



Complaints Procedure

April 2018

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.

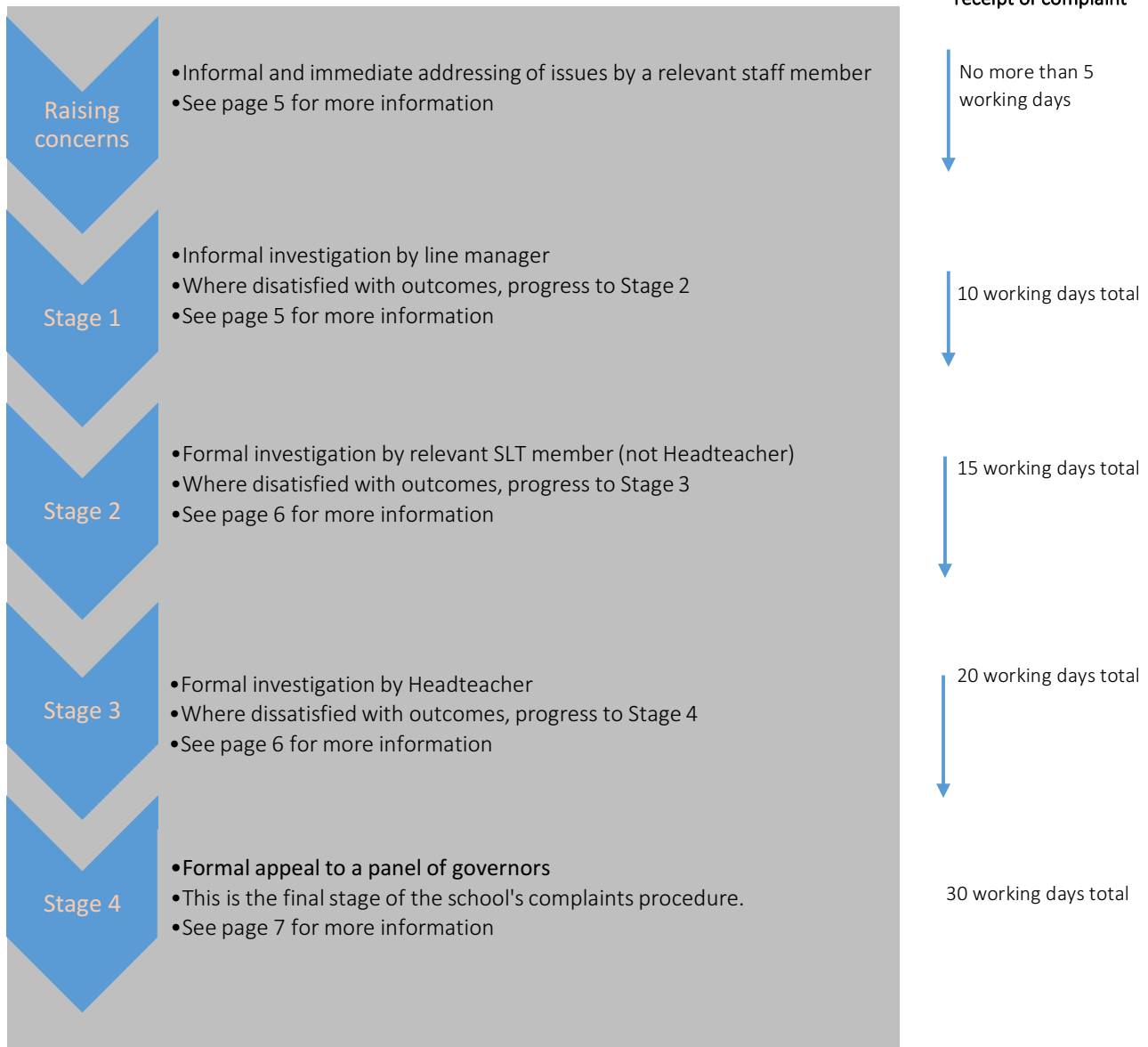
Complaints that result in staff capability or disciplinary

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 4 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 has been through all the above and is not satisfied with the decision or the action that the Headteacher took in relation to the complaint, they may appeal to Governors within 5 school working days of the date of the Headteacher's decision (Stage 3). The complainant should provide a list of the complaint(s) made against the Academy and which they believe to have been resolved unsatisfactorily, along with the remedies sought in respect of each and send to the Clerk to Governors (frances.sharp@futureschoolstrust.com). If an appeal is received via the Academy, the Academy will, within five (5) school working days, refer the matter to the Clerk to Governors.

Once an appeal has been received by the Clerk, they will acknowledge the appeal in writing within five (5) school days, and inform the complainant(s) of the steps involved in this procedure. The Clerk to Governors will act as Clerk to the Review Panel and will provide an independent source of advice on procedure for all parties.

The Clerk will then endeavour to convene a Governing Body's Complaints Review Panel hearing as soon as possible to consider the matter, normally no later than twenty (20) school days after receipt by the Academy of complainant's written notice dependent upon the availability of the panel members.

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 should try to resolve the matter informally.

The complainant will 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. At the review panel meeting, the complainant and representatives from the Academy, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The Governing Body Complaints Panel, should review the complaint and the Academy's response and consider the reasonableness of both. The Review Panel is only obliged to consider the complaint(s) lodged in the "initial submission" although they may use their discretion to consider other relevant and related matters that may subsequently arise.

The complainant will be allowed to attend the panel hearing and be accompanied if they wish. At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called, as appropriate, to present their evidence. The panel, the complainant and the Academy's representative(s) will be given the chance to ask and reply to questions. Once the complainant and Academy representative(s) have presented 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 a copy of the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint, and make a copy available for inspection by the Governing Body and the Headteacher.

Appendix 1 has more detailed information of the Review Panel Process.

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 10 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.

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.

Barring from the Academy Premises

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. The Academy will therefore act to ensure they remain a safe place for students, staff and other members of their community. If a parent/carer's behaviour is a cause for concern, the Academy will ask him/her to leave the premises. In serious cases, the Headteacher can notify them in writing that their implied licence to be on Academy premises has been temporarily revoked subject to any representations that the parent may wish to make. The Academy will 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 Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education. Once the Academy's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

Referring complaints on completion of the Academy's procedure

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

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

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

Appendix 1 Panel Hearing Procedures

The following will be allowed to attend a hearing, to give statements and present their evidence and will also be given a chance to ask and reply to questions:

- (a) The complainant, who could be accompanied as appropriately;
- (b) The Head teacher who could be accompanied where appropriate by other relevant colleagues; and
- (c) Any other interested person whom the Review Panel considers to have a reasonable and just interest in the process and whose contribution would assist the Panel in their decision-making.

Legal representation will not normally be appropriate.

Where the Review Panel deems it necessary, it may require that further particulars of the complaint or any related matter be supplied in advance of the hearing. In such cases all parties will be given the opportunity to submit written evidence to the Panel in support of their position, including:

- (a) documents in support of complaint(s),
- (b) chronology and key dates relating to complaint(s), and
- (c) written submission setting out the complaint(s) in more detail.

This evidence will be considered by the Panel, along with the initial submission that was lodged by the complainant.

Evidence will be initially sent to the Clerk, who will then circulate the documentation to all parties, including the Panel members, along with an order of proceedings. All written evidence must be received by the Clerk no later than ten (10) working days in advance of the hearing. The Clerk will distribute the written evidence to the relevant parties no later than five (5) working days in advance of the Panel hearing.

It is for the Panel to decide how to conduct the proceedings of the appeal, which should be reasonably informal so that all parties can present their case effectively. If possible, the Panel will resolve the complaint immediately without the need for further investigation. Where further investigation is required, the Panel will decide how it should be carried out.

After due consideration of all the facts they consider relevant, the Panel will reach a decision, and may make recommendations, which it shall complete within ten (10) working days of the hearing. The decision reached by the Review Panel is final.

Any decision reached that may have financial implications for the Academy will need the appropriate approval from the relevant authorities e.g. the Board of Governors, although any such approval must be compatible with the decision of the Review Panel.

The Panel's findings will be sent by the Clerk to the complainant, the Headteacher, Governors and, where relevant, the person complained of. The letter will state any reasons for the decision reached and recommendations made by the Review Panel.

The Academy will keep a record of all appeals, decisions and recommendations of the Review Panel, which record will be kept for one (1) year after the student leaves the Academy.

Any correspondence, statements and records will remain confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Education Act requests access to them or where any other legal obligation prevails.

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: