

NASAT Complaints Policy – NASAT 011

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EQUALITY STATEMENT

We will regularly review our policies to ensure that we are

- promoting equality of opportunity
- eliminating discrimination and harassment
- valuing diversity and promoting positive relationships
- providing an inclusive education which enables all pupils to develop their full potential
- meeting the requirements of the Equality Act 2010 and the protected characteristics therein.

QUALITY OF LIFE FRAMEWORK

All NAS(AT) schools and Children's services follow our Quality of life (QoL) Framework. In implementing this framework, we listen to pupils, parents and the child's keyworker to understand what is important to them in relation to their quality of life. We then work as a transdisciplinary team to ensure we plan each child's education carefully and cohesively, shaping each pupil's provision around their EHCP and agreed developmental goals in order to develop pupils' knowledge and skills now and for the future.

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The National Autistic Society is here to transform lives, change attitudes and create a society that works for autistic people.

1. Purpose of this document

To outline the NAS(AT) Education Directorate's policy for NAS and NASAT schools' approach to handling complaints.

2. Scope

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.

3. Approach

The National Autistic Society Academy Trust (NASAT) is committed to providing high quality, transparent and accessible services to everyone we educate and support across our schools and children's services. To do this we need you to tell us when we do things well and when we get things wrong.

You can expect to be treated with courtesy, respect and fairness at all times. We expect that you will also treat our staff dealing with your complaint with the same courtesy, respect and fairness.

4. Objectives

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.

5. Operational delivery

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.

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

If the complaint is about the Principal specifically, the complaint should be raised with the chair of the Local Governing Body. In instances where the complaint is raised with the chair then this immediately moves the complaint to stage 4. The chair will acknowledge receipt of the complaint before considering it and issuing a final written response.

NASAT will not investigate anonymous complaints.

Throughout the process the option is open to parents/carers at all stages to withdraw their complaint.

Complaint details, outcomes and actions taken are recorded by the school / trust on a complaints log and used for service improvement. We will handle your information so that it is processed and retained appropriately and legally, in line with data protection legislation.

STAGE 1 – INFORMAL - directly with the member of staff

Usually, it will be helpful to talk with the member of staff concerned and parents/carers could give a telephone number and time for the member of staff to call. (Please ask your son/daughter for the times of breaks or lunch or suggest a time after school for the member of staff to call you).

STAGE 2 - INFORMAL - If the matter cannot be resolved in this way (with the member of staff) or if the parent/carer feels the matter is so serious that the first contact should be with a more senior member of staff, or senior leader.

If this fails to resolve the matter, parents/carers may progress the complaint to stage 3.

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/ carer may elevate it to the formal stage.

STAGE 3 – FORMAL - if the matter has not been resolved at stage 2, parent/carers should put their complaint in writing within 15 working days of the stage 2 meeting to the Principal and then telephone the school and ask for an appointment with the principal. The Principal should meet with the complainant and where necessary investigate the matter. The Principal should report their findings and conclusions in

writing to the complainant. The Principal should endeavour for this to be within 28 days. However, in some cases it may be necessary to write to the parent / carer and say that in order to investigate the matter fully the timescales will need to be extended.

STAGE 4 - FORMAL - In the event that the Principal cannot resolve the problem and the complainant remains dissatisfied he or she may request the complaint is dealt with at Stage 4. Any such request **must** be set out in writing to the Chair of Governors (c/o the school concerned). The complaint must state where the complainant remains dissatisfied and be lodged within **10** school days of the complainant receiving the findings in writing. The Chair will then arrange to meet with the parents/carers. The Chair of Governors should report their findings and conclusions in writing to the complainant. The Principal should endeavour for this to be within 28 days. However, in some cases it may be necessary to write to the parent / carer and say that in order to investigate the matter fully the timescales will need to be extended.

If the meeting with the Chair of Governors does not resolve the matter parents/carers should, if they wish to continue then move to Stage 5

STAGE 5 – APPEAL FORMAL - the complainant has the right to appeal to an Independent Complaints Panel set up by NASAT.

Your appeal should be made in writing within 10 working days of receiving your response from Stage 4.

This panel will comprise of at least three people not directly involved in the matters detailed in the complaint, one of which is independent of the management and running of the school or Trust. The complainant shall be allowed to attend the panel and be accompanied if they so wish.

The panel's decision is final. Written minutes of the panel appeal will be taken and shared with both parties. The findings and any recommendations of the panel will be put in writing and shared with both parties within 5 working days of the panel hearing. These are also available for inspection in the school/Trust premises by the proprietor and Principal.

Contact and correspondence with this Independent Complaints Panel can be made in writing. Please address all correspondence to: Head of Governance at the NAS Head Office: 393 City Road, London EC1V 1NG.

For all complaints which get to the formal stages, the school/Trust will keep a written

record. This will include how/if the complaint was resolved, and any actions taken by the school/Trust following the complaint. All records of formal complaints are to be kept confidential except where the Secretary of State or a body conducting an inspection under Section 109 of the 2008 Act request access to them.

