



**Northern Lights**  
LEARNING TRUST

## **Northern Lights Learning Trust**

# **Complaints Policy**

Review Date:	Autumn 2019
Next review date:	Autumn 2020
Person in charge:	CEO
Governance:	Chair of Board

## **Pastoral Care/Spiritual Development**

The quality of relationships between all members of school, staff and pupils, and the relationship with parents and carers is the area that is most commonly associated with the ethos of a church school. It is expressed in the terms of sharing and caring. Jesus was clear in his instructions to the disciples on this matter.

‘Love your neighbour as yourself’ – Matthew 22:39.

‘This is my commandment: love each other’ - John 15:17.

Everyone associated with the school is made in the image of God and is to be loved. This is the commandment from which Northern Lights Learning Trust derives its policy for pastoral care.

We have a series of overlapping networks of relationships, which includes governors, staff, children, parents, church members, and members of the community which the school seeks to serve. Our pastoral work will strive to meet the significant challenge to create and maintain such networks in ways which reflect the Gospel. Those who are in leadership roles, which includes all who have a particular responsibility, ensure that by their personal example they set the highest standards expected.

It is from this premise that Christian love will pervade all aspects of life at Northern Lights Learning Trust. It will influence how we reward and teach discipline. It will affect how we value work and the achievements of pupils and staff. It will be seen in the way in which the school environment is created and cared for, in the way in which the needs of pupils, parents, and community are met, and in the way in which teaching and non-teaching staff work together effectively as a team. Pastoral care pervades all aspects of school life and therefore will be reflected in the way the school is organised and the policies are written and implemented.

**The Academy’s complaints procedure is part of the Academy’s pastoral and safeguarding system.**

## COMPLAINTS PROCEDURE

### Introduction

Our school is committed to providing a safe, stimulating, consistent and accessible service to children and their parents/carers. We always aim to provide high quality services for everyone, but accept that sometimes things do not always go to plan. In such circumstances, we want to know so that we can put them right and learn from any mistakes.

Most parents have positive relations with school but on occasions things may go wrong. The guidance in this document aims to make sure that the interests of pupils, parents and school staff are taken into account when dealing with complaints.

Whether you are a parent or a member of the public the place to start is the Academy. It is much better if matters can be sorted out within school even if this might feel awkward in the beginning. There is usually more than one side to any dispute or misunderstanding and it is important that all the facts are known so that the best solution can be found.

**Section 29 of the Education Act 2002 states that the Directors of the Academy Trust, shall establish procedures for dealing with all complaints relating to the Academy, other than those to be dealt with in accordance with any other statutory provision.**

This procedure does not cover concerns about any of the following, for which there are separate arrangements laid down by law:

- The Academy curriculum [this should be referred to the DfE], collective worship and religious education [this should be referred to the Durham Diocese] and the provision of information required by law;
- Matters relating to the exclusion of pupils from school where there are separate arrangements in place [this should be referred to the ESFA] ;
- School admissions and appeals; [this should be referred to the ESFA] ;
- Home to school transport [this should be referred to the LA];
- Matters likely to require a Child Protection Investigation [this should be referred to the Children's Services] ;
- Exclusion of children from schools [this should be referred to the ESFA] ;
- Education Health Care Plans/Statements and provision of Special Educational Needs [this should be referred to the LA] ;
- Staff Grievances and Disciplinary [this should be referred to the Trust];
- Whistleblowing [this should be referred to the Trust/Children's Services if it involves safeguarding and Trust/ESFA for finance];
- Complaints about services, provided by other providers who may use school premises.

### Timescales

We aim to resolve any complaints in a timely manner. Timescales for each stage of the Complaints Procedure are set out below. For the purposes of this policy a working day is defined as a weekday during term time when the Academy is open and excludes weekends and bank holidays. For the avoidance of doubt, term dates are published on the Academy website.

**It is essential that complaints follow the procedure determined below for them to be considered in a fair and open manner. Unless the procedure is followed, the Headteacher/Head of School [in the first instance] and Local Governing Body or Northern Lights Learning Trust may not consider the complaint.**

### 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 generally defined as '*an expression of dissatisfaction however made, about actions taken or a lack of action*'.
- A concern becomes a complaint only when the complainant asserts the school has acted wrongly in some significant decision, action or failure to take action.
- There are occasions when complainants would like to raise their concerns formally. In those cases, the school's formal procedure will be invoked through the stages outlined within our procedure.
- When a complaint has been made it can be resolved or withdrawn at any stage.
- If the Trust, the Academy or Local Authority receives an anonymous complaint, the details will be passed to the Academy and it generally will not be investigated. N.B. This will not apply in relation to issues connected to child protection.

### **Who can make a complaint?**

- Any person, including members of the general public, may make a complaint about any provision of facilities or services that a school provides, unless separate statutory procedures apply (such as exclusions or admissions). The school does not limit complaints to parents or carers of children that are registered at the school.

### **Aims**

In line with the Education Act 2002, Northern Lights Learning Trust will ensure the complaints procedure;

- Is easily accessible and publicised.
- Is simple to understand and use.
- Is impartial.
- Is non-adversarial.
- Encourages the resolution of problems by informal means wherever possible.
- Allows swift handling with established time-limits for action and keeping people informed of any progress.
- Ensures a full and fair investigation, without bias, by an independent person where necessary.
- Respects people's desire for confidentiality.
- Addresses all the points at issue and provide an effective response and appropriate redress where necessary.
- Provides information to the school's senior leadership team so that services can be improved.

### **Making Complaints**

- A complaint can be made in person, by telephone, or in writing; (in compliance with the obligations of the Equality Act 2010)
- There is also a Complaints Form which is available from the school.(See appendix 1)

### **Monitoring and recording complaints**

- In order to prevent any later challenge, or disagreement, over what was said, brief notes of meetings and telephone calls will be kept and a copy of any written response added to the record. Where there are communication difficulties, school may use recording devices to ensure the complainant is able to access and review the discussions at a later point.
- School will keep records of the progress of the complaint and the final outcome. The Headteacher /Head of School will be responsible for these records and hold them centrally.

- Complainants have a right to copies of these records under the Freedom of Information and Data Protection Acts.
- All meetings and reviews must be fair so any person with a conflict of interest should not take part in the complaints process. If there is reasonable doubt as to a person's ability to act impartially, they should withdraw from considering the complaint. Where a Governor or Director has a financial interest in any related matter, they should also withdraw.

### Complying with GDPR

At all stages of the complaints procedure the following information will be recorded:

- Name of the complainant.
- Date and time at which complaint was made.
- Details of the nature of the complaint.
- Desired outcome of the complainant.
- How the complaint is being investigated (including written records of any interviews held).
- Results and conclusions of investigations.
- Any action taken.
- The complainant's response.
- Record of any subsequent action if required.
- Before disclosing information to a third party, the school/Trust must and will obtain written consent from the complainant. Notes of meetings should be kept securely and encrypted, where possible, to prevent any later challenge or disagreement over what was said.
- Consent must be obtained from all involved parties before conversations and meetings are recorded. As data controllers, schools have the discretion to decide whether to allow complainants to record meetings if this is not already required as part of a reasonable adjustment. As there may be various levels of identifiable personal information recorded, the school/Trust will consider carefully how this could affect any third parties called to act as witnesses, and the impact on all those involved in the complaint should the recordings be lost or leaked.
- The DfE may accept independently notarised transcriptions of audio and video recordings and may ask for the written consent of all recorded parties. The Trust has the right to choose to refuse to accept recordings of conversations that were obtained without the informed consent of all parties being recorded as evidence.

### Retaining records:

- Trust boards have a responsibility to decide how long they keep records for but should have due regard to statutory regulations and the GDPR when doing so. All personal data should only be kept for as long as is necessary for the immediate purpose of processing.

### Transferring data:

- When a pupil changes school, their educational record will be transferred to the new school and no copies are retained. Schools can, however, consider retaining records of complaints separate to their pupil records, while a complaint is ongoing, so that access to them can be maintained.

## **Special Circumstances**

- If the complaint suggests that a child has been at risk of significant harm through violence, emotional abuse, sexual interference or neglect, it may be referred without further notice to Children's Services, for the area in which the child lives.
- If Children's Services decide to investigate a situation, this may postpone or supersede investigation by the Headteacher/ Head of School, Local Governing Body or MAT Board.

## **Complaints Procedure**

If at any stage, the complainant believes there is likely to be bias in support of their request, they may request an independent person. However, they should provide evidence to the school of bias in support of their request, to be considered before it is granted.

