Inspiring Futures Through Learning

Complaints Procedure

Reviewed December 2018

Inspiring Futures through Learning (IFtL) is dedicated to providing the best possible education and support for all pupils within its schools. This means having a clear, fair and efficient procedure for dealing with any complaints to or against our schools, so that any issues that arise can be dealt with as swiftly and effectively as possible.

The trustees of Inspiring Futures through Learning (IFtL) have approved and adopted this procedure to allow parents/carers of pupils attending academy schools within the trust to raise a concern or complaint. We will also usually follow this procedure when dealing with complaints from others but reserve the right to substitute this procedure for an alternative process where it is appropriate to do so.

This procedure does not apply to concerns and complaints relating to the following, which are dealt with under separate school policies:

- exclusion of children from school;
- Pupil admissions;
- Statutory assessments of Special Educational Needs (SEND)
- Staff grievance, capability or disciplinary issues
- issues related to safeguarding and child protection including Whistleblowing
- School re-organisation proposals
- Matters likely to require a Child Protection investigation
- Complaints about services provided by a third party who may use school/trust premises or facilities.
- Anonymous Complaints – please refer to the Whistleblowing Policy
- Subject Access Requests and Freedom of Information requests

Purpose

We want all pupils and their families within IFtL and all of our schools to be happy with the education we offer and the policies and procedures we follow. The majority of issues raised by parents, the community or pupils, are concerns rather than complaints. The DfE guidance explains the difference between a concern and a complaint. A 'concern' may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought.'

A complaint may be generally defined as an 'expression of dissatisfaction however made, about actions taken or lack of action.' IFtL and all our school are committed to taking concerns seriously, at the earliest stage, in the hope of keeping the number of formal complaints to a minimum and without needing formal procedures. In the first instance we recommend wherever possible for all concerns and complaints to initially be acknowledged, acted on and responded to by our schools in line with their own school complaint procedures. However, if in the exceptional circumstances where complaints have not been resolved at a school level, the IFtL Compliant procedure can be followed. In addition, if the complaint is at a Trust level this procedure should be followed.

For IFtL to be able to investigate a complaint, it needs to be made within one year of the incident occurring. If a complaint is older than a year it will not be investigated.

The prime aim is to resolve the complaint as fairly and speedily as possible. Formal complaints will be dealt with in a sensitive, impartial and confidential manner. Malicious complaints may incur appropriate action by the school and/or IFtL. The formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

This procedure considers the advice in DfE 2016 Best Practice for Complaints Procedures
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/489056/Best_Practice_Advice_for_School_Complaints_2016.pdf
This policy meets the requirements as set out in Part 7 of the Education (Independent Schools Standards) Regulations 2014.
This policy complies with our Funding Agreement and our Articles of Association.
The aims of the procedure are:

- to deal with any complaint against an academy or any individual connected with it by following the correct procedure;
- to deal with all complaints thoroughly and by being open, honest and fair when dealing with the complainant.

All staff will be made aware of this complaints procedure and are expected to review this policy regularly in order that they are familiar with our process of dealing with complaints and can be of assistance when an issue is brought to their attention.

Complaints about our fulfilment of Early Years requirements

We will investigate all written complaints relating to the school's/Trust fulfilment of the Early Years Foundation Stage requirements and notify the complainant of the outcomes within 20 school days of receiving the complaint. The school/Trust will keep a copy of the complaint and will make this available to Ofsted on request.

Parents and carers can contact Ofsted if they believe that the school/Trust is not meeting Early Years Foundation Stage requirements by calling 0300 123 4234 or 0300 123 4666, or by emailing mailto:enquiries@ofsted.gov.ukAn online form is also available at:
https://www.gov.uk/government/organisations/ofsted#org-contacts

We will notify parents and carers if we become aware that the school 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.

Principles
At IFtL our effective Complaints Procedure will:
• encourage resolution of problems by informal means wherever possible;
• be easily accessible and publicised;
• be simple to understand and use;
• be impartial;
• be non-adversarial;
• allow swift handling with established time-limits for action and keeping people informed of the progress;
• ensure a full and fair investigation by an independent person where necessary;
• respect people's desire for confidentiality;
• address all the points at issue and provide an effective response and appropriate redress, where necessary;
• provide information to the school's senior management team so that services can be improved.

Investigating Complaints
At each stage, the person investigating the complaint will ensure that they:
• establish what has happened so far, and who has been involved;
• clarify the nature of the complaint and what remains unresolved;
• meet with the complainant or contact them (if unsure or further information is necessary);
• clarify what the complainant feels would put things right;
• interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
• conduct the interview with an open mind and be prepared to persist in the questioning;
• keep notes of the interview.

Resolving Complaints
At each stage in the procedure IFtL will keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:
• an apology;
• an explanation;
• an admission that the situation could have been handled differently or better;
• an assurance that the event complained of will not recur;
• an explanation of the steps that have been taken to ensure that it will not happen again;
• an undertaking to review school policies in light of the complaint.

Complainants will be encouraged to state what actions they feel might resolve the problem at any stage. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

Unreasonable complaints – vexatious complaints
If a complaint is made that raises an issue that has already been dealt with via the school's complaints procedure, and that procedure has been exhausted, the school will not reinvestigate the complaint unless there are exceptional circumstances, for example where new evidence has come to light.

If a complainant persists in raising the same issue, the Head of School/CEO will write to them explaining that the matter has been dealt with fully in line with the school/Trust complaints procedure, and therefore the case is now closed. The complainant will be provided with the contact details of the Department for Education (see the end of this document) if they wish to take the issue further.

Unreasonable complaints include the following scenarios:

• the complainant refuses to co-operate with the school's relevant procedures
• the complainant changes the basis of the complaint as the complaint progresses
• the complainant seeks an unrealistic outcome
• excessive demands are made on the time of staff and school governors and it is clearly intended to aggravate
• the complainant acts in a way that is abusive or offensive.

The Headteacher/CEO will use their discretion to choose not to investigate these complaints. If they decide to take this course of action, the chair of governors must be informed, explaining the nature of the complaint and why they have chosen not to investigate. If the Chair deems it appropriate to, they can redirect the Head of School/CEO to investigate the complaint. The full complaints procedure will then commence from stage one on this direction.

If the Chair upholds the Head of School's decision not to look into the complaint, and the complainant deems this decision to be so unreasonable that no other rational board in the same position would have made that decision, then the complainant may write to the Department for Education.

Time-Limits
Complaints need to be considered, and resolved, as quickly and efficiently as possible. IFtL complaints procedure has realistic time limits for each action within each stage. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

The following details outline the stages that can be used to resolve complaints.

Understanding this procedure
In order to investigate your complaint as fully as possible, we have implemented a staged approach. We anticipate that almost all complaints that arise will be resolved at Stage 1 or Stage 2 below.

We expect our members of staff to be addressed in a respectful manner and for communication to remain calm at all times. The procedure under Part 3 will only be used on very rare occasions to deal with unreasonably persistent complainants or unreasonable complainant behaviour.

To enable a proper investigation, concerns or complaints should be brought to the attention of the academy as soon as possible.

An anonymous concern or complaint will not be investigated under this procedure unless there are exceptional circumstances.

If it becomes necessary to alter the time limits and deadlines set out within this procedure, you will be advised accordingly and given an explanation as to why this has been the case and provided with revised timescales.

In this procedure:
- 'school/working days' excludes weekends and school holidays;
- 'parent' means a parent, carer or anyone with legal responsibility for a child.

PART 1: Complaints Procedure

Stage 1: Informal concerns

1.1 Many enquiries and concerns can be dealt with satisfactorily by a member of staff without the need to resort to the formal procedure. We value informal meetings and discussions and encourage parents to approach staff with any concerns they may have and aim to resolve all issues with open dialogue and mutual understanding.

