



## Complaints Policy & Procedure

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## 2. Version control

Date	Version	Revision	Owner
18/09/17	1.0	New Policy	Future Generation Trust Policy Team
19/01/18	2.0	Amendment to Policy	Future Generation Trust Policy Team
22/11/18	3.0	Amendment to Policy	Future Generation Trust Policy Team
07/03/19	4.0	Amendment to Policy	Future Generation Trust Policy Team
13/03/20	5.0	Annual review	Future Generation Trust Policy Team
15/07/21	6.0	Amendment to Policy	Future Generation Trust Policy Team
07/04/22	7.0	Amendment to the Policy to include enhancements to the definition of a Concern and Complaint.	Future Generation Trust Policy Team
22/02/23	8.0	Addition of Moat Hall Primary Academy to Appendix 2 Contact Details.	Future Generation Trust Policy Team

### 3. Statement of Intent

Future Generation Trust (FGT) aims to resolve all complaints at the earliest possible stage, and where possible, informally.

This policy has been created to deal with any complaint against a member of staff, an academy as a whole, a member of the Trust Central team or FGT itself relating to any aspects or the provision of facilities or services. It is designed to ensure that the trust's complaints procedure is straightforward, impartial, non-adversarial, allows a full and fair investigation, respects confidentiality and delivers an effective response and appropriate redress.

Any person, including a member of the public, is able to make a complaint about the provision of facilities or services that the academy/trust provides. This policy outlines the procedure that the complainant and academy/trust must follow. Once a complaint has been made, it can be resolved or withdrawn at any stage.

### 4. Introduction

Our academies are staffed by teachers who are not only qualified and expert in their own field but who, also have become teachers because they care for children and wish to help them in every way possible.

Nevertheless, as in any organisation, misunderstandings can from time to time arise which may lead to a parent making contact with the academy. All our academies aim to promote an open culture that does not discourage parents from raising issues, seeking clarification, airing opinions or challenging processes and decisions. It is therefore accepted that school leaders will be approached by parents on a daily basis.

When school leaders are contacted/ approached by parents this can initially be classified as a concern.

At the first level this '**concern**' may be verbal, via a phone call or an impromptu opportunity to speak with the headteacher. They can also be through letter or email. **These situations do not need to be reported to the Trust if they are resolved at this stage** without a formally arranged appointment for a face to face meeting.

At the second level a '**concern**' involves a pre-arranged face to face meeting.

A second level concern that is resolved only requires reporting if it has the potential to become a formal complaint and falls into one of the following categories

1. Teacher conduct
2. Application of Behaviour Sanctions
3. Bullying allegations
4. Denial of an opportunity for a child perceived as unfair

Where concerns are addressed and resolved there should be no need to proceed to a formal complaint. An initial request for action is not a complaint although failure to reach satisfactory conclusion may escalate to a complaint.

The contact details for each academy are contained in Appendix 2.

To this end, the Headteacher will seek to understand and resolve any concern raised, at an **informal stage**, and at the earliest opportunity. This should take no longer than 15 school days.

If your concern is not resolved to your satisfaction at the **informal stage** then the **Formal Complaints Procedure**, described from Section 9, should be followed. A '**complaint**' can be defined as 'an expression of dissatisfaction' towards the actions taken or the perceived lack of action.

FGT aim to deal positively with all complaints. The trust views complaints as an opportunity to re-examine its policies, procedures and services and, through feedback to the complainant aim to show that we are committed to working with them.

Complaints will be dealt with confidentially where possible to protect the complainant and the associated pupils.

If a longer timescale is required at any stage with the process, this will be explained and justified to the complainant.

## 5. Legal framework

This policy has due regard to all relevant legislation including, but not limited to, the following:

- Education Act 2002
- Freedom of Information Act 2000
- Equality Act 2010
- The Data Protection Act 2018 and the UK General Data Protection Regulation (GDPR)
- The Education (Independent School Standards) Regulation 2014

This policy also has due regard to guidance including, but not limited to, the following:

- ESFA 'Best practice guidance for school complaints procedures 2021'.

This policy will be implemented in accordance with the following Trust policies:

- Child Protection & Safeguarding Policy
- Data Protection Policy
- Disciplinary Policy & Procedures
- Grievance Policy and Procedures
- Exclusion Policy
- Records Management Policy
- Whistleblowing Policy

## 6. How to Raise a Complaint

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so.

Complaints against staff (except the headteacher) should be made in the first instance, to the headteacher via the academy office. Please mark them as Private and Confidential.

Complaints that involve or are about the headteacher should be addressed to the Chair of Governors, via the academy office. Please mark them as Private and Confidential.

Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to the Clerk to the Governing Body via the academy office. Please mark them as Private and Confidential.

Complaints about the Chief Executive Officer (CEO), member of the Central Team or a trustee of the Trust, should be addressed to Chair of Trustees, via the trust office. Please mark them as Private and Confidential.

For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the academy office.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

## 7. Resolving complaints

At each stage in the procedure our academies will want to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review academy/trust policies in light of the complaint.
- an apology.

## 8. Withdrawal of a complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

## 9. Stage 1 – Informal complaints

It is to be hoped that most concerns can be expressed and resolved on an informal basis.

Concerns should be raised with the Headteacher. Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 3 of the procedure.

At the conclusion of their investigation, the appropriate person investigating the complaint will provide an informal written response within 15 school days of the date of receipt of the complaint.

If the issue remains unresolved, the next step is to make a formal complaint.

## 10. Stage 2 – Formal complaints

Formal complaints must be made to the Headteacher (unless they are about the headteacher), via the academy office. This may be done in person or in writing (preferably on the Complaint Form).

The Headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

Within this response, the headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The headteacher can consider whether a face to face meeting is the most appropriate way of doing this.

*Note: The Headteacher may delegate the investigation to another member of the senior leadership team but not the decision to be taken.*

During the investigation, the Headteacher (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the Headteacher will provide a formal written response within 15 school days of the date of receipt of the complaint.

If the Headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the academy will take to resolve the complaint.

The Headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

If the complaint is about the Headteacher, or a member of the governing body (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 2.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 2 will be escalated to the CEO of the Trust.

## **11. Stage 3 – Panel Hearing**

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3 – a panel hearing consisting of at least three people who were not directly involved in the matters detailed in the complaint with one panel member who is independent of the management and running of the academy. This is the final stage of the complaint's procedure.

A request to escalate to Stage 3 must be made to the Clerk, via the academy office, within 10 school days of receipt of the Stage 2 response.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 15 school days of receipt of the Stage 3 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

In this event Stage 3 will be heard by the trustees and an independent panel member.

A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.

For instance, if an academy employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

*Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under (Human Resources) staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.*

Representatives from the media are not permitted to attend.



At least 7 school days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the committee at least 3 school days before the meeting.

Any written material will be circulated to all parties at least 3 school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The committee will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the academy's systems or procedures to prevent similar issues in the future.

The Chair of the Committee will provide the complainant and the academy with a full explanation of their decision and the reason(s) for it, in writing, within 5 school days.

The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the academy will take to resolve the complaint.

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the school premises by the proprietor and the headteacher.

A written record will be kept of all complaints (See section 25), and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.

All correspondence statements and records relating to individual complaints will be kept confidential, except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

## **12. Trust Board Level Review**

If the complainant is dissatisfied with the way that the Complaints Committee has carried out their investigation, the Chair of the Future Generation Trust Board can be asked to review the process. This request must be made in writing and sent to: Future Generation Trust, Hobnock Road, Essington, Wolverhampton, WV11 2RF or via email to [office@futuregenerationtrust.co.uk](mailto:office@futuregenerationtrust.co.uk), and must be made within 10 school days of the Committee's response.

The Chair of the Future Generation Trust Board will consider how the Academy and Local Governing Body have dealt with the complaint. They cannot investigate the original complaint only the process that has been followed to ensure that it has been thorough and fair and in line with the published policy.

The outcome of this review will be reported in writing to the complainant within 15 school days of receiving the request.

## **13. Complaints escalated to / about the Trust, CEO, Trustee or Central team employee**

If a complaint is escalated to FGT or if a complainant wishes to complain directly about the trust, then the complaint should be sent to the CEO to be investigated.

The CEO will write to the complainant acknowledging the complaint within 5 school days of the date that the written request was received. The acknowledgement will confirm that the complaint will now be investigated under Stage 2 of this Complaints Policy and will confirm the date for providing a response to the complainant.

Following the investigation, the CEO will write to the complainant confirming the outcome within 15 school days of the date that the letter was received. If this time limit cannot be met, the CEO will write to the Complainant within 5 school days of the date that the letter was received, explaining the reason for the delay, and providing a revised date.

If the complaint concerns the CEO or a Trustee, the complaint should be investigated by the Chair of the Trust Board. If a formal complaint form is received about the Chair, the complaint will be referred to the Vice Chair for investigation.

If the complainant is not satisfied with the outcome of the previous stage, the complainant should write to the Clerk to the Trust Board asking for the complaint to be heard before a Complaint Panel as per Stage 3 of this Complaints Policy, within 15 school days.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 15 school days of receipt of the Stage 3 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire trust board or
- the majority of the trust board

Stage 3 will be heard by a completely independent committee panel.

The Complaint Panel will consist of three members. None of the three members of the Complaint Panel will have been involved in the incidents or events which led to the complaint or have been involved in dealing with the complaint in the previous stages, or have any detailed prior knowledge of the complaint.

One of the Complaint Panel members will be independent of the management and running of the Academy Trust. This means that the independent Complaint Panel member will not be a Trustee or an employee of the Trust.

A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.

For instance, if a trust employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

*Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.*

Representatives from the media are not permitted to attend.

At least 7 school days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible.
- request copies of any further written material to be submitted to the committee at least 3 school days before the meeting.

Any written material will be circulated to all parties at least 3 school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge

and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The committee will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

The Chair of the Committee will provide the complainant and FGT with a full explanation of their decision and the reason(s) for it, in writing, within 5 school days.

The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by FGT.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions FGT will take to resolve the complaint.

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the school premises by the proprietor and the headteacher.

A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.

All correspondence statements and records relating to individual complaints will be kept confidential, except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

## **14. The role of the Education and Skills Funding Agency (ESFA)**

If the complainant is not satisfied with the handling of their complaint, they can refer their complaint to the ESFA via the online enquiry form or in writing to:

Academy Complaints and Customer Insight Unit  
Education and Skills Funding Agency  
Cheylesmore House  
Coventry  
5 Quinton Road  
Coventry  
CV1 2WT

<https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy>

If a complaint is referred by a complainant to the Education and Skills Funding Agency (ESFA), they will check whether the complaint was dealt with properly by the Academy. The ESFA will only consider complaints about academies if they fall into any of the following three areas:

- where there is undue delay or an academy did not comply with its own Complaints Procedure when considering a complaint;
- where an 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 not overturn an academy's decision about a complaint. However, if it is found that an academy did not deal with a complaint properly the academy will be required to look at the complaint again and ensure procedures meet requirements set out in current regulations.

The ESFA will not overturn the panel's decision or re-investigate the original complaint. The ESFA will only intervene following a complaint if it believes the academy has:

- Breached a clause in its funding agreement.
- Failed to comply with education law or acted unreasonably when exercising related education functions.

## **15. Complaints not considered**

The Trust will not consider complaints under the following circumstances:

- Anonymous complaints (unless there are exceptional circumstances).
- Where the complaint concerns a third party used by the Academy. The complaint should be sent directly to the third party to respond themselves.
- Complaints that relate to an incident which took place more than 3 months previously (unless otherwise agreed by the Academy/Trust);
- Complaints made on behalf of a third party
- Where the complainant has used social media to air their alleged grievance.
- Malicious, serial or duplicate complaints
- Unreasonable or vexatious complaints

For the purpose of this policy, "unreasonable complaints" include:

- Vexatious complaints, which:
  - Are obsessive, persistent, harassing, prolific, repetitious.
  - Insist upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason.
  - Insist upon pursuing meritorious complaints in an unreasonable manner.
  - Are designed to cause disruption or annoyance.
  - Demand for redress which lacks any serious purpose or value.
- Serial or persistent complaints, which:
  - Are duplicated, sent by the same complainant once the initial complaint has been closed.
  - Are new complaints that are submitted additionally, as part of an existing open complaint, by the same complainant.

Serial or persistent complaints will only be marked as 'serial' once the complainant has completed the complaints procedure. It is the complaint that will be marked as 'serial', meaning the complainant can complain about a separate issue if necessary.

For the purpose of this policy, "duplicate complaints" are identical complaints received from a complainant's spouse, partner, grandparent or child. These complaints will not be addressed again, the individual making the second complaint will be informed that the complaint has been dealt with on a local level and if they are dissatisfied with the result, they can appeal to the DfE.

Any new details provided by a complainant's spouse, partner, grandparent or child, will be investigated and dealt with in line with the complaint's procedure.

## **16. Managing unreasonable requests**

The academy is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. We will not normally limit the contact complainants have with the academy 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.

A complaint may be regarded as unreasonable when the person making the complaint:

- Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance.
- Refuses to cooperate with the complaints investigation process while still wishing their complaint to be resolved.
- Refuses to accept that certain issues are not within the scope of a complaints procedure.
- Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales.
- Makes unjustified complaints about staff who are trying to deal with the issues and seeks to have them replaced.
- Changes the basis of the complaint as the investigation proceeds.
- Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed).
- Refuses to accept the findings of the investigation into that complaint where the academy's complaints procedure has been fully and properly implemented and completed including referral to the DfE.
- Seeks an unrealistic outcome.
- Makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone, in writing or electronically:

- Aggressively.
- Using threats, intimidation, or violence.
- Using abusive, offensive, or discriminatory language.
- Knowing it to be false.
- Using falsified information.

Complainants should limit the numbers of communications with an academy while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the headteacher or chair of governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues, the headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the academy causing a significant level of disruption, the academy may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after six months.

A decision to stop responding will only be considered in circumstances where the following statements are true:

- Every reasonable step has been taken to address the complainant's concerns.
- The complainant has been given a clear statement of the academy's position and their options.
- The complainant contacts the academy repeatedly, making substantially the same points each time.

If the above criteria are met, in making a decision to stop responding the academy will also consider if the complainant is often abusive or aggressive in their communication, makes insulting personal comments about or threats towards staff, and if the academy believes their intent is to disrupt or inconvenience the academy.

The academy will not stop responding to a complainant on the basis that they are difficult to deal with or they ask complex questions.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the premises.

## **17. Interviewing witnesses**

When interviewing pupils to gather information regarding a complaint, the interview should be conducted in the presence of another member of staff or, in the case of serious complaints, e.g. where the possibility of criminal investigation exists, in the presence of their parents.

The academy will ensure that the conduction of interviews does not prejudice a police or LA designated officer's (LADO) investigation.

The academy understands the importance of ensuring a friendly and relaxed area which is free from intimidation. All pupils interviewed will be made fully aware of what the interview concerns and their right to have someone with them.

Staff are allowed a colleague and/or trade union representative to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager.

The interviewer will not express opinions in words or attitude, so as to not influence the interviewee.

The interviewee will sign a copy of the transcription of the interview.

## **18. Recording a complaint**

The academy will not accept, as evidence, any recordings that were obtained covertly and without the informed consent of all parties being recorded.

Details of any complaint made shall not be shared with the entire governing body. The exception to this is when a complaint is made against the whole governing body and they need to be aware of the allegations made against them, to respond to any independent investigation. Complainants have a right to access copies of these records under the UK GDPR and the Freedom of Information Act 2000.

The academy will hold all records of complaints centrally. Correspondence, statements and records relating to individual complaints are kept confidential except where the Secretary of State or a body conducting an inspection requests to access them.

