



# The Elliot Foundation Academies Trust Complaints Policy and Procedure

Date of review: March 2016

Date of next review: March 2018

## **Complaints Policy and Procedure**

### **1. Introduction**

1.1 Academies are required to have complaints procedures meeting certain requirements by the Education (Independent School Standards) (England) Regulations 2014 and to make the procedure available to parents of students and parents of prospective students.

1.2 The Trust accepts that the actions of those individuals who work in the school will and should be open to comment, question and, on occasions, criticism. TEFAT takes complaints seriously and strives to deal with complaints swiftly and thoroughly. In a spirit of accountability TEFAT will attempt to resolve general school complaints through the most appropriate process and, where necessary, this may involve formal procedures.

1.3 This general complaints policy does not cover every type of complaint. The issues noted below have their own, separate procedures.

1. Content of a statutory statement of Special Educational Needs
2. Pupil exclusions
3. The National Curriculum and related matters, including Religious Education
4. Child Protection
5. Allegations Management (safeguarding concerns about staff that need to be referred to the LADO – Local Authority Designated Officer).
6. Matters that are the responsibility of the Local Authority such as student admissions and home to school transport.

### **2. Aims**

2.1 This Policy and the procedures for its implementation aim to clarify the way in which complaints are managed. It aims to do so in a way which is clear and concise. The Policy also seeks to promote a consistent and transparent approach to dealing with complaints.

### **3. Principles**

3.1 This Policy is underpinned by the principles noted below:

1. Complaints will be considered and resolved as quickly and as efficiently as possible.
2. Complaints will be dealt with by the member of staff best suited to deal with the matter.
3. If the complaint is about an individual member of staff they have a right to know the substance and source of any allegation made against them.

4. Complaints will be dealt with in line with any relevant national legislation and statutory obligations.
5. Complaints will be dealt with having due regard for confidentiality and the security of any records made and the TEFAT Data Protection Policy.
6. For complaints against TEFAT head office this policy will apply but substituting CEO for Principal and TEFAT Trust Board for Local Governing Body.

#### **4. Implementation**

4.1 TEFAT has a three stage process for dealing with complaints. Further details of each stage together with roles and responsibilities of staff involved can be found within this document. The three stages are:

Stage 1 – complaint heard by a member of staff (informal)

Stage 2 – complaint heard by the Principal (complaint which is put in writing)

Stage 3 – complaint heard by the Local Governing Body complaint appeal panel

4.2 TEFAT aims to resolve a complaint at the earliest possible opportunity via informal resolution by way of a discussion with the appropriate member of staff.

4.3 If the Complainant thinks that their complaint has not been resolved then they can take their complaint to Stage 2. Complaints should be submitted in writing within 10 school days of the informal meeting. During this stage the Principal will deal with the complaint. The Principal will respond to the complaint in writing via a letter or an email within 10 school days.

4.4 If the Complainant is still not satisfied they should write to the Chair of Governors giving full details of the complaint and the reason why they remain dissatisfied with previous attempts to resolve the complaint. The request must be received within 10 school days of the date the letter was received from the Principal.

4.5 The Chair, or a nominated governor, will convene a Local Governing Body Complaints Panel within 15 school days of the receipt of the letter.

4.6 One of the governors will be appointed as the Chair of the Complaints Panel. This will not necessarily be the Chair of Governors.

4.7 The Clerk to the Governors will invite the Complainant to attend the Complaints Panel. The Complainant will be informed of the time, date and venue for the hearing. The clerk will collate and distribute any relevant information.

4.8 The Complaints Panel will include at least one member who is independent of the management and running of the Academy, and will not be made up solely of

local governing body members. The Chair will appoint a suitably independent individual to fulfil the role.

4.9 The Chair will ensure that the Complainant is informed of the Panel's decision, in writing, within 10 school days of the Panel hearing.

4.10 The Panel hearing will be held in private and the Academy aims to resolve the complaint, achieve reconciliation between the school and the Complainant. All concerns are taken very seriously.

