



<b>Title and Description</b>	<b>Complaints Policy and Procedures</b>
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<b>Date of adoption</b>	June 2016
<b>Approved by</b>	Academy Trust Board
<b>To be reviewed by</b>	Academy Trust Board
<b>Responsibility</b>	Deputy Head Teacher
<b>Review period</b>	Three yearly
<b>Date of next review</b>	June 2019

This Policy and Procedure is based on guidance for dealing with school complaints issued by the Department for Education in 2015

## **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 school accepts that the actions of those individuals who work in the school will and should be open to comment, question and, on occasions, criticism. Framwellgate School Durham takes complaints seriously and strives to deal with complaints swiftly and thoroughly. In a spirit of accountability Framwellgate School Durham will attempt to resolve general school complaints through the most appropriate process and, where necessary, this may involve formal procedures.
- 1.3 This general school complaints policy does not cover every type of complaint. The issues noted below have their own, separate procedures.
  - Exclusions and admission appeals
  - Admissions
  - Content of a statutory statement of Special Educational Needs
  - The National Curriculum and related matters, including Religious Education
  - Child Protection
  - Allegations Management (safeguarding concerns about staff that need to be referred to the DO – Designated Officer within the local authority).
  - Matters that are the responsibility of the Local Authority such as home to school transport.

See 'Procedures for responding to Complaints', for information about where to direct complaints about these issues that are not within the scope of this Policy.

- 1.4 Please note that there is a distinction between
  - a) A concern about the quality of an aspect of school provision;
  - b) A complaint; or
  - c) An allegation against an adult working with children.

In the case of an allegation, it may relate to somebody working with children who has

- Behaved in a way that has harmed or may have harmed a child;
- Possibly committed a criminal offence against or related to a child; or
- Behaved in a way that indicates they may pose a risk of harm to children.

*('Working Together to Safeguard Children', March 2015, HM Government, p54)*

In cases of allegations against the Headteacher, the matter should be raised with the Chair of the Governing Board or the Designated Officer of the Local Authority.

### **2. Aims**

- 2.1 This Policy and the procedures for its implementation aim to clarify the way in which complaints are managed at Framwellgate School Durham. 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:
  - Complaints will be considered and resolved as quickly and as efficiently as possible.
  - Complaints will be dealt with by the member of staff best suited to deal with the matter.
  - If the complaint is about an individual member of staff they have a right to know the

substance and source of any complaint made against them.

- Complaints will be dealt with in line with any relevant national legislation and statutory obligations.
- Complaints will be dealt with having due regard for confidentiality and the security of any records made (see Confidentiality and Information Sharing Policy – Data Protection).

#### **4. Implementation – (see flo-chart in Section 7)**

4.1 Framwellgate School Durham has a four 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 four stages are:

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

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

Stage 3 - complaint heard by the Chair of Governing Board

Stage 4 – complaint heard by the Governing Board complaint appeal panel

- 4.2 FSD aims to resolve a complaint at the earliest possible opportunity via informal resolution by way of a discussion with the appropriate member of staff. Any records of informal discussion and the resolution will be logged in school.
- 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/discussion. During this stage the Headteacher will deal with the complaint. The Headteacher 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, or if the school fails to respond within the deadlines, they should write to the Chair of Governors within 10 school days of receiving the letter/email from the Headteacher, giving full details of the complaint and the reason why they remain dissatisfied with previous attempts to resolve the complaint. The Chair of Governors, or nominated representative, will deal with the complaint. This will involve gathering information and responding to the Complainant in writing or at a meeting, within 10 school days.
- 4.5 If the Complainant thinks that the matter is still not resolved, they can request that the complaint moves to Stage 4 of the process, by writing to the Chair of Governors within 10 school days of the date the letter was received from the Chair (or the date of the meeting), or the deadline by which the correspondence should have been received. Stage 4 involves convening a panel of Governors, consisting of at least three people who were not directly involved in the matters detailed in the complaint.
- 4.6 The Chair, or a nominated governor, will convene a Governing Board Complaints Panel ensuring there is no conflict of interest amongst its members, within 15 school days of the receipt of the letter from the Complainant.
- 4.7 One of the governors will be appointed as the Chair of the Complaints Panel. This will not necessarily be the Chair of Governors.
- 4.8 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.
- 4.9 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 governing board members. The Chair will appoint a suitably independent individual to fulfil the role. This could be a senior member of staff or governor from another school, or a local authority representative with experience in a field relevant to the complaint.
- 4.10 The Chair will ensure that the Complainant is informed of the Panel's decision, in writing, within 10 school days of the Panel hearing.

- 4.11 The Panel hearing will be held in private and the School aims to resolve the complaint, achieve reconciliation between the school and the Complainant.
- 4.12 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.
- 4.13 Any disciplinary outcome of any investigation into the conduct of a member of staff at Framwellgate School Durham 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.
- 4.14 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 Board 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 within the school, and inform them of their right to escalate their complaint via the DfE (as detailed under 4.18) should they remain dissatisfied.
- 4.15 The response to any anonymous complaints (verbal or written) will be coordinated by a Deputy Headteacher.
- 4.16 The School will keep written records of all complaints and their outcomes.
- 4.17 Framwellgate School Durham Complaints Procedure is published on our school website and is available from the Main School Office on request.
- 4.18 Should a Complainant remain dissatisfied following a Stage 4 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/submitform.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/submitform.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)**  
The EFA can support Academies to achieve a complaint procedure but it is the responsibility of Academy Trusts to make sure that their complaints procedure is fully compliant. Their responsibility is to ensure Academies comply with their funding agreements.  
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

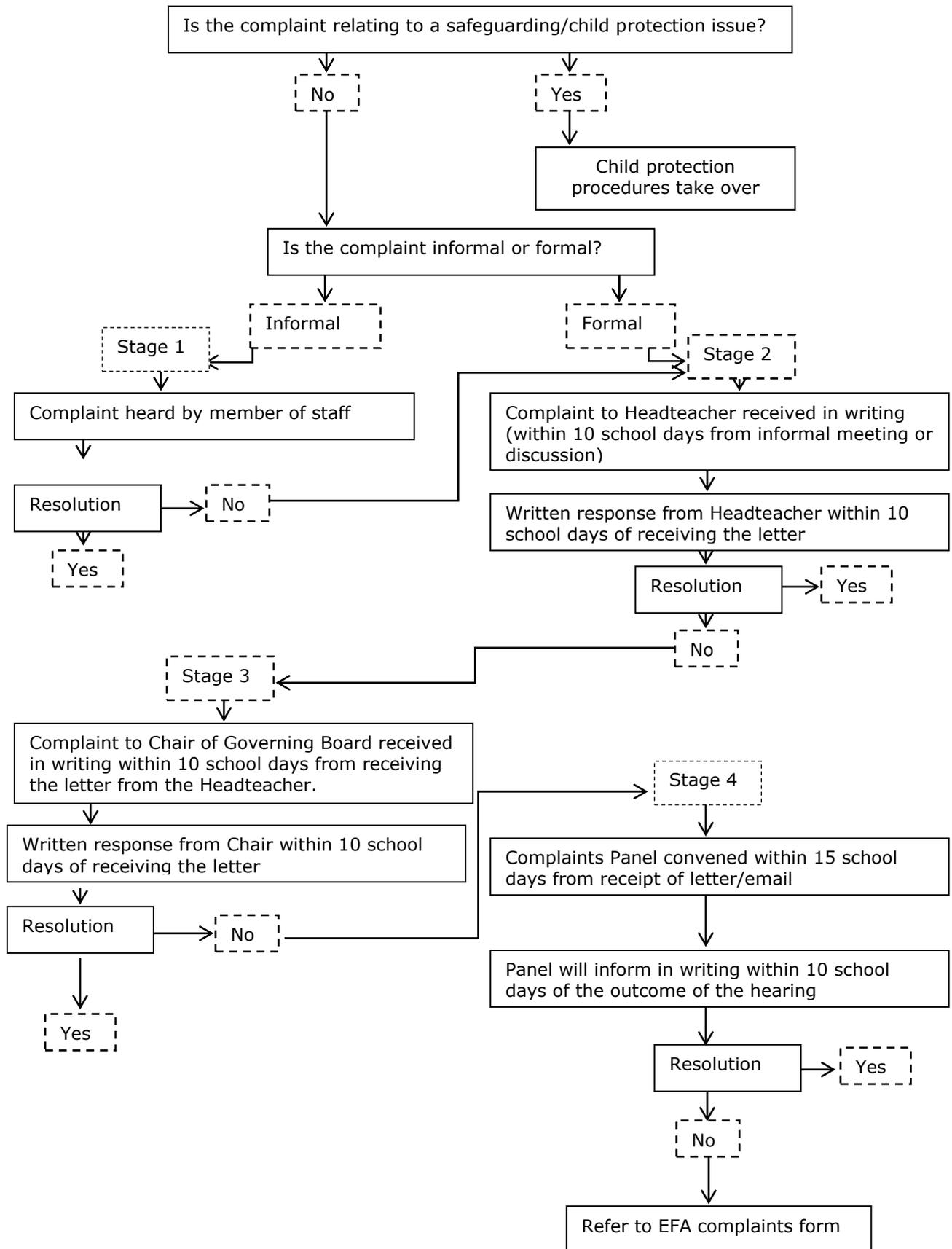
- 5.1 This Policy will be reviewed in accordance with the annual cycle of whole school improvement planning. This review will be led by a Deputy Headteacher. Monitoring of the impact of this Policy will be linked to the established processes of self-evaluation. As appropriate, this Policy and the procedures document will be reviewed in consultation with parents/carers and staff. Any changes to Policy will be made in consultation with Governors. The Headteacher will keep records of all complaints that pass beyond Stage 1 and are dealt with by the Headteacher. Such records will be shared with the Trustees/Governors as appropriate.

## **6. Other Information**

Framwellgate School Durham will:

- deal with complaints from people who are not parents of attending students in the same way by utilising the process outlined above.
- ensure the complainant is given reasonable notice of the panel hearing date, if the complaint does proceed to the Complaints Panel stage.
- consider if staff likely to be involved in handling a complaint are suitably equipped to do so.
- provide complainants with written responses where appropriate and if requested.
- clearly signpost people that are not satisfied about the handling of their complaint to the EFA via the school's complaints form on the EFA website.
- 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, students and / or governors is at significant risk.

## 7. Process





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

**Are you attaching any paperwork? If yes, please give details**

<b>Signature</b>	
<b>Date</b>	

<b>Official Use</b>	
<b>Date acknowledgement sent</b>	
<b>By whom</b>	
<b>Complaint referred to</b>	
<b>Date</b>	