- Informal stage - complaint heard by member of staff
- Stage one - formal complaint heard by Headteacher/Head of School (or Chair of Local Governing Body or suitably skilled member, where the complaint is about the Headteacher/Head of School). This may include the CEO providing impartial advice and guidance.
- Stage two - formal complaint to the Local Governing Body (or Chair of the Trust, where the complaint is about the Headteacher/Head of School). This may include the CEO providing impartial advice and guidance.
- Stage three – Appeal - Formal complaint heard by the Northern Lights Learning Trust Complaints Appeal Panel (CAP).
- At all stages, complaints will be monitored according to the guidance outlined above.

Please note: If the complaint is about the whole Local Governing Body this will be immediately referred to the Chair of the Trust who will set out a procedure for Stage 1 and an Appeal process in line with the above.

If the complaint is about a Local Governor, including the Chair and Vice Chair of Governors, the complaint will be referred to the Clerk of the Governing Body [details available from the School office], it will be heard at Stage 1 by a suitably skilled and impartial Governor, then by a committee of the Local Governing Body at Stage 2. Any appeal will be heard by the Trust Board.

If the complaint is about a Director, including the Chair of the Board, the complaint will be referred to the Clerk of the MAT Board, [details available from Head Office, Marcross Drive, Moorside, Sunderland SR32RE], it will be heard at Stage 1 by a suitably skilled and impartial Director, then by a committee of the MAT Board at Stage 2. Any appeal will be heard by an independent suitably skilled and impartial panel.

Mediation may be an option for the school and complainant in moving forwards towards resolution, but we would never use this as part of the investigation or as a means to replace the investigation.

## **Informal Stage: Complaint Heard by Staff Member**

It is not necessary to go through this informal stage, although everyone would agree that it is better to resolve differences through informal resolution. The complainant may wish to go straight to Stage 1.

- It is in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to invoke formal procedures.
- School will take informal concerns seriously and make every effort to resolve the matter as quickly as possible.
- Once a concern has been raised you will be invited to attend an informal meeting with a member of staff to discuss your concerns.
- You are welcome to bring a friend, partner or, in the case of a pupil who has raised a concern, a parent to this meeting. It may be appropriate for a pupil to attend the meeting if their parent has raised a concern, depending on the nature of the issue.
- Staff have a responsibility to ensure that you understand any future points of action that have been agreed upon in this meeting and should make a record of what has been discussed, as well as any outcomes and a plan of action, if one has been agreed.
- All staff will do their best to ensure that your concerns are dealt with appropriately and efficiently but if you cannot come to an agreement, or are dissatisfied with the outcome of your meeting, you can make a formal complaint in writing to the Headteacher /Head of school.

### **Please note**

- *If the first approach is made to a Governor, the next step will be to refer the complainant to the appropriate person and advise them about the procedure.*
- *Governors will not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages, in case they are needed to sit on a panel at a later stage of the procedure.*
- *This also applies to Directors and members of the Northern Lights Learning Trust.*

## **Formal Complaint Stage 1 - Complaint heard by the Headteacher/Head of School**

- The parent/carer will request an appointment to see the Headteacher/Head of School. This will be as soon as reasonably practical to avoid any possible worsening of the issue.
- The Headteacher/Head of School may delegate the task of collating the information to a member of the Senior Leadership Team but not the decision on the action to be taken.
- If the complaint is against a member of staff, the Headteacher/Head of School will talk to the staff member against whom the complaint has been made.
- If necessary, the Headteacher/Head of School will interview witnesses and take statements from those involved.
- The Headteacher/Head of School will keep reasonable written records of meetings, telephone conversations and other documentation.
- The Headteacher/Head of School will investigate fully and communicate findings and/or resolutions to the complainant(s) verbally or in writing depending on the nature of the issue. [Child Protection is exempt]. Any minutes of any meeting will be issued to the complainant at the same time.
- This stage will be completed in 15 school days. However, it is recognised that where the case is complex, it may prove difficult to meet this timetable. In such cases, the Headteacher/Head of School will write to the complainant giving a revised target date.
- If the parent/carer is not satisfied with the outcome at this stage then the complaint can be moved to the next level.

