



Complaints Policy
Fairfax Multi-Academy Trust
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1. Introduction

- 1.1. Fairfax Academy defines a complaint as “an expression of dissatisfaction or concern by parents/carers or the public, however made, about the conduct, standard of service, actions or lack of action by the Trust, one of its Academies or its staff.
- 1.2. This document outlines the procedure to be used following a complaint about the Trust and/or an Academy within the Trust from a parent, or member of the public. This procedure provides a process for a complaint from a parent or member of the public which has not received a satisfactory response.
- 1.3. It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the Trust and/or an Academy within the Trust can be crucial in determining whether the complaint will escalate. To that end, staff will be made aware of the procedures so that they know what to do when they receive a complaint.
- 1.4. The Head of Academy will monitor the number and nature of complaints received regarding staff and will report findings to the Associates.
- 1.5. Part A of this policy outlines how parental or pupil complaints will be dealt with by the Trust in accordance with the requirements of The Education (Independent School Standards) (England) Regulations 2014, as amended. Concerns or complaints from persons other than parents/carers or pupils should be dealt with in accordance with Part B.”

PART A

2. Informal Complaints Procedure

There are two informal stages which are likely to have taken place before the formal complaints procedure is initiated.

2.1 Informal Stage One:

Staff Member and/or a Director/Associate receives communication from a parent or carer about the Academy – informal discussion:

- Staff who receive a complaint will liaise with their line manager as soon as dissatisfaction is indicated, and it is likely that the line manager is the more appropriate person to hear the complaint.
- If the line manager has any concern about how to deal with the complaint, they should consult with senior staff.
- If the issue has any aspect related to child protection guidelines, it should be immediately referred to the Head of Academy.

- The Academy will respect the views of a complainant who indicates that they would have difficulty discussing a complaint with a particular member of staff. In these cases, the line manager can refer the parents or carer to another staff member. The ability to consider the complaint objectively and impartially is crucial.
- If the issue concerns the Head of Academy, the Chair of the Academy Association will deal with the query.
The line manager will inform the complaints coordinator of any issues and outcomes
- Where the first approach is made to a Director or Associate, the Director/Associate will refer the complainant to the Trust procedure; advising them to contact the Academy directly. Directors/Associates will not act unilaterally on an individual complaint or be involved at the early stages of an issue, in case they are needed to sit on a panel at a later stage of the procedure.

A response at this stage, whether given verbally or in writing, should take place within 5 school days of the issue being raised. Where a response requires a greater time, the complainant must be contacted and given a new timescale within which a response will be provided.

2.2 Informal Stage Two: Issue referred to the Senior Leadership Team

If the parent or carer is dissatisfied with the way the issue was handled at informal stage one, it will be referred to the Head of Academy. The Head will delegate the task of investigating and collating the information to a senior leader, who will then investigate and respond to the complainant.

A response at this stage should be in writing and provided to the complainant within 5 school days of receipt of the complaint. The complainant should be kept informed of any complaint which will require a more detailed investigation and a new timescale will be provided.

3. Formal complaints procedure

3.1 Head of Academy investigation

If the parent or carer is dissatisfied with the way the issue was handled at informal stage two, the complainant may refer it to the Head of Academy by using the Formal Complaint Form (Appendix 2). The Head will investigate and respond to the complainant if all informal stages have been exhausted.

A response at this stage should be in writing and provided to the complainant within 5 school days of receipt of the complaint. The complainant should be kept informed of any complaint which will require a more detailed investigation and a new timescale will be provided.

3.2 Complaint heard by the Chair of the Academy Association

If the matter has not been resolved by the Head of Academy investigation or the complaint is about the Head of Academy, the complainant will need to write to the Chair of Academy Association c/o the Academy. The Chair of the Academy Association will arrange for the complaint to be acknowledged within 5 school working days of receiving it, and a meeting may be convened to discuss the matter further.

Following an investigation, the Chair of the Academy Association will aim to provide a written response within 10 school working days of sending out the acknowledgement. However, if a complaint is more complex to review, this can be extended to 20 school working days. The Academy will provide the complainant with details of the new deadline and an explanation for the delay. If the complainant is dissatisfied with the result at stage 3, they will need to let the Academy know within 10 school working days of getting the response. The Academy will then escalate their complaint to the next stage.

3.3 Academy Association complaints panel

If the parent or carer is still dissatisfied with the way the issue has been handled, they may complain, using the attached form (Appendix 2), to the Chair of the Academy Association giving details of the complaint.

The Chair of the Academy Association will convene an Academy Association Complaints Panel ("the Panel"). The Panel will comprise of 3 members, one of whom will be independent of the management and running of the Academy.

The Panel is the final Academy-based stage of the process and is not convened to merely rubber-stamp previous decisions. Individual complaints will not be heard by the whole Academy Association at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint. The Academy Association will nominate a number of members with delegated powers to hear complaints at this stage and set out its terms of reference.

In addition, and in accordance with the requirements of the Education (Independent School Standards) Regulations 2010, the Academy Association will also nominate persons who are independent of the running and management of the Academy to sit on the Panel.

The Panel may choose their own Chair.

The Panel, acting through the clerk, will make arrangements to hear the complaint within 20 school days of it being received, or as soon as is reasonably practicable. The complainant will be invited to attend the meeting and may be represented by a friend or other person if they wish. The Panel's decision will be issued in writing without delay and within 5 school days of the conclusion of the hearing, or as soon as is reasonably practicable. The Academy will provide the complainant with details of the new deadline and an explanation for the delay.

3.4 The remit of the Panel

The panel can:

- Dismiss the complaint in whole or in part;
- Uphold the complaint in whole or in part;
- Decide on the appropriate action to be taken to resolve the complaint;
- Recommend changes to the Academy's systems, recommend disciplinary action, or procedures to ensure that issues of a similar nature do not recur.

The Panel will work within the following guidelines:

a) It is important that the complaint hearing is independent and impartial. No associate or independent person may sit on the Panel if they have a prior involvement in the complaint or in the circumstances surrounding it. The Panel will be sensitive to the issues of equality as outlined in the equality policy.

b) The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the Academy and the complainant. However, it has to be 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.

c) 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 Panel Chair will ensure that the proceedings are as considerate as possible.

d) Extra care needs to be taken when the complainant is a student. The Panel will consider the welfare of the student in its arrangements of the hearing. The panel needs to be aware of the views of the student and give them equal consideration to those of adults.

e) The Panel members must be fully conversant of the complaints procedure.

3.5 Roles and responsibilities

The role of the Complaints Coordinator:

a) Ensure that correct Academy procedure is used to respond to complaints in the Academy within informal stage 1;

b) Ensure that appropriate action is taken as a result of a complaint in the Academy within informal stage 1;

c) Ensure that complaints at informal stage 2 are logged, and that appropriate action is taken;

d) Ensure that complaints are responded to within the stated timeframe;

e) Ensure that complainants are aware of the formal procedure for complaints, if they are dissatisfied with the action to date.

3.6 The role of the Clerk

The Panel considering complaints will be supported by a Clerk. They will be the point of contact the complainant and will:

- Set the date, time and venue of the hearing, taking reasonable measures to ensure that the dates are convenient to all parties and that the venue and proceedings are accessible;
- Collate any written material and send it to the parties in advance of the hearing;
- Meet and welcome the parties as they arrive at the hearing;
- Record the proceedings;
- Notify all parties of the Panel's decision.

3.7 The role of the Chair of the Academy Association

The Chair will:

- Check that the correct procedure has been followed;
- Notify the Clerk to arrange the panel following receipt of a formal complaint.

3.8 The role of the Chair of the Panel

The Chair of the Panel has a key role, ensuring that:

- The hearing and decision-making process are chaired effectively;
- The remit of the Panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- The issues are addressed;
- Key findings of fact are made;
- Parents and others who may not be used to speaking at such a hearing are put at ease;
- The hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- The Panel is open minded and acting independently;
- No member of the Panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure; each side is given the opportunity to state their case and ask questions;
- Written material is seen by all parties by the date specified by the Clerk. If a new issue arises, it would be useful to give all parties the opportunity to consider and comment on it prior to any hearing.

3.9 Notification of the Panel's decision

The Chair of the Panel will ensure that the complainant is notified of the Panel's decision, in writing, with the Panel's response within 5 school days.