4.11 The Complaints Panel will aim to reach an outcome in respect of the complaint (i.e. upheld, partially upheld, not upheld, unable to substantiate). The Panel will also decide and agree on any appropriate action to be taken as a result of the complaint and make recommendations to change processes/procedures to ensure problems of a similar nature do not recur.

4.12 Any disciplinary outcome of any investigation into the conduct of a member of staff is a confidential matter between the member of staff and the Senior Management /Governors of the school and will not be disclosed to the complainant.

4.13 The implementation and adherence to this complaints procedure should reduce the number of complaints that become protracted or vexatious. If a complainant tries to reopen the same issue the Chair of the Governing Body will write to the complainant explaining that the complaint has been through all stages of the procedure, is now exhausted and the matter is now closed.

4.14 The response to any anonymous complaints (verbal or written) will be coordinated by a member of the Senior Leadership Team.

4.15 The School will keep written records of all complaints and their outcomes.

4.16 TEFAT Complaints Procedure is published on the Trust and academy website and is available from the Main School Office on request.

4.17 Should a complainant remain dissatisfied following a Stage 3 complaint they will be advised of their right to escalate their complaint to the following bodies:

#### **Department for Education**

If a complainant feels that the school has or is proposing to act unreasonably, or has failed to discharge a duty under certain legislation they can contact the Department for Education via the following link:

[https://form.education.gov.uk/fform.php?self=1&form\\_id=cCCNJ1xSfBE&type=form&ShowMsg=1&form\\_name=Contact+the+Department+for+Education&noRegister=false&ret=%2Fmodule%2Fservices&noLoginPrompt=1](https://form.education.gov.uk/fform.php?self=1&form_id=cCCNJ1xSfBE&type=form&ShowMsg=1&form_name=Contact+the+Department+for+Education&noRegister=false&ret=%2Fmodule%2Fservices&noLoginPrompt=1)

#### **Education Funding Agency (EFA)**

If a complaint comes to the EFA they will check whether the complaint has been dealt with properly by the Academy. They will consider complaints about Academies that fall into any of the following three areas:

1. Where there is undue delay or the Academy did not comply with its own complaints procedure when considering a complaint
2. Where the Academy is in breach of its funding agreement with the Secretary of State
3. Where an Academy has failed to comply with any other legal obligation

They will not overturn an Academy's decision about a complaint. However, if they find an Academy did not deal with a complaint properly they will request the complaint is looked at again and procedures meet the requirements set out in the Regulations. If the Academy's complaints procedure does not meet the Regulations, they will ask the Academy to put this right. They may seek to enforce the decision under the terms of the funding agreement on behalf of the Secretary of State, if appropriate.

## **5. Monitoring & Evaluation**

5.1 This Policy will be reviewed in accordance with TEFATs review process. The Principal will keep records of all complaints that pass beyond Stage 1 and are dealt with by the Principal. Such records may be shared with the Trustees/Governors as appropriate.

