

Complaints Policy and Procedure

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1. Introduction

- 1.1. Future Academies aims to work in partnership with parents and the community and maintain open and positive relationships. From time to time a parent, student or member of the community may express a concern or make a complaint about an aspect of the conduct or operation of the Trust or an academy within the Trust. Most of these concerns can be resolved informally.

2. Legislation and guidance

- 2.1. 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 academy.
- 2.2. 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).
- 2.3. In addition, it addresses duties set out in the Early Years Foundation Stage statutory framework with regards to dealing with complaints about the academy's fulfilment of Early Years Foundation Stage requirements.

3. What is a concern or a complaint?

- 3.1. A **concern** is defined as "an expression of worry or doubt over an issue considered to be important for which reassurances are sought". The Trust and its academies will resolve concerns through day-to-day communication as far as possible.
- 3.2. A **complaint** is defined as "an expression of dissatisfaction however made, about actions taken or a lack of action". The Trust and its academies intend to resolve complaints informally where possible, at the earliest possible stage
- 3.3. It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. The Trust takes concerns seriously and will make every effort to resolve matters as quickly as possible.
- 3.4. If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Principal of the academy or the Executive Assistant to the CEO will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, their line manager will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

4. Scope of this complaints procedure

- 4.1. This procedure covers all complaints, including complaints about any provision of community facilities or services by the Trust's academies, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
Admissions to schools	Concerns about admissions should be handled through a separate process as detailed in the trust's admissions policy.
Matters likely to require a Child Protection Investigation - Safeguarding	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.
Exclusion of children from school*	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions . <i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i>
Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus . Volunteer staff who have concerns about our academies should complain through the academy's complaints procedure. You may also be able to complain direct to the Local Authority or the Department for Education (see link above), depending on the substance of your complaint.
Staff grievances	Complaints from staff will be dealt with under the Trust's internal grievance procedures.
Staff conduct	Complaints about staff will be dealt with under the Trust's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.

- 4.2. If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations. If this happens, we will inform you of a proposed new timescale.
- 4.3. If a complainant commences legal action against the Trust, or any of its Academies, in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

5. How to raise a concern or make a complaint

- 5.1. A concern or complaint can be made in person, in writing (including by email), 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.
- 5.2. Complaints against academy staff (except the Principal) should be made, in the first instance, to the academy's Principal via the academy office. Please mark them as Private and Confidential.
- 5.3. Complaints that involve or are about the academy's Principal should be addressed to the Chair of the Local Governing Body, via the academy office. Please mark them as Private and Confidential. A list of Chairs of Local Governing Bodies can be found on the Trust's website.
- 5.4. Complaints about an academy's Chair of Local Governors, any individual governor or the whole local governing body should be addressed to the Clerk to the Local Governing Body via the academy office. Please mark them as Private and Confidential. The name of the Clerk can be found on the Trust's website.
- 5.5. Complaints about the Chief Executive Officer (CEO) or a Trustee of the Trust, should be addressed to the Chair of Trustees, via the Trust office. Please mark them as Private and Confidential (contact information can be found on the Trust's website).
- 5.6. For ease of use, a template complaint form is included at the end of this procedure (Annex B). If you require help in completing the form, please contact the academy or Trust office. You can also ask a third-party organisation for example, the Citizens Advice Bureau, to help you.
- 5.7. 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.

6. Anonymous complaints

- 6.1. We will not normally investigate anonymous complaints. However, the Principal, Chair of Local Governors, CEO or Chair of the Trust Board, if appropriate, will determine whether the complaint warrants an investigation.

7. Late complaints

- 7.1. You must raise your concern or complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply. Exceptional circumstances may include where new evidence has come to light, where the complaint is of an especially serious nature, or where there is reasonable justification for why the complainant has been unable to raise the complaint before this time. Complaints received outside of the three month time limit should be addressed to the Academy's Principal, or CEO as appropriate.

8. Complaints received outside of term time

- 8.1. We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

9. Resolving concerns and complaints

- 9.1. The majority of concerns can be dealt with without resorting to the procedure. Where there is a concern about any aspect of an Academy and/or the education or wellbeing of a pupil, this should be raised with the pupil's form tutor/class teacher/head of year/relevant subject teacher via the telephone or in person. Ideally, they will be able to address concerns on the spot, or can arrange a meeting to discuss the concerns.
- 9.2. At each stage in the procedure, the Trust wants to resolve the complaint.
- 9.3. 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 policies in light of the complaint
 - an apology.
- 9.4. At each stage of the procedure the complainant will be informed of their right to escalate to the next stage should they remain dissatisfied.

10. Complaints about our fulfilment of early years requirements

- 10.1. Complaints of this nature should be directed to the Academy's Principal in the first instance. Complaints will be acknowledged within 5 school days of receipt of the complaint.
- 10.2. We will investigate all written complaints relating to our Academies' fulfilment of the Early Years Foundation Stage requirements, and notify the complainant of the outcome within 28 school days of receiving the complaint.
- 10.3. The relevant Academy will keep a record of the complaint (see section 18) and make this available to Ofsted on request.
- 10.4. Parents and carers can notify Ofsted if they believe one of our Academies is not meeting Early Years Foundation Stage requirements, by calling 0300 123 4234 or 0300 123 4666, or by emailing enquiries@ofsted.gov.uk. An online contact form is also available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>.
- 10.5. We will notify parents and carers if we become aware that one of our Academies is to be inspected by Ofsted. We will also supply a copy of the inspection report to parents and carers of children attending the setting on a regular basis.

11. Withdrawal of a complaint

- 11.1. If a complainant wants to withdraw their concern or complaint, we will ask them to confirm this in writing. Withdrawal of the concern or complaint can happen at any time during this procedure.

12. Stages of the complaints process

12.1. Stage 1 – Informal complaints

- 12.1.1. It is to be hoped that concerns can be expressed and resolved on an informal basis.
- 12.1.2. During the informal stage complaints could be dealt with in a variety of ways depending on how the complaint was made and who the complaint is about. Resolution may involve a meeting between the complainant and the relevant academy/trust representatives.
- 12.1.3. This informal stage may also involve an initial investigation by a teacher, other member of academy staff, or Trust representative, and a further investigation by the Academy Principal or more senior Trust representative, if the initial investigation does not resolve the complaint.
- 12.1.4. 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.
- 12.1.5. At Academy level, concerns should be raised with either the class teacher, year head/subject head or Principal. If the concern is expressed verbally then the person receiving the concern (the receiver) will try to ascertain some brief information about the concern to help them decide who should best deal with the issue, depending on both the nature and severity of the concern. Where the receiver feels they can resolve the matter then this should be done, but in most cases there will probably be the need to refer the matter to someone else for them to investigate.
- 12.1.6. At Trust level, concerns relating to Trust central staff should first be raised with the CEO (see section 11).
- 12.1.7. It is recognised that sometimes the best person for a concern to be referred to is not always the member of staff who is available at that time. Therefore, where possible, it will be arranged with the complainant that someone (if possible the name of the member of staff will be given) will contact them within 24 hours regarding the complaint. The complaint will then be passed to the relevant member of staff who will contact the complainant to find out more information either by telephone or via an arranged meeting. Where it is possible, the member of staff may wish to find out more information prior to contacting the complainant to help them in dealing with the complaint.
- 12.1.8. 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.
- 12.1.9. Should the nature or complexity of the complaint mean that more time is required, the complainant will be contacted within 10 school days, informing them of the reason for the delay and confirming a revised date for resolution. Such communication does not have to be in writing unless the complainant requests, but should be noted on the academy/trust records.

- 12.1.10. The Trust aims to ensure that all informal complaints are resolved within 3 months of the initial complaint being made.
- 12.1.11. In all cases, even if the complaint has been resolved, the complaint must be recorded, along with any investigation notes, and records kept.
- 12.1.12. If, once all informal processes have been exhausted, the complainant feels their concern remains unresolved, the next step is to make a formal complaint at stage 2 of this procedure.

