



Complaints Procedure

March 2017

Introduction

Future Schools Trust endeavours to provide the best education possible for all of its pupils in an open and transparent environment. We welcome any feedback that we receive from parents, pupils and third parties, and we accept that not all of this will be positive. Where concerns are raised the school intends for these to be dealt with:

- Fairly
- Openly
- Promptly
- Without Prejudice

In order to do so, the governing board of Future Schools Trust has approved the following procedure which explains what you should do if you have any concerns about the school. All members of staff will be familiar with the procedure and will be able to assist you.

Which procedure do I need?

Sometimes, when concerns are more specific, there are alternative and more appropriate policies for dealing with them. The following list details specific topics of complaints, and the correct policy to refer to. You can access these policies on the school website or ask for a copy from the main school reception.

- Pupil admissions; please see the school's admission arrangements.
- Pupil exclusions; please see the school's Exclusion Policy.
- Staff grievance, capability or disciplinary; these are covered by the school's policies.
- Where the complaint concerns a third party used by the school; please complain directly to the third party themselves.
- Anonymous complaints – please refer to the Whistleblowing Policy.
- Subject Access Requests and Freedom of Information Requests – please see the school's Data Protection and Freedom of Information document.

Raising concerns

The majority of concerns can be dealt with without resorting to the procedure. Where you have a concern about any aspect of the school or your child's education or wellbeing, raise this with your child's form tutor or his/her relevant subject teacher. Ideally, they will be able to address your concerns on the spot, or can arrange a meeting with you to discuss the issue.

All concerns will be dealt with confidentially, although the staff member may need to take notes if they feel that the matter may need to be taken further or it may arise again in the future. Any such notes will be kept in accordance with the principles of the Data Protection Act 1998. However, such notes would be able to be used as evidence if further investigation was required, or if the concern became a formal complaint.

Safeguarding

Wherever a complaint indicates that a child's wellbeing or safety is at risk, the school is under a duty to take reasonable action to ensure the safeguarding of our students. Any action taken will be in accordance with the school's Child Protection policy. This is available on the school's website.

Social Media

In order for complaints to be resolved as quickly and fairly as possible, the Trust requests the complainants do not discuss complaints publically via social media such as Facebook and Twitter. Complaints will be dealt with confidentially for those involved, and we expect complainants to observe confidentiality also.

Complaints that result in staff capability or disciplinary

If at any formal stage of the complaint it is determined that staff disciplinary or capability proceedings are necessary in order to resolve the issue, the details of this action will remain confidential to the Headteacher and/or the individual's line manager. The complainant is entitled to be informed that action is being taken.

Procedure

If you need to raise an issue in the first instance, please do so with the relevant member of staff who will be happy to talk to you and seek to establish a solution. If you are not satisfied with this response and believe the issue has not been resolved, please use the following procedure as detailed below.

Timeline



Timeframes

The schools will endeavour to abide by timeframes stated under each stage but acknowledge that in some circumstances, this is not always possible due to the complexity of information needed to review a complaint. If it becomes apparent that it is not possible to complete any stage of the complaints procedure within a given timeframe, the individual responsible for handling the complaint will contact the complainant as soon as possible and come to an agreed timeframe that works for all parties involved.

The schools reserve the right not to investigate complaints that have been made one term after the subject of the complaint took place, except in exceptional circumstances. What is meant by exceptional circumstances is where new evidence has come to light, where the complaint is of an especially serious matter or where there is reasonable justification for why the complainant has been unable to raise the

complaint before this time. The Headteacher will review the situation and decide whether or not to enact the complaints procedure, informing the Chair of Governors of the decision.

Complaints about the Headteacher or the Governors

Where a complaint regards the Headteacher, the complainant should first directly approach the Headteacher in an attempt to resolve the issue informally. If the complainant is not satisfied with this outcome they should notify the Clerk to the Governors (see contact details at the end of the document). The Stage 4 process will then commence.

Where a complaint regards a Governor, the same process applies as for the Headteacher. Where a complaint concerns the Chair of Governors, the individual should contact the Clerk to the Governors. Informal resolution will be sought, but where this fails, the complaints procedure at Stage 5 will take immediate effect. The Chair of the Trust will mediate any proceedings.

