North Cornwall Learning Trust

Working Together for Local Children

NCLT COMPLAINTS PROCEDURE
(for the Trust and its schools)
February 2019

Version 5

1. Introduction

North Cornwall Learning Trust and its schools endeavour to provide the best education possible for all of its pupils in an open and transparent environment. We welcome any feedback that we receive from parents, pupils and third parties, and we accept that not all of this will be positive but, if complaints are dealt with effectively, there is often a positive outcome. Where concerns are raised the Trust intends for these to be dealt with:

- Fairly
- Openly
- Promptly
- Without Prejudice

In order to do so, the Trust Board of North Cornwall Learning Trust has approved the following procedure which explains what you should do if you have any concerns about the school. All members of staff will be familiar with the procedure and will be able to assist you. **All complaints about school matters must go directly to the School not to the Trust.**

2. Which procedure do I need?

Sometimes, when concerns are more specific, there are alternative and more appropriate policies for dealing with them. The following list details specific topics of complaints, and the correct policy to refer to. You can access these policies on the school website or ask for a copy from the main school reception.

- Pupil admissions; please see the Trust's admissions policy
- Pupil exclusions; please see the school's behaviour policy.
- Staff grievance, capability or disciplinary; these are covered by the Trust's grievance, disciplinary and capability procedures
- Where the complaint concerns a third party used by the school; please complain directly to the third party themselves.
- Anonymous complaints – please refer to the whistleblowing policy.
- Subject Access Requests and Freedom of Information Requests – please see the Trust's Data Protection and Freedom of Information policy

3. Raising concerns

The majority of concerns can be dealt with without resorting to the complaints procedure. Where you have a concern about any aspect of the school or your child's education or wellbeing, raise this with your child's form tutor/class teacher/head of year/relevant subject teacher via the phone or in person. Ideally, they will be able to address your concerns on the spot, or can arrange a meeting with you to discuss the issue.

All concerns will be dealt with confidentially, although the staff member may need to take notes if they feel that the matter may need to be taken further or it may arise again in the future. Any such notes will be kept in accordance with the principles of the Data Protection Act 2018. However, such notes would be able to be used to as evidence if further investigation was required, or if the concern became a formal complaint.

4. Safeguarding

Wherever a complaint indicates that a child's wellbeing or safety is at risk, the school is under a duty to report this immediately to the local authority. Any action taken will be in accordance with the Trust's safeguarding policy which can be found on the school website.

5. Social Media

In order for complaints to be resolved as quickly and fairly as possible, the North Cornwall Learning Trust and its headteachers requests the complainants do not discuss complaints publically via social media such as Facebook and Twitter. Complaints will be dealt with confidentially for those involved, and we expect complainants to observe confidentiality also.

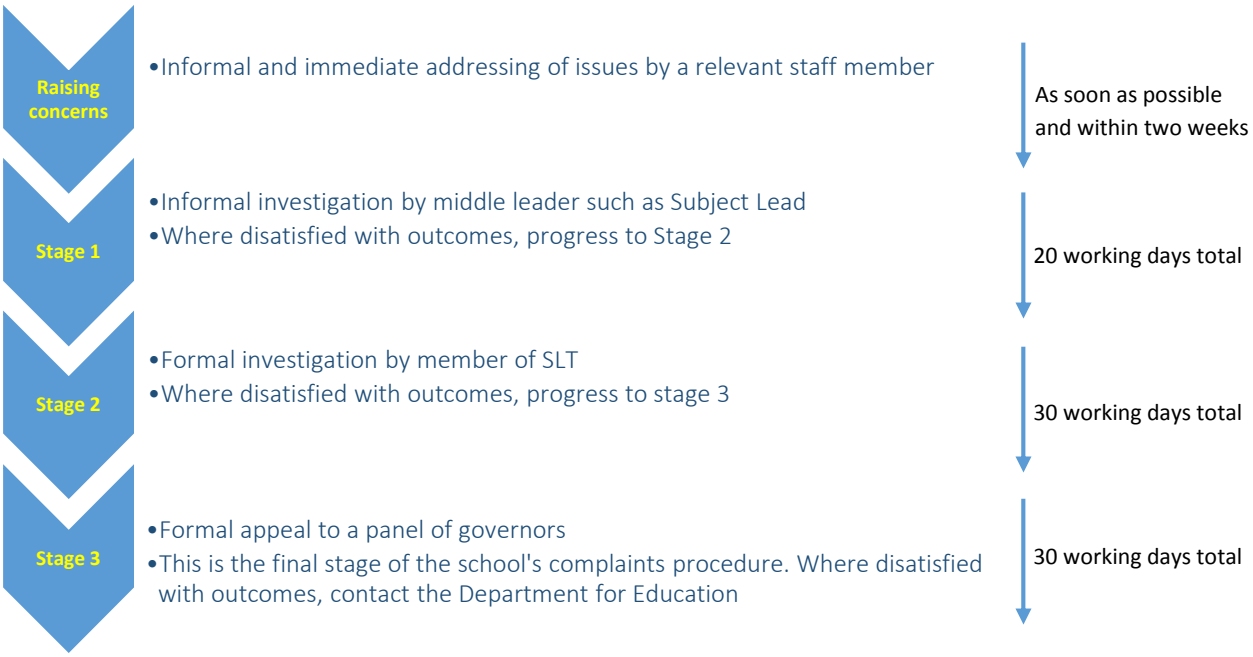
6. Complaints that result in staff capability or disciplinary

