

# Complaints Policy

March 2021

Date Approved:	Mar 21	Review Date:	Mar 23	Approved by:	The Trust Board
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## 1. **Introduction**

- 1.1. Fareham Academy is committed to providing high quality education which encourages and supports individuals to achieve their very best and so become confident, active, responsible and successful members of the community.
- 1.2. The Academy places great value on its strong parent partnership. As an Academy we are continuously striving to improve the provision of education to our students and therefore we welcome feedback and suggestions from our students' parents and other members of the Fareham Academy community. However, we are also aware that, from time to time, individuals may wish to raise a concern with the Academy, in which case they are advised to follow this policy and its procedures.
- 1.3. The aim of the Complaints Policy is to facilitate the efficient resolution of concerns by providing a transparent and simple process for complainants, staff and trustees of the Academy.
- 1.4. The Academy's role is to:
  - 1.4.1. Resolve concerns through informal discussions at the earliest stage.
  - 1.4.2. Provide named contacts and a timescale for a response to be made by the Academy.
  - 1.4.3. Focus on resolving complaints rather than apportioning blame.
  - 1.4.4. Promote confidentiality and discretion.
  - 1.4.5. Be forthright in dealing with vexatious, abusive, malicious and anonymous complainants
  - 1.4.6. Initiate a change in aspects of Academy operation that have caused a problem.
- 1.5. We believe that the effective resolution of complaints is based on the prompt notification of concerns, a shared trust between the complainant and the Academy, and a mutual respect for the privacy and confidentiality of information.
- 1.6. This Complaints Policy details the steps and process of how the Academy will respond to general complaints which may be raised by a range of individuals, including parents of current students, carers, visitors, students, and users of the Academy's community facilities, or members of the local community.
- 1.7. It should be noted that other mechanisms exist to handle complaints about any of the following specific issues:
  - 1.7.1. Academy admissions and transfers.
  - 1.7.2. Exclusions.
  - 1.7.3. Employment.
  - 1.7.4. Staff discipline.
  - 1.7.5. Criminal activity.
  - 1.7.6. LA decisions on special educational needs assessments & school placements.
  - 1.7.7. Child abuse allegations (see the safeguarding and child protection policy).

## 2. **Stage 1: An Informal Approach**

- 2.1. Initially, any general concerns raised by a parent or carer should be communicated to the student's tutor or appropriate member of staff by telephone or in writing via email or by letter. The attached flowcharts (Appendices 2 and 3) outline who parents should contact depending upon the concern or issue they wish to discuss and raise.
- 2.2. If a parent feels that their concern has not been addressed by the member of staff they have either spoken to or written to they should contact (by telephone or letter or email) the member of staff's line manager e.g. Year Leader or Head of Department. Parents can also

at this stage contact the link Senior Leadership team member (see Appendices 2 & 3).

- 2.3. For non-parental or student complaints, concerns should be communicated in writing to the Headteacher. If the resolution of a concern is not satisfactorily dealt with at this stage, the complainant may choose to proceed to Stage 2.

### 3. **Stage 2: The Headteacher's Investigation**

- 3.1. If the complaint is not satisfactorily resolved at the informal stage then the complaint should be made in writing to the Headteacher giving details of the concern and providing any relevant information. To assist complainants in this process, a Complaints Form is attached to this procedure (Appendix 1). Further copies are available from the Academy (please ask reception).
- 3.2. The Headteacher may try to resolve the matter informally or designate a member of the Senior Leadership Team to investigate further. The designated member of the Senior Leadership Team will present the results to the Headteacher who will decide an appropriate course of action.
- 3.3. If the concern is about the Headteacher, complainants should initially contact the Headteacher. However, if this is felt to be inappropriate or they have already contacted the Headteacher who has given a response, then concerns should be made in writing to the Chair of Trustees.
- 3.4. The Academy will acknowledge receipt of any concern addressed to the Headteacher by telephone, letter or email normally within five working days and will give details of the proposed action to resolve the concern. Depending on the nature of the concern the Academy will decide what course of investigation to undertake.
- 3.5. The Academy will endeavour to resolve the concern as soon as reasonably practicable and will communicate the steps taken to resolve the concern within ten working days.
- 3.6. For more complex complaints or complaints requiring an in-depth investigation the Headteacher will acknowledge the complaint and prepare a response normally within twenty working days. Subsequent to any meeting, the Headteacher or designated senior member of staff will summarise the main points in a follow-up letter.
- 3.7. If, after receiving a response to the complaint from the Headteacher, or the designated member of the Senior Leadership Team (on behalf of the Headteacher), the complainant is not satisfied with the proposed steps for resolution, the Headteacher will write a letter or email providing a final response and refer the complainant to Stage 3 of the Complaints Procedure.