NEXT STEPS:

If the complainant believes the school/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 ESFA after they have completed Stage 5.

The ESFA will not reinvestigate the substance of complaints or overturn any decisions made by NASAT/The School. They will consider whether NASAT/the school 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 ESFA online at www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to: Academy Complaints and Customer Insight Unit, Education and Skills Funding Agency, Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT

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, vexatious or persistent complainants

[This procedure works alongside the Vexatious or Persistent Complainants Policy. \(See Appendix 1\)](#)

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 1 and 2 do 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 1 and 2 do 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 complaint's procedure. Records will contain details of whether the complaint was resolved at stage 3, stage 4 or whether it proceeded to a stage 5 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.

Appendix 1

Policy on unreasonable and persistent complainants

The Board of Trustees recognises that it is the last resort for complainants. It is also accountable for the proper use of public money and must ensure that money is spent wisely and achieves value for complainants and the wider public.

The Board of Trustees is committed to dealing with all complaints fairly and impartially and to providing a high-quality service to those who make them. As part of this service it does not normally limit the contact complainants have with the academy.

However, there are a small number of complainants who, because of their frequent contact with the academy, hinder consideration of their or other people's complaints. Such complainants are referred to as 'unreasonably persistent complainants' and, exceptionally, the Chief Executive will take action to limit their contact with academy.

When the Academy has taken every step to address the complainant's needs and given a clear statement of the Academy's position and their options, should the complainant repeatedly contact the Academy substantially making the same points each time, then the Academy may choose not to respond further and notifying the complainant of this action.

Actions and behaviour of unreasonable and unreasonably persistent complainants

These are some of the actions and behaviours of unreasonable and unreasonably persistent complainants which are often problematic. It is by no means an exhaustive list and factors may vary, but they are examples that may come to our attention.

- refusing to articulate or specify the grounds of a complaint, despite offers of assistance with this from the academy's staff
- refusing to co-operate with the complaints investigation process while still wishing their complaint to be resolved
- refusing to accept that issues are not within the remit of a complaints procedure despite having been provided with information about the procedure's scope
- insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice
- making what appear to be groundless complaints about the staff dealing with the complaints, and seeking to have them replaced changing the basis of the complaint as the investigation proceeds and/or denying statements he or she made at an earlier stage
- introducing new information which the complainant expects to be taken into account and commented on, or raising large numbers of detailed questions which are particularly time consuming and costly to respond to and insisting they are all fully answered
- electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved.
- adopting a 'scattergun' approach: pursuing a complaint or complaints with the academy and, at the same time, with a Member of Parliament/a councillor/the authority's independent auditor/the Local Authority/local police/solicitors/the Ombudsman/OFSTED
- making unnecessarily excessive demands on the time and resources of staff whilst a complaint is being looked into, by for example, excessive telephoning or sending emails to numerous academy staff, writing lengthy complex letters every few days and expecting immediate responses

- submitting repeat complaints, after complaints processes have been completed, essentially about the same issues, with additions/variations which the complainant insists make these 'new' complaints which should be put through the full complaints procedure
- refusing to accept the findings of the investigation, where the complaints procedure has been implemented and completed including referral to the Secretary of State
- seeks an unrealistic outcome
- makes excessive demands on Academy time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person. Writing, via e mail, and by telephone while the complaint is being dealt with
- the complainant makes a complaint either face –to-face, by telephone, in writing or electronically: maliciously aggressively using threats, intimidation or violence using abusive, offensive or discriminatory language knowing it to be false or using falsified information publishing unacceptable information in a variety of media e.g. social media, websites, newspapers makes insulting personal comments about or threats towards staff
- combinations of some or all of these

The decision to restrict access to the academy will be taken by the Chief Executive and will normally follow a prior warning to the complainant. Any restrictions imposed will be appropriate and proportionate. The options we are most likely to consider are:

- requesting contact in a particular form (for example, letters only)
- requiring contact to take place with a named member of staff
- restricting telephone calls to specified days and times; and/or
- asking the complainant to enter into an agreement about their future contacts with us

In all cases where we decide to treat someone as an unreasonable or persistent complainant, we will write to tell the complainant why we believe his or her behaviour falls into that category, what action we are taking and the duration of that action. We will also tell them how they can challenge the decision if they disagree with it. If we decide to carry on treating someone as an unreasonable or persistent complainant and we are still investigating their complaint six months later, we will carry out a review and decide if restrictions will continue.

Where a complainant whose case is closed, persists in communicating with us about it, we may decide to terminate contact with that complainant. In such cases, we will

read all correspondence from that complainant, but unless there is fresh evidence which affects our decision on the complaint, we will simply acknowledge it or place it on the file with no acknowledgement.

New complaints from people who have come under the unreasonable or persistent complainant's policy will be treated on their merits.