



## Complaints Policy

<b>Date Published</b>	<b>1<sup>st</sup> June 2016</b>
<b>Version</b>	<b>4</b>
<b>Last Approved Date</b>	<b>October 2022</b>
<b>Review Cycle</b>	<b>1 Year</b>
<b>Next Review Date</b>	<b>October 2023</b>

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

# 1. Scope

- 1.1. 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.
- 1.2. This policy covers all complaints about any provision of community facilities or services by Nexus Multi Academy Trust, other than complaints that are dealt with under other statutory procedures, including those listed as follows:

Exceptions	Who to contact
Admissions to schools	Concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority.
Matters likely to require a Child Protection Investigation	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>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).</p>
Exclusion of children from school*	<p>Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>.</p> <p><i>*complaints about the application of the behaviour policy can be made through the school’s complaints procedure.</i></p>
Whistleblowing	<p>We have a published <a href="#">Confidential Reporting Including Whistleblowing Policy</a> for all our employees, including temporary staff and contractors.</p> <p>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 direct with their employer. Referrals</p>

	<p>can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>Volunteer staff who have concerns about one of our academies should complain through this complaints policy. 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>
Staff grievances	Complaints from staff will be dealt with under the Trust's grievance procedures.
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>

- 1.3. If other bodies are investigating aspects of a 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 policy 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.
- 1.4. If a complainant commences legal action against Nexus MAT in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

## 2. Who can make a complaint?

- 2.1. This complaints policy is not limited to parents or carers of children that are registered at one of our academies. Any person, including members of the public, may make a complaint about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints policy.

## 3. Safeguarding

- 3.1. As detailed in section 1 of this policy, concerns about safeguarding practice in the Trust – including any individual academy - should be raised through the procedures outlined in the Trust overarching Safeguarding Policy and/or an academy's local Child Protection Policy.
- 3.2. The Trust also has a Confidential Reporting (Whistleblowing) Policy which should be referred to where an individual has concerns about systemic failings in an academy or the Trust.

## 4. The difference between a concern and a complaint

- 4.1. A concern may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'.
- 4.2. A complaint may be defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.
- 4.3. 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 this complaints policy. Nexus MAT takes concerns seriously and will make every effort to resolve the matter as quickly as possible.
- 4.4. If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the academy Headteacher or their representative will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, Headteacher or their representative 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 concern objectively and impartially is more important.
- 4.5. We understand however, that there are occasions when people would like to raise their concerns formally. In this case, Nexus MAT will attempt to resolve the issue internally, through the stages outlined within this complaints policy.

## 5. Complaints procedure - raising a concern and/or making a complaint

- 5.1. 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 on a complainant, as long as they have appropriate consent to do so.
- 5.2. Complaints against school staff (except the Headteacher) should be made in the first instance, to the academy Headteacher, via the school office. Please mark them as Private and Confidential.
- 5.3. Complaints that involve or are about the Headteacher should be addressed to the Chief Executive Officer of the Trust. Details can be found at <https://www.nexusmat.org/contact>. Please mark them as Private and Confidential.
- 5.4. Complaints about local governors should be addressed to the Chief Executive Officer, via the school office. Please mark them as Private and Confidential
- 5.5. Complaints about the Chief Executive Officer (CEO) or a trustee of the Trust, should be addressed to Mr Andrew Child MBE, Chair of Trustees, via the trust office. Please mark them as Private and Confidential.
- 5.6. For ease of use, a template complaint form is included in Appendix A of this policy and is available online at <https://www.nexusmat.org/about/complaints-procedure>. If you require help in completing the form, please contact the school office. You can also ask a third-party organisation for example like the Citizens Advice to help you.
- 5.7. 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. Anonymous complaints

- 6.1. We will not normally investigate anonymous complaints. However, the Headteacher or Chief Executive Officer, if appropriate, will determine whether the complaint warrants an investigation.

## 7. Timescales

- 7.1. 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 only if exceptional circumstances apply.