1.2 It is always helpful if you can fully explain the nature of the concern and identify the outcome you are looking for. You may be invited to an informal meeting with the member of staff most appropriate for dealing with that concern. The member of staff dealing with the concern will make sure that you are clear on what action (if any) has been agreed. This may be put in writing if appropriate.

1.3 If the concerns are about the staff within a specific school or the Headteacher these should be referred directly to the Chair of the Local Governing Board under Stage 2.

1.4 There is no suggested timescale for resolution at this stage given the importance of dialogue through informal discussion, although it would be expected that most issues will be resolved within 15 school days. Where no satisfactory solution has been found, you will be advised that if you wish your concerns to be considered further you should write to the Trust CEO and following this the Chair of Trustees, if the CEO is not deemed appropriate or if the matter is still not resolved.

Stage 2: Formal Written Complaints

2.1 If your concerns are not resolved following the Schools Complaints Procedure and Stage 1 or the Trusts Complaints procedure or you wish your concerns to be dealt with immediately as a formal complaint by the Trust, you should put your complaint in writing and send this to the CEO of IFtL. c/o Fairfields Primary School, Apollo Avenue, Fairfields, Milton Keynes MK11 4BA. Or the Chair of Trustees, if the CEO is not deemed appropriate or if the matter is still not resolved.

2.2 Your written complaint should include details which might assist the investigation, such as the nature of the complaint, details of how the matter has been dealt with so far, the names of potential witnesses, dates and times of events and copies of all relevant documents. It is very important that you include a clear statement of the actions that you would like the academy to take to resolve your complaint. You may wish to use the Complaint Form provided in Annex 1.

2.3 Your complaint will normally be acknowledged in writing within 5 school days of receipt. The acknowledgement will give a brief explanation of the Trusts complaints procedure and a target date for providing a response to the complaint. This will normally be within 15 school/working days of receipt.

2.4 The CEO (or someone appointed by them) will usually invite you to a meeting to clarify your complaints and to explore possible resolutions. If you accept that invitation, you may be accompanied by one other person, such as a friend, relative, advocate or interpreter, to assist you. Where possible, this meeting will take place within 10 school/working days of receipt of the written complaint.

2.5 If necessary, witnesses will be interviewed, and statements taken from those involved. If the complaint centres on a pupil, the pupil should also be interviewed. Pupil should normally be interviewed with their parent present, but if this would seriously delay the investigation of a serious or urgent complaint or if the pupil has specifically said that s/he would prefer that their parents were not involved, another member of staff with whom the pupil feels comfortable should be present. If a member of staff is complained against, they must have

the opportunity to present their case.

2.6 Once all the relevant facts have been established as far as possible, you will be provided with a written response to the complaint, including a full explanation of the decision and the reasons for it. This will include what action IftL will take to resolve the complaint (if any). You will be advised that if you are dissatisfied with the outcome of the complaint, you may request that your complaint be heard by the Complaints Committee.

2.7 If in the early stages of the investigation, the Trust CEO considers that the complaint is best dealt with immediately at Stage 3, it will be passed to the Chair of Trustees and you will be informed of this action without delay.

What if the complaint is about the CEO?

If the complaint is about the CEO, or if the CEO has been closely involved at Stage 1, your complaint should be sent to the Chair of Trustees who will carry out all the Stage 2 procedures.

What if the complaint is about a member of the Trustees?

You should contact the Chair of the Trustees who will investigate the concerns in accordance with Stage 2. If the complaint is about the Chair of the Trustees, you should contact the Vice Chair of Trustees.

If the complaint is about the Trustees as a whole, you should send your complaint to the IFtL CEO, however, if you feel the CEO and all the Trust Board including the Trust Chair are involved then you should follow the IFtL Whistleblowing Policy Procedures. https://www.iftl.co.uk/wp-content/uploads/2018/10/IFTL-Whistleblowing-final.pdf

Stage 3: Referral to the Complaints Committee

3.1 If you are dissatisfied with the decision under Stage 2, you may request that a Complaints Committee be convened to consider your complaint. Your request will only be considered if you have completed the relevant procedures at Stages 1 and 2.

