

Newham Community Learning - Complaints Policy

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Applies to: Newham Community Learning

Approved by: Trust Board, May 2023



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1. Overview of the Policy Management Process

1.1. Document history

Date	Revision	Version number (substantive revisions are allocated a new whole number; minor revisions are designated by the addition of a consecutive decimal point)
Mar 2022	NCL Trust level Freedom of Information Policy in place	v1.0
Sept 2022	Reviewed, updated and released as a Newham Community Learning Policy	v.2.0
May 2023	Reviewed to include Annex A regarding the Trust's approach to Serial and Unreasonable Complaints. Approved by the Trust Board and published on the website.	v.3.0

1.2. Review

The Complaints Policy applies to the whole Trust. It is reviewed by the Executive Team (and/or their delegates) and is then presented to the Trust Board for approval (via a relevant board committee if appropriate).

It is reviewed in line with the Trust Policy Review Schedule.



2. Newham Community Learning - Complaints Policy

2.1. Introduction and purpose

This Policy is based on the Department for Education's Model Policy for Trusts with more than one school, updated in March 2021.

2.2. Who can make a complaint?

This complaints procedure is for use by parents or carers of children that are registered at any school which is part of Newham Community Learning (NCL). Any person may make a complaint to any NCL school 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 procedure.

2.3. The difference between a concern and a complaint

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

A complaint may be defined as *'an expression of dissatisfaction however made, about actions taken or a lack of action'*.

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 the complaints procedure. The Trust takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff at any one of our schools, we will respect your views. In these cases, the Headteacher of the school concerned will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Headteacher 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.

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



2.4. How to raise a concern or make a complaint

A concern or complaint can be made in person, in writing or by telephone - at the school concerned. They may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so.

Complaints against school staff (except the Headteacher) should be made in the first instance to the Headteacher via the school office. Please mark them as Private and Confidential.

Complaints that involve or are about the Headteacher should be addressed to the CEO of the Trust, via the Trust Office (as per the address details on the [Contact Us page](#) of the Trust's website). Please mark them as Private and Confidential. Complaints regarding the Headteacher of any NCL school can also be emailed to the CEO's PA on the account ceo.pa@newhamcommunitylearning.org.

Complaints about the Chair of Governors at any NCL school, about any individual governor at any school, or the whole governing body at any school should be addressed to the CEO's PA as per the details provided.

Complaints about the Chief Executive Officer (CEO) or a trustee of the Trust, should be addressed to Paul Leslie, Chair of Trustees, via the Trust Office (as per the [Contact Us page](#) of the Trust's website). Please mark them as Private and Confidential.

For ease of use, a template complaint form is included at the end of this 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.

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.

2.5. Anonymous complaints

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

2.6. Serial and unreasonable complaints

The Trust recognises that the vast majority of complainants making use of this policy do so in order to reach a resolution to a specifically identified area of concern. However, there are some instances



where complainants make unreasonable use of the policy/use it to make serial complaints to the school/Trust. Regardless of whether the complaint is directed towards one of the Trust's schools or the Trust itself, where the Trust deems complainants to be making serial or unreasonable use of this policy, they will be referred to Annex A, which has been adapted from the DfE's guidance for maintained schools, and the guidance therein will be implemented.

Separately, in situations where a complainant tries to *reopen the same issue* with the school/Trust, the Chair of the Local Governing Body of the school (where the complaint is regarding an issue at one of the Trust's schools)/Chair of the Trust Board (where the complaint is regarding a Trust level issue) will write to the complainant explaining that the complaint has been through all stages of the procedure, is now exhausted and the matter is now closed. Should the complainant attempt to reopen the same complaint subsequent to this notification, they will be immediately referred to Annex A.

2.7. Time scales

You should 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 if exceptional circumstances apply.

2.8. 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 during which it was received.

2.9. Scope of this complaints procedure

This procedure covers all complaints about any provision of community facilities or services by any NCL school, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
Admissions to schools	Concerns about admissions should be handled through a separate process – details are available on the school websites



Exceptions	Who to contact
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> <p>LADO: lado@newham.gov.uk</p> <p>0203 3733803 / 0203 3736706</p> <p>MASH: mash@newham.gov.uk</p> <p>020 3373 4600 / 020 8430 2000</p>
Exclusion of children from school	<p>Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.</p> <p>The Trust's Exclusions Policy is available on the Policies Page of the website.</p>



Exceptions	Who to contact
Whistleblowing	<p>We have an internal whistleblowing procedure 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 directly with their employer. Referrals can be made at: www.education.gov.uk/contactus.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain directly to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p>
Staff grievances	<p>Complaints from staff will be dealt with under the Trust's internal grievance procedures, which is published on the Trust's website.</p>
Staff conduct	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>Complainants <i>will not</i> 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>

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 NCL in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

2.10. Resolving complaints

At each stage in the procedure, the Trust and its schools want to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. 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 school policies in light of the complaint
- an apology.