If at any formal stage of the complaint it is determined that staff disciplinary or capability proceedings are necessary in order to resolve the issue, the details of this action will remain confidential to the headteacher and/or the individual's line manager. The complainant is not entitled to participate in the proceedings or receive any detail about them.

7. Procedure

If you need to raise an issue in the first instance, please do so with the relevant member of staff who will be happy to talk to you and seek to establish a solution. If you are not satisfied with this response and believe the issue has not been resolved, please use the following escalation procedure as detailed below.

Timeline



Time frames

North Cornwall Learning Trust and its schools will endeavour to abide by timeframes stated under each stage but acknowledges that in some circumstances, this is not always possible due to the complexity of information needed to review a complaint or difficulties regarding individual's availability to deal with the complaint, for example. If it becomes apparent that it is not possible to complete any stage of the complaints procedure within a given timeframe, the individual responsible for handling the complaint will contact the complainant as soon as possible and come to an agreed timeframe that works for all parties involved.

North Cornwall Learning Trust and its schools reserves the right not to investigate complaints that have been made three months after the subject of the complaint took place, except in exceptional circumstances. What is meant by exceptional circumstances is where new evidence has come to light, where the complaint is of

an especially serious matter or where there is reasonable justification for why the complainant has been unable to raise the complaint before this time. The HT will review the situation and decide whether or not to enact the complaints procedure, informing the Chair of Governors of the decision.

8. Whom should I approach?

This will vary vastly depending on whether it is a primary or a secondary school matter or where the matter is related to Trust procedures.

- Educational matters: should be referred to the classroom teacher in the first instance
- Pastoral care: should be referred to the class teacher in primary school and tutor in secondary school
- Disciplinary matters: should be referred to the staff member who initiated the sanction
- Financial/Administration matters: should be referred to the school secretary (primary school) or Office Manager (SJS)
- Complaint about a staff member's conduct: direct approach to the staff member themselves. Where this does not resolve the situation, their line manager should be approached.
- Serious complaints can be referred directly to the headteacher who may delegate investigation

9. Complaints about the Headteacher or the governors

Where a complaint regards the Headteacher, the complainant should first directly approach the Headteacher in an attempt to resolve the issue informally. If the complainant is not satisfied with this outcome they should notify the Clerk to the Governors (see contact details at the end of the document). The Stage 2 process will then commence, but with the Chair of Governors as the individual responsible for the investigation.

Where a complaint regards a Governor, the same process applies as for the Headteacher. Where a complaint concerns the Chair of Governors, the individual should contact the Clerk to the Governors. Informal resolution will be sought, but where this fails, the complaints procedure at Stage 3 will take immediate effect. The Vice Chair or an independent investigator will mediate any proceedings. Complaints about the HT or Chair of LGB to be referred to the TB if not dealt with satisfactorily earlier. Chair of Trustees is the Link Trustee for complaints.

10. Stages of the Complaint

10.1 Stage 1: Informal investigation by a Subject Leader/Year Director/Line Manager

Where as a result of raising a concern directly with staff member the complainant still feels that the issue has not been addressed, or where the outcome has been that the complaint needs further investigation than can be resolved briefly, they may progress by making an informal complaint. In doing so, the following steps will be followed:

Complainant contacts the Subject Lead/Head of Year/Line Manager (office staff will provide name of Line Manager

1. The complainant must explain in writing
    - An overview of the complaint so far
    - who has been involved
    - why the complaint remains unresolved
    - action they would like to be taken to put things right.

2. The staff member will respond within 5 working days (excluding those which fall in the school holidays) of having received the written complaint. They will explain what action they intend to take.