## 8. Complaints received outside of term time

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

## 9. Resolving complaints

- 9.1. At each stage in the procedure, Nexus MAT wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole, in part, or not upheld. 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 policies in light of the complaint;
  - an apology.

## 10. Withdrawal of a complaint

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

## 11. Stage 1 – Informal Complaints

- 11.1. It is to be hoped that most concerns can be expressed and resolved on an informal basis, as the Trust places a high value on open and honest partnerships between our staff and our stakeholders.
- 11.2. The majority of concerns can and should be raised with either the class teacher or Headteacher. Those raising a concern should not approach individual governors about the issues, as they have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 3 of the procedure.
- 11.3. If a concern cannot be dealt with immediately – usually by the class teacher - it would typically become an informal complaint which requires some form of review and written response.

- 11.4. At the conclusion of any review into the complaint, the appropriate person will provide an informal written response within 10 school days of the date of receipt of the complaint.
- 11.5. If the issue remains unresolved, the next step is to make a formal complaint within 10 school days of the conclusion of stage 1. If an appeal is not submitted in this timescale, the complaint will be deemed as concluded.

## 12. Stage 2 – Formal Complaints

- 12.1. Formal complaints must be made to the Headteacher (unless they are about the Headteacher), via the school office. This may be done in person or in writing (preferably on the [Complaint Form](#)), within 10 school days of the conclusion of stage 1.
- 12.2. The Headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.
- 12.3. Within this response, the Headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Headteacher can consider whether a face to face meeting is the most appropriate way of doing this, though these points should ordinarily be followed up in writing.
- 12.4. The Headteacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.
- 12.5. During the investigation, the Headteacher or the appointed investigator will:
- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish; and
  - keep a written record of any meetings/interviews in relation to their investigation.
- 12.6. At the conclusion of their investigation, the Headteacher will provide a formal written response within 20 school days of the date of receipt of the complaint.
- 12.7. If the Headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.
- 12.8. 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 Nexus MAT will take to resolve the complaint.

- 12.9. The Headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.
- 12.10. If the complaint is about the Headteacher, or a member of local governance (including the Chair or Vice-Chair), a suitably skilled officer, independent of the school, will be appointed by the Trust to complete all the actions at Stage 2.

## 13. Stage 3 – Panel hearing

- 13.1. 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 school. This is the final stage of the complaints procedure.
- 13.2. A request to escalate to Stage 3 must be made to the Trust’s Corporate Governance Manager, via the school office, within 10 school days of receipt of the Stage 2 response. If an appeal is not submitted in this timescale, the complaint will be deemed as concluded.
- 13.3. The Trust’s Corporate Governance Manager will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 10 school days.
- 13.4. Requests received outside of this time frame will only be considered if exceptional circumstances apply.
- 13.5. The Trust’s Corporate 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 Trust’s Corporate Governance Manager will provide an anticipated date and keep the complainant informed.
- 13.6. If the complainant rejects the offer of three proposed dates, without good reason, the Trust’s Corporate 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.
- 13.7. If the complaint is:



- 13.7.1. jointly about the Chair and Vice Chair; or
  - 13.7.2. the majority of local governors, then a Stage 3 will be heard by the trustees and an independent panel member.
- 13.8. A complainant may bring someone along to the panel meeting 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.
- 13.9. For instance, if a Trust employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation. Complaints about staff conduct will not generally be handled under this complaints policy. 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 them.
- 13.10. Representatives from the media are not permitted to attend.
- 13.11. At least 10 school days before the meeting, the Clerk will:
- 13.11.1. 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
  - 13.11.2. request copies of any further written material to be submitted to the committee at least 7 school days before the meeting.
- 13.12. Any written material will be circulated to all parties at least 5 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.
- 13.13. 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 this policy.
- 13.14. The meeting will be held in private. Electronic recordings of meetings or conversations by the complainant 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 by the complainant before

meetings or conversations take place. Consent will be recorded in any minutes taken.

13.15. The Trust reserves the right to record any and all hearings to support accurate record keeping.

13.16. 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.