2.11. Withdrawal of a complaint

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

2.12. Stage 1 – Informal complaints

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

Concerns at any NCL school should be raised with either the class teacher, year head / subject head or Headteacher. Complainants should not approach individual governors to raise concerns or complaints. Neither governors nor trustees have the power to act on an individual basis and it may also prevent them from considering complaints at Stage 3 of the procedure.

At the conclusion of their investigation, the appropriate person investigating the complaint will provide an informal written response within ten school days of the date of receipt of the complaint.

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

2.13. Stage 2 – Formal complaints



This stage should only be used where Stage 1 has not resolved the complaint. 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, provided as an Appendix to this document).

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 five school days.

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.

Note: The Headteacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.

During the investigation, the Headteacher (or 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 will
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the Headteacher will provide a formal written response within fifteen school days of the date of receipt of the complaint.

If the Headteacher 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 that the school (and the Trust as a whole, if applicable) will take to resolve the complaint.

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

If the complaint is about the Headteacher, or a member of the governing body (including the Chair or Vice-Chair), a suitably skilled governor from any NCL school other than the one at which the complaint has been lodged, or any NCL trustee, will be appointed to complete all the actions at Stage 2.



Complaints about the Headteacher or member of the school's governing body must be made to the CEO's PA, via CEO.PA@newhamcommunitylearning.org. The CEO's PA will liaise with the Trust's clerking service to make the necessary administrative arrangements.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body at any NCL school,

Stage 2 will be escalated to the CEO of the Trust, who should be contacted via CEO.PA@newhamcommunitylearning.org.

The school office at which the complaint is lodged will retain all records of Stage 1 and Stage 2 of this procedure.

2.14. 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 governors, who can be from any NCL school (including the school at which the complaint was lodged), who were not directly involved in the matters detailed in the complaint. The panel may also contain any number of NCL trustees; one of the three-member panel will be independent of the management and running of the school at which the complaint was lodged. The committee members will appoint a Chair in advance of the meeting (the Roles and Responsibilities section describes this role in more detail). This is the final stage of the complaints procedure.

All requests to escalate to Stage 3, at any school, must be made to the CEO's PA, via the account CEO.PA@newhamcommunitylearning.org. within five days of receipt of the Stage 2 response.

The CEO's PA will record the date the complaint is received and acknowledge receipt of the complaint in writing (by email) within five school days. The CEO's PA will keep a record of all Stage 3 complaints.

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

The CEO's PA will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within ten school days of receipt of the Stage 3 request. If this is not possible, the CEO's PA will provide an anticipated date and keep the complainant informed.



If the complainant rejects the offer of three proposed dates, without good reason, the CEO's PA 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 the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body at any NCL school,

Stage 3 will be heard by a panel of at least three people: an independent panel member and at least two NCL trustees.

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. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

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 (Human Resources) staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

Representatives from the media are not permitted to attend.

At least ten school days before the meeting, the CEO's PA 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, and
- request copies of any further written material to be submitted to the committee at least five 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.

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 school's (or, where appropriate, the Trust's) systems or procedures to prevent similar issues in the future.

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 fifteen school days of the date on which the complaint was received.

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 by the 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 that the school concerned (and, where appropriate, the Trust as a whole) will take to resolve the complaint.

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 at the Trust's office.

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, along with what actions have been taken, regardless of the decision. Records of Stages 1 and 2 will be kept locally at Trust schools; records of stage 3 complaints will be held at the Trust's office.

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 2008 Act requests access to them.



2.15. Complaints escalated to / about the Trust, CEO or about any trustee

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 (via the address CEO.PA@newhamcommunitylearning.org).

The CEO will write to the complainant acknowledging the complaint within five school days of the date that the written request was received. The acknowledgement will confirm that the complaint will now be investigated under Stage two of this Complaints Policy and will confirm the date for providing a response to the complainant.

Following the investigation, the CEO will write to the complainant confirming the outcome within fifteen school days of the date that the letter was received. If this time limit cannot be met, the CEO will write to the Complainant within five school days of the date that the letter was received, explaining the reason for the delay and providing a revised date.

If the complaint concerns the CEO or a Trustee, the complaint should be investigated by the Chair of the Trust Board. If a formal complaint form is received about the Chair, the complaint will be referred to the Vice Chair for investigation.

Note: Where the 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 CEO's PA asking for the complaint to be heard before a Complaint Panel, within five school days.

The CEO's PA will record the date the complaint is received and acknowledge receipt of the complaint in writing (by email) within five school days.

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

The CEO's PA will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within ten school days of receipt of the Stage 2 request. If this is not possible, the CEO's PA will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk 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 the Chair and Vice Chair or
- the entire trust board or
- the majority of the trust board of NCL,

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. Trustees may not sit on the panel, but Company Members of the Trust may occupy two of the three panel positions.