3.2 To request a hearing before the Complaints Committee, you should write to the Clerk to the Trustees c/o Fairfields Primary School, Apollo Avenue, Fairfields, Milton Keynes MK11 4BA within 10 school days of receiving notice of the outcome of Stage 2. You should ensure that you provide copies of all relevant documents and state all the grounds for your complaint and the outcome that you are looking for.

3.3 Your written request will be acknowledged within 5 school days of receipt.

3.4 The Clerk will arrange for a Complaints Committee to be convened, made up of at least three members, including:

- members of the local governing board and/or trustees of the academy trust with no prior involvement in the matter; and,
- one person who is independent of the management and running of the school

3.5 The Clerk shall appoint one of these members to be the Chair of the Committee.

3.6 Every effort will be made to enable the hearing to take place within 20 school days of the receipt of your request. As soon as reasonably practicable and in any event at least 5 school days before the hearing, you will be sent written notification of the date, time and place of the hearing, together with brief details of the committee members who will be present. Fair consideration will be given to any bona fide objection to a particular member of the committee. The notification will also inform you of your right to be accompanied to the meeting by a friend, relative, advocate or interpreter and explain how the meeting will be

conducted. You should notify the Clerk in advance if you intend to bring anyone to the hearing.

3.7 A copy of the complaint and any other documents provided by you in support of your complaint or by the academy in defence of the complaint will be provided to the Complaints Committee as soon as practicable upon receipt. Copies of these documents shall also be provided to you or CEO or the appointed person (as applicable) at least 3 school days before the hearing. The Complaints Committee reserves the right not to consider any documentation presented by either you or the academy less than 3 school days prior to the hearing. The Complaints Committee is under no obligation to hear oral evidence from witnesses but may do so and/or may take written statements into account.

3.8 The hearing will be conducted in such a way as to ensure that each party has the opportunity to address the Complaints Committee. The procedure to be followed during the hearing will be set out to the parties by letter in advance of the hearing. The Clerk will ensure that sufficient notes are taken to record an accurate reflection of the points considered and any decisions taken, or actions agreed.

3.9 Unless otherwise stated, the procedure for an appeal is as follows:

- the individual who is making the compliant and CEO or the appointed person will enter the hearing together;
- the Chair of the Committee will introduce the committee members and outline the process;
- the individual who is making the compliant will explain details of the complaint;
- the CEO and/or the appointed person and committee members will investigate and question to clarify the compliant;
- the CEO and/or the appointed person will explain the trusts actions;
- the individual who is making the compliant and the committee members will question the CEO and/or the appointed person;
- the individual who is making the compliant will sum up their complaint;
- the CEO and/or the appointed person will sum up the academy's actions;
- the Chair of the Committee will explain that both parties will hear from the committee within 5 school days;
- both parties will leave together while the committee decides;
- the Clerk will stay to assist the committee with its decision making.

If the compliant is at a school level, the appropriate members of staff including the Headteacher and Local Governing Board will be represented/present in the above process.

The Clerk and or Complaints Committee reserves the right to modify the above procedure at their sole discretion, for example requiring the individual who is making the compliant and CEO and/or the appointed person to present their complaint/actions separately to the Committee in the absence of the other party.

3.10 After the hearing, the Complaints Committee will consider their decision and inform you and the CEO and/or the appointed person of their decision in writing within 5 school days. The letter will set out the decision of the committee together with the reasons underpinning that decision. The committee can (by a majority if necessary):

- 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 or procedures to ensure that problems of a similar nature do not happen again.

Stage 4: 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

Records of complaints

A written record will be kept of all complaints, including at what stage they were resolved. Correspondence, statements and records relating to individual complaints will be kept confidential except where access is requested by the Secretary of State or where disclosure is required in the course of a school inspection or under other legal authority. Records of complaints will be kept in line with our Trusts Privacy Policy. The details of the complaint, including the names of individuals will not be shared with the Local Governing Board or IFtL Trustees in case a review panel needs to be convened at a later date. Where the Local Governing Board is aware of the substance of the complaint before the review panel stage, the school will (where reasonably practicable) arrange for an independent panel to hear the complaint.