### 4. **Stage 3 – Review of the Headteacher's Decision by the Chair of Trustees**

- 4.1. Complainants should write to the Chair of Trustees providing details of their complaint and explaining why they are dissatisfied with the outcomes proposed by the Headteacher. Any other relevant information should be included at this stage. It is not appropriate to write to Trustees on an individual basis as this may subsequently make it difficult to convene a panel of Trustees with no prior involvement in the case.
- 4.2. Upon receipt of the complaint, the Chair of Trustees will acknowledge the complaint within five working days and proffer a response within ten working days, attempting wherever possible to resolve the complaint informally. More complex investigations may require a longer time being needed (twenty days).
- 4.3. If the complaint concerns the Headteacher's conduct, the Chair of the Trust Board will decide

whether the issue should be dealt with in accordance with the complainant's procedure or the staff disciplinary procedure. The latter would be invoked as an outcome of the investigation into the complaint and parents would be notified of this.

- 4.4. If the complainant remains dissatisfied with the resolution proposed, the Chair of the Trust Board may convene the Governing Body's Complaints Appeal Panel.

## 5. **Stage 4 – Complaints Appeal Panel Hearing**

- 5.1. If the complainant remains dissatisfied with the resolution proposed by the Chair of Trustees the parent should request in writing for the complaint to be heard at a Complaints Appeal Panel hearing. This request should be made within ten days of the Chair's decision outcome letter.
- 5.2. The Clerk to the Trust Board will arrange a meeting of the Complaints Appeal Panel and invite the complainant to the hearing. One member of the complaints panel will be independent of the management and running of the Academy.
- 5.3. Once the meeting has been held, the decision of the Complaints Appeal Panel will be communicated to the complainant no later than five working days following the hearing. The letter will set out a summary of the issues, an outline of the main points of discussion, the reasons for the decision and the proposed actions, if any or outcomes.
- 5.4. In relation to complaints made about the appropriateness of an exclusion, there is a statutory procedure for reviewing the Headteacher's decision to exclude. This is set out in the Academy's Behaviour Policy.

## 6. **Stage 5 – Secretary of State**

- 6.1. If a parent has followed the Academy's complaints process and still feels that the Academy has acted unreasonably or has not followed the correct procedures in relation to their complaint, parents can write to the Secretary of State for Education.

## 7. **Pupils with Special Education Needs**

- 7.1. The following arrangements for the treatment of complaints at Fareham Academy are used for complaints about provision made for special education needs. We encourage parents to discuss their concerns with the class teacher, SENCo or Headteacher to resolve the issue before making the complaint formally to the Chair of Trustees.
- 7.2. This can be done by the following:
  - 7.2.1. emailing the SENCo, directly.
  - 7.2.2. Email or by making an appointment via the school office on 01329 318003.
  - 7.2.3. If an issue is not resolved, please email the Headteacher on [c.pranker@fareham-academy.co.uk](mailto:c.pranker@fareham-academy.co.uk)
  - 7.2.4. The Chair of Trustees can be contacted via the school office.
- 7.3. If the complaint is not resolved after it has been considered by the Trust Board, then a disagreement resolution service or mediation service can be contracted. If it remains unresolved after this, the complainant can appeal to the First-tier Tribunal (Special Educational Needs and Disability), if the case refers to disability discrimination, or to the Secretary of State for all other cases.

- 7.4 There are some circumstances, usually for children who have an Educational, Health and Care Plan (EHCP), where there is a statutory right for parents to appeal against a decision of the Local Authority. Complaints that fall within this category cannot be investigated by the Academy.

## Complaints Form

When we receive a complaint, we aim to acknowledge receipt of the concern by telephone or letter normally within five working days and will give details of proposed action to resolve the concern.

**Name of Parent/Carer:**

.....

**Student's Name:**

.....

**Address:**

**Postcode:**

**Telephone (day):**

**Telephone (evening):**

**What is your concern and how has it affected you?**

**Are you attaching any paperwork? If so, please list these below:**

**Have you discussed this matter with a member of staff previously and before filling in this form? If so, who did you speak to and what was their response? (Please attach any written responses from the member/s of staff)**

**What would you like to happen as a result of making this complaint?**

**Signature:**

**Date:**

**Official Use Only**

Initial response and  
acknowledgement:

By whom:

Date:

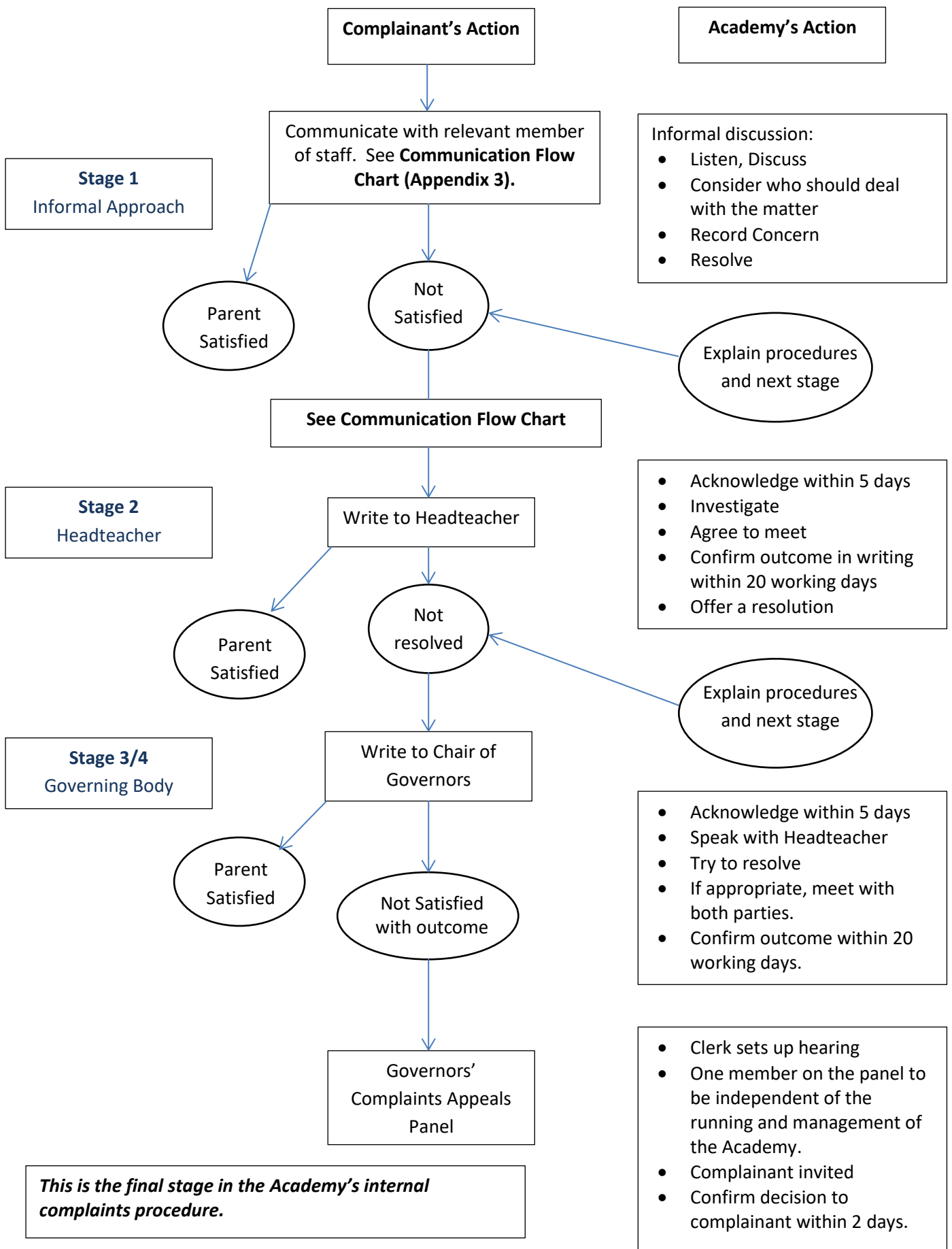
Complaints Reference Number:

Action Taken:

Date:

Data Protection Act 1998 – We will only process your personal data to respond to your complaint. In general, this will be used for administrative and statistical purposes.

## Appendix 2: Staged Approach to Handling Complaints

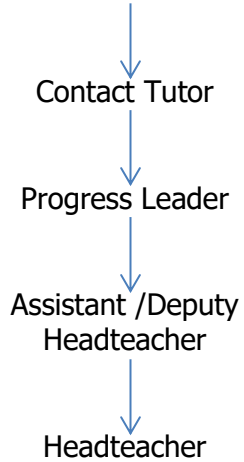