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

13.17.1. decide on the appropriate action to be taken to resolve the complaint; and

13.17.2. where appropriate, recommend changes to school/Trust systems or procedures to prevent similar issues in the future.

13.18. The Chair of the Committee will provide the complainant and the Trust with a full explanation of their decision and the reason(s) for it, in writing, within 20 school days.

13.19. The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled.

13.20. 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.

13.21. The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the school premises by the proprietor and the Headteacher.

13.22. A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, in line with the Trust's Records Management Policy.

## 14. Complaints about the Trust, the Chief Executive Officer or a Trustee/Director

- 14.1. If a complainant wishes to complain directly about the trust, then the complaint should be sent to the CEO to be investigated.
- 14.2. The CEO or their appointed representative will write to the complainant acknowledging the complaint within 5 school days of the date that the written request was received. The acknowledgement will confirm that the complaint will now be investigated under Stage 2 of this Complaints Policy and will confirm the date for providing a response to the complainant.
- 14.3. Following the investigation, the CEO will write to the complainant confirming the outcome within 20 school days of the date that the complaint was received. If this time limit cannot be met, the CEO will write to the Complainant explaining the reason for the delay and providing a revised date.
- 14.4. If the complaint concerns the CEO, any complaint investigation should be undertaken by the Chair of the Trust Board, though they may commission someone independent to undertake this on their behalf. The CEO has the option to provide factual accuracy in a response to a complainant as part of the stage 2 process, though the complainant has the right to request that their complaint is investigated as a stage 2 complaint.
- 14.5. If the complaint concerns the Trustees/Directors, any complaint investigation should be undertaken by the Chair of the Trust Board, though they may commission someone independent to undertake this on their behalf.
- 14.6. Where the Chair of the Trust Board has investigated the complaint or commissioned an independent individual to undertake this, the Chair will write the letter of outcome to the Complainant and provide a copy to the CEO.
- 14.7. If a formal [complaint form](#) is received about the Chair, the complaint will be referred to the Vice Chair for investigation.
- 14.8. If the complainant is not satisfied with the outcome of the previous stage, the complainant should write to the Trust Corporate Governance Manager within 10 school days asking for the complaint to be heard before a Complaint Panel.
- 14.9. The Trust Corporate Governance Manager will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 10 school days.

- 14.10. Requests received outside of this time frame will only be considered if exceptional circumstances apply.
- 14.11. The Trust Corporate 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 Trust Corporate Governance Manager will provide an anticipated date and keep the complainant informed.
- 14.12. If the complainant rejects the offer of three proposed dates, without good reason, the Trust Corporate 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.
- 14.13. The same processes shall apply to convening of the panel as outlined in section 12 of this policy.
- 14.14. However, if the complaint is:
- 14.14.1. jointly about the Chair and Vice Chair; or
  - 14.14.2. the entire trust board; or
  - 14.14.3. the majority of the trust board.

Stage 3 will be heard by a completely independent panel. Membership will be sourced by the Trust Corporate Governance Manager.

## 15. Barring from Trust premises

- 15.1. Trust premises are private property and therefore any individual may be barred from entering the premises.
- 15.2. If an individual's behaviour is cause for concern, the most senior leader onsite will ask the individual to leave the premises.
- 15.3. The most senior leader onsite will notify the parties involved in writing, explaining that their implied licence for access to the premises has been temporarily revoked and why, subject to any representations that the individual may wish to make.
- 15.4. The individual involved will be given the opportunity to formally express their views regarding the decision to bar them, and may appeal the decision to the Trust within 20 school days.
- 15.5. This decision to bar may be reviewed by the Trust, who may convene a committee of up to 3 governors or Directors to review the decision, taking

into account any discussions following the incident. Any review meeting should normally take place within 20 schools days of the request to review being submitted.