## **19. Complaints not covered by this procedure**

Complaints regarding the following topics should be directed to the Local Authority.

- Statutory assessments of SEND
- Re-organisation proposals
- Admissions

Complaints about child protection matters will be handled in line with the academy's Child Protection and Safeguarding Policy and in accordance with relevant statutory guidance. Any child protection complaints should be directed to the LADO or the multi-agency safeguarding hub (MASH).

Complaints concerning admissions will be directed to the appropriate admissions authority.

Complaints regarding exclusions will be dealt with in accordance with procedure outlined in the [Exclusion Policy](#).



The academy has a whistleblowing procedure for all employees, including contractors and temporary staff outlined in the Whistleblowing Policy. Any whistleblowers not wishing to raise the issue with their employer will direct their complaint to the DfE.

Volunteers who have concerns about the academy or a member of staff should make their complaint in line with this policy. Volunteers may also be able to complain to the LA or DfE, depending on what the complaint is about.

Staff grievances and disciplinary procedures will be dealt with in line with the Grievance Policy and Procedures. In these cases, complainants will not be informed of the outcome of any investigations; however, they will be notified that the matter is being addressed.

This complaints procedure is not to be used when addressing any complaints made about services provided by a third party who may use the academy premises or facilities. The headteacher will ensure all third-party suppliers have their own complaints procedures in place, and all complaints concerning this should be directed to the service provider.

Complaints about the content of national curriculum should be made to the DfE. Complaints about how the academy delivers the curriculum, including RE and RSE, will be dealt with using this complaints procedure.

## **20. Exceptional circumstances**

The DfE expects complainants to have completed the academy's complaints procedure before directing a complaint to them. The exceptions to this include when:

- Pupils are at risk of harm.
- Pupils are missing education.
- A complainant is being prevented from having their complaint progress through the academy's complaints procedure.
- The DfE has evidence that the academy is proposing to act or is acting unlawfully or unreasonably.

If a social services authority decides to investigate a situation, the headteacher or governing board may postpone the complaints procedure.

Where a matter can be resolved through a legal appeal, it will not be considered as a formal complaint. The key areas are: admissions decisions, certain decisions relating to formal assessment of SEND, and decisions to permanently exclude a child.

If a complainant commences legal action against the academy in relation to their complaint, the academy will consider whether to suspend the complaints procedure, until those legal proceedings have concluded.

## 21. Complaints campaigns

For the purposes of this policy, “**complaints campaigns**” are where the academy receives large volumes of complaints that are all based on the same subject.

Where the academy becomes the subject of a complaints campaign from complainants who are not connected with the academy, a standard, single response will be published on the academy’s website. If the academy receives a large number of complaints about the same subject from complainants who are connected to the academy, e.g. parents, each complainant will receive an individual response.

If complainants remain dissatisfied with the Academy’s response, they will be directed to the ESFA.

## 22. Barring from the premises

School premises are private property and therefore any individual may be barred from entering the premises.

If an individual’s behaviour is cause for concern, the headteacher or chair of governors will ask the individual to leave the premises.

The headteacher will notify the parties involved in writing, explaining that their implied licence for access to the premises has been temporarily revoked and why, subject to any representations that the individual may wish to make.

The individual involved will be given the opportunity to formally express their views regarding the decision to bar them. This decision to bar will be reviewed by the chair of governors or a committee of the governing body, taking into account any discussions following the incident. If the decision is made to continue the bar, the individual will be contacted in writing, informing them of how long the bar will be in place, and when the decision will be reviewed.

Anyone wishing to make a complaint regarding a barring order can do so in writing, including email, to the headteacher or chair of governors.

Once the academy’s complaints procedure is completed, the only remaining avenue of appeal is through the Courts.

## 23. Standard of fluency complaints

As members of a public authority, all staff are subject to the fluency duty imposed by the Immigration Act 2016, which requires staff members to have an appropriate level of fluency in English in order to teach pupils.