3. Where the complaint is about the actions of a member of staff , the Line Manager will arrange an informal mediation meeting between the two parties to see if a resolution can be come to.

4. The Line Member will provide a written confirmation of the outcome of their investigation within 15 working days (excluding those which fall in the school holidays) of having sent confirmation of the intended action. Where the complainant is not satisfied with the outcome, they are able to progress to stage 2 of the complaints process, and launch a formal written complaint.

5. The Line Manager will make a record of the concern and the outcomes of the discussion which will be held centrally for twelve months, in line with the principles of the Data Protection Act 2018

10.2 Stage 2: Formal investigation by member of the leadership team

1. The complainant may submit a formal complaints form to the Headteacher. See the end of the procedure for a copy of this form. The Headteacher may delegate the investigation to a deputy.

2. The SLT member will respond in writing within 10 working days (excluding those that fall in the school holidays) of the date of receipt of the complaint to acknowledge receipt of the complaint and explain what action will be taken, giving clear timeframes.

3. A log of all correspondence in relation to the complaint will be kept in accordance with the Data Protection Principles.

4. The SLT member will consider all relevant evidence; this may include but is not limited to:
   - a statement from the complainant,
   - where relevant a statement from an individual who is the subject of the complaint
   - any previous correspondence regarding the complaint
   - any supporting documents in either case
   - interview with anyone related to the complaint.

5. The SLT member may decide to have a meeting with the complainant (and where relevant, the subject of the complaint) if they feel that it would be appropriate for the investigation.

6. After considering the available evidence, the SLT member can:
   - Uphold the complaint and direct that certain action be taken to resolve it
   - Reject the complaint and provide the complainant with details of the stage three appeals process
   - Uphold the complaint in part: in other words, the SLT member may find one aspect of the complaint to be valid, but not another aspect. They may direct for certain action to be taken to resolve the aspect that they find in favour of the complainant.

7. The SLT member must inform the complainant of their decision in writing within 20 working days (excluding those that fall in the school holidays) of having issued written acknowledgement of the receipt of the complaint. They must explain clearly why they have come to the decision that they made. They must detail any agreed actions as a result of the complaint. Finally, they must provide the complainant with details of how to progress the complaint to stage three if they are not satisfied,

providing them with the contact details of the clerk to the governors (see the end of the procedure for these).

10.3 Stage 3: Appeal – review by a panel of the Local Governing Board.

If the complainant wishes to appeal a decision by the SLT member at stage 2 of the procedure, or they are not satisfied with the action that the SLT member took in relation to the complaint, the complainant is able to appeal this decision.

They must write to the Clerk (see the contact details at the end of the procedure) as soon as possible after receiving notice of the Headteacher's decision, briefly outlining the content of the complaint and requesting that a complaints appeal panel is convened.

The Clerk will fulfil the role of organising the time and date of the appeal hearing, inviting all the attendees, collating all the relevant documentation and distributing this 5 days in advance of the meeting, recording the proceedings in the form of minutes, and circulating these and the outcome of the meeting.

The complainant must request an appeal panel within 4 weeks of receiving the Headteacher's decision or it will not be considered, except for in exceptional circumstances. On receipt of this written notification, the following steps will be followed:

1. The clerk will write to the complainant within five working days (not including the school holidays) to confirm receipt of the appeal request and detail further action to be taken.

2. The clerk will convene a panel of two school governors and one independent member. All three panel members will have no prior knowledge of the content of the complaint.

3. The appeal hearing will take place within 20 working days (excluding those which fall in the school holidays) of receipt of the date of the confirmation letter from the clerk to the complainant, confirming the appeal.

4. In addition to the panel, the following parties will be invited, where applicable:

    - the complainant
    - the SLT member who dealt with the complaint at Stage 2
    - where the complaint regards a member of staff, the staff member who is the subject of the complaint.

    The complainant is also able to bring a companion with them to the hearing if they wish. Where the subject of the complaint is a member of staff, that staff member is also able to bring a companion with them.

    The companion will be a friend or a colleague. Neither party is able to bring legal representation with them. If after the hearing any party feels that legal action is necessary, please see the contact details at the end of the procedure.

5. If the attendance of any pupils is required at the hearing, parental permission will be sought if they are under the age of 18. Extra care will be taken to consider the vulnerability of children where they are present at a complaints hearing.

6. Where the complaint is about a governor the complainant may request that the appeal is heard by an entirely independent panel. It is at the discretion of the Local Governing Board who will notify the

Clerk of their decision. Where an entirely independent panel is required, timescales may be affected while the school source appropriate individuals for the review.

