



# Concerns and Complaints Policy

<b>Approved by:</b>	Trust Board	<b>Date:</b> April 2025
<b>Last reviewed on:</b>	April 2025	

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## Our Vision and Ethos

Nishkam schools are Sikh ethos multi-faith or faith ethos schools that take a distinctive approach to many traditional faith schools. The Nishkam School's Multi-Academy 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

NSMAT 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 NSMAT and any of the Nishkam Schools.

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

The school will aim to give the complainant the opportunity to complete the complaints procedure in full. To support this the policy will be published on the Trust and school's 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 (see section 3)

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

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

### 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 Department for Education (DfE) on [creating a complaints procedure that complies with the above regulations](#).

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.

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"

### 3. 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 Safeguarding and Child Protection Policy and Procedures and safeguarding policy and in accordance with relevant statutory guidance.
- Suspensions and Permanent Exclusions - Further information about raising concerns about suspensions and permanent exclusions 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 and is available to view on the Trust and School's website
- 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.

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

- When a complaint is more than 4 weeks after the incident occurred.
- If the complaint is published on social media or the internet
- Where the complaint has been made previously to us about the same issue which has been fully investigated.
- 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 examination results.
- A complaint is about a child or young person's statement of educational need
- Matters that are the subject of legal action or in the process of being investigated by the Police.

## 4. Principles for investigation

When investigating a complaint, we will consider:

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

We follow a four stage Complaints Procedure;

- Stage one: Informal Resolution
- Stage two: Formal Resolution
- Stage three: Formal Investigation
- Stage four: Independent Panel

### Time scales

The complainant must raise the complaint within 4 weeks of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 4 weeks of the last incident. When complaints are made out of term time, we will consider them to have been received on the next school day.

- Acknowledge receipt of concern/ complaint: 2 school days (all stages)
- Investigation of complaint:
  - 5 school days (stage 1)
  - 10 school days (stage 2)
- 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

## 5. Making a Complaint

Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis.

### 5.1 Stage one – Informal Resolution

Informal complaints are taken seriously, and every effort is made to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

**Raising a concern/ complaint:** In the first instance any concerns should be raised directly with the relevant member of staff or the School Leadership as appropriate, either in person or by letter, telephone or email.

For complaints relating to the School Leader, Trust employee or governor/ trustee. The complaint should be raised by emailing [complaints@nishkamschools.org](mailto:complaints@nishkamschools.org) in the first instance and will be investigated independently by a Trust appointed individual

**Review/ Investigation:** The informal stage could involve an informal meeting between the complainant and the relevant member of staff, as appropriate.

Stage 1 gives all parties the opportunity to explore the issues causing concern and to seek to resolve them without recourse to formal stages. The member of staff dealing with the concern should ensure they have a clear understanding of the issue(s), what it is that the complainant considers should have been done, or where they feel the school has not met reasonable expectations, as well as the resolution being sought. The focus will be on working with the complainant to resolve this matter.

**Outcome:** A written response will be provided where appropriate. This is unlikely to be required if the complainant is satisfied with the response and outcome, and the situation has been resolved verbally and will be logged in the school's MIS (Management Information System).

Despite the best efforts of all parties there may be occasions where informal resolution is not possible, in which case the complainant may elevate the issue to Stage Two, as set out below.

### 5.2 Stage two – Formal Resolution

**Raising a concern/ complaint:** All complaints at stage two must be received in writing using this [Stage 2: Concerns and Complaints Form](#) within **10** days of Stage 1.

The complaints form must 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.

**Review/ Investigation:** The complaint will be investigated by the School Leader who will decide, after completing their own investigation, the appropriate course of action to take.

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 [complaints@nishkamschools.org](mailto:complaints@nishkamschools.org) within ten school days of receiving the final stage 1 response. Requests outside of this timescale will not be considered.

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

### 5.3 Stage three – Formal Investigation

**Raising a concern/ complaint:** All complaints at stage three must be received in writing using this [Stage 3: Concerns and Complaints Form](#) within **10** days of receiving the Stage 2 response from the school.

The complainant must advise why they feel the previous stage of the procedure has not addressed their complaint sufficiently, and what they feel would resolve the complaint, including details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents. Additional information related to the complaint will not be considered as part of the investigation. Any new complaints can be considered by initiating a new complaint if appropriate.

**Review/ Investigation:** The complaint will be investigated by a nominated senior colleague from within the school who is independent from the running of the school and has not prior knowledge of the complaint. Statements may be requested of the individuals involved and any relevant evidence requested. Findings will be made in writing.

**Outcome:** The response will outline whether the complaint has been upheld or not, and the reasons behind this.

### 5.3 Stage four – Complaints Panel

If the complainant is unsatisfied with the response, the complainant can escalate to the final Stage, Stage 4 they should inform the Compliance Team at [complaints@nishkamschools.org](mailto:complaints@nishkamschools.org) within **10** school days of receiving the findings at Stage 3 stating the specific reasons for disagreement with the outcome of the investigation.

The panel will be appointed by the Trust; consisting of three personnel who are not directly involved or have any prior knowledge of the complaint. The panel will be independent of the running of the school.

A panel to be convened, within 20 school days of receiving the request where possible.

The panel will review the previous findings and supporting documentation that was presented at stage 3.

The complainant can choose to meet with the panel and discuss their provisional findings, allowing the panel to clarify any further points from any individual involved during the review process. The complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend.

