


School / Department	
Policy Name	<u>NASAT: Complaints Policy</u>
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Aims

Our schools aims to meet their statutory obligations when responding to complaints from parents of pupils at the school.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect
- Ensure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement evaluation processes

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The school will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will ensure we publicise the existence of this policy and make it available on the school website.

Legislation and guidance

This document meets the requirements set out in part 7 of the schedule to [the Education \(Independent School Standards\) Regulations 2014](#), which states that we must have and make available a written procedure to deal with complaints from parents of pupils at the school.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on [creating a complaints procedure that complies with the above regulations](#), and refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE).

This policy complies with our funding agreement and articles of association.

In addition, it addresses duties set out in the [Early Years Foundation Stage statutory framework](#) with regards to dealing with complaints about the school's fulfilment of Early Years Foundation Stage requirements.

Definitions and scope

The DfE guidance explains the difference between a concern and a complaint.

A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”.

The school will resolve concerns through day-to-day communication as far as possible.

A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”.

The school intends to resolve complaints informally where possible, at the earliest possible stage. There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does not cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

Arrangements for handling complaints from parents of children with SEN about the school's support are within the scope of this policy. Such complaints should first be made to the special educational needs co-ordinator (SENCO); they will then be referred to this complaints policy. Our SEN policy and information report includes information about the rights of parents of pupils with disabilities who believe that our school has discriminated against their child.

Principles for investigation

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage.

Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

The school expects that complaints will be made as soon as possible after an incident arises and no later than 3 months afterwards. We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

Complaints about our fulfilment of early years requirements

We will investigate all written complaints relating to the school's fulfilment of the Early Years Foundation Stage requirements, and notify the complainant of the outcome within 28 days of receiving the complaint. The school will keep a record of the complaint and make this available to Ofsted on request.

Parents and carers can notify Ofsted if they believe that the school is not meeting Early Years Foundation Stage requirements, by calling 0300 123 4234 or 0300 123 4666, or by emailing enquiries@ofsted.gov.uk. An online contact form is also available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>.

We will notify parents and carers if we become aware that the school is to be inspected by Ofsted. We will also supply a copy of the inspection report to parents and carers of children attending the setting on a regular basis.

For the avoidance of doubt this policy does not apply to those who are not parents or carers of pupils at the school.

Complaints and other kinds of feedback will be managed through a four stage process, described below.

Concerns or feedback should normally be raised with the school on an informal basis in the first instance. Only if this fails to resolve the situation should the complaint be submitted in writing to the

Principal or, if the complaint is about the Principal specifically, with the chair of the Local Governing Body. The chair of the Local Governing Body will acknowledge receipt of the complaint before considering it and issuing a final written response.

Stage 1 — Informal Resolution

The school will publish guidance on how matters of concern or any other kind of feedback should be raised initially on an informal basis. Generally, it is expected that where the matter relates to a pupil it will have been raised with the pupil's form tutor before a request is made for the matter to be dealt with under this formal policy. The great majority of concerns should be resolved in this way but if a resolution cannot be achieved then a complainant may take his or her concern to the formal stage.

Note that it is a precondition to the operation of this policy that the complainant shall have made reasonable attempts to seek an informal resolution and shall have acted in relation to the matter in a reasonable and measured way. If the Principal considers that this precondition has not been met then he/she may refer the matter to the Chair of the Local Governance Body / Support Committee who will have the discretion, which will be exercised reasonably, not to allow a complaint to be pursued. Where the matter is not resolved at the informal stage, the parent or carer may elevate it to the formal stage.

Stage 2 — Formal Resolution at Local Level: Investigation by a Nominated Person

1. The complainant must put the complaint in writing, addressed to the principal [head of school] or, if the complaint is about the Principal specifically, to The chair of the Local Governing Body setting out briefly the facts and stating what it is that the complainant considers should have been done or where the academy has not met reasonable expectations.
2. An investigation will be carried out by an appropriate nominated individual who may offer the complainant a meeting. The investigator will speak to others involved. Whenever reasonably possible, any meeting with the complainant will take place within 15 school days of the written complaint being received.
3. The investigator will put her/his findings in writing and will indicate what, if any, steps should be taken to resolve the matter. Whenever reasonably possible, this will be done within 15 school days of any meeting with the complainant; if no meeting is arranged it will be within 25 school days of the written complaint being received.

Where the complainant remains dissatisfied he or she may request the complaint is dealt with at Stage 3. Any such request **must** be set out in writing, stating where the complainant remains dissatisfied and lodged within **10** school days of the complainant receiving the findings in writing. If the complaint is against the school principal The chair of the Local Governing Body will, if an informal resolution cannot be reached, designate a member of the local governing body or other appropriate individual to investigate the complaint as per **Stage 3**.

For complaints against members of the local governing body please note the process to follow set out at the end of this policy.

Stage 3 — Formal Resolution: Local Governing Body or Support Committee

1. The complainant must put the complaint in writing, addressed to the chair of the Local Governing Body setting out briefly the facts and stating what it is that the complainant considers should have been done or where the academy has not met reasonable expectations.
2. The chair of the Local Governance Body may designate a member of the Local Governance Body or other appropriate individual to investigate the complaint. The investigation may include the offer of a meeting with the complainant. Whenever reasonably possible, any meeting with the complainant will take place within 15 school days of the written complaint being received.
3. The investigator will put her/his findings in writing and will indicate what, if any, steps should be taken to resolve the matter. Whenever reasonably possible, this will be done within 15 school days of any meeting with the complainant; if no meeting is arranged it will be within 25 school days of the written complaint being received.

Where the complainant remains dissatisfied, he or she may request that the complaint is dealt with at Stage 4. Any such request **must** be set out in writing, stating where the complainant remains dissatisfied, what remedies are being sought and be lodged within **10** school days of the

complainant receiving the findings in writing. The request must be addressed to the Head of Governance at the NAS Head Office: 393 City Road, London EC1V 1NG.

Stage 4 — Formal Resolution: Panel Hearing

1. All complaints referred to Stage 4 will be considered by either a panel of the NAS Academies Trust (if the complaint relates to a free school) or a panel of the National Autistic Society (if the complaint relates to an independent school).
2. The complaints panel must comprise at least three people, which will include one person who is independent of the management and running of the NAS Academies Trust or of the National Autistic Society and any of their respective schools.
3. The complaints panel may also include one or more persons from the following categories:
 - (i) A member of the Local Governance Body of the school from where the complaint emanated;
 - (ii) A member of a Local Governance Body from another NAS school;
 - (iii) A member of the board of trustees from the NAS Academies Trust or the National Autistic Society.
4. None of the members of the complaints panel will have been directly involved in the matters detailed in the complaint.
5. The clerk to the complaints panel will invite the school to put in writing its response to the complainant's reasons and the school will provide this within 15 school days of receiving the request. At the end of that period (whether or not the school has responded) the clerk will convene a meeting of the complaints panel. That meeting will be held on school premises as quickly as practicable given the need to find a date that is reasonably convenient for the complainant, the academy and the members of the complaints panel. Whenever possible, the meeting will be held within 15 school days of the end of the academy's response time. At any meeting, the complainant will be entitled to be accompanied by a friend but legal representation will not be allowed.
6. The meeting is not a court case, it will be held in private, and will be as informal as circumstances allow. The complainant will have the opportunity to put her/his reasons for dissatisfaction and to enlarge on them but may not introduce reasons that were not previously put in writing. The school will have the opportunity to put its side of things and each side, as well as the panel members, will be able to ask questions. The complainant will have the opportunity to make final comments to the panel.
7. The panel may make findings and recommendations and a copy of those findings and recommendations will be
 - (i) sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about; and
 - (ii) available for inspection on the school premises.
8. The panel will formulate its response as quickly as reasonably possible, aiming to do so within **10** school days, and the clerk will notify all concerned.

Attendance at a Complaints Panel Hearing

The complaints panel will proceed irrespective of whether or not the complainant and/or their representative attend. If the complainant fails to attend on the day without compelling reasons, the complaints panel will still proceed in their absence and the process will continue to its conclusion. Any further attempt to re-open the matter will be considered as falling under the serial/persistent complaint section as below.

Serial or persistent complainants

If at any level a complainant attempts to reopen an issue or a closely related issue that has already been dealt with under this complaints procedure, the chair of the NAS Academies Trust or the chair of the NAS Education Committee (as appropriate) may write to the complainant to inform him/her that the procedure has been exhausted and the matter closed.

Complaint against a member of a Local Governance Body

Where a complaint is brought against a member of the Local Governance Body, the chair of that Local Governance Body will investigate the complaint (or appoint another member of the Local Governance Body to do so) in the same way as in the first stage of the formal process at **Stage 3**. **Stage 2** does not apply

If the complaint is against the chair of the local Governance Body, then the vice chair of that Local Governance Body will investigate the complaint (or appoint another member to do so) in the same way as in the first stage of the formal process at **Stage 3**. **Stage 2** does not apply.

If the complaint is against a member of the board of trustees, then the chair of the board, (or in the case of a complaint against the chair the vice chair) will investigate the complaint (or appoint another member of the board to do so) in the same way as in the first stage of the formal process at **Stage 3**. **Stage 2** does not apply,

In exceptional circumstances the chair of the board of trustees may at his or her absolute discretion determine that a complaint against a principal, executive principal, or member of the Local Governance Body should be dealt with at board level and if so determined the chair of the board of trustees will oversee **Stage 3**.

Record Keeping

A written record will be kept of all complaints that were resolved at the formal stage of the complaints procedure. Records will contain details of whether the complaint was resolved at stage 2, stage 3 or whether it proceeded to a stage 4 panel hearing. The action taken by the school or by the board as a result of a complaint (regardless of whether the complaint is upheld) will also be recorded.

Confidentiality

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.

Learning lessons

The governing body will review any underlying issues raised by complaints with the Principal, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

Monitoring arrangements

The governing body will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The governing body will track the number and nature of complaints, and review underlying issues as stated in Learning Lessons.

The complaints records are logged and managed by the Principal

This policy will be reviewed by the principal every year

At each review, the policy will be approved by the full governing body

Education and Skills Funding Agency (ESFA)

Once the complaints process is concluded (or a complaint has been terminated due to undue delay or failure to lodge a stage 3 request within the time stated in the policy) the matter is closed. If the complainant is still not satisfied, then they may contact the ESFA. There is an online procedure or you may write to the ESFA at Earlsdon Park, 53-55 Butts Road, Coventry, CV1 3BH.