12.2. Stage 2 – Formal complaints

- 12.2.1. Formal complaints must be made to the Chief Executive Officer (CEO) of the Trust via the Trust office. This may be done in person or in writing (including by email) and preferably using the Complaint Form (Annex D).
- 12.2.2. The CEO 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.
- 12.2.3. Within this response, the CEO will seek to clarify the exact nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The CEO will consider whether a face to face meeting is the most appropriate way of doing this.

Note: The CEO may delegate the investigation to another member of the trust's senior team but not the decision to be taken.

- 12.2.4. During the investigation, the CEO (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.
- 12.2.5. At the conclusion of their investigation, the CEO will provide a formal written response within 25 school days of the date of receipt of the complaint.
- 12.2.6. If the CEO is unable to meet this deadline, they will provide the complainant with an update and revised response date.
- 12.2.7. 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 trust will take to resolve the complaint.
- 12.2.8. The CEO will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.
- 12.2.9. If the complaint is about the CEO, or a member of the Trust Board (including the Chair), a suitably skilled Trustee will be appointed to complete all the actions at Stage 2.

12.2.10. Complaints about the CEO or member of the Trust Board must be made to the Clerk, via the Trust's office.

12.2.11. If the complaint is:

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

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

12.3. Stage 3 – Complaint Panel Hearing

12.3.1. If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, the complaint can be escalated to Stage 3 which is a Complaint 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 school. This is the final stage of the complaints procedure.

12.3.2. A request to escalate to Stage 3 must be made to the Clerk, via the academy or Trust office (whichever is relevant) within 10 school days of notification of the outcome of the formal investigation. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

12.3.3. 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.

12.3.4. The Clerk will write to the complainant to inform them of the date of the Complaint Panel hearing. They will aim to convene a meeting within 25 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.

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

12.3.6. If the complaint is:

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

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

12.3.7. The Complaint Panel will be appointed by or on behalf of the Trust and consist of at least three people who were not directly involved in the matters detailed in the complaint. The Trust will ensure that one Panel member is independent of the management and running of the Academy/Academy Trust to which the complaint is directed. This means that the independent Complaint Panel member will not be a Trustee or an employee of the Trust. It is important that the hearing is independent and impartial and therefore no governor or Trustee should be involved in the hearing if they have prior knowledge of the complaint

- 12.3.8. The hearing will always aim to resolve the complaint and achieve reconciliation between the Academy, the Trust, and the complainant. However, it is recognised that the complainant might not be satisfied with the outcome, if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations, which will satisfy the complainant that their complaint has been taken seriously.
- 12.3.9. The Trust is aware that extra care needs to be taken when the complainant is a child or young person. Careful consideration of the atmosphere and proceedings will ensure that the child or young person does not feel intimidated. The panel needs to be aware of the views of the child or young person and give them equal consideration to those of adults. Where the child or young person's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child or young person needs to attend.
- 12.3.10. The members of the Complaint Panel will be familiar with the Complaints Procedure.
- 12.3.11. A complainant may bring someone along to the Complaint Panel hearing to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the hearing. However, there may be occasions when legal representation is appropriate, for instance, if a school employee is called as a witness in a complaint hearing, 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.*
- 12.3.12. Representatives from the media are not permitted to attend.
- 12.3.13. At least 10 school days before the meeting, the Clerk will:
- confirm and notify the complainant of the date, time and venue of the hearing, 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 Complaint Panel at least 5 school days before the meeting.
- 12.3.14. Any written material will be circulated to all parties at least 5 school days before the date of the meeting. The Complaint Panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.
- 12.3.15. The Complaint Panel 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 under Stage 1 of this procedure.
- 12.3.16. The hearing 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.

- 12.3.17. The Complaint Panel will consider the complaint and all the evidence presented. The Panel can:
- uphold the complaint in whole or in part
 - dismiss the complaint in whole or in part.
- 12.3.18. If the complaint is upheld in whole or in part, the Complaints Panel will:
- decide on the appropriate action to be taken to resolve the complaint
 - where appropriate, recommend changes to the academy's/trust's systems or procedures to prevent similar issues in the future.
- 12.3.19. The Chair of the Complaint Panel will provide the complainant and the relevant Academy Principal with a full explanation of their decision and the reason(s) for it, in writing, within 10 school days of the hearing taking place.
- 12.3.20. 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 the Trust.
- 12.3.21. 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 that the Trust and/or the relevant Academy will take to resolve the complaint.
- 12.3.22. The Complaint 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 academy premises by the Academy Trust and the Principal of the relevant Academy.
- 12.3.23. A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a Complaints Panel hearing.
- 12.3.24. The decision of the Complaint Panel is final and there are no further Trust level stages to the complaints procedure.

13. Complaints escalated to and/or about the Academy Trust, CEO, or a Trustee

- 13.1. If a complaint is escalated to the Trust (i.e. the complaint has not escalated through Stage 1 and/or Stage 2), or if a complainant wishes to complain directly about the trust, then the complaint should be sent to the CEO to be investigated (contact details section 20).
- 13.2. 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 be investigated under **Stage 2** of this Complaints Policy
 - who will be the investigator,
 - the date for providing a response to the complainant (usually within 25 school days of receiving the complaint).
- 13.3. Following the investigation, the CEO, or the investigator, will write to the complainant confirming the outcome within 25 school days of the date that the letter was received. If this time limit cannot be met, the CEO, or investigator, will write to the Complainant within 15 school days of the date that the letter was received, explaining the reason for the delay and providing a revised date.

13.4. 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 a Trustee for investigation.

***Note:** Where the Chair of the Trust Board has investigated the complaint, they will write the letter of outcome to the complainant and provide a copy to the CEO.*

13.5. 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 (stage 3 of this procedure), within 10 school days of notification of the outcome of the investigation. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

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

13.7. The Clerk will write to the complainant to inform them of the date of the Complaint Panel hearing. They will aim to convene a meeting within 25 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.

13.8. 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.

13.9. 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 Complaint Panel.

13.10. The independent Complaint Panel will be appointed by or on behalf of the Trust and consist of at least three people who were not directly involved in the matters detailed in the complaint. The Trust will ensure that one Panel member is independent of the management and running of the Academy/Academy Trust to which the complaint is directed. This means that the independent Complaint Panel member will not be a Trustee or an employee of the Trust. It is important that the hearing is independent and impartial and therefore no governor or Trustee should be involved in the hearing if they have prior knowledge of the complaint.

13.11. The hearing will always aim to resolve the complaint and achieve reconciliation between the Academy, the Trust, and the complainant. However, it is recognised that the complainant might not be satisfied with the outcome, if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations, which will satisfy the complainant that their complaint has been taken seriously.

13.12. The Trust is aware that extra care needs to be taken when the complainant is a child or young person. Careful consideration of the atmosphere and proceedings will ensure that the child or young

person does not feel intimidated. The panel needs to be aware of the views of the child or young person and give them equal consideration to those of adults. Where the child or young person's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child or young person needs to attend.

- 13.13. The members of the Complaint Panel will be familiar with the Complaints Procedure.
- 13.14. 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 Panel 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.

- 13.15. Representatives from the media are not permitted to attend.
- 13.16. At least 10 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 Complaint Panel at least 5 school days before the meeting.
- 13.17. Any written material will be circulated to all parties at least 5 school days before the date of the meeting. The Panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.
- 13.18. The Panel 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 under Stage 1 of the procedure.
- 13.19. The hearing 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.
- 13.20. The Panel will consider the complaint and all the evidence presented. The Panel can:
- uphold the complaint in whole or in part
 - dismiss the complaint in whole or in part.
- 13.21. If the complaint is upheld in whole or in part, the Panel 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.

- 13.22. The Chair of the Complaint Panel will provide the complainant and the Trust with a full explanation of their decision and the reason(s) for it, in writing, within 10 school days of the hearing taking place.
- 13.23. 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 the Trust.
- 13.24. 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 that the Trust and/or the relevant Academy will take to resolve the complaint.
- 13.25. The Complaint 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 Academy Trust and the Principal of the relevant Academy.
- 13.26. 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.
- 13.27. The decision of the Complaint Panel is final and there are no further Trust level stages to the complaints procedure.

14. Next Steps

- 14.1. If the complainant believes the academy and/or the trust did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the ESFA after they have completed Stage 3.
- 14.2. The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by the Trust. They will consider whether the Trust has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed Part 7 of the Education (Independent School Standards) Regulations 2014.
- 14.3. The complainant can refer their complaint to the ESFA online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to: Academy Complaints and Customer Insight Unit, Education and Skills Funding Agency, Cheylesmore House, 5 Quinton Road, Coventry CV1 2WT.

15. Persistent Complaints

15.1. Unreasonably persistent complaints

- 15.1.1. Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:
 - Has made the same complaint before, and it's already been resolved by following the trust's complaints procedure;
 - Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
 - Knowingly provides false information;
 - Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure;

- Pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refused to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the time frames it sets out;
- Changes the basis of the complaint as the investigation goes on;
- Makes a complaint designed to cause disruption, annoyance or excessive demands on academy time;
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value.

Steps we will take

- 15.1.2. We will take every reasonable step to address the complainant's concerns, and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.
- 15.1.3. If the complainant continues to contact the academy in a disruptive way, we may put communications strategies in place. We may:
- Give the complainant a single point of contact via an email address;
 - Limit the number of times the complainant can make contact, such as a fixed number per term;
 - Ask the complainant to engage a third party to act on their behalf, such as Citizens Advice;
 - Put any other strategy in place as necessary.

Stopping responding

- 15.1.4. We may stop responding to the complainant when all of these factors are met:
- We believe we have taken all reasonable steps to help address their concerns
 - We have provided a clear statement of our position and their options
 - The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience
- 15.1.5. Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.
- 15.1.6. In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from our academy site.

16. Duplicate complaints

- 16.1. If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.
- 16.2. If we are satisfied that there are no new aspects, we will:
- Tell the new complainant that we have already investigated and responded to this issue, and the local process is complete;
 - Direct them to the DfE if they are dissatisfied with our original handling of the complaint.
- 16.3. If there are new aspects, we will follow this procedure again.

17. Complaint campaigns

- 17.1. Where the Trust receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with one of its Academies, the Trust may respond to these complaints by:
- Publishing a single response on the Trust/Academy website
 - Sending a template response to all of the complainants
- 17.2. If complainants are not satisfied with the Trust's response, or wish to pursue the complaint further, the normal procedures will apply.

18. Record Keeping

- 18.1. The Trust/Academy 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.
- 18.2. 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 Complaint Panel.
- 18.3. 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) under the terms of the Freedom of Information Act request or through a Subject Access Request under the terms of the Data Protection Act, or where the material must be made available during an academy inspection.
- 18.4. Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and our records management policy.
- 18.5. The details of the complaint, including the names of individuals involved, will not be shared with the whole governing board in case a Complaint Panel needs to be organised at a later point.
- 18.6. Where the governing board is aware of the substance of the complaint before the Complaint Panel stage, the Trust will (where reasonably practicable) arrange for an Independent Panel to hear the complaint.
- 18.7. 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.

19. Social Media

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

20. Contact Information

20.1. **Insert contact information here**. Including email for clerk to board, etc and website link.

21. Monitoring, Evaluation and Review

21.1. Academy Trust senior executives will monitor the effectiveness of this complaints procedure in ensuring that complaints are handled properly. The Senior Executive team will track the number and nature of complaints, and review underlying issues.

21.2. The complaints records are logged and managed at each Academy by the Office Manager and at Trust level by the Executive Assistant.

21.3. The Academy Trust Senior Executive Team will review and approve this policy every two years.

22. Links with other policies

22.1. Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions Policy
- Exclusions Policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEN policy and information report
- Privacy Notices

Annex A: Roles and Responsibilities

1. Complainant

- 1.1. The complainant will receive a more effective response to the complaint if they:
- explain the complaint in full as early as possible
 - co-operate with the academy in seeking a solution to the complaint
 - respond promptly to requests for information or meetings or in agreeing the details of the complaint
 - ask for assistance as needed
 - treat all those involved in the complaint with respect
 - refrain from publicising the details of their complaint on social media and respect confidentiality.

2. Investigator

- 2.1. The investigator's role is to establish the facts relevant to the complaint by:
- providing a comprehensive, open, transparent and fair consideration of the complaint through:
 - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
 - interviewing staff and children/young people and other people relevant to the complaint
 - consideration of records and other relevant information
 - analysing information
 - liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.
- 2.2. The investigator should:
- conduct interviews with an open mind and be prepared to persist in the questioning
 - keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
 - ensure that any papers produced during the investigation are kept securely pending any appeal
 - be mindful of the timescales to respond
 - prepare a comprehensive report for the head teacher or complaint panel that sets out the facts, identifies solutions and recommends courses of action to resolve problems.
- 2.3. The head teacher or Complaint Panel will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

3. Complaints Co-ordinator

(this could be the head teacher or CEO / designated complaints governor or trustee or other staff member providing administrative support)

- 3.1. The complaints co-ordinator should:
- ensure that the complainant is fully updated at each stage of the procedure

- liaise with staff members, head teacher, CEO, Chair of Governors, Chair of Trust or the Clerk and to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
 - sharing third party information
 - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.

4. Clerk to the Governing Body / Trust Board

4.1. The Clerk is the contact point for the complainant and the Panel and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to academy complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example: stage 1 paperwork, academy and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the Panel's decision.

5. Complaint Panel Chair

5.1. The Panel's chair, who is nominated in advance of the complaint meeting, should ensure that: both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting

- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the Panel is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.
- If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting
- both the complainant and the academy are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the Panel is open-minded and acts independently
- no member of the Panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk (and complaints co-ordinator, if the academy has one).

6. Complaint Panel Member

6.1. Panel members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so
- no governor/trustee may sit on the Panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the academy and the complainant
- we recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- many complainants will feel nervous and inhibited in a formal setting
- parents/carers often feel emotional when discussing an issue that affects their child
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting
- careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.
the Panel should respect the views of the child/young person and give them equal consideration to those of adults
- if the child/young person is the complainant, the Panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the Panel should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.
- however, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the Panel considers is not in the child/young person's best interests.
- the welfare of the child/young person is paramount.

Annex B: Complaint Panel Hearing procedure

1. The panel will be appointed by or on behalf of the Trust and consist of at least three people who were not directly involved in the matters detailed in the complaint. The Trust will ensure that one panel member is independent of the management and running of the Academy/Trust to which the complaint is directed. It is important that the hearing is independent and impartial and therefore no governor should be involved in the hearing if they have prior knowledge of the complaint.
2. The hearing will always aim to resolve the complaint and achieve reconciliation between the Trust and the complainant. However, it is recognised that the complainant might not be satisfied with the outcome, if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations, which will satisfy the complainant that his / her complaint has been taken seriously.
3. An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The Chair should ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone, and care is needed to ensure the setting is informal and not adversarial.
4. The Academy is aware that extra care needs to be taken when the complainant is a child or young person. Careful consideration of the atmosphere and proceedings will ensure that the child or young person does not feel intimidated. The panel needs to be aware of the views of the child or young person and give them equal consideration to those of adults. Where the child or young person's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child or young person needs to attend.
5. The governors/Trustees sitting on the panel must be aware of the complaints procedure.
6. An agenda should be drawn up for each hearing, depending on who will be giving evidence. The hearing should reasonably follow the pattern outlined below and should be kept as informal as possible. The Principal will normally present the case on behalf of the Academy (if applicable).
 - Introduction of all parties, an explanation of the Agenda, and what the Panel is aiming to achieve through the hearing.
 - The complainant is then invited to explain their complaint, referring to any previous information they have provided.
 - The chair will then invite the Principal, followed by the panel, to ask questions of the complainant.
 - Any witnesses invited by the complainant will be asked to present their evidence (the witnesses will be invited into the meeting when required).
 - The chair will then invite the Principal, followed by the panel, to ask questions of the witnesses.
 - When all evidence has been presented by the complainant the Chair will then invite the Principal to explain the Academy's actions.
 - The Chair will then invite the complainant, followed by the panel, to ask questions of the Principal.
 - Any witnesses provided by the Academy will be invited to present their evidence (the witnesses will be invited into the meeting when required).