Stages of the Complaint

Raising Concerns

If you need to raise an issue in the first instance please do so with the relevant member of staff who will be happy to talk to you and seek to establish a solution. If you are not satisfied with this response and believe the issue has not been resolved the process will move on to Stage 1.

Stage 1 – Informal investigation by line manager

Where as a result of raising a concern the complainant still feels that the issue has not been addressed, or where the outcome has been that the complaint needs further investigation than can be resolved briefly, they may progress by making an informal complaint. In doing so, the following steps will be followed:

1. Complainant contacts the line manager.
2. The complainant must explain in writing:
 - an overview of the complaint so far
 - who has been involved
 - why the complaint remains unresolved
 - action they would like to be taken to put things right.
3. The line manager will provide a written confirmation of the outcome of their investigation within 10 working days of having received the complaint (excluding those which fall in the school holidays) of having sent confirmation of the intended action. Where the complainant is not satisfied with the outcome, they are able to progress to stage 2 of the complaints process, and launch a formal written complaint.
4. The staff member will make a record of the concern and the outcomes of the discussion which will be held centrally for twelve months, in line with the principles of the Data Protection Act 1998.

Stage 2 – formal investigation by member of Senior Leadership Team (not Headteacher)

1. The complainant may submit a formal complaint form to the relevant member of SLT. See the end of the procedure for the SLT contact details and a copy of this form.
2. The member of SLT will respond in writing within 5 working days (excluding those that fall in the school holidays) of the date of receipt of the complaint to acknowledge receipt of the complaint and explain what action will be taken, giving clear timeframes.
3. A log of all correspondence in relation to the complaint will be kept in accordance with the Data Protection Principles.
4. The member of SLT will consider all relevant evidence; this may include but is not limited to:
 - a statement from the complainant,
 - where relevant a statement from an individual who is the subject of the complaint
 - any previous correspondence regarding the complaint
 - any supporting documents in either case
 - interview with anyone related to the complaint.
5. The member of SLT may decide to have a meeting with the complainant (and where relevant, the subject of the complaint) if they feel that it would be appropriate for the investigation.
6. After considering the available evidence, the member of SLT can:
 - Uphold the complaint and direct that certain action be taken to resolve it
 - Reject the complaint and provide the complainant with details of the stage 3 process
 - Uphold the complaint in part: in other words, the member of SLT may find one aspect of the complaint to be valid, but not another aspect. They may direct for certain action to be taken to resolve the aspect that they find in favour of the complainant.
7. The member of SLT must inform the complainant of their decision in writing within 15 working days (excluding those that fall in the school holidays) of having received the complaint. They must explain clearly why they have come to the decision that they made. They must detail any agreed actions as a result of the complaint. Finally, they must provide the complainant with details of how to progress the complaint to stage 3 if they are not satisfied, providing them with the contact details of the Headteacher's PA (see the end of the procedure for these).

Stage 3 – Formal investigation by the Headteacher

1. The complainant may submit a formal complaint form to the Headteacher – see the end of the procedure for a copy of the complaint form.
2. The Headteacher will respond in writing within 5 working days from receipt of the complaint acknowledging receipt and explaining what action will be taken.
3. A log of all correspondence in relation to the complaint will be kept in accordance with the Data Protection Principles.

The member of SLT will consider all relevant evidence; this may include but is not limited to:

 - a. a statement from the complainant,
 - b. where relevant a statement from an individual who is the subject of the complaint

- c. any previous correspondence regarding the complaint
 - d. any supporting documents in either case
 - e. interview with anyone related to the complaint.
4. The Headteacher may decide to have a meeting with the complainant (and where relevant, the subject of the complaint) if they feel that it would be appropriate for the investigation.
5. After considering the available evidence, the Headteacher can:
 - a. Uphold the complaint and direct that certain action be taken to resolve it
 - b. Reject the complaint and provide the complainant with details of the stage 3 process
 - c. Uphold the complaint in part: in other words, the member of SLT may find one aspect of the complaint to be valid, but not another aspect. They may direct for certain action to be taken to resolve the aspect that they find in favour of the complainant.
7. The Headteacher must inform the complainant of their decision in writing within 15 working days (excluding those that fall in the school holidays) of having received the complaint. They must explain clearly why they have come to the decision that they made. They must detail any agreed actions as a result of the complaint. Finally, they must provide the complainant with details of how to progress the complaint to stage 4 if they are not satisfied, providing them with the contact details of the Clerk to the Governors.

Stage 4 - Appeal – Review by a panel of the Local Governing Body (LGB)

If the complainant wishes to appeal a decision by the Headteacher after stage 3 of the procedure, or they are not satisfied with the action that the Headteacher took in relation to the complaint, the complainant is able to appeal this decision. The complainant needs to complete the attached complaint form outlining the content of the complaint and why they remain unhappy with the Headteacher's decision. This should be returned to the Clerk to Governors (frances.sharp@futureschoolstrust.com) as soon as possible after receiving notice of the Headteacher's decision.

If the complaint has not first been dealt with by the Academy then the Chair of the Complaints Panel will refer it back to the Headteacher who should deal with it through Stage 3 above.

A complaint to the Academy Governing Body is, by its very nature, a formal matter but before referring the matter to the Governors' Complaints Panel, the Chair of the Complaints Panel should try to resolve the matter informally.

If the complaint has already been through all the above, then the Governing Body Complaints Panel, should review the complaint and the Academy's response and consider the reasonableness of both.

The complainant will be advised of the Complaints Panel procedure at this point.

Constitution of the panel

The Clerk to the Governors will convene a complaints panel which will comprise the following:

- The panel will consist of at least three governors with no prior direct involvement with the issue. Staff governors may not be included in the panel as they might not be regarded as impartial.
- At least one panel members must be independent of the management and running of that particular school and cannot be a member of the school Local Governing Body.
- No member of the panel can have been directly involved in previous considerations of the complaint. This includes the Chair of Governors of the local governing body if they have been involved at any stage.

Individual complaints would not be heard by the whole Governing Body at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

The Remit of the Governors' Complaints Panel

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 Academy's systems or procedures to ensure that problems of a similar nature do not recur.

Notification of the Panel's Decision

The chair of the panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response within ten days of the Panel.

The Governing Body Complaints Panel is the final stage at which the school will consider the complaint. If the complainant remains dissatisfied and wishes to take the complaint further, please see the contact details at the end of the document. The school will not consider the complaint beyond this.

Vexatious complaints

Where a complainant raises an issue that has already been dealt with via the school's complaints procedure, and that procedure has been exhausted, the school will not reinvestigate the complaint

If a complainant persists in raising the same issue, the Headteacher will write to them explaining that the matter has been dealt with fully in line with the school complaints procedure, and therefore the case is now closed. The complainant will be provided with the contact details of the Department for Education (see the end of this document) if they wish to take the matter further.

Unreasonable complaints include the following scenarios:

- The complainant refuses to co-operate with the school's relevant procedures.
- The complainant changes the basis of the complaint as the complaint progresses.
- The complainant seeks an unrealistic outcome
- Excessive demands are made on the time of staff and school governors and it is clearly intended to aggravate.
- The complainant acts in a way that is abusive or offensive.

Contact details for external organisations if not satisfied with the outcomes of the complaints procedure in full

- If you have any queries regarding any aspect of the complaints procedure, please direct these to the Clerk to the Governors: Frances Sharp frances.sharp@futureschoolstrust.com
- If the complainant feels that the governing board acted 'unreasonably' in the handling of the complaint, they can complain to the Department for Education after the complaints procedure has been exhausted. Please note that unreasonable is used in a legal sense and means acting in a way that no reasonable school or authority would act in the same circumstances. <https://www.gov.uk/complain-about-school>
Ofsted will also consider complaints about schools.

Relevant legislation and guidance

The Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/contents>

The Education (Independent School Standards) Regulations 2014 <http://www.legislation.gov.uk/uksi/2014/3283/contents/made>

Education Act 2002 <http://www.legislation.gov.uk/ukpga/2002/32/contents>

The Department for Education *Best Practice advice for school complaints procedures*

<https://www.gov.uk/government/publications/school-complaints-procedures>

Future Schools Trust - Formal Complaints Form

Name	
Name of pupil, year group and your relationship to them (where applicable)	
Contact address	
Contact telephone day	
Contact telephone mobile	
Contact email address	
Details of the complaint	
Action taken so far (including staff member who has dealt with it so far) or solutions offered	
The reason that this was not a satisfactory resolution for you	
What action would you like to be taken to resolve the problem?	

Signed:

Date:

Official use

Date received:

Signed: