



# **COMPLAINTS POLICY**

**September 2018**

**Date of Last Review: October 2017**

**Reviewed by: Trust Company Secretary**

**Agreed by Trustees: 19 September 2018**

**Date of Next Review: September 2019**

## 1. Aims

At The Futures Trust, we value our relationship with students, parents and community users and we endeavour to provide a high quality service at all times. We recognise that at times things can and do go wrong. The Trustees, headteachers, staff and members of the Local Governing Bodies (LGB) at President Kennedy School, Barr's Hill School, Parkgate Primary School, Keresley Grange Academy and Stoke Park School, believe that it is everybody's best interest to resolve concerns and complaints at the earliest possible stage.

For ease of read, the term 'parent' has been used throughout the document, to include parents, legal guardians and full time carers.

## Framework of Principles

The Futures Trust Complaints procedure will:

- Encourage resolution of problems by informal means wherever possible.
- Be impartial and non-adversarial.
- Be easily accessible and publicised.
- 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.
- Keep complainants informed of the progress of the complaints process.
- Provide information to the leadership teams of the schools so that services can be improved.

## 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).

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. Definitions 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".

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
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline
- Complaints made directly to Ofsted

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

Arrangements for handling complaints from parents of children with SEN about the school's support are within the scope of this policy. Such complaints should first be made to the special educational needs co-ordinator (SENCO) or head teacher; they will then be referred to this complaints policy. Our SEN Policy includes information about the rights of parents of pupils with disabilities who believe that our school has discriminated against their child.

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

#### **4. 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

We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage.

Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

The school expects that complaints will be made as soon as possible after an incident arises and no later than three months afterwards. 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.

#### **Complaints about our fulfilment of Early Years Foundation Stage 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 9) 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>.

## **5. Stages of complaint**

### **Stage 1: An informal discussion**

The school will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue. The complainant should raise the complaint as soon as possible with the relevant member of staff or the head teacher, 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.

We do not impose specific timescales for dealing with concerns at this stage however they will be considered as expeditiously as possible.

If the complaint is not resolved informally, it will be escalated to a formal complaint – stage 2.

### **Stage 2: Complaint heard by the headteacher**

The formal stage involves the complainant putting the complaint into writing using the complaint form attached at Annex A, usually to the headteacher and/or the subject of the complaint. This letter should provide details such as relevant dates, times and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.

The School will acknowledge the complaint form within five working days. The headteacher (or other person appointed by the head teacher for this purpose) will then conduct an investigation, speak to the necessary individuals, take statements from those involved. This could take up to 10 working days. Written records of meetings, telephone calls and other documentation will be kept.

Once the facts have been established, the head teacher will arrange a meeting with the complainant to discuss the investigation. The complainant will leave the meeting with a letter that explains the outcome of the investigation. This meeting will be held within 20 working days from the date the complaint form was received by the school.

If the complainant is not satisfied with the response and wishes to proceed, they should refer to Stage 3. The complainant should inform the Chair of Governors in writing within five working days.

If the complaint is against the headteacher, Stage 2 will be conducted by the Chair of Governors.

If the complaint is against a governor, Stage 2 will be carried out by the Chair of Governors from another LGB.

### **Stage 3: Independent Review Panel**

Complaints will be escalated to an Independent Review Panel if the complainant is not satisfied with the response to the complaint at Stage 2.

The panel will be appointed by, or on behalf of the school, and must consist of at least three people who were not directly involved in the matters detailed in the complaint. At least one panel member must be independent of the management and running of the school. The panel cannot be made up solely of the school's LGB, as they are not independent of the management and running of the school.

The aim of the Independent Review Panel is to resolve the complaint and achieve reconciliation between the school and the complainant.

If you wish to request a panel hearing, please write to the Chair of Governors at the school explaining why you are unhappy. The letter should be sent within 25 working days (one month) of receiving the outcome letter from Stage 2. If the letter is received outside the 25 working days, the complaint will be referred back to Stage 1 of this process.

The Chair of Governors will set up a hearing within 10 working days of receiving the letter and inform the complainant of this in writing. All parties will be given five working days' notice of a hearing. 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 school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting. The complainant must be allowed to attend the panel hearing and be accompanied if they wish.

The panel will have access to the existing record of the complaint's progress (see section 8).

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 school representative(s) will be given the chance to ask and reply to questions. Once the complainant and school representative(s) have presented their cases, they will be asked to leave and evidence will then be considered.

The panel must 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 proprietor and headteacher.

The school will inform those involved of the decision in writing within 15 working days.

## **6. Referring complaints on completion of the school'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>

## 7. Unreasonable complainants

The Futures Trust is committed to dealing with all complaints fairly and impartially. We do not normally limit the contact complainants have with the school, however, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Where a complainant tries to re-open the issue with the school after the complaints procedure has been fully exhausted and the school has done everything it reasonably can in response to the complaint, the Chair of Governors (or other appropriate person in the case of a complaint about the chair) will inform the complainant that the matter is closed.

If the complainant subsequently contacts the school again about the same issue, the school can choose not to respond. The normal circumstance in which we will not respond is if:

- The school has taken every reasonable step to address the complainant's needs, *and*
- The complainant has been given a clear statement of the school's position and their options (if any), *and*
- The complainant is contacting the school repeatedly but making substantially the same points each time

However, this list is not intended to be exhaustive.

The school will be most likely to choose not to respond if:

- We have reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience, *and/or*
- The individual's letters/emails/telephone calls are often or always abusive or aggressive, *and/or*
- The individual makes insulting personal comments about, or threats towards, school staff

Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint.

Once the school has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

The school will ensure when making this decision that complainants making any new complaint are heard, and that the school acts reasonably.

## 8. Record-keeping

The school 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. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

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 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 for three years.

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

Where the governing board is 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.

## **10. Learning lessons**

The Board of Trustees will monitor the level and nature of complaints across the schools and will review any underlying issues raised by complaints where appropriate, and respecting confidentiality, determine whether there are any improvements that the schools can make to its procedures or practice to help prevent similar events in the future.

## **Annex A: COMPLAINT FORM (Stage 2)**

Please complete the form below and return it to the Head teacher's PA at your school, who will acknowledge receipt and explain what action will be taken.

**Your name:**

**Students Name (If applicable):**

**Your relationship to student (If applicable):**

**Address:**

**Postcode:**

**Daytime Telephone Number:**

**Evening Telephone Number:**

**Please give details of your complaint / issue:**

**What action, if any have you taken to try and resolve your complaint?  
(Who did you speak to and what was the response?):**

**What actions do you feel might resolve the problem at this stage?**

**Are you attaching any paperwork? If so, please give details:**

**Signed:** (Complainant)

**Print name:**

**Dated:**