

October 2018

## 1 Introduction

- 1.1 We have a strong commitment towards working in positive partnership with the whole school community. An academy is a busy place where there are many interactions between pupils, parents, carers and staff as part of the everyday life of the academy. We have an ethos of respecting the rights of all members of the community and as part of our curriculum and teaching and learning we work to instil this in our children. From time to time something may go wrong, or you may think we can do something better.
- 1.2 We recognise the need to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage reduces the numbers that develop into formal complaints. We aim to ensure that concerns are handled, if at all possible, without the need for formal procedures. Our formal complaints procedure is only necessary if efforts to resolve the concern informally are unsuccessful. Where an individual may feel that an issue has not been dealt with appropriately it is important, for all involved, that there is a clear and transparent process for a complaint to be looked into and followed up.
- 1.3 It is important for parents\* to decide whether their complaint is worthy of using the Focus-Trust complaint procedure. It will be worth asking the question, 'Is this a concern or a complaint?' The answer to this question should help a parent know how best to deal with the issue. Whatever the answer, parents should aim to deal with issues as informally as possible; ideally face to face with a member of staff at an appropriate time.

## 2 Why do we need guidance and monitoring of school complaints?

- 2.1 Parents and pupils are stakeholders in the educational system. If they are unhappy about something, there should be a clear system and route for them to make the academy aware of their concerns – even if all that entails is an explanation of why something happens in the way that it does.
- 2.2 We must ensure we comply with regulations about handling complaints. These are contained in [Part 7 of the Education \(Independent School Standards\) Regulations 2014](#)

## 3 What issues should this procedure not deal with?

- 3.1 This procedure will be relied upon in respect of all complaints by parents/carers against the Academy except in the following areas, where separate policies exist:
  - Child protection allegations
  - Exclusions
  - Admission appeals
  - Appeals relating to internal assessment decisions for external qualifications
  - Provision of collective worship and religious education
  - Complaints about the statementing process for children with special educational needs
  - Disciplinary issues relating to members of staff
  - Allegations of abuse

\* Throughout this document, the term **parent** is used to indicate the person with parental responsibility for the child in our academy

#### **4 Resolving issues and complaints**

4.1 When there are particular concerns which parents/carers wish to share, the Focus-Trust encourages the parent/carer to contact the Academy face to face, by telephone, email or letter so that the matter can be dealt with quickly and informally.

4.2 For clarity:

There is a difference between a concern and a complaint.

- Concerns ought to be handled, if at all possible, without the need for formal procedures.
- Complaints will be dealt with openly, fairly, promptly and without prejudice.

#### **5 Stages of complaint**

5.1 Stages 1–2 are informal.

Stages 3–4 are formal and should only be triggered in exceptional circumstances.

Complainants who have missed out stages in the procedure will be referred back to the appropriate stage.

5.2 Stage 1 – informal:

Meet with, speak or write to the relevant member of staff, their immediate manager or a senior manager in an attempt to resolve the issue.

5.3 Stage 2 – informal:

If not satisfied after Stage 1, speak to the Principal. He/she will make a written record of your complaint, investigate the complaint and aim to respond in writing within *ten (10) working days*.

5.4 Stage 3 – formal:

If not satisfied after Stage 2, write to the Academy to request a meeting with the Chair of the Local Governing Body/designated Governor.

5.5 Stage 4 – formal – panel hearing:

If not satisfied after Stage 3, write to the Chair of the Local Governing Body using the attached Complaints Form. The Chair of Governors will convene a Complaints Panel of at least three (3) people who were not directly involved in the matters detailed in the complaint.

You will receive an acknowledgement of the receipt of your Complaint Form

5.6 The Complaints Panel

This will comprise of two Governors and one person independent of the management and running of the Academy, and they will aim to hear the complaint within *fifteen (15) working days*. Neither the Principal nor the Chair of the Governing Body can be members of the panel as they will already have been involved in handling the complaint. This panel needs to be as independent of the complaint as possible and can include governors from academies within the Focus-Trust.

Note that the fifteen (15) working days is the intention and may not always be possible.

Parents must be given *reasonable* notice of the date of the panel hearing. Five working days is the intention, but this may not always be possible. You will be entitled to attend the panel hearing and be accompanied\* if you so wish.

\* You can be accompanied by another person who can provide support but has no right to address the Complaints Panel.

The proceedings will be chaired by one member of the Complaints Panel and will be conducted in an informal manner. Panel members must be trained in dealing with complaints. All statements made at hearing will be unsworn.

All those attending the hearing are expected to show courtesy, restraint and good manners. If the complainant, or the person accompanying them, is verbally or physically aggressive, the Chair may at his/her discretion adjourn, arrange a further meeting or terminate the hearing.

5.7 The Complaints Panel is the last school-based stage of the complaints process and is not convened to merely rubber-stamp previous decisions. The panel will give a decision in writing within five (5) working days of the hearing to you. A copy of the decision will be forwarded to any persons who are the subject of your complaint and the Principal.

#### 5.8 Stage 5 - formal

Complaints about the Academy failing to comply with this procedure or failing to comply with any obligation in its Funding Agreement with the Secretary of State for Education may be made to the Education and Skills Funding Agency (ESFA). The ESFA will consider complaints that fall into any of the following three categories:

- 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 normally only consider complaints when every stage of the above process has been completed.

5.9 Further details can be found at: [ESFA Schools Complaint Form](#)

## **6. Complaints relating to the Principal**

6.1 If your complaint relates to the Principal, speak to them directly and follow the same procedure.

6.2 Stage 1 – arrange to speak to the Principal informally

6.3 Stage 2 – if not satisfied after Stage 1, arrange to meet and speak to the Chair of the Local Governing Body/designated Governor.

6.4 Stage 3.1 – if you are not satisfied after Stage 2, write formally to the Chair of the Local Governing Body on the attached Complaints Form. He/she will arrange for the complaint to be investigated and aim to respond within *ten (10) working days*.

6.5 Stage 3.2 – if you are not satisfied after Stage 3.1, write to the Chief Executive of the Focus-Trust on the attached Complaints Form. The Chief Executive will follow the same process as outlined above and convene a Complaints Panel.

6.6 Stage 4 – contact the ESFA as outlined above.

## **7 Making complaints**

- 7.1 Follow the stages outlined above.
- 7.2 Please note that any person contacting the Trust office will be directed back to the academy to commence the complaints procedure.

## **8 Investigating complaints**

- 8.1 The Principal will co-ordinate the response to complaints which go past Stage 1 by requesting notes and further information from the individuals involved, as well as by communicating with the complainant. If the complaint progresses to Stage 3 the Chair of Governors, or designated governors, will respond to the complainant.
- 8.2 In matters relating to the Principal, the Chair of Governors will coordinate the response to complaints which go past Stage 1.

## **9 Findings and recommendations from complaints**

- 9.1 A written record of all individual complaints will be kept confidentially on the school premises outlining how they are resolved:
- (i) whether they are resolved following a formal procedure, or proceed to a panel hearing; and
  - (ii) action taken by the school as a result of those complaints (regardless of whether they are upheld); and
  - (iii) these will be available on the premises for inspection by Focus-Trust and the Principal.
- 9.2 All correspondence, statements and records relating to individual complaints are to be kept confidentially on the school premises except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

## **10 Complaints from people who are not parents of attending pupils**

There may be occasions when other people wish to make a complaint. The same procedure will be applied as above starting at Stage 1.

## **11 Vexatious complaints**

There will be occasions when, despite all stages of the procedure having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Principal will inform them in writing that the procedure has been exhausted and that the matter is now closed.

## **12 Publicising this procedure**

This procedure will be made available on academy websites.

## **13 Monitoring, evaluation and review**

The Trust board will review this procedure at least every two years and assess its implementation and effectiveness.

<b>Title</b>	Complaints Procedure
<b>Aim</b>	To outline the Focus-Trust's procedure for handling complaints raised by parents/carers and from people who are not parents of attending pupils.
<b>Related documents</b>	Data Protection including GDPR Freedom of Information <a href="#">Part 7 of the Education (Independent School Standards) Regulations 2014</a>
<b>Date for implementation</b>	01.01.2013
<b>Approved by</b>	Trust Board – 01.03.14
<b>Updated</b>	October 2018
<b>Date of next review</b>	June 2020 or sooner if regulations change



**What would you like as an outcome from your complaint?**

**Are you attaching any paperwork? If so, give details here.**

<b>Your signature</b>	
<b>Date</b>	

All functions of the complaints procedure must adhere to the requirements of the Data Protection Act 1998, the General Data Protection Regulations (GDPR) 2018 and the Freedom of Information Act 2000.

Please complete and return to the school office in a sealed envelope addressed to the Principal.

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*Academy Office use;*

*Date received .....*

*Date acknowledgement of complaint sent .....*

*Principal / Chair of Governors .....*