

# Complaints Policy

## Fairfax Multi-Academy Trust

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## 1. What is a complaint?

Fairfax Multi-Academy Trust (FMAT) takes very seriously any concern or complaint about the education or other services we provide or about the conduct of our staff. We believe that by tackling concerns at the earliest possible stage it allows us to improve relationships, enhance learning, prevent issues escalating and reduce the number of formal complaints we receive.

We define a concern as follows:

*"an expression of dissatisfaction made verbally about any aspect of the Academy or Trust"*.

We define a complaint as follows:

*"an expression of dissatisfaction made in writing about the standard of service, actions or lack of action by the Academy or Trust affecting an individual or group"*.

If a concern is expressed verbally, we will try to resolve it using the procedures set out below for dealing with concerns. If a complaint is made in writing, we will use the formal complaints procedure, also set out below.

## 2. Application of the Complaints Procedure

Legally, all schools, academies and Trusts must have a complaints procedure which deals with the handling of complaints from the parents/carers of students. This procedure is for the express use of parents/carers of students.

The Complaints Procedure will be used to consider any complaints about the Academy/Trust, except those which relate to the following areas, which have their own statutory procedures:

- Admissions;
- Exclusion of students;
- Complaints covered by the Children Act 1989.

The Complaints Procedure will also not cover complaints, which are, or have been, the subject of legal proceedings, or complaints being considered by the Secretary of State for Education under any statutory power.



### **3. The Trust's principles for dealing with concerns and complaints**

The Trust will:

- take all concerns and complaints seriously;
- make every attempt to resolve concerns by informal means without the need to use formal procedures;
- publish its complaints procedure, make it easily accessible and simple to understand and use;
- be fair, open and honest when dealing with any concern or complaint;
- give careful consideration to all concerns and complaints and deal with them as swiftly as possible, keeping people informed of progress;
- resolve any concern or complaint through dialogue and mutual understanding and, wherever possible, put the interests of the child above all other issues;
- provide sufficient opportunity for any concern or complaint to be fully discussed, and then resolved;
- deal with concerns or complaints in an impartial and non-adversarial manner;
- ensure a full and fair investigation of a complaint is undertaken by a person who has not been directly involved in the matter;
- address all the points at issue and provide an effective response and appropriate redress, where necessary;
- respect people's desire for confidentiality;
- use the outcome of a complaint to reflect on the services provided by the Academy/Trust so, if necessary, they can be improved.

### **4. Dealing with concerns in individual Academies**

We recognise that parents and carers will, from time to time, have reasonable and legitimate concerns about the progress, achievement, behaviour or welfare of their child, or about other matters connected with the Academy.

We encourage parents and carers to make those concerns known to the relevant member of staff so that they can be addressed in partnership with the Academy. Almost invariably, the sooner such concerns are raised, the easier it is for an appropriate resolution to be found.

A concern may be raised with any member of staff. For parents/carers, this would typically be your child's tutor, teacher or Head of Year (or equivalent) and for others, this would normally be the Principal. If parents/carers have a concern with the operation of the Academy Association, it should be raised either with the Principal or Chief Executive Officer (CEO). That person will try and resolve the matter or will refer you to the appropriate person. Many concerns are resolved immediately. If this is not possible, a member of staff will endeavour to respond to you within five working days or will give you a reasonable timeframe when an outcome is communicated to you.



The member of staff will make a written record of the concern that was raised and the date on which it was received. If you are not satisfied, you will be advised to proceed to make a formal complaint.

## **5. Making a formal complaint about an Academy**

The process for making a formal complaint is set out in Appendix 1.

Complaints should be brought to the attention of the Academy as soon as possible. A complaint made more than three months after the event complained of will not be considered, save in exceptional circumstances.

The complaint can be made in writing by letter, by using the form in the Complaints Procedure, or in person, if written notes are made and countersigned by the complainant. Anonymous complaints will not be investigated, save in exceptional circumstances, as we are unable to respond to the complainant. (These circumstances would include serious concerns such as child protection issues or bullying allegations, where the Academy is either required to involve appropriate external agencies or might conduct an internal review to test whether there is any corroborative evidence which might trigger a formal investigation).

## **6. Making a complaint about the work of the Trust**

The process for making a formal complaint is set out in appendix 1.

Complaints should be brought to the attention of the Chief Executive Officer (CEO) as soon as possible. The complaint will start at Stage 3 of the process. A complaint made more than three months after the event complained of will not be considered, save in exceptional circumstances.

The complaint can be made in writing by letter, by using the form in the Complaints Procedure, or in person, if written notes are made and countersigned by the complainant. Anonymous complaints will not be investigated, save in exceptional circumstances, as we are unable to respond to the complainant. (These circumstances would include serious concerns such as child protection issues or bullying allegations, where the Trust is either required to involve appropriate external agencies or might conduct an internal review to test whether there is any corroborative evidence which might trigger a formal investigation).



## **7. Where to send your complaint**

You should send your complaint to the Principal if the complaint is about an individual Academy. If your complaint is about the Academy Association or the broader work of the Trust, it should be sent to the CEO.

In the event of a complaint relating to the Principal, the complaint should be sent to the CEO using the address of the Central Office of the Trust. In the event of a complaint relating to the CEO, the complaint should be sent to the Chair of the Trust Board. The relevant address can be found on the Trust's website.

The Academy/Trust will acknowledge receipt of a complaint in writing within two working days.

## **8. The stages of handling a complaint**

Stage 1 – the complaint will be investigated by the Principal and, if resolved satisfactorily at this stage, the procedure is completed.

Stage 2 – if not resolved at Stage 1, the CEO will arrange for the complaint to be investigated, and, if resolved satisfactorily at this stage, the procedure is completed.

Stage 3 – if not resolved at Stage 2, the complaint will be investigated by a panel of three consisting of two members of the Trust Board, one of whom may be the CEO, as well as an additional panel member who is independent of the management and running of the Academy and the Trust. The parent/carer may attend the panel hearing and be accompanied if they wish. The panel will still consider the complaint even if the complainant does not attend the hearing. This is the final stage of the Trust's complaints process.

If the complaint relates to the Principal, only stages 2 and 3 will be used. If the complaint relates to the CEO, the Stage 3 panel will be constituted by the Trust Board.

If the complainant chooses to escalate their complaint to the next stage of the policy, they should notify the Principal/Trust within 10 days in writing otherwise the complaint will be closed.

At each stage, a similar process is used:

- investigating the complaint;
- resolving the complaint;
- providing a written response.



If a complainant is still not satisfied with the outcome when the complaint has been through all three formal internal stages, the complainant has recourse to complain directly to the Education and Skills Funding Agency via the school complaints form. The link to the form is below:

[https://form.education.gov.uk/en/AchieveForms/?form\\_uri=sandbox-publish://AF-Process-f1453496-7d8a-463f-9f33-1da2ac47ed76/AF-Stage-1e64d4cc-25fb-499a-a8d7-74e98203ac00/definition.json&redirectlink=%2Fen&cancelRedirectLink=%2Fen](https://form.education.gov.uk/en/AchieveForms/?form_uri=sandbox-publish://AF-Process-f1453496-7d8a-463f-9f33-1da2ac47ed76/AF-Stage-1e64d4cc-25fb-499a-a8d7-74e98203ac00/definition.json&redirectlink=%2Fen&cancelRedirectLink=%2Fen)

### **Confidentiality**

All complaints will be treated as confidential. Correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2018 Act requests access to them.

However, it should be noted that if any action taken by a member of staff is the subject of a complaint, the employee should be advised of the complaint made against them, and they should be given the opportunity to respond to the complaint as part of the investigation process.

All confidential information will be securely maintained by the Academy/Trust on its premises in line with FMAT's Data Protection Policy and Privacy Notice and in line with the requirements of current Data Protection Legislation.

### **9. Investigating the complaint**

The individuals leading each of the stages of the Complaint Procedure may delegate the investigation to an appropriately senior member of staff who has no connection with the complaint. The resolution of the complaint and a decision about any action to be taken rests with the individuals identified as responsible for each stage (as per section 8 above).

The person/s investigating the complaint must make sure that they:

- clarify the nature of the complaint and what remains unresolved;
- establish what has happened so far, and who has been involved;
- meet with the complainant, if the complainant requests a meeting;
- meet with the complainant or contact them (if clarification or further information is necessary);
- ascertain what the complainant feels would put things right;
- maintain an open mind;



- conduct the investigation, analysing any relevant documents and interviewing those who may be involved;
- in the event, an employee is responding to a complaint, they are entitled to be accompanied by a work colleague or trade union representative;
- keep written records of the investigation.

The Academy/Trust will retain written records of all of the parts of investigation at each stage, including notes of all meetings, interviews, discussions and telephone calls, in case the complaint is taken further. The information will be securely maintained by the Academy/Trust in line with FMAT's Data Protection Policy and Privacy Notice and in line with the requirements of current Data Protection Legislation.

## **10. Resolving the complaint**

At each stage in the procedure, the Academy/Trust will keep in mind ways in which a complaint can be resolved. It may be sufficient to acknowledge that the complaint is upheld in whole or in part. Alternatively, the complaint may not be upheld, and this may be because there is insufficient evidence to substantiate the complaint. To support the resolution, it will usually be appropriate to offer one or more of the following:

- an apology (which does not imply liability);
- an explanation (especially where the complaint is not upheld);
- an admission that the situation could have been handled differently;
- 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 recur;
- an undertaking, if necessary, to review policies or procedures in light of the complaint.

Where, as a result of the complaint, the Academy/Trust takes actions that are themselves confidential, it may be necessary to inform the complainant that the matter has been fully investigated and that the appropriate procedures are being followed (for example where staff disciplinary procedures are being followed).

## **11. Providing a Response**

All complainants should be provided with a written response which sets out the Academy's/Trust's findings and recommendations within a target period of fifteen working days for Stages 1 and 2 and 21 working days for Stage 3. Where the nature of the investigation is such that the complaint cannot be resolved within these timescales, a holding letter will be sent giving an indication of the date on which a response will be made.



In the case of the complaint being heard by a panel (Stage 3) the Chair of the panel will ensure that the complainant and, where relevant, the person complained about is notified of the panel's findings and recommendations, in writing.

The Academy/Trust will keep a written record of all formal complaints, which indicates at which stage they were resolved. The written record will include action taken by the academy/trust as a result of the complaint (regardless of whether they are upheld).

Any findings and recommendations that are determined as a result of a panel hearing will be made available for inspection.

## **12. Publication of the Complaints Procedure**

The Complaints Procedure will be available from Reception, on each Academy site and on the Trust website.

## **13. Unreasonably persistent complainants and unreasonable complainant behaviour**

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

- where the complainant's behaviour towards staff, members of the Academy Association or Trust Board 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:

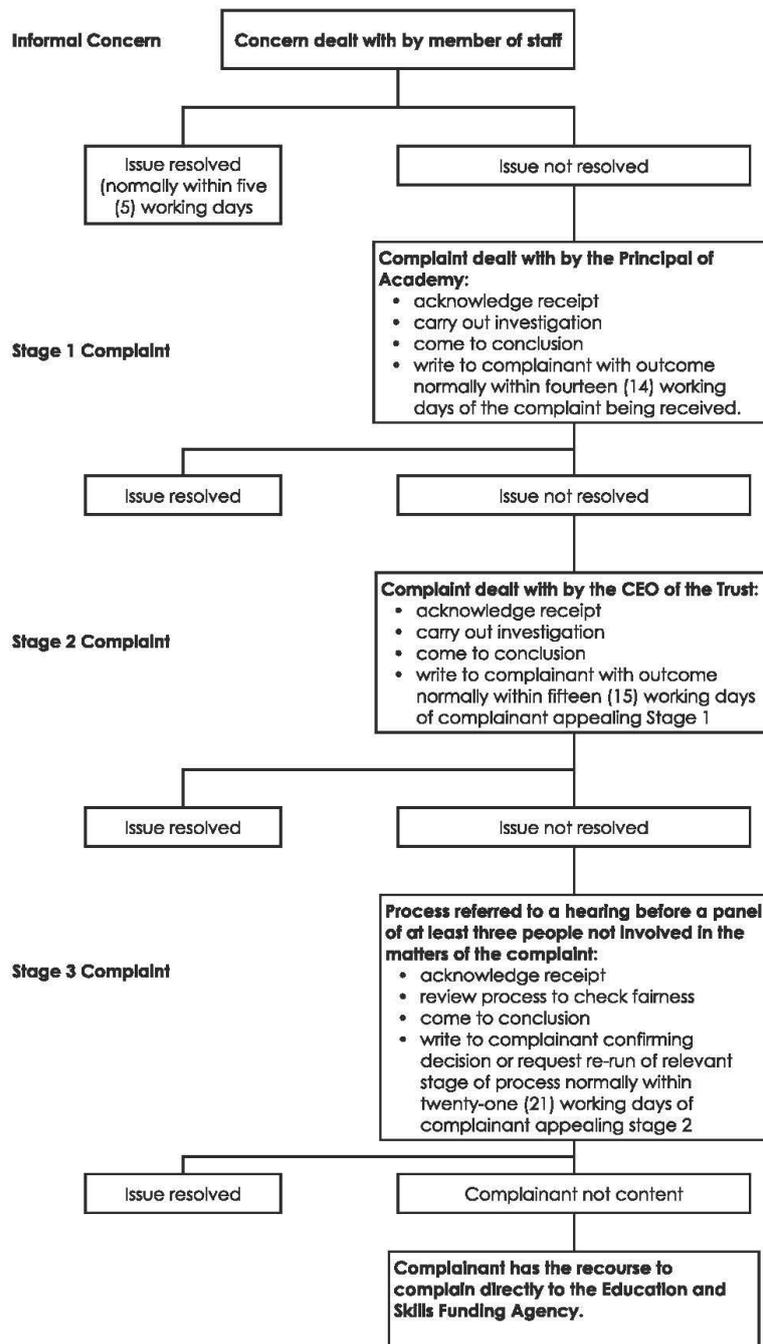
- inform the complainant that their behaviour is unacceptable or unreasonably persistent and ask them to change it;
- restrict the complainant's access to the Academy, e.g. requesting contact in a particular form (for example, letters only), requiring contact to take place with a named person only, restricting telephone calls to specified days and times or banning the complainant from the Academy's premises;
- conduct the Complaints Panel 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 their 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 Trust Board, 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.