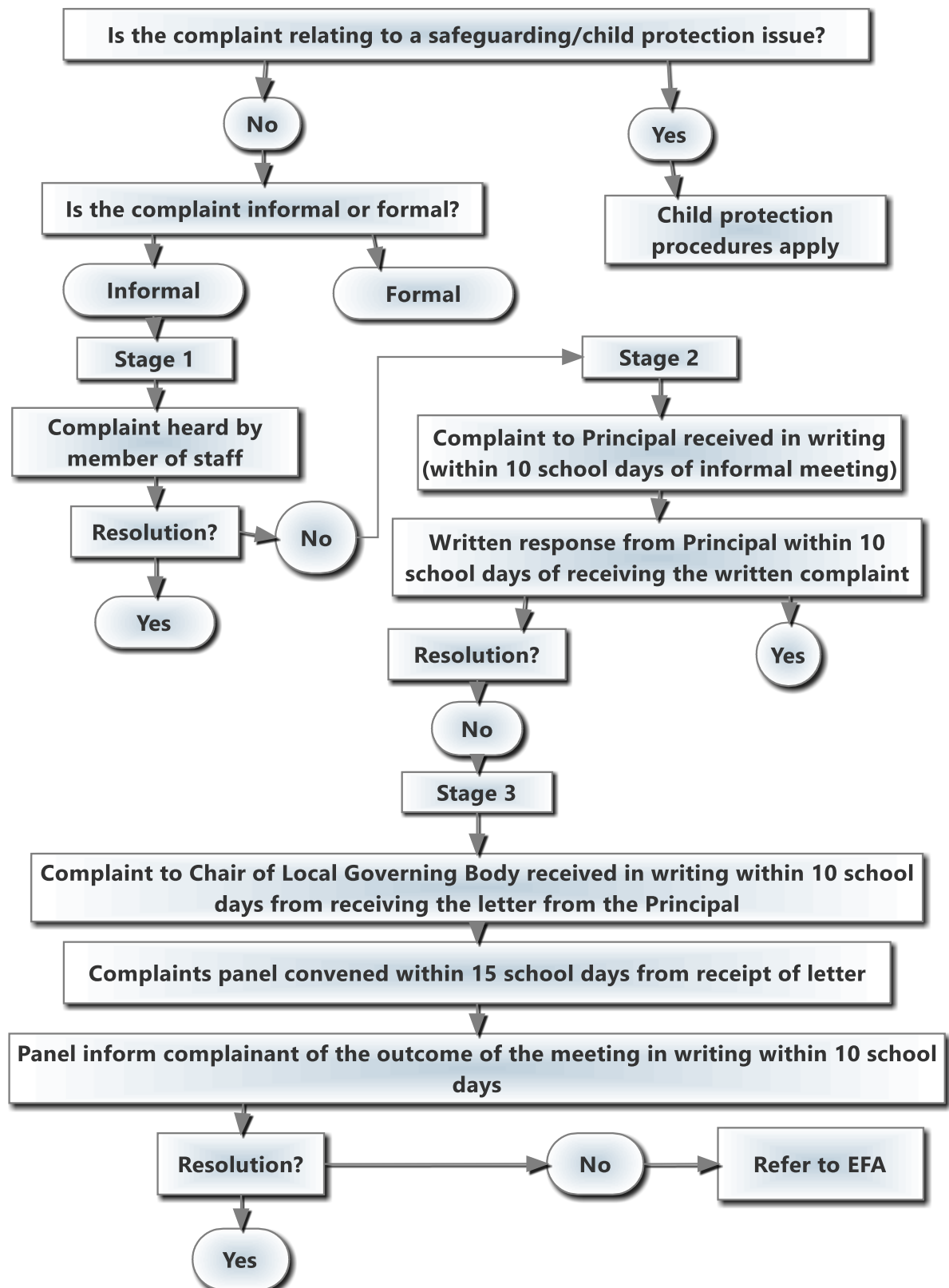
## **6. Other Information**

TEFAT academies will:

1. Deal with complaints from people who are not parents of attending pupils in the same way by utilising the process outlined above.
2. Ensure the complainant is given reasonable notice of the panel hearing date, if the complaint does proceed to the Complaints Panel stage.
3. Consider if staff likely to be involved in handling a complaint are suitably equipped to do so.
4. Provide complainants with written responses where appropriate and if requested.
5. Clearly signpost parents that are not satisfied about the handling of their complaint to the EFA.

6. Not tolerate abusive language or behaviour at any time, and reserve the right to postpone the process should it feel that the welfare of staff, pupils and / or governors is at significant risk.

## Process



**TEFAT academies**

**Complaint Form**

**Please complete and return to the school who will acknowledge receipt and explain what action will be taken. (NB It is not necessary to use this form and complaints can be made without using this format.)**

**Your name**

**Pupils name**

**Your relationship to the student**

**Address**

**Postcode**

**Daytime phone**

**Evening phone**

**Mobile 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?)**