## **Formal Complaint Stage 2 – Complaint heard by Local Governing Body**

- If the complainant is not satisfied with the response of the Headteacher/Head of School or the complaint is about the Headteacher/Head of School, the complainant will write to the Chair of Local Governing Body [within 7 school days] to request that their complaint is considered further by the Local Governing Body
- If the complaint is against a member of staff, that employee will be given the opportunity to write a response, which will be sent to the Chair of Local Governing Body within 7 school days of the complaint being lodged with them.
- The Local Governing Body will review the complaint and respond to you in writing or by calling a meeting to provide you with an opportunity to discuss your complaint more fully, within 14 school days, outlining their need for further information or in response to your concern, and any action that has or will be taken. If they have decided not to take any further action on the issue, they will explain what they have decided, how they have reached this decision, and will outline your right of appeal and how you can start your appeal. Any minutes of any meeting will be issued to the complainant at the same time.
- At this stage neither the school, nor the complainant will be entitled to bring legal representation, unless there are specific agreed reasons for this.
- ***Please note: A complaint can be made in person, by telephone, or in writing; (in compliance with the obligations of the Equality Act 2010)***

## **Formal Complaint Stage 3 APPEAL - Complaint heard by Northern Lights Learning Trust Complaints Appeal Panel (CAP)**

- If the complainant is not satisfied with the response of the Chair of Local Governing Body, the complainant will contact the school within 7 school days and request that the complaint be heard by the Trust's Complaints Appeal Panel (CAP).

- Once the formal complaints form has been submitted, the Chair of the Board of Directors will acknowledge the complaint within ten school days and convene a Trust CAP panel hearing within 28 school days.
- Members of the Trust CAP and the complainant will be given 5 school days' notice regarding the arrangements for the CAP. The Clerk/Chair of the CAP will write to the complainant to explain how the review will be conducted. The letter will be copied to the Headteacher /Head of School.
- The CAP will invite a parent to attend and be accompanied at a panel hearing if they wish.
- The CAP will ensure at least one member of the panel is independent of the management and running of the academy. (ESFA Guidance Creating an Academy Complaints Procedure January 2015)
- Complaints will not be shared with the whole Board of Directors, except in very general terms, in case an appeal panel needs to be organised.
- If the whole Board of Directors is aware of the substance of a complaint before the final stage has been completed, the Trust will arrange for an independent panel to hear the complaint. They may approach a different school to ask for help or the local Governor Services team at the LA, or the Diocese.
- At the meeting everyone's case will be put across and discussed. The CAP will reconsider the issues raised in the original complaint and not confine themselves to consideration of procedural issues.
- The meeting will allow for:
  - The complainant to explain his or her complaint and the Headteacher/Head of School to explain the reasons for his/her decision.
  - The Headteacher/Head of School to question the complainant about the complaint and the complainant to question the Headteacher/Head of School.
  - The CAP to have an opportunity to question both the complainant and the Headteacher/Head of School.
  - Any party to have the right to bring witnesses (subject to the approval of the Chair of CAP) and all parties having the right to question all the witnesses; and a final statement by the Headteacher/Head of School and complainant.

The appeals panel may:

- dismiss all or part of the complaint
- uphold all or part of the complaint
- decide on the appropriate action to be taken to resolve the complaint
- evaluate all the evidence available and recommend changes to the school's systems or procedures as a preventative step against similar problems arising in the future.

A written response to the complainant will be made within 15 school days. The letter will explain if there are any further rights of appeal and, if so, to whom they need to be addressed. Any minutes of the meeting will be issued to the complainant at the same time.

***Please see:***

- ***Appendix 3 Checklist for a Panel Meeting,***
- ***Appendix 4 Roles and Responsibilities***
- ***Appendix 5 Interviewing Best Practice Tips.***

***The panel's decision is final.***

***If a complainant is unhappy with the outcome, they may wish to put their complaint to the ESFA.***

## **Role of the ESFA**

- Complainants who are not satisfied with the handling of their complaint will be signposted to the ESFA complaints form.
- The ESFA can support academies to achieve a compliant procedure but it is the responsibility of academy trusts to make sure that their complaints procedure is fully compliant. The responsibility of the ESFA is to ensure academies comply with their funding agreements.
- If a complaint goes to the ESFA they will check whether the complaint has been dealt with properly by the academy. They will consider complaints about academies that fall into any of the following three areas:
  - Where there is undue delay or the academy did not comply with its own complaints procedure when considering a complaint.
  - Where the academy is in breach of its funding agreement with the Secretary of State
  - Where an academy has failed to comply with any other legal obligation
- 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 they will request the complaint is looked at again and procedures meet the requirements set out in the Regulations.