**APPENDIX 1 - STAGES OF COMPLAINTS PROCEDURE**



**APPENDIX 2: THE ACADEMY/TRUST COMPLAINT FORM**

Please complete this form and return it to the Principal/PA to the CEO, who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name .....

Relationship to student: .....

Students name:  
.....

Your address: .....  
.....

Daytime telephone number: .....

Evening telephone number: .....

Email address: .....

Please give concise details of your complaint, (including dates, names of witnesses etc), to allow the matter to be fully investigated. You may continue on a separate piece of paper, or attach additional paperwork, if you wish.

Number of additional pages attached:



What action, if any, have you already taken to try to resolve your complaint? (i.e. who have you spoken with or written to and what was the outcome?)

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

Signature:

Date:

**Academy/Trust use**

Date form received:

Received by:

Date and acknowledgement sent by:

Complaint referred to:

Date:



### **APPENDIX 3 – GUIDANCE FOR STAFF ON DEALING WITH CONCERNS**

Staff who are approached by parents/carers, students or others with matters of concern must assess the seriousness of the issue and if subject to specific Academy policies (for example over a child protection issue), follow those policies.

If a parent/carer of child or someone else expresses a concern that is within the remit of that member of staff, the member of staff should deal with the concern, resolving it where possible. If the member of staff feels unable to deal with the concern, they should listen to the concern, note it down and refer it to the relevant senior member of staff, indicating to the complainant that this is what will happen.

Each situation will be different and staff members should do all they can to:

- allay the other persons' fears;
- take the concerns seriously;
- remain calm and composed at all times;
- be fair, open and honest when dealing with any concern or question;
- give careful consideration to all concerns and deal with them as swiftly as possible;
- enter into dialogue that encourages mutual understanding and, wherever possible, puts the interests of any child above all other issues;
- respect peoples' desire for confidentiality.

If the matter has not been resolved amicably by this means, the member of staff should advise the complainant to make a formal complaint.