- The Chair will then invite the complainant, followed by the panel, to ask questions of the witnesses.
- The Chair will then invite the panel to ask additional questions of the complainant or the Principal.
- The complainant will then be invited to sum up their complaint.
- The Principal will then be invited to sum up the Academy's actions and response to the complaint.
- The chair will then ask both parties to leave while the panel decides on the issues.
- The chair will then inform both the Principal and the complainant of the timescale by which they will hear an outcome from the Panel.

7. As a result of the hearing the panel can:

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

8. If the complaint is upheld in whole or in part, the Panel 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.

Annex C: Timescales

Late complaints		
Receipt of late complaint	Complaint not to be investigated	- notification to complainant within 5 school days (if complaint not to be investigated)
	Complaint investigated by CEO	- acknowledgement of complaint to complainant within 5 school days - notification of investigation outcome within 10 school days
Complaints about Early Years requirements		
Receipt of complaint	Directed to Academy Principal	- acknowledgement of complaint or concern within 5 school days - investigation outcome notified to complainant within 28 school days
Informal complaints or concerns		
Receipt of informal complaint		- acknowledgement of informal complaint or concern within 5 school days - investigation outcome notified to complainant within 15 school days - notification to complainant within 10 school days (from receipt of complaint/concern) if investigation is delayed - all informal concerns/complaints to be resolved within 3 months of the initial concern/complaint being made
Formal complaints		
Receipt of formal complaint form		- acknowledgement of complaint within 5 school days - notification of investigation outcome within 25 school days (unless otherwise agreed between parties) - appeal against investigation outcome to be notified to the academy/Trust within 10 school days of receiving notification of outcome - formal complaints aimed to be resolved within 3 months of the complaint being received.
Request for Complaint Panel Hearing		
Receipt of request for Complaint Panel Hearing		- Request for Complaint Panel Hearing to be notified to the Academy/Trust within 10 school days of receiving notification of outcome - acknowledgement of request within 5 school days - panel hearing to take place within 25 school days (notice to be given to all parties at least 5 school days before the panel hearing) - documents to be distributed to all relevant parties at least 5 days before the panel hearing - notification of result of panel's decision within 10 school days of the hearing - Panel Hearing process aim to be completed within 3 months of the request for a Panel Hearing.
Complaints escalated to and/or about the Academy Trust, CEO, or a Trustee		
Receipt of complaint		- acknowledgement of complaint within 5 school days

		<ul style="list-style-type: none"> - notification of investigation outcome within 25 school days (unless otherwise agreed between parties) - notification to complainant within 15 school days (from receipt of complaint/concern) if investigation is delayed - complaints to be investigated and resolved within 3 months of the complaint being made - appeal against investigation outcome to be notified to the Clerk to the Trust Board within 10 school days of receiving notification of outcome
<p>Receipt of appeal against decision and request for Panel Hearing</p>		<ul style="list-style-type: none"> - appeal against investigation outcome to be notified to the Clerk to the Trust Board within 10 school days of receiving notification of outcome - Clerk to acknowledgement receipt of request for Panel Hearing within 5 school days - Panel Hearing to be arranged within 25 school days of receipt of Panel Hearing request - Panel Hearing date to be notified to all parties within 10 school days of the Panel Hearing - Papers to be circulated to all parties 5 school days before the Panel Hearing date - notification of result of panel's decision within 10 school days of the hearing - Panel Hearing process aim to be completed within 3 months of the request for a Panel Hearing.

Annex D: Complaint Form

Please complete and return to either the Clerk or the CEO office as appropriate) who will acknowledge receipt and explain what action will be taken.

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address: Postcode: Day time telephone number: Evening telephone number: Email address:
Please give details of your complaint, including whether you have spoken to anybody at the school about it.

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

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

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Action taken:

Date:

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