### **Vexatious complaints [See Appendix 6 Policy for Unreasonable Complainants]**

- Whilst it is hoped that this policy will reduce any dissatisfaction with the school, it is acknowledged that there may be rare occasions where a complainant continues to be dissatisfied with the school and the outcomes achieved under the complaint's policy.
- Where a complainant attempts to re-open an issue which has already been dealt with under the complaints policy, the chair of governors will contact them to inform them that the matter has already been dealt with and that either that stage of the policy has been exhausted or that the complaint's policy has been exhausted and the matter is considered closed. Where further correspondence is received on the same matter, this may be considered vexatious and the school will be under no obligation to respond to that correspondence.

### **Monitoring and Review of Complaints**

- The process of listening to and resolving complaints can contribute to school improvement. When individual complaints are heard, the Academy may also identify underlying issues that need to be addressed.
- The monitoring and review of complaints can be a useful tool in evaluating the Academy's performance.
- The handling of complaints will be regularly reviewed, by the governing body, to inform further improvements in the complaints procedure.
- The Complaints Policy and Procedures will be formally reviewed every year, this will enable the Academy to take into account any new guidance issued by the DFE or legislative changes.

## **Appendix 1 (Complaint Form for Stage 1 of Process)**

Please complete and return to the Headteacher/ Head of School who will acknowledge receipt and explain what action will be taken.

**Your name:**

**Pupil's name:**

**Your relationship to the pupil:**

**Address:**

**Postcode:**

**Day time telephone number:**

**Evening telephone number:**

**Please give details of your complaint.**

**What action, if any, have you already taken to try and resolve your complaint.**

**(Who did you speak to and what was the response)?**

**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:**

**Date:**

## Appendix 2 (Checklist for Panel Hearing)

### Checklist for a Panel Hearing

- The panel hearing is as informal as possible.
- Decisions about recording the meeting [written, audio or video] will be made
- Clear guidance given regarding expected behaviours during the meeting.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The Headteacher/Head of School may question both the complainant and the witnesses after each has spoken.
- The Headteacher/Head of School is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the Headteacher and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The Headteacher is then invited to sum up the school's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The chair explains that both parties will hear from the panel within a set time scale.

## **Appendix 3 (Roles and Responsibilities)**

### **Roles & Responsibilities**

#### **The Complainant**

- Co-operates with the school in seeking a solution to the complaint.
- Expresses the complaint in full as early as possible
- Responds promptly to requests for information or meetings
- Asks for assistance as needed
- Treats all those involved in the complaint with respect.

#### **The Complaints Co-ordinator/ Headteacher/Head of School**

- Ensure that the complainant is fully updated at each stage of the procedure.
- Ensure that all people involved in the complaints procedure are aware of the legislation around complaints (including Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000)
- Liaise with all parties to ensure the smooth running of the complaints procedure.
- Keep records.
- Ensure GDPR compliant and necessary permissions have been sought.
- Be aware of issues regarding sharing third party information
- Be able to access additional support, as needed (for example an interpreter)

#### **The Investigator**

- 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 people relevant to the complaint
- Analysing information
- Effectively liaising with the complainant and complaints co-ordinator to clarify what the complainant feels would put things right.
- Identifying solutions and recommending courses of actions
- Being mindful to timescales to respond
- Responding to the complainant in plain and clear language
- Conduct interviews with an open mind and be prepared to persist in questioning
- Keep notes of interviews or arrange for an independent note taker to record minutes of meetings

#### **The Remit of the Trust CAP**

- The panel can:
- 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.

There are several points which any Governor/ Director sitting on a complaints panel needs to remember:

- It is important that the appeal hearing is **independent and impartial** and that it is seen to be so. No Governor/ Director may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, Governors/Directors need to try and ensure that it is a cross-section of the categories of Governor/Directors and sensitive to the issues of race, gender and religious affiliation.
- The CAP will ensure at least one member of the panel is independent of the management and running of the academy. (ESFA Guidance Creating an Academy Complaints Procedure January 2015)
- If the whole governing body or Trust Board is aware of the substance of a complaint before the final stage has been completed, the school will arrange for an independent panel to hear the complaint. They may approach a different school to ask for help or the local Governor Services team at the LA, or the Diocese.
- The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.
- Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
- The Governors/Directors sitting on the panel need to be aware of the complaints procedure.

### **The Role of the Clerk**

Schools are strongly advised that any panel or group of Governors/Directors considering complaints be clerked. The clerk would be the contact point for the complainant and be required to:

- Set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible.
- Collate any written material and send it to the parties in advance of the hearing.
- Meet and welcome the parties as they arrive at the hearing.
- Record the proceedings.
- Notify all parties of the panel's decision.

## **The Role of the Chair of the Local Governing Body or the Nominated Governor**

The nominated Governor role:

- Check that the correct procedure has been followed.
- If a hearing is appropriate, notify the clerk to arrange the panel.

## **The Role of the Trust Chair of the Panel**

The Chair of the Trust Panel has a key role, ensuring that:

- The remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption.
- The issues are addressed.
- Key findings of fact are made.
- Parents and others who may not be used to speaking at such a hearing are put at ease.
- The hearing is conducted in an informal manner with each party treating the other with respect and courtesy.
- The panel is open minded and acting independently.
- No member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure; each side is given the opportunity to state their case and ask questions.
- Written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

## **Appendix 5 (Interviewing)**

### **Interviewing Best Practice Tips**

#### **Children/young people**

- Children/young people should be interviewed in the presence of another member of staff, or in the case of serious complaints (e.g. where the possibility of criminal investigation exists) in the presence of their parents/carers. However, it might not always be possible to conduct an interview in case it prejudices a LADO or police investigation.
- Care should be taken in these circumstances not to create an intimidating atmosphere.
- Children/young people should be told what the interview is about and that they can have someone with them.

#### **Staff/Witnesses**

- Explain the complaint and your role clearly to the interviewee and confirm that they understand the complaints procedure and their role in it.
- Staff are allowed a colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager.
- Use open, not leading questions.
- Do not express opinions in words or attitude.
- Ask single not multiple questions, i.e. one question at a time.
- Try to separate 'hearsay' evidence from fact by asking interviewees how they know a particular fact.
- Persist with questions if necessary. Do not be afraid to ask the same question twice. Make notes of each answer given.
- Deal with conflicting evidence by seeking corroborative evidence. If this is not available, discuss with the complaints co-ordinator/ Headteacher/Head of School, Chair of Local Governing Body, the option of a meeting between the conflicting witnesses.
- Make a formal record of the interview from the written notes as soon as possible while the memory is fresh. Show the interviewee the formal record, ask if s/he has anything to add, and to sign the record as accurate.

## **Appendix 6 (Policy for Unreasonable Complainants)**

Northern Lights Learning Trust 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 the school. 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 persistent, abusive, offensive or threatening.

Northern Lights Learning Trust defines unreasonable complainants as 'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'.

A complaint may be regarded as unreasonable when the person making the complaint:

- 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 co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or 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 school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with a school while a 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/Head of School or Chair of Governing Body will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Headteacher/Head of School will write to the complainant explaining that their behaviour is unreasonable and asking them to change it.

For complainants who excessively contact Northern Lights Learning 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 usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from Northern Lights Learning Trust.

### **Barring from the School Premises**

- Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.
- If a parent's behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the principal can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. Schools should always give the parent the opportunity to formally express their views on the decision to bar in writing.

The decision to bar should then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent should be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the Headteacher/Head of School or Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

### **Role of the ESFA**

- Complainants who are not satisfied with the handling of their complaint will be signposted to the ESFA complaints form.
- The ESFA can support academies to achieve a compliant procedure but it is the responsibility of academy trusts to make sure that their complaints procedure is fully compliant. The responsibility of the ESFA is to ensure academies comply with their funding agreements.
- If a complaint goes to the ESFA they will check whether the complaint has been dealt with properly by the academy. They will consider complaints about academies that fall into any of the following three areas:
  - Where there is undue delay or the academy did not comply with its own complaints procedure when considering a complaint.
  - Where the academy is in breach of its funding agreement with the ESFA
  - Where an academy has failed to comply with any other legal obligation
- 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 they will request the complaint is looked at again and procedures meet the requirements set out in the Regulations.