## **APPENDIX 4 - INVESTIGATION PROCEDURES FOR FORMAL COMPLAINTS**

1. The investigation of an allegation or a complaint should always be carried out thoroughly and responsibly, irrespective of whether the complaint appears to be trivial or serious. The investigator must maintain an open mind and not prejudge any situation on the basis of knowledge of past events. The outcome of such an investigation will have considerable significance for the complainant and, where the complaint is against a particular member of staff, for the member of staff against whom the complaint has been made.
2. Any member of staff against whom a complaint has been made should be notified that a complaint has been received, provided with a copy of the complaint and be informed that an investigation will be carried out in which their views will be sought.
3. It is essential that there is a clear understanding of the complaint and what remains unresolved. If the complaint is not clearly stated, the investigator should clarify the nature of the complaint with the complainant and set out the issues of concern to the complainant that will be investigated.
4. Once the complaint has been confirmed, the investigator should establish whom they wish to interview and what documentation they will need to review. Arrangements should be agreed so that accurate notes can be taken of all interviews and the outcomes of the investigation be accurately recorded.
5. The complainant and the member of staff complained about should be given the opportunity to meet with the investigator, offer documentation and identify potential witnesses or sources of evidence. Any member of staff subject to the complaint should be advised that they may be accompanied by FMAT work colleague or a trade union representative when invited to be interviewed.
6. Where children are potential witnesses, discretion should be exercised over their involvement. Students should only be interviewed when the nature of the complaint is sufficiently serious to warrant it, and adult witnesses are not available. Only in extreme circumstances will younger students be interviewed.
7. Any interviews should be conducted as soon as possible to ensure that recollections are as fresh as possible and to minimise the possibility that evidence will become tainted through witnesses discussing alleged incidents with other persons. A written record must be made of all interviews.
8. In conducting interviews, the investigator must prepare the questions to be asked before the interview. These can always be supplemented during the interview. The investigator should allow the interviewees to answer in their way. Their responses should be listened to attentively. Any temptation to cut an interviewee short or to seek to 'lead' them must be resisted. The interviewee should be given the opportunity of providing other relevant information at the end of the interview. It is good practice to ask the complainant what they feel would put matters right, even if this action is not one that is eventually taken.
9. Interviewees should, however, be advised that their responses must be confined to the substance of the complaint. Any attempt by the interviewee to introduce



information relating to other members of staff or issues unrelated to the complaint should be resisted.

10. The investigator should avoid reaching conclusions or passing judgement until the investigation has been completed. The investigator should complete the investigation by creating a summary of the evidence gathered and a preferred outcome for agreement.
11. Any response letter should include the following information:
  - a summary of the complainant's concerns and the issues that have been investigated;
  - a summary of the process undertaken;
  - the outcome of the investigation;
  - the reasons for that outcome, unless confidentiality would be compromised (in which case a suitably worded conclusion should be provided);
  - any recommendations which, wherever possible, should be constructive and not punitive;
  - potential next steps.
12. The response letter should be sent to the complainant. Caution must always be exercised in reporting back to the complainant as revealing certain details may prejudice the ability of the employee to continue in post.
13. The complainant should be advised that they may, if they are not satisfied with the response or that the appropriate procedure has been followed, request the complaint is considered at the next stage of the Complaints Procedure.

Following consideration of a complaint at stage 3, the complainant should be advised that the complaint will not be considered further and that they do have the right of complaint to the Education Funding Agency.

## APPENDIX 5 – PANEL HEARING PROCEDURE

The panel hearing procedure is as follows:

The papers for the hearing will be circulated by the Clerk five working days prior to the panel hearing. Any additional material should be provided to the Clerk no later than two working day before the panel hearing for distribution to relevant parties.

The hearing will be as informal as possible commensurate with the fact that it is part of a formal procedure. The style will not be confrontational or adversarial and will be a genuine attempt to allow the complainant and the respondent to present their sides on the issue.

- The Chair of the panel will welcome the complainant and the representative(s) of the Academy/Trust.
- The Chair will check that all parties have received and read all previously distributed submissions.
- The Chair will invite the complainant to present their case.
- The respondent may ask questions.
- The panel may ask questions.
- The Chair will then invite the respondent to present its case.
- The complainant may ask questions.
- The panel may ask questions.
- The respondent will then sum up their case without adding anything new.
- The complainant will then sum up their case without adding anything new.
- The complainant and the respondent will then leave the hearing.
- The panel will then deliberate to reach a decision which, if a vote is needed, will be determined by a simple majority. Any independent member will have the same voting rights as the Trust Board members of the panel. If the voting is tied the Chair will have the casting vote.

As a result of the hearing, 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.
- Make findings and recommendations that can include, recommending disciplinary action or procedures to ensure that issues of a similar nature do not recur.

The Chair of the panel will ensure that the complainant and, where relevant, the person complained about is notified of the panel's findings and recommendations, in writing.