7. The panel can make the following decisions:

    - Dismiss the complaint in whole or in part
    - Uphold the complaint in whole or in part
    - Decide on the appropriate action to be taken to resolve the complaint
    - Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

8. All parties who attended the meeting will be informed in writing of the outcome of the appeal within 5 working days (excluding those which fall in the school holidays).

This is the final stage at which the school will consider the complaint. If the complainant remains dissatisfied and wishes to take the complaint further, please see the contact details at the end of the document. The school will not consider the complaint beyond this.

11. Unreasonable/vexatious complaints

Where a complainant raises an issue that has already been dealt with via the school's complaints procedure, and that procedure has been exhausted, the school will not reinvestigate the complaint except in exceptional circumstances, for example where new evidence has come to light.

If a complainant persists in raising the same issue, the Headteacher will write to them explaining that the matter has been dealt with fully in line with the school complaints procedure, and therefore the case is now closed. The complainant will be provided with the contact details of the Department for Education (see the end of this document) if they wish to take the matter further.

Unreasonable complaints include the following scenarios:

- The complainant refuses to co-operate with the school's relevant procedures.
- The complainant changes the basis of the complaint as the complaint progresses.
- The complainant seeks an unrealistic outcome
- Excessive demands are made on the time of staff and school governors and it is clearly intended to aggravate.
- The complainant acts in a way that is abusive or offensive.

The Headteacher will use their discretion to choose not to investigate these complaints. Where they decide to take this course of action, they must inform the Chair of Governors that they have done so, explaining the nature of the complaint and why they have chosen not to investigate. If the chair deems it appropriate to, they can redirect the Headteacher to investigate the complaint. The full complaints procedure will commence from stage one on this direction.

If the chair upholds the HT's decision not to look into the complaint and the complainant deems this decision to be so unreasonable that no other rational body in the same position would have made that decision, then the complainant may write to the Department for Education (see the contact details at the end of the document).

12. Contact details for external organisations if not satisfied with the outcomes of the complaints procedure in full

- If you have any queries regarding any aspect of the complaints procedure, please direct these to the Clerk to the Governors (*contact details can be found on the school's website)*

- If the complainant feels that the governing board acted 'unreasonably' in the handling of the complaint, they can complain to the Department for Education after the complaints procedure has been exhausted. Please note that unreasonable is used in a legal sense and means acting in a way that no reasonable school or authority would act in the same circumstances. https://www.gov.uk/complain-about-school

- Ofsted will also consider complaints about schools but will want to ensure the school's complaints procedure has been exhausted.

13. Relevant legislation and guidance

- The Equality Act 2010 http://www.legislation.gov.uk/ukpga/2010/15/contents
- The Data Protection Act 2018 http://www.legislation.gov.uk/ukpga/2018/12/contents
- The Education (Independent School Standards) Regulations 2014 *http://www.legislation.gov.uk/uksi/2014/3283/contents/made*
- Education Act 2002 *http://www.legislation.gov.uk/ukpga/2002/32/contents*
- The Department for Education *Best Practice advice for school complaints procedures* https://www.gov.uk/government/publications/school-complaints-procedures

Appendix A: Formal Complaints Form

Name	
Name of pupil, year group and your relationship to them (where applicable)	
Contact address	
Contact telephone day	
Contact telephone mobile	
Contact email address	
Details of the complaint	
Action taken so far (including staff member who has dealt with it so far) or solutions offered	
The reason that this was not a satisfactory resolution for you	
What action would you like to be taken to resolve the problem?	

Signed:	
Dated:	

Official use

Date received:

Signed:

If you would like this in a different format please contact the school

Version and Date		Action/Notes
3.0	October 2018	NGA Model Reviewed
4.0	November 2018	NGA Model reviewed, amended and adopted by the Trust Board December 2018. Author: Jon Lawrence
5.0	February 2019	Reviewed and amended Jon Lawrence

Policy Reviewed:	October 2018
Next Review:	Autumn Term 2019
Signature of Chair of Governors: Camelford Primary School	Signature of Headteacher: Camelford Primary School
Signature of Chair of Governors: Otterham Primary School	Signature of Headteacher: Otterham Primary School
Signature of Chair of Governors: St Breward Primary School	Signature of Headteacher: St Breward Primary School
Signature of Chair of Governors: St Teath Primary School	Signature of Headteacher: St Teath Primary School
Signature of Chair of Governors: Sir James Smith's School	Signature of Headteacher: Sir James Smith's School