

Fylde Coast Academy Trust



Procedures for the Handling of Complaints 2022-2024

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1 Aims, scope and principles

FCAT aspire to work in partnership with parents and the wider community, based on the belief that co-operation and a sense of joint purpose between staff, parents and the academies will assist in ensuring open and positive relationships.

This policy has been written to support this aspiration by acknowledging that, from time to time, there may be cause for parents or members of the local community to express a concern or make a complaint about any provision of facilities or services by FCAT with the exception of complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
<ul style="list-style-type: none"> Admissions to schools 	<p>Concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority.</p> <p>Please see the admissions policy on the academy’s website.</p>
<ul style="list-style-type: none"> Statutory assessment of special educational needs 	<p>Concerns about statutory assessments of special educational needs should be raised directly with local authorities</p>
<ul style="list-style-type: none"> Matters likely to require a Child Protection Investigation 	<p>Complaints about child protection matters are handled under our safeguarding and child protection policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding</p> <p>Blackpool LADO: ado@blackpool.gov.uk</p> <p>Lancashire LADO: Tim.booth@lancashire.gov.uk</p>

<ul style="list-style-type: none"> • Exclusion of children from school* 	<p>Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.</p> <p><i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure which can be found on individual academy websites.</i></p>
<ul style="list-style-type: none"> • Whistleblowing 	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>A whistle-blower is deemed to be someone with privileged knowledge. These may be:</p> <ol style="list-style-type: none"> 1. Members of staff (eg teachers, headteachers, administration support employees) 2. Volunteers (eg Trustees, governors) <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Concerns can be raised with the ESFA using their contact form: www.education.gov.uk/contactus.</p> <p>You can read further how the ESFA handles whistleblowing disclosures here: https://www.gov.uk/guidance/how-esfa-handles-whistleblowing-disclosures</p>
<ul style="list-style-type: none"> • Staff grievances 	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>
<ul style="list-style-type: none"> • Staff conduct 	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a</p>

	complaint. However, the complainant will be notified that the matter is being addressed and can chose to progress through the complaints procedure.
<ul style="list-style-type: none"> Complaints about services provided by other suppliers who may use school premises or facilities 	Complaints about external providers should be addressed through the providers' complaints procedures.

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations. If this happens, we will inform you of a proposed new timescale.

If a complainant commences legal action against FCAT or one of its academies in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

2 Definitions

For the purpose of this policy, a “**complaint**” can be defined as ‘an expression of dissatisfaction however made, about actions taken or a lack of action.’

A “**concern**” can be defined as ‘an expression of worry or doubt over an issue considered to be important for which reassurances are sought’. For the purpose of this policy, concerns will be classed and addressed as complaints.

A “**grievance**” is an issue raised by a member of staff where they feel the school has not implemented a policy or process fairly or properly. Grievances will be dealt with in line with the school’s Grievance Policy.

It is in everyone’s interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. FCAT takes all concerns seriously and will make every effort to resolve the matter as quickly as possible.

We understand that there will be occasions when people would like to raise their concerns formally. In this case, the Trust or Academy will attempt to resolve the issues internally, through the stages outlined within this complaints procedure.

For the purpose of this policy, “**unreasonable complaints**” include:

- Vexatious complaints (see Managing Violent and Abusive Parents, Carers and Visitors Policy), which:
 - Are obsessive, persistent, harassing, prolific, abusive, offensive, threatening or repetitious.
 - Insist upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason.
 - Insist upon pursuing meritorious complaints in an unreasonable manner.
 - Are designed to cause disruption or annoyance.
 - Demand for redress which lacks any serious purpose or value.

- Serial or persistent complaints, which:
 - Are duplicated, sent by the same complainant once the initial complaint has been closed.
 - Are new complaints that are submitted additionally, as part of an existing open complaint, by the same complainant.

Serial or persistent complaints will only be marked as ‘serial’ once the complainant has completed the complaints procedure. It is the complaint that will be marked as ‘serial’, meaning the complainant can complain about a separate issue if necessary.

For the purpose of this policy, “**duplicate complaints**” are identical complaints received from a complainant’s spouse, partner, grandparent or child. These complaints will not be addressed again, the individual making the second complaint will be informed that the complaint has been dealt with on a local level and if they are dissatisfied with the result, they can appeal to the DfE.

Any new details provided by a complainant’s spouse, partner, grandparent or child, will be investigated and dealt with in line with the complaints procedure.

3 How to raise a concern or make a complaint.

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so. Please ensure all complaints are marked 'Private and Confidential' and addressed to the appropriate person as below:

- Complaints against school staff (except the head teacher) should be made in the first instance, to the Headteacher via the academy office.
- Complaints that involve or are about the Headteacher should be addressed to the Executive Headteacher via the academy office.
- Complaints that involve or are about the Executive Headteacher should be addressed to the Governance Lead via the FCAT Central Office.
- Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to the Governance Lead via the FCAT Central Office.
- Complaints about the Chief Executive Officer (CEO) or a trustee of the Trust, should be addressed to the Governance Lead via the FCAT Central office.
- Complaints against FCAT, its policies or practices or an issue with a member of the Central FCAT team should be addressed to The FCAT Community Relations and Estates Lead via the FCAT Central Office.

