



# Concerns and Complaints Policy

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## Our Vision and Ethos

Nishkam schools are Sikh ethos multi faith schools that take a distinctive approach to many traditional faith schools. The Nishkam School Trust education model is led by virtues such as, compassion, humility, service, contentment, optimism, trust and forgiveness. Virtues are prevalent throughout our teaching and learning model and are modelled by our pupils, staff and teachers. Our pupils explore the divine context of humanity and wonder of all creation and also learn from the wisdom of all religions and in doing so explore the infinite human potential to do good unconditionally. We support all pupils and staff to develop aspects of their own religious, spiritual or human identities. In service of God, we pray for guidance in this endeavour and forgiveness for the errors we may make.

### 1. Aims of the Policy

Nishkam School Trust aims to meet statutory obligations when responding to complaints from parents of pupils and others. Trustees aim to ensure that a concern or complaint regarding the provision of facilities and/ or the services is managed sympathetically, efficiently and at the appropriate level, and resolved as soon as possible. This policy relates to complaints about NST and any of the Nishkam Schools.

NST will try to resolve every concern or complaint in a positive manner and each will be taken seriously with the aim of putting right a matter which may have gone wrong and, where necessary, reviewing our systems and procedures having reviewed the circumstances. Our key aim is to facilitate a full and fair investigation; ensure that decisions made are lawful, rational, reasonable, fair and proportionate.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect and courtesy
- Ensure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement evaluation processes

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The school will aim to give the complainant the opportunity to complete the complaints procedure in full. To support this, we will ensure we publicise the existence of this policy and make it available on the school website.

Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

It should be noted that this Concerns and Complaints Policy does not replace the arrangements for dealing with certain types of complaint that fall outside of its remit and are covered by other policies, for example, Admissions to schools, statutory assessments of Special Educational Needs, school re-organisation proposals, any matter that may require a child protection investigation, suspensions, whistleblowing, staff grievances and disciplinary procedures and complaints about services provided by third parties using the school premises or facilities.

Arrangements for handling complaints from parents of children with special educational needs (SEN) about the school's support are within the scope of this policy. Such complaints should first be made to the class teacher/special educational needs co-ordinator (SENDCo)/ School Leader; they will then be referred to this

concerns and complaints policy. Our SEND policy and information report includes information about the rights of parents of pupils with disabilities who believe that our school has discriminated against their child.

Concerns and complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

We will make reasonable adjustments for people with disabilities in accordance with the Equality Act 2010 and the Equality Policy. The policy can be found on the school's website.

NST will not consider concerns or complaints in the following circumstances:

- We receive the complaint three months after the incident occurred.
- If the complaint is published on social media.
- Where the complaint has been made previously to us about the same issue which has been fully investigated and / or resolved.
- Anonymous complaints.
- Frivolous, vexatious, abusive or malicious complaints.
- The complaint is made by a third party on behalf of another person without prior authority.
- If the complaint is about a third party provider of a service that is organised or facilitated by us – complaints of this nature should be directed to the service provider;
- If the complaint is about Examination results.
- A complaint is about a child or young person's statement of educational need.
- Matters that are the subject of legal action.

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

## 2. Legislation and guidance

This document meets the requirements set out in part 7 of the schedule to [the Education \(Independent School Standards\) Regulations 2014](#), which states that we must have and make available a written procedure to deal with complaints from parents of pupils at the school.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on [creating a complaints procedure that complies with the above regulations](#), and refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE).

This policy complies with our funding agreement and articles of association.

In addition, it addresses duties set out in the [Early Years Foundation Stage statutory framework](#) with regards to dealing with complaints about the school's fulfilment of Early Years Foundation Stage requirements.

## 3. Definition and Scope

The DfE guidance explains the difference between a concern and a complaint:

A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”. The school will resolve concerns through day-to-day communication as far as possible

A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”

## 4. Scope

The school intends to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does **not** cover complaints procedures relating to:

- Admissions - Concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority.
- Statutory assessments of special educational needs (SEND) – Refer to SENDCo
- Safeguarding matters - Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.
- Suspensions and Permanent Exclusions - Further information about raising concerns about exclusion can be found at: [www.gov.uk/school-discipline-exclusions/exclusions](http://www.gov.uk/school-discipline-exclusions/exclusions).
- Whistle-blowing - We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.
- Staff grievances - Complaints from staff will be dealt with under the school's internal grievance procedures.
- Staff discipline - Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.

Please see our separate policies for procedures relating to these types of complaint.

Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

## 5. Complaints Procedure

### Resolving a complaint

At each stage in the procedure, Nishkam 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.

### Withdrawal of a complaint

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

## 6. Roles and responsibilities

### The Complainant

The Complainant will get a more effective and timely response to their complaint if they:

- Follow these procedures

- Co-operate with the school throughout the process, and respond to deadlines and communication promptly
- Ask for assistance as needed
- Treat all those involved with respect
- Not publish details about the complaint on social media

### The Chair of Governors

An individual will be appointed (where deemed appropriate) to look into the concern/complaint and establish the facts. They will:

- Interview all relevant parties, keeping notes
- Consider records and any written evidence and keep these securely
- Prepare a comprehensive report to the School Leader or complaints committee which includes the facts and potential solutions

### Governance Professional

The Governance Professional will:

- Be the contact point for the complainant and the complaints committee, including circulating the relevant papers and evidence before complaints committee meetings
- Arrange the complaints hearing
- Record and circulate the minutes and outcome of the hearing

### Committee Chair

The Chair will:

- Chair the meeting, ensuring that everyone is treated with respect throughout
- Make sure all parties see the relevant information, understand the purpose of the committee, and are allowed to present their case

## **7. Principles for investigation**

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

## **8. Time scales**

The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.

We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

When complaints are made out of term time, we will consider them to have been received on the next school day.

If at any point we cannot meet the time scales we have set out in this policy, we will:

- Set new time limits with the complainant
- Send the complainant details of the new deadline and explain the delay

## 9. Early years only - complaints about our fulfilment of early years requirements

We will investigate all written complaints relating to the school's fulfilment of the Early Years Foundation Stage requirements and notify the complainant of the outcome within 28 days of receiving the complaint. The school will keep a record of the complaint (see section 10) and make this available to Ofsted on request.

Parents and carers can notify Ofsted if they believe that the school is not meeting Early Years Foundation Stage requirements, by calling 0300 123 4234 or 0300 123 4666, or by emailing [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk). An online contact form is also available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>.

We will notify parents and carers if we become aware that the school is to be inspected by Ofsted. We will also supply a copy of the inspection report to parents and carers of children attending the setting on a regular basis.

## 10. Making a Complaint

Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 3 of the procedure.

NST follow a four stage Complaints Procedure;

Stage one: Informal resolution

Stage two: Formal resolution

Stage three: Formal investigation

Stage four: Independent Review Panel

### Stage one – Informal Resolution

In the first instance any concerns should be raised directly with the relevant member of staff or the School Leader (or designated member of the senior leadership team) as appropriate, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the school office.

The school will take informal concerns seriously and it is hoped that most concerns will be resolved as soon as possible.

The school will acknowledge informal complaints within two school days and investigate and provide a response in writing (where appropriate) within five school days.

The informal stage could involve an informal meeting between the complainant and the relevant member of staff, as appropriate.

If the complaint is not resolved informally, it can be escalated to a formal complaint.

### Stage two – Formal Resolution

All complaints at stage two must be received in writing using the complaints form (available from the school office) and emailed to the school's enquiries inbox, where the complaint will be logged.

The complaints form should provide details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents, and what they feel would resolve the complaint.

If complainants need assistance raising a formal complaint, they can contact the school office.

The complaint will be investigated by a School Leader who will decide, after completing their own investigation, the appropriate course of action to take. The school will acknowledge receipt of the formal complaint within two school days.

The written conclusion of this investigation will be sent to the complainant within ten school days with the outcome of the review, any delay will be communicated to the complainant at the earliest opportunity.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the Compliance Team at NST [complaints@nishkamschools.org](mailto:complaints@nishkamschools.org) within ten school days. Requests outside of this timescale will not be considered.

\* If the complaint involves the School Leader/Governors the complaint will be investigated independently.

### Stage three – Formal Investigation

Complaints can be escalated by contacting the Compliance Team via the following email address [NSTcomplaints@nishkamschools.org](mailto:NSTcomplaints@nishkamschools.org) . The Chair will acknowledge receipt of the complaint within two school days.

If a resolution is not achieved the matter can be referred to the Chair of Governors for consideration. The complainant will be requested to include details of the complaint, as well as details on how they feel the previous stage of the procedure has not addressed their complaint sufficiently, and what they feel would resolve the complaint.

The Chair will complete an independent investigation based on the information provided by the Complainant and School. The Chair will also have access to the existing record of the complaints.

The Chair can:

- Uphold the complaint, in whole or in part
- Dismiss the complaint, in whole or in part

If the complaint is upheld, the Chair will:

- Recommend changes to the school's systems or procedures to prevent similar issues in the future

### Stage four – Independent Review Panel

A panel hearing consisting of at least three people who were not directly involved in the matters detailed in the complaint with one panel member who is independent of the management and running of the school. These individuals will have access to the existing record of the complaint's progress. The panel will select a chair from amongst themselves.

The complainant must have reasonable notice of the date of the review panel; however, the review panel reserves the right to convene at their convenience rather than that of the complainant. The Governance Professional will aim to find a date within ten school days of the request, where possible.

If the complainant rejects the offer of three proposed dates without good reason, the Governance Professional will set a date. The meeting will go ahead using written submissions from both parties.

A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend.

Any written material will be circulated to all parties at least five school days before the date of the meeting.

At the meeting, each individual will have the opportunity to give statements and present their evidence.

The panel, the complainant and the school representative will be given the chance to ask and reply to questions. Once the complainant and school representatives have completed presenting their cases, they will be asked to leave, and evidence will then be considered.

The panel will then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and make a copy of the findings and recommendations available for inspection by the School Leader

The committee can:

- Uphold the complaint, in whole or in part
- Dismiss the complaint, in whole or in part

If the complaint is upheld, the committee will:

- Decide the appropriate action to resolve the complaint

Where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

The complainant and school will inform those involved of the decision in writing within ten school days. Complainants can be assured that all concerns and complaints will be treated seriously and confidentially.

## **11. Complaints against the School Leader or a governor**

### Stage one: informal resolution

Complaints made against the School Leader or any member of the governing board should be directed to the Compliance Team at [NSTcomplaints@nishkamschools.org](mailto:NSTcomplaints@nishkamschools.org) in the first instance.

If the complaint is about the School Leader or one member of the governing board (including the chair or vice-chair), a suitably skilled and impartial governor will carry out the steps at stage one (set out in section 5 above).

### Stage two: formal resolution

If the complaint is jointly about the chair and vice-chair, the entire governing board or the majority of the governing board, an independent investigator will carry out the steps in stage two (set out in section 5 above). They will be appointed by the trust board and will write a formal response at the end of their investigation.

### Stage three: review panel

If the complaint is jointly about the chair and vice-chair, the entire governing board or the majority of the governing board, a committee of independent governors will hear the complaint. They will be sourced from across the Trust and will carry out the steps at stage three (set out in section 5 above).

### Referring complaints on completion of the Trust's procedure

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the ESFA. The ESFA will check whether the complaint has been dealt with properly by the school. The ESFA will not overturn a school's decision about a complaint. However, it will look into:

- Whether there was undue delay, or the school did not comply with its own complaints procedure
- Whether the school was in breach of its funding agreement with the secretary of state
- Whether the school has failed to comply with any other legal obligation

If the school did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the school's complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage: <https://www.gov.uk/complain-about-school>

We will include this information in the outcome letter to complainants.

## 12. Persistent complaints

### Unreasonably persistent complaints

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- Has made the same complaint before, and it's already been resolved by following the school's complaints procedure
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- Knowingly provides false information
- Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure
- Pursues a valid complaint, but in an unreasonable manner
- Changes the basis of the complaint as the investigation goes on
- Makes a complaint designed to cause disruption, annoyance or excessive demands on school time
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value

We will take every reasonable step to address the complainant's concerns and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

If the complainant continues to contact the school in a disruptive way, we may put communications strategies in place. We may:

- Give the complainant a single point of contact via an email address
- Limit the number of times the complainant can make contact, such as a fixed number per term
- Ask the complainant to engage a third party to act on their behalf, such as [Citizens Advice](#)
- Put any other strategy in place as necessary

We may stop responding to the complainant when all of these factors are met:

- We believe we have taken all reasonable steps to help address their concerns
- We have provided a clear statement of our position and their options
- The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

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 site.

### Duplicate complaints

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and the local process is complete

- Direct them to the DfE if they are dissatisfied with our original handling of the complaint

If there are new aspects, we will follow this procedure again.

### Complaint campaigns

Where the school receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school may respond to these complaints by:

- Publishing a single response on the school website
- Sending a template response to all of the complainants

If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the normal procedures will apply.

## **13. Record keeping**

The trust will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome.

This material will be treated as confidential and held centrally and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and retention schedule.

The details of the complaint, including the names of individuals involved, will not be shared with all governors in case a review panel needs to be organised at a later point.

Where governors are aware of the substance of the complaint before the review panel stage, the school will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the governing board, who will not unreasonably withhold consent.

## **14. Monitoring arrangements**

The Executive Team will monitor the effectiveness of the complaints procedure in ensuring that complaints are recorded and handled properly and review underlying issues.

This policy will be reviewed and approved by the Trust Board every two years.

## **15. Links with other policies**

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Exclusions policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEND policy and information report

## Appendix A: Complaint Form

Please complete and return to School Office who will acknowledge receipt and explain what action will be taken.

Your name:			
Pupil's name (if relevant):			
Your relationship to the pupil (if relevant):			
School:			
Address:			
Postcode:			
Telephone number:			
Mobile Number:			
Email Address (required):			
Please provide details of your complaint. (Please try to include dates and times, where possible)			
What action, if any, have you already taken to try and resolve your complaint. (Who did you speak to and what was the outcome)?			
Are there any attachments to this document? If so, please give details, i.e. number of additional pages, page title, etc			
Signature:		Date:	
<u>Official use</u>			

Date Complaint received:		By who:	
Complaint referred to:		Date:	
Complaint Reference Number:			