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 Member, 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. 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. 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.

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 them.

Representatives from the media are not permitted to attend.

At least ten school days before the meeting, the CEO's PA 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, and
- request copies of any further written material to be submitted to the committee at least five 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 2 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.

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; and
- 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 the Trust with a full explanation of their decision and the reason(s) for it, in writing, within fifteen school days.

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 by Newham Community Learning.

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.

The panel will ensure that those findings and recommendations are sent by electronic mail to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection at the Trust's offices.

A written record will be kept of all complaints, and of whether they are resolved at Stage 2 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 2008 Act requests access to them.



2.16. Next Steps

If the complainant believes the school / Trust / both 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 3.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by the Trust or any of its schools. They will consider whether the Trust or any of its schools have 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



2.17. Complaint Form

This form should be used for the submission of a complaint under:

- a) **Stage 2 of the policy** (see pg. 6 for guidance) - in such cases, it should be completed and returned to the *Headteacher of the school at which Stage 1 of this procedure has not resulted in resolution of the complaint*. Contact details for all NCL Headteachers can be found on the [Contact Us page](#) of the Trust website, or on the individual school websites. A hard copy of the form can also be provided to the school office. The Headteacher will acknowledge receipt and explain what action will be taken.
- b) **Stage 3 of the policy** (see pg. 8 for guidance) - if the complainant is not satisfied with the resolution of their complaint using Stage 2 of the policy, a copy of this form should be printed, completed and scanned to the CEO's PA using the email CEO.PA@newhamcommunitylearning.org. The CEO's PA can also be contacted via the Trust Office as per the details on the [Contact Us page](#) of the Trust website.

Note: Complainants should always seek to resolve their complaints at the earliest possible opportunity under the provisions of the policy. Stage 1 does not require the completion of this form. Details regarding Stage 1 are available on pg. 7 of this policy.

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (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 school about it.

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:



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Tel: 0203 102 4002 | Email: ceo.pa@newhamcommunitylearning.org | [@NCLTrust](https://twitter.com/NCLTrust)

2.18. Roles and Responsibilities

2.18.1. Complainant

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

- explain the complaint in full as early as possible
- cooperate with the school and the 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.

2.18.2. Investigator

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 or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.



The Headteacher or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

2.18.3. Complaints Co-ordinator

This role is performed, for all NCL schools, by the CEO's PA, who can be contacted on CEO.PA@newhamcommunitylearning.org.

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, Headteacher, CEO, Chair of Governors, Chair of Trust or the Clerk and to ensure the smooth running of the complaints procedure
- 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, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- be aware of issues regarding:
 - sharing third party information
 - possible requirements for 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 of all complaints across all NCL schools - stage 3 (NCL schools retain a log of all Stage 1 and Stage 2 complaints and their resolutions, which are reported to local governing committees. Stage 3 complaints and outcomes are reported to the Trust Board).
- support the administration and process of issuing any letters required as part of the process, including notification of the outcome of any meeting.

2.18.4. Clerk to the Governing Body / Trust Board

The Clerk is the contact point for the complainant and the committee 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 school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and UK GDPR. All necessary information will be provided by the clerk at the meeting.
- record the proceedings
- circulate the minutes of the meeting



- notify all parties of the committee's decision.

2.18.5. Committee Chair

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

- both parties are asked (via the Complaints Coordinator) 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 committee 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 UK 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 school 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 committee is open-minded and acts independently
- no member of the committee 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, as necessary, with the Complaints Coordinator and the Clerk.

2.18.6. Committee Member

Committee 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 committee if they have had a prior involvement in the complaint or in the circumstances surrounding it (details of the constitution of the committee and are provided earlier in this document)
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school 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.
- 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 committee 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 committee 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 committee 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 should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests. The welfare of the child/young person is paramount.



2.19. Annex A - Serial and Unreasonable Complaints - guidance

Newham Community Learning 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 schools or with our Trust. However, we do not expect our staff to tolerate unreasonable and unacceptable behaviour and we will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Our Trust 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/Trust such as, if the complainant:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to cooperate with the complaints investigation process;
- refuses to accept that certain issues are not within the scope of the complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice;
- introduces trivial or irrelevant information which they expect to be taken into account and commented on;
- raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the complaints policy and procedure has been fully and properly implemented and completed including contact details being provided for the Department for Education;
- seeks an unrealistic outcome;
- makes excessive demands on school 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;
- uses threats to intimidate;
- uses abusive, offensive or discriminatory language or violence;



- knowingly provides falsified information; or
- publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the school/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.

Whenever possible, the Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an '*unreasonable*' marking.

If the behaviour continues, the Headteacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact any of our schools, or the Trust Office, 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.

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 our school.