We would hope to resolve most concerns and complaints at an informal stage, but the procedures allow for formal consideration of a complaint and an appeal stage if this is not possible. We are committed to dealing with complaints as speedily as possible and would plan to complete each stage of the procedure within 20 school days. When we are not able to complete the process within that timescale the complainant will be informed of any delays.

Should a complaint regarding a member of staff employed by FCAT require management in accordance with any of FCAT's HR Policies or Procedures or referral to a separate body through legal compliance, such processes would run concurrently with this FCAT Complaints Policy.

Anonymous complaints

The merits of investigating anonymous complaints will be determined by the appropriate person on receipt, although FCAT will not normally investigate anonymous complaints.

Timescales

All complaints must be raised within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

Complaints received outside of term time

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

4 Resolving complaints

In dealing with complaints FCAT will take account of its public sector equality duty and have due regard for the need to:-

- eliminate discrimination, harassment, victimisation and any other conduct prohibited by or under the Equality Act 2010
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it

Where complaints are made against an individual member of staff or governor, that person will be informed of the complaint at the earliest opportunity.

At each stage in the procedure, the Trust wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition we may offer one or more of the following.

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology.

Withdrawal of a complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

5 Stage 1 – Informal Complaints

It is to be hoped that most concerns can be expressed and resolved on an informal basis.

Concerns should be raised with either the class teacher, year head / subject head or head teacher. Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 3 of the procedure.

At the conclusion of their investigation, the appropriate person investigating the complaint will provide an informal written response within 15 school days of the date of receipt of the complaint.

If the issue remains unresolved, the next step is to make a formal complaint.

The informal stage will not be used if the allegations made refer to:

- Criminal activity which may require the involvement of the police
- Financial or accounting irregularities
- Abuse of children

6 Stage 2 – Formal Complaints

Formal complaints must be made to the appropriate person as detailed in section 3 of this policy via the appropriate office. This may be done in person, in writing (preferably on the Complaint Form) or by telephone.

The responsible person will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

This response will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. Consideration will be given as to whether a face to face meeting will be the most appropriate way of doing this. Please note, the responsible person may delegate the investigation to another appropriate senior member of staff, but not the decision to be taken.

During the investigation we will:

- If necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- Keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of the investigation, the complainant will be provided with a formal written response within 15 school days of the date of receipt of complaint. If it is not possible to meet this deadline, the complainant will be provided with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions to be taken to resolve the complaint.

The complainant will be advised of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

7 Stage 3 – Panel Hearing

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3 – a panel hearing consisting of at least three people who were not directly involved in the matters detailed in the complaint with one panel member who is independent of the management and running of the school. This is the final stage of the complaints procedure.

A request to escalate to Stage 3 must be made to the Governance Lead, FCAT Offices, Mereside Primary Academy, Langdale Road, Blackpool, FY4 4RR, via the school office, within fifteen school days of receipt of the Stage 2 response.

The Governance Lead will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within two school days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Governance Lead will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within fifteen school days of receipt of the Stage 2 request. If this is not possible, the Governance Lead will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 3 will be heard by the trustees and an independent panel member.

A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.

For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under (Human Resources) staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

Representatives from the media are not permitted to attend.

At least ten school days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the committee at least six school days before the meeting.

Any written material will be circulated to all parties at least five school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The committee will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

The Chair of the Committee will provide the complainant and Academy with a full explanation of their decision and the reason(s) for it, in writing, within five school days.

The letter to the complainant will include details of how to contact the Education and Skills Funding

Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by the Trust or Academy.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions required to resolve the complaint.

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the school premises by the proprietor and the head teacher.

A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.

All 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 2008 Act requests access to them.

8 Next Steps

If the complainant believes the school / trust did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the ESFA after they have completed Stage 3.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by <Academy Name>. They will consider whether <School Name> has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed [Part 7 of the Education \(Independent School Standards\) Regulations 2014](#).

The complainant can refer their complaint to the ESFA online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Academy Complaints and Customer Insight Unit
Education and Skills Funding Agency
Cheylesmore House
5 Quinton Road
Coventry
CV1 2WT

9 Complaint Form

Please complete and return to *(insert appropriate contact prior to sending)* who will acknowledge receipt and explain what action will be taken.

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address: Postcode: Day time telephone number: Evening telephone number: Email address:
Please give details of your complaint, including whether you have spoken to anybody at the school about it.

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 who:

Complaint referred to:

Action taken:

Date:

10 Roles and Responsibilities

Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

Investigator

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
 - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
 - interviewing staff and children/young people and other people relevant to the complaint
 - consideration of records and other relevant information
 - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting

- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the head teacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.
- The head teacher or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

Complaints Co-ordinator

(This could be the head teacher, Governance Lead, CEO etc.)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, head teacher, CEO, Chair of Governors, Chair of Trust or the Clerk and to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
 - sharing third party information
 - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.

Clerk to the Governing Body / Trust Board

The Clerk is the contact point for the complainant and the committee and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)

- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example: stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision.

Committee Chair

The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.

If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting

- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made

- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk (and complaints co-ordinator, if the school has one).

Committee Member

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so

No governor / trustee may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.

- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant

We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.

- many complainants will feel nervous and inhibited in a formal setting

Parents/carers often feel emotional when discussing an issue that affects their child.

- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting

Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.

The committee should respect the views of the child/young person and give them equal consideration to those of adults.

If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.

However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.