4. Unreasonably persistent complainants and unreasonable complainant behaviour

There are rare circumstances where we will deviate from the Complaints Procedure set out in points 1-3. These include, but are not necessarily limited to:

- where the complainant's behaviour towards staff, members of the Academy Association or Board of Directors is unacceptable, for example, is abusive, offensive or threatening;
- where, because of the frequency of their contact with the Academy, the complainant is hindering the consideration of their or other people's complaints and/or the proper running of the Academy;
- where the complainant's complaint is clearly vexatious and/or has patently insufficient grounds;
- where the complainant's complaint is the same, similar to or based on the same facts of a complaint which has already been considered in full by the Academy.

In these circumstances, we may:

- inform the complainant that their behaviour is unacceptable or unreasonably persistent and ask them to change it;
- restrict the complainant's access to the Academy e.g. requesting contact in a particular form (for example, letters only), requiring contact to take place with a named person only, restricting telephone calls to specified days and times or banning the complainant from the Academy's premises;
- conduct the Complaints Committee on the papers only i.e. not hold a hearing;
- refuse to consider the complaint and refer the complainant directly to the Education and Skills Funding Agency (ESFA).

In all cases we will write to tell the complainant why we believe his or her behaviour is unacceptable or unreasonably persistent, what action we are taking and the duration of that action.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of staff, members of the Academy Association or Board of Directors, we will consider other options, for example reporting the matter to the police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

4.1 Referral of complaint to Education and Skills Funding Agency (ESFA)

If you are dissatisfied with the decision of the Complaints Committee, you are entitled to refer your complaint to the Education and Skills Funding Agency (ESFA) who has limited powers to review the handling of the complaint in accordance with ESFA's 'Procedure for dealing with

complaints about Academies’.

At the time of writing this procedure, the ESFA procedure and the ESFA academy complaints form are available at:

<https://www.gov.uk/complain-about-school>

PART B:

5. Concerns or complaints from members of the public other than parents/carers of registered pupils in the Academy

The main body of this complaints policy applies solely to complaints made by parents or carers of pupils in the Academy. The Academy wishes to work closely with other members of the local community and will deal with concerns and complaints as follows:

A concern regarding the Academy and/or its operations may be made to any member of staff. That member of staff will attempt to resolve the matter immediately or may, if appropriate, refer the matter to their line manager or member of SLT who is best placed to deal with the concern. It is expected that most concerns will be responded to verbally or in writing within 5 school days. If a longer period is required, you will be kept informed of the progress of the investigation.

Where a concern is not resolved at stage 1, a formal complaint should be sent to the Head of Academy to investigate. The Head of Academy may delegate the task of investigation and/or responding to the complaint to a member of SLT or may escalate the complaint straight to stage 3. A formal response to the complaint will usually be provided within 10 school days of receipt of the letter of complaint. If a longer period is required to respond, the complainant will be kept updated.

If the complainant is not satisfied with the response at stage 2, they may request a review by writing to the Chair of the Academy Association. They should write to the Chair within 10 school days of receipt of the letter at stage 2. The Chair may consider the complaint alone or may convene a complaints committee on the same terms as set out in the main body of the complaints policy. The decision at this stage will usually be sent to the complainant within 20 school days of receipt of the request for a review.

The decision at stage 3 exhausts the Academy’s complaints procedure.

Appendix 1: Academy complaints procedure checklist for a panel hearing

The Panel needs to take the following points into account:

- Witnesses are only required to attend for the part of the hearing in which they give evidence;
- After introductions, the complainant is invited to explain their complaint, and use their witnesses to support their case, in turn;
- The Head of Academy may question both the complainant and use their witnesses to support their case, in turn;
- The Head of Academy is then invited to explain the Academy's actions and be followed by the Academy's witnesses;
- The complainant may question both the Head of Academy and the witnesses after each has spoken;
- The Panel may ask questions at any point;
- The complainant is then invited to sum up their complaint;
- The Head of Academy is then invited to sum up the Academy's actions and response to the complaint;
- The Chair explains that both parties will hear from the Panel within the set time scale;
- The Head of Academy and the complainant leave together while the Panel decides on any actions to be taken.

Appendix 2: Formal complaint form

Please complete and return to the Head of Academy or Chair of the Academy Association who will acknowledge receipt and explain what action will be taken.

Your name:

Student's name (if applicable):

Your relationship to the student (if applicable):

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Please give details of your complaint.

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

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

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

Signature:

Date:

**Official use
Date acknowledgement sent:**

By whom:

Date: