Complaints Procedure

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Complaints Procedure

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Policy overview

The aim of this policy is to resolve complaints or concerns about Futura Learning Partnership (the "Trust") any school within the Trust or any individual connected with the Trust, in a fair, thorough and transparent way. The Trust takes complaints seriously and views them as a chance to learn and improve for the future.

1. General

1.1 Anyone can make a complaint, but a different process applies depending on whether the person raising the complaint is a parent /carer[1] of a current pupil at a school within the Trust. Please refer to Part A below if you are a parent of a current pupil, otherwise please see Part B.

1.2 Please note that complaints about matters where an alternative complaints / appeal process exists will not be generally dealt with under this policy. These are set out below in Part C.

1.3 Requests for reasonable adjustments to the process set out below will be considered to ensure that complainants can access and complete the process.

Part A – Complaints Procedure for parents / carers of current pupils

2. Stage 1 – Informal Resolution

2.1 Any matter of concern or complaint should be raised, and attempted to be resolved, on an informal basis. Generally, it is expected that where the matter relates to a pupil it will have been raised with the pupil's class teacher/form tutor before a request is made to deal with it under the formal stages of this policy.

2.2 The concern or complaint should be raised with the School or Trust within **3 months** of the incident or, where a series of associated incidents have occurred, within **3 months** of the last of these incidents. Complaints made outside of this time frame may not be considered unless exceptional circumstances apply.

2.3 The School will seek to resolve matters at the informal stage within **15** school days[2] of the issue being raised by the parent.

2.4 Where the matter is not resolved at the informal stage, it may be elevated to the formal stage as set out below.

3. Stage 2 – Formal Resolution: Investigation by a Nominated Individual

3.1. Stage 2 complaints must be set out in writing, using the form available at **Appendix 1**, within **10** school days of the Stage 1 response and addressed to the Headteacher of the School (unless the complaint relates to the Headteacher in which case please refer to the section headed '**Complaints against specific role-holders**' below). The complaint should set out briefly the grounds of the complaint, stating what it is that the parent considers should have

[1] References to 'parents' in this policy include carers

[2] School days in this policy refers to days when the Academy is open to pupils for teaching, and does not include INSET days.

been done or where the School or Trust has not met reasonable expectations and confirming the outcome sought.

3.2. An investigation will be carried out by a nominated individual identified by the Headteacher / Chair of the Local Governance Committee as appropriate, who will acknowledge the complaint within **5** school days and may offer the parent a meeting. The investigator will speak to others involved. Whenever reasonably possible, any meeting with the parent will take place within **15** school days of the written complaint being received.

3.3. The investigator will put her/his findings in writing and will indicate what, if any, steps should be taken to resolve the matter. Whenever reasonably possible, this will be done within **15** school days of any meeting with the parent; if no meeting is arranged it will be within **25** school days of the written complaint being received.

3.4. Where the parent remains dissatisfied they may request the complaint is escalated to Stage 3.

4. Stage 3 – Formal Resolution: Complaints Panel Meeting

4.1 Stage 3 complaints must be set out in writing, stating where the parent remains dissatisfied and the outcome sought, and lodged with the Clerk to the Trustees within **10** school days of the Stage 2 response.

4.2 The Clerk to the Trustees will acknowledge the Stage 3 complaint within **5** school days and will convene a Complaints Panel.

4.3 The Complaints Panel must comprise at least three people, which will include one person who is independent of the management and running of the Trust.

4.4. The Complaints Panel may include, but is not limited to, one or more persons from the following categories:

(i) a member of the Local Governance Committee of the School where the complaint emanated from;
(ii) a member of a Local Governance Committee from another School within the Trust;
(iii) a member of the Board of Trustees from the Trust; and/or
(iv) a member of a Local Governing Body or Trustee of another Academy Trust. (v) no employee of the trust can sit on a Complaints Panel.

4.5. None of the members of the Complaints Panel will have been directly involved in the matters detailed in the complaint.

4.6. The independent panel member may be a member of a Local Governance Committee from another School within the Trust as long as they have no conflict and no prior knowledge of the complaint.

4.7. The Clerk will invite the School to put in writing its response to the Stage 3 complaint within **15** school days of receiving the request. Whether or not the School has responded the Clerk will convene a meeting of the Complaints Panel. That meeting will be held on School premises as quickly as practicable given the need to find a date that is reasonably convenient for the parent, the School and the members of the Complaints Panel. Whenever possible, the meeting will be held within **15** school days of the end of the School 's response

time. The meeting date, time and location will be confirmed to all parties at least **10** school days in advance.

4.8. The meeting is not a court case, it will be held in private, and will be as informal as circumstances allow. For this reason, electronic recordings of meetings or conversations are not permitted unless a parent's disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before the recording of the meeting takes place. Consent will be recorded in any minutes taken. The parent will have the opportunity to put her/his reasons for dissatisfaction and to enlarge on them but may not introduce reasons that were not previously put in writing. The Complaints Panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded. The parent and the School /Trust will have the opportunity to put forward their respective version and views of events and each side, and the Complaints Panel members will be able to ask questions. The parent will have the opportunity to make final comments to the Complaints Panel.

4.9. The Complaints Panel may make findings and recommendations and a copy of those findings and recommendations will be:

(vi) sent by electronic mail or otherwise provided in writing to the parent and, where relevant, the School or person complained about; and

(vii) available for inspection on the School premises by the Trust, the [Headteacher] and the [Chief Executive Officer].

4.10. The Complaints Panel will formulate its response as quickly as reasonably possible, aiming to do so within **10** school days, and the Clerk will notify all concerned.

4.11. At any meeting, the parent will be entitled to bring a companion along to provide support. Legal representation will only be permitted in exceptional circumstances.

4.12. If the parent fails to attend the Complaints Panel Meeting on the day without compelling reasons, the Complaints Panel will still proceed in their absence and the process will continue to its conclusion. Any further attempt to re-open the matter will be considered as falling under the "Serial or persistent complainants" section as set below.

5. Department of Education

5.1 Once the complaints process is concluded (or a complaint has been terminated due to undue delay or failure to lodge a request for a Stage 3 Complaints Panel Meeting within the time stated in the policy) the matter is closed. If the Complainant is still not satisfied then they may contact the Department for Education (DfE). There is an online procedure at: https://form.education.gov.uk/service/Contact_the_Department_for_Education

5.2 The Complainant may also write to the DfE at:

The School Complaints Unit (SCU)

Department for Education

2nd Floor, Piccadilly Gate

Manchester M1 2WD

6. Complaints against specific role -holders

6.1. Complaints against the Headteacher:

- Any complaint relating to the Headteacher of the School must be raised in the first instance with the Chief Executive Officer who will, if an informal resolution cannot be reached, designate a member of the Local Governance Committee to investigate the complaint as per **Stage 2**.

6.2. Complaints against the Local Governance Committee:

- Where a complaint is brought against a member of the Local Governance Committee, it should be raised with the Chair of the Local Governance Committee who will investigate the complaint (or appoint another member of the Local Governance Committee to do so) in the same way as in the first stage of the formal process at **Stage 2**.
- If the complaint is against the Chair of the Local Governance Committee, then the Vice Chair of the Local Governance Committee will investigate the complaint (or appoint another member of the Local Governance Committee to do so) in the same way as in the first stage of the formal process at **Stage 2.**
- In exceptional circumstances the Chair of Trustees may at his or her absolute discretion determine that a complaint against a member of the Local Governance Committee should be dealt with at Trust Board level and if so determined the Chair of Trustees will oversee **Stage 2.**

6.3. Complaints against individual Trustees / the Board of Trustees:

- If the complaint is against a Trustee, then it should be raised with the Chair of Trustees by writing to the Clerk to the Board of Trustees. In the case of a complaint against either the Chair or the Board of Trustees as a whole, then it should be put in writing to the Clerk to the Board of Trustees who will refer it to the Members.
- In such cases the Chair of Trustees / the Members will investigate the complaint or appoint an appropriate person to do so in the same way as in the first stage of the formal process at **Stage 2**.

