in writing, within five school days.

The letter to the complainant will include details of how to contact the Department for Education (DfE) they are dissatisfied with the way their complaint has been handled by Northern Arch Learning Partnership.

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 Northern Arch Learning Partnership will take to resolve the complaint.

The panel will ensure that those findings and recommendations are given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the Trust premises by the CEO and the Headteacher/Principal.

A written record will be kept of all Stage 2 and 3 complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.

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

Next Steps

If the complainant believes the Academy / Trust 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 DfE after they have completed Stage 3.

The DfE will not normally reinvestigate the substance of complaints or overturn any decisions made by the Trust. They will consider whether the Trust has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed [Part 7 of the Education \(Independent School Standards\) Regulations 2014](#).

The complainant can refer their complaint to the DfE online at: [Contact the Department for Education - Contact type - GOV.UK](#),

Department for Education
School complaints compliance unit
Piccadilly Gate
Store Street
Manchester
M1 2WD



Complaint Form

Please complete and return to the relevant person who will acknowledge receipt and explain what action will be taken.

Your name:
Pupil/Student's name (if relevant):
Your relationship to the pupil/student (if relevant):
Address: Postcode: Day time telephone number: Evening telephone number: Email address:
Please give details of your complaint, including whether you have spoken to anybody at the Academy/Trust about it.



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

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

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Action taken:

Date:

Northern Arch Learning Partnership Main Office
c/o Queen Elizabeth Sixth Form College
Vane Terrace
Darlington
DI3 7AU



Roles and Responsibilities

Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the Academy/Trust in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

Investigator (Stage 2 and above)

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

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
 - sensitive and thorough interviewing of the complainant 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
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the Headteacher/Principal or complaints panel that sets out the facts, identifies solutions and recommends courses of action to resolve problems.
- The Headteacher/Principal or complaints panel will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

Complaints Co-ordinator

(this could be the Headteacher/Principal or CEO / designated complaints governor or trustee or other staff member providing administrative support)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, Headteacher/Principal, CEO, Chair of Governors, Chair of Trust or the Governance Professional and to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
 - sharing third party information
 - 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
- keep records.



Governance Professional for the Governing Body / Trust Board

The Governance Professional is the contact point for the complainant and the panel and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to Academy/Trust 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)
- 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
- collate any written material relevant to the complaint (for example: stage 1 paperwork, Academy/Trust and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision.

Panel Chair

The panel's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Governance Professional) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- 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
- 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
- the remit of the panel is explained to the complainant
- 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.
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
- both the complainant and the academy/trust 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
- the issues are addressed
- key findings of fact are made
- the panel is open-minded and acts independently
- no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Governance Professional (and complaints co-ordinator, if the academy has one).

Panel Member

Panel members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so
No governor / trustee may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the Academy/Trust and the complainant
We recognise that 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.



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- many complainants will feel nervous and inhibited in a formal setting
- Parents/carers often feel emotional when discussing an issue that affects their child.
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting

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

The panel should respect the views of the child/young person and give them equal consideration to those of adults.

If the child/young person is the complainant, the panel 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 panel should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.

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

- the welfare of the child/young person is paramount.