- 15.6. If the decision is made to continue the ban, the individual will be contacted in writing, informing them of how long the ban will be in place and/or when the decision will be reviewed.
- 15.7. Anyone wishing to make a complaint regarding a barring order can do so in writing, including email, to the Headteacher or the Trust, in line with this policy.
- 15.8. If the barred individual has already sought to appeal the ban (as outlined above), then a complaint about the ban will automatically commence at the Stage 3 level.
- 15.9. Once the Trust's complaints procedure is completed, the only remaining avenue of appeal is through the Courts.

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

- 16.1. It is the responsibility of academies to make sure that their complaints policy 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.
- 16.2. It is the responsibility of the Education and Skills Funding Agency (ESFA) to ensure academies comply with their funding agreements.
- 16.3. 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:
  - 16.3.1. Where there is undue delay or the academy did not comply with its own complaints policy when considering a complaint;
  - 16.3.2. Where the academy is in breach of its funding agreement with the Secretary of State;
  - 16.3.3. Where an academy has failed to comply with any other legal obligation
- 16.4. 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.



## 17. Role of the Department for Education (DfE)

- 17.1. If a complainant remains dissatisfied once the complaint procedure has been completed, they have the right to refer their complaint to the Secretary of State.
- 17.2. If a complainant wishes to escalate a complaint of bias, the DfE will require evidence to be submitted with the complaint.
- 17.3. The Secretary of State will only intervene when they believe that the Trust has acted unlawfully or unreasonably.
- 17.4. The DfE will not overturn a Trust's decision about a complaint except in exceptional circumstances, such as the Trust acting unlawfully.
- 17.5. When making a final decision about a complaint, the Trust reserves the right to seek advice from the DfE on whether they are acting reasonably and lawfully; however, they will not be able to advise on how to resolve the complaint.

## 18. Managing serial and unreasonable complaints

- 18.1. Nexus MAT 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 Trust. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.
- 18.2. Nexus MAT defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school or the Trust, such as, if the complainant:
  - 18.2.1. refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
  - 18.2.2. refuses to co-operate with the complaints investigation process;

- 18.2.3. refuses to accept that certain issues are not within the scope of the complaints policy;
  - 18.2.4. insists on the complaint being dealt with in ways which are incompatible with the complaints policy or with good practice
  - 18.2.5. introduces trivial or irrelevant information which they expect to be taken into account and commented on;
  - 18.2.6. raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
  - 18.2.7. makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
  - 18.2.8. changes the basis of the complaint as the investigation proceeds;
  - 18.2.9. repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
  - 18.2.10. refuses to accept the findings of the investigation into that complaint where the complaint policy has been fully and properly implemented and completed including referral to the Department for Education and/or the ESFA;
  - 18.2.11. seeks an unrealistic outcome;
  - 18.2.12. makes excessive demands on Trust 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;
  - 18.2.13. uses threats to intimidate;
  - 18.2.14. uses abusive, offensive or discriminatory language or violence;
  - 18.2.15. knowingly provides falsified information; or
  - 18.2.16. publishes unacceptable information on social media or other public forums.
- 18.3. Complainants should try to limit their communication with the school or Trust 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.
- 18.4. Whenever possible, the Headteacher, Chief Executive or Chair of Trustees will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.



- 18.5. If the behaviour continues, the Headteacher, Chief Executive or Chair of Trustees will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact the school or Trust causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.
- 18.6. 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 a designated site.

## 19. Complaints campaigns

- 19.1. For the purposes of this policy, "complaints campaigns" are where the Trust/Academy receives large volumes of complaints that are all based on the same subject.
- 19.2. Where the Trust/Academy becomes the subject of a complaints campaign from complainants who are not connected with the Trust, a standard, single response will be published on the Trust/Academy's website.
- 19.3. If the Trust/Academy receives a large number of complaints about the same subject from complainants who are connected to the Trust/Academy, e.g. parents, each complainant will receive an individual response.

Appendix 1 – Complaints Form

**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. <i>(continue on a separate page if necessary)</i></b>	

## Appendix 1 – Complaints Form

**What action, if any, have you already taken to try and resolve your complaint.**  
(e.g. Who did you speak to and what was the response?)

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

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>	