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 Local Governing Board, who will not unreasonably hold consent.

Trustees Review

The Trustees will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary, and will determine whether there are any improvements the that school/Trust can make to its procedures or practice to prevent similar events in the future.

As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to the Trust process and identification to identify underlying issues that need to be addressed.

The monitoring and review of complaints by the schools, Governing Boards and Trust will be a useful tool in evaluating a school's and Trusts performance.

IFtL is committed to dealing with all complaints fairly and impartially and to providing a high-quality service to those who complain. We will not normally limit the contact complainants have with the school and/or Trust. However, we do not expect any of our staff within Schools and the Trust to tolerate unacceptable behaviour and will act to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Publicising the Procedure

There is a legal requirement for the Complaints Procedures to be publicised. This requirement will be fulfilled by including details in:

- the Trust web-site;
- any report/communication from the Trustees;
- the information given to IFtL Employees

PART 2: Unreasonably persistent complainants and unreasonable complainant behaviour

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

- where the complainant's behaviour towards staff, members of the local governing board or trustees 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 Stage 4.

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 local governing board or trustees, 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.

Relevant legislation and guidance

The Equality Act 2010 http://www.legislation.gov.uk/ukpga/2010/15/contents
The Data Protection Act 1998 http://www.legislation.gov.uk/ukpga/1998/29/contents
The Education (Independent School Standards) Regulations 2014
http://www.legislation.gov.uk/uksi/2014/3283/contents/made
Education Act 2002 http://www.legislation.gov.uk/ukpga/2002/32/contents
The Department for Education Best Practice advice for school complaints procedures 2016
https://www.gov.uk/government/publications/school-complaints-procedures
Understanding and Dealing with Issues Relating to Parental Responsibility
https://www.gov.uk/government/publications/dealing-with-issues-relating-to-parental-responsibility

Appendix 1
Stage 2 – Formal Complaint Form

Your personal details	
Your name:	
Your child's name and/or school name:	
Your child's class (if applicable):	
Your address including postcode:	
Daytime telephone number:	
Evening telephone number:	
Email address:	
Please provide full details of your complaint, including relevant dates and persons concerned where possible in the box below. Continue on a separate sheet if necessary.	

What action, if any, have you already taken to try and resolve your complaint? (who did you speak to and what was their response?). Continue on a separate sheet if necessary.

How do you feel the problem could be resolved at this stage? Continue on a separate sheet if necessary.

Are you attaching any paperwork? If so, please provide details. Continue on a separate sheet if necessary.	
Signed:	
Date:	

All functions of the complaint's procedure must adhere to the requirements of the Data Protection Act 1998 and the Freedom of Information Act 2000.

Thank you for completing the form and providing us with details of your complaint. Please complete and return to the Trust Office in a sealed envelope addressed to the CEO, Chair of Trustees or Clerk to the local governing board (as appropriate).

Office use

Date received ……

Date acknowledgement sent ……

Responsible member of staff …….

Annex 2

Summary of Complaints Procedure

Stage 1: Informal concerns	Individual making the complaint brings complaint to attention of member of staff
	Issue to be resolved within 15 school days
	Where no satisfactory solution has been found, parent to be advised that they should proceed to Stage 2
Stage 2: Formal Written Complaint	Parent to put complaint in writing using Complaint Form
	Complaint to be acknowledged within 5 school days
	(Optional) Meeting with parents within 10 school days
	Response to the complaint sent within 15 school days
Stage 3: Referral to Complaints Committee	Parent to request hearing within 10 school days of receiving notice of the outcome of Stage 2
	Request to be acknowledged within 5 school days
	Hearing to take place within 20 school days of receipt of request
	Notification of date, time and place of the hearing and details of the committee members present sent at least 5 school days before the hearing
	Trust and individual making the complaint to submit evidence in support of their case to Clerk at least 3 school days before the hearing
	Complaints Committee decision sent not more than 5 school days after the hearing