The complainant will be notified by email details of when they will meet with the panel. With agreement from all parties this meeting may take place via an electronic meeting platform such as MS Teams.

The meeting will be confidential and held in private. Electronic recordings of meetings or conversations are not permitted unless a complainant's own disability or medical needs require it. Prior knowledge and consent of all parties attending must be sought before the recording of the meeting takes place. Consent will be recorded in any minutes taken by the governance professional.

Please see appendix I guidance for the panel hearing.

The outcome and the reasons for the panel's decision will be communicated in writing to all relevant parties within five working days of the meeting other than in exceptional circumstances. Complainants can be assured that all concerns and complaints will be treated seriously and confidentially.

## **6. Referring complaints on completion of the Trust's procedure**

If the complainant is unsatisfied with the outcome of the complaints procedure and the complaint is regarding NSMAT not meeting standards set by the DfE, the complainant can refer their complaint to the DfE:

The DfE will consider reports of a major failure to meet the standards. Where appropriate, it can arrange an emergency inspection to look at pupil welfare and health and safety, and make sure that the school deals with serious failings.

For more information or to refer a complaint, see the following webpage, [www.gov.uk/complain-about-school](http://www.gov.uk/complain-about-school)

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

## **7. Unreasonable and persistent complaints**

### 7.1 Unreasonable complaints

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

- Refuses to clearly state their complaint or cooperate with the investigation process.
- Does not accept that some issues are outside the complaints procedure.
- Demand that the complaint be handled in ways that are not compatible with the procedure or good practice.
- Introduce irrelevant and/or falsified information and expect it to be considered and ask numerous detailed but unimportant questions and demand immediate answers.
- Refuse to accept the investigation's findings, even after proper procedures are followed and/or seek unrealistic outcomes.
- They use threats, abusive language, or violence.
- They publish unacceptable information on social media or other public forums.

**Please note:** the above list is not intended to be exhaustive and is for guidance purposes only. It is at the discretion of the school what is deemed to be unreasonable.

Complainants should try to limit their communication with the school whilst the complaint is being investigated. It would not be helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing.

### 7.2 Serial/persistent/duplicate complaints

If the complainant contact the school repeatedly regarding on the same issue, the correspondence may then be viewed as 'serial' or 'persistent'. The school will cease responding to the complainant when all of these factors are met:

- all reasonable steps have been undertaken to help address their concerns and have provided a clear statement of our position and their options
- The complainant contacts the school repeatedly, and it is believed the intention is to cause disruption or inconvenience

Where it is decided to stop responding, the individual will be informed.

### 7.3 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
- 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.

## **8. 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 4666
- emailing [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk).
- using 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.

## **9. Record keeping and confidentiality**

The progress of all complaints will be recorded, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls where appropriate.

This material will be treated as confidential and will be viewed only by those involved in investigating the complaint or on the review panel and be kept for a period of two years, in line with data protection law, privacy notices and the retention schedule.

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.

## **10. 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.

## **11. Links with other policies**

Policies dealing with other forms of complaints include:

- Safeguarding and Child Protection Policy and Procedures
- Admissions policy
- Exclusions policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEND policy and information report
- Whistleblowing Policy
- Exams Complaints Policy (Secondary Phase only)

## Appendix 1: Stage 4 Complaints Panel Meeting Procedures

**Objective:** Ensure a fair, impartial, and efficient hearing of the complaint, focusing on resolution and clarity.

**Panel hearing:** A member of the compliance team will convene a time and date for the panel hearing in conjunction with the panel, complainant and school representative and ensure that there is not conflict of interest. Clarify that electronic recording is not permitted unless agreed upon in advance due to special needs.

**Documentation:** All parties will receive all relevant materials from the previous stage and an overview of the order of proceedings, seven days in advance of the hearing. This will include complaint letters, investigation findings, and supporting documents. Please note any new evidence/ documentation cannot be accepted or discussed as part of the stage 4 process.

**Panel hearing proceedings:** The Chair of the panel will provide an overview of the proceedings of the panel hearing. and detail the purpose of the hearing. Ensure that the panel only reviews the aspects of the complaint that have been previously outlined. The Parent and School Representative will present separately,

**Roles:** The Chair will always emphasise confidentiality and respectful language and behaviour. Any questions and/or discussions will be focussed solely on the complaint itself, if this is breached the hearing will be adjourned. This is for the wellbeing of all parties.

**Complainant presentation:** Allow the complainant to present their case first, ensuring they can articulate their concerns fully and can reference any documentation that was shared in advance of the meeting. The Panel, will be able to ask questions specific to the complaint itself. The complainant will be given the opportunity to state any closing remarks.

**School representative presentation:** The same process as noted above will be followed allowing the school representative to present their case and articulate their concerns and position and to make any closing remarks.

The panel will deliberate on the decision.

**Deliberation:** The Governance Professional will remain with the panel to advise on any legislation and take notes where appropriate. The panel will discuss the outcome of the hearing based on documented evidence and discussion during the hearing specific to the complaint and not outside of this. Any decision to uphold or not uphold the complaint is based on a 'balance of probabilities' and the documentation provided in advance of the hearing and discussions during the hearing.

**Outcomes:** The panel can either; uphold the school's decision in whole or in part or dismiss the school's decision, in whole or in part. Following the decision the panel can recommend changes as guidance to the school's systems or procedures to prevent similar issues in the future.

The findings and recommendations from the panel will be communicated to the complainant, person complained about, NSMAT and the School Leader.