6.4. Complaints against the Chief Executive Officer or other Trust office staff

- If the complaint is against a member of Trust staff, then it should be raised with the Chief Executive Officer, (or in the case of a complaint against the Chief Executive Officer, the Chair of Trustees) who will investigate the complaint (or appoint another member of the Board of Trustees to do so) in the same way as the first stage of the formal process at **Stage 2**.

7. Part B – Complaints raised by those who are not parents / carers of current pupils

7.1 Complaints made by those who are not parents of current pupils, which includes complaints made by parents of former pupils after they have left the School, will be dealt with as follows:

(i) Complainants should first attempt to address their complaint to the relevant School informally by raising the matter with a relevant member of School staff, within **3** months of the incident or, where a series of associated incidents have occurred, within **3** months of the last of these incidents. The School (depending on the nature of the complaint) will seek to resolve the matter informally within **15** school days.

(ii) If it is not possible to resolve the matter informally, the complaint may be submitted in writing, using the form available at **Appendix 1**, to the Chief Executive Officer, or where the complaint relates to the Chief Executive Officer, to the Chair of Trustees.

(iii) The complaint will be acknowledged within **5** school days and a final written response will be issued within **15** school days.

(iv) The general provisions set out below in Part C below apply.

8. Part C General provisions

8.1. Complaints that will not be considered under this policy:

i. Usually, complaints relating to the matters set out in the table below will not be considered under this policy as they have their own appeal or complaint processes. Where necessary the Trust will exercise its discretion.

ii. Complaints may be raised under this policy about staff conduct, however such complaints will be dealt with under the Trust's internal disciplinary procedures, if appropriate, and complainants will not be informed of any disciplinary action taken as a result.

Matter	Route for raising concern / complaining
Admissions	Admissions Appeal – see Admissions Policy and Statutory Admissions Appeal Code, or complaint to DfE
Exclusions	see Behaviour Policy
Statutory SEN assessments	SEND Tribunal (and see SEN Code of Practice)
Matters likely to require child protection investigation	Raise with Designated Safeguarding Lead or a direct referral can be made to the Multi-Agency Safeguarding Hub (MASH) and/or Local Authority Designated Officer (LADO) - see Child Protection & Safeguarding Policy
Data protection / FOIA	Information Commissioner's Office
Staff Grievances and Disciplinary matters[3]	Staff Grievance & Disciplinary Policy
Whistleblowing	Whistleblowing Policy
Third party contractors / suppliers	Third party complaints process
Sports Centres and Lettings	See Futura Commercial Services Complaints Policy

[3] Note that where complaints relate to staff conduct, these may be dealt with under both this Complaints Policy and the Staff Grievance & Disciplinary Policy. In such circumstances complainants will not be informed of the outcome of any Staff disciplinary investigation or processes.

9. Complaints Relating to Fulfilment of the Early Years Foundation Stage ("EYFS") Requirements

9.1. In order to comply with the statutory framework, written concerns or complaints relating to the fulfilment of the EYFS Requirements will be dealt with in accordance with the following process:

(i) The written concern/complaint will be acknowledged within 5 school days;

(ii) The Headteacher will investigate the concern or complaint which may include meeting with the Complainant and the early years lead. A written response notifying the Complainant of the outcome of the investigation will be sent within 28 school days of the complaint being received.

(iii) Where the Complainant remains dissatisfied, the Clerk will ensure that a formal Complaints Panel will be convened in accordance with Stage 3 of this policy.

9.2. A record of the written complaints and their outcome will be maintained and made available to Ofsted on request.

9.3. Parents are further advised that where they have concerns regarding the School meeting EYFS requirements they may contact Ofsted on 0300 123 4666.

10. Complaints received outside of term time

10.1 The School will consider complaints made outside of term time to have been received on the first school day after the holiday period.

11. Withdrawal of a Complaint

11.1 If a Complainant wants to withdraw their complaint, they will be asked to confirm the withdrawal in writing.

12. Record keeping and confidentiality

12.1 A written record will be kept of all complaints that reach the formal stage in Habitude, whether they are resolved following Stage 2, or proceed to a panel hearing (Stage 3) and any action taken by the school as a result (regardless of whether they are upheld). Complaint

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records will be maintained securely and in line with the Trust's Data Protection Handbook by the trusts' Business Support Manager. Correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection requests access to them.

12.2 The Complainant should also keep all correspondence, statements and records relating to their complaint confidential, and should not disclose (by way of electronic communication, social media or otherwise) any information or documents relating to their complaint.

13. Anonymous Complaints

13.1 Where an anonymous complaint is received, the School will use its reasonable endeavours to consider the complaint as best as it reasonably can. However the School will not be required

to consider the complaint pursuant to any specific process and will handle anonymous complaints on a case by case basis.

14. Complaint Campaigns

14.1 Where the School receives a number of complaints all based on the same subject which in its reasonable opinion may be deemed a 'complaint campaign' it will deal with the complaints in the following way: individual responses will not be sent to complainants in such cases. Instead, either a template response will be sent to all complainants or a single response will be published on the School's website at the discretion of the Headteacher/Chair of Trustees.

14.2 Where the complaint campaign involves complainants who are parents they will be entitled to escalate the complaint to a panel hearing if they are dissatisfied with the School's response. The School will consider how best to manage panel hearings in such circumstances.

15. Serial or persistent complainants

15.1 If at any level a Complainant or connected party attempts to reopen an issue or a closely related issue that has already been dealt with under this Complaints Policy, the Chair of Trustees may write to the Complainant to inform him/her that the procedure has been exhausted and the matter closed, that continued correspondence on the same matter is vexatious and that the School will not respond to any further correspondence on this issue or a closely related issue.

16. Vexatious complaints

16.1 Complaints with the following characteristics may be deemed to be vexatious:

- obsessive, persistent, harassing, prolific, repetitious;
- insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason;
- insistence upon pursuing meritorious complaints in an unreasonable manner;
- complaints which are designed to cause disruption or annoyance;
- demands for redress that lack any serious purpose or value.

16.1.1 In such cases, the Chair of Trustees may write to the Complainant to inform him/her that the complaint is deemed to be vexatious and that the Academy will not respond to any further correspondence on this issue or a closely related issue.

17. Legal Proceedings

17.1 If a Complainant threatens or commences legal action against the School (including the issuing of a letter before claim) in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

Appendix 1 – Futura Learning Partnership Complaints Form

This form should be used to raise a formal complaint only after a matter has been raised informally under either Part A or Part B of the Complaints Policy and you are not satisfied with the response. Please refer to the Complaints Policy when completing this form.

Your details	
Name	
Email	
Address	
Name of pupil, year group and your relationship to them *(if applicable)*	
Complaint details	
School name *(if complaint relates to a specific School)*	
Grounds of complaint	

What steps have been taken to resolve the complaint informally *(including details of who the matter was raised with, when and what solution was offered)*	
Why have the steps taken so far failed to resolve the complaint? ***(including what you consider should have been done / where the School or Trust has not met reasonable expectations in its response)***	
Outcome sought	
What action would you like taken to resolve the matter?	

Signed ……. Date ……

Please send completed forms to **the school using the main school email address** or hand in to the school office in a sealed envelope marked for the attention of the relevant addressee (*generally this will be the Headteacher for complaints about a specific School or the Clerk to the Trustees for complaints about the School, however please refer to the Complaints Policy and in particular paragraph 6, complaints about specific role-holders, for further information.*