The academy is free to determine the level of spoken communication necessary in order for staff members to develop effective performance, but it will be matched to the demands of the role in question.

The academy will be satisfied that an individual has the necessary level of fluency appropriate for the role they will be undertaking, whether this is an existing or potential new member of staff. If a member of the school community feels that a staff member has insufficient proficiency in spoken English for the performance of their role, they are required to follow the complaints procedure outlined in section 8 of this policy.

For the purpose of this policy, a “**legitimate complaint**” is one which is about the standard of spoken English of a member of staff; complaints regarding an individual’s accent, dialect, manner or tone of communication are not considered legitimate complaints.

All legitimate complaints regarding the fluency duty will be handled in line with the processes outlined in this policy.

In addition to the processes outlined in this policy, the academy will assess the merits of a legitimate complaint against the necessary standard of spoken English fluency required for the role in question. To assess the merits, the academy will undertake an objective assessment against clear criteria set out in the role specification or, against the level of fluency descriptors relevant to the role in question. If the complaint is upheld, the academy will consider what action is necessary to meet the fluency duty; this may include:

- Specific training
- Specific re-training
- Assessment
- Re-deployment
- Dismissal

Appropriate support will be provided to staff to ensure that they are protected from vexatious complaints and are not subjected to unnecessary fluency testing.

Records of complaints regarding fluency will be kept in accordance with the processes outlined in section 18 of this policy.

## **24. Monitoring and Review**

Monitoring is the responsibility of the Future Generation Trust Board.

A register of formal complaints is held by the Trust, detailing a summary of the complaint, the stage that it is at in the procedure, along with details of whether they were resolved following a formal procedure or progression to a Complaints Committee. The Trust will also record the action taken as a result of complaints, regardless of whether they are upheld.

All information relating to any complaint received will be stored confidentially, except where the Secretary of State or a body conducting an inspection under section 109 of the Education Act 2008 request access to them. This policy and all arrangements and procedures will be reviewed every three years.

**Policy adopted on:** 14<sup>th</sup> July 2022

**Review Date:** July 2024

**Signed:** Fliss Dale

**Designation:** Chair of Trust Board

## Appendix 1 - Roles and Responsibilities

The complainant will:

- Cooperate with the academy in seeking a solution to the complaint.
- Express the complaint and their concerns in full at the earliest possible opportunity.
- Promptly respond to any requests for information or meetings.
- Ask for assistance as needed.
- Treat any person(s) involved in the complaint with respect.

The complaint investigator will:

- Ensure that all parties involved in the complaint are fully updated throughout each stage of the procedure.
- Guarantee that all parties involved in the procedure are aware of any relevant legislation, including the Equality Act 2010, UK GDPR, Data Protection Act 2018 and Freedom of Information Act 2000.
- Keep up-to-date records throughout the procedure.
- Liaise with all parties involved to ensure the complaints procedure runs smoothly, including the headteacher, clerk to governors and chair of governors.
- Ensure, where the complainant is dissatisfied with the response, they are allowed to escalate it to the next formal stage and are provided the opportunity to complete the complaints procedure in full.
- Be aware of issues with regards to sharing third party information.
- Understand the complainant's need for additional support, including interpretation support, and will be aware of any issues concerning this.

The headteacher, or where the complaint is against the headteacher, the chair of governors, is responsible for:

- Providing a sensitive and thorough interviewing process of the complainant to establish what has happened and who is involved.
- Considering all records, evidence and relevant information provided.
- Interviewing all parties that are involved in the complaint, including staff and pupils.
- Analysing all information in a comprehensive and fair manner.
- Liaising with the complainant and complaint investigator to clarify an appropriate resolution to the problem.
- Identifying and recommending solutions and courses of actions to take.
- Being mindful of timescales and ensuring all parties involved are aware of these timescales.
- Responding to the complainant in a clear and understandable manner.

The panel chair will:

- Ensure that minutes of the meetings are taken.
- Explain the remit of the panel to the complainant.
- Ensure that all issues are addressed and that outcomes are reached based on facts and evidence.
- Help to put at ease and console individuals involved who are not used to speaking at such hearings, particularly any pupils involved.
- Conduct the hearing in an informal manner, ensuring that everyone is treated with respect and courtesy.

- Ensure that the room's layout and setting is informal and non-adversarial, yet still sets the appropriate tone.
- Confirm that no member of the panel has previously been involved in the earlier stages of the procedure or has an external interest in the outcome of the proceedings.
- Give both the complainant and the academy the opportunity to state their case and seek clarity without undue interruption.
- Provide copies of any written material or evidence to everyone in attendance of the meeting, ensuring that everyone has seen the necessary material.
- Organise a short adjournment of the hearing if required.
- Continuously liaise with the panel clerk and complaint investigator to ensure the procedure runs smoothly.
- Help to provide the support necessary where the complainant is a child.
- Ensure that the minutes of the panel hearing are circulated.
- Notify the relevant parties of the panel's decision and any other actions to be taken.

All panel members will be aware that:

- The review panel meeting is independent and impartial.
- No individual with prior involvement in the complaint, or the circumstances surrounding it, is permitted to sit on the panel.
- The aim of the panel is to achieve a reasonable resolution and, ultimately, attain a harmonious reconciliation between the parties involved.
- Reconciliation between the academy and complainant is not always achievable, and that it may only be possible to establish facts and make recommendations to reassure the complainant that their case has been taken seriously.
- The panel can:
  - Dismiss or uphold the complaint, in whole or in part.
  - Decide on appropriate action to be taken.
  - Recommend changes that the academy can make to prevent reoccurrence of the problem.
- Complainants may feel nervous or inhibited in a formal setting and, therefore, the proceedings should be as welcoming as possible.
- When a child is present at the hearing, extra care needs to be taken to ensure that the child does not feel intimidated, as well as ensuring the child's view is represented equally.

## Appendix 2 - Contact Details

<b>Etching Hill CE Primary Academy</b>  Penk Drive North, Etching Hill, Rugeley, Staffordshire WS15 2XY	Headteacher	Marie Smith
	Chair of Governors	Sarah Cotton-Diederich
	Academy Office	01889 221864  office@etchinghillprimary.academy

<b>Gentleshaw Primary Academy</b>  Darlings Lane, Gentleshaw, Rugeley, Staffordshire. WS15 4LY	Headteacher	Genevieve Saunders
	Chair of Governors	Jan Macey
	Academy Office	01543 227420  office@gentleshawprimary.academy

<b>Moat Hall Primary Academy</b>  Johns Lane, Great Wyrley, Walsall WS6 6BX	Headteacher	Jane King
	Chair of Governors	Steve Woods
	Academy Office	01922 660960  office@moathallprimary.academy

<b>St John's Primary Academy</b>  Hobnock Road, Essington, Wolverhampton, WV11 2RF	Headteacher	Jamie McMullan
	Chair of Governors	Rob Grinsted
	Academy Office	01922 476695  office@stjohnsprimary.academy

<b>St Peter's CE Primary Academy</b>  Reservoir Road, Hednesford, Cannock, Staffordshire. WS12 1BE	Headteacher	Will Stevens
	Chair of Governors	Hannah Brindley
	Academy Office	01543 227205  office@stpetersprimary.academy

<b>Future Generation Trust</b>  Hobnock Road, Essington, Wolverhampton, WV11 2RF	CEO	Stuart Ayres
	Chair of Trust Board	Fliss Dale
	Central team office	01922 496570  office@futuregenerationtrust.co.uk

## Appendix 3 - Formal Complaints Form – Stage 2

Please complete this form in full and return to the relevant party as outlined in **Section 10** of the Complaints Policy and Procedure.

Name	
Address	
Telephone Number	Home Mobile
Name of Child	
Name of Academy	

Have you already followed Stage 1?	Yes / No
Date of written response	
Outline why you believe that your complaint has not been satisfactorily resolved.	

**Do you have a suggestion for a change?**

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*Please attach copies of any more information you have to back up your complaint, such as letters or reports.*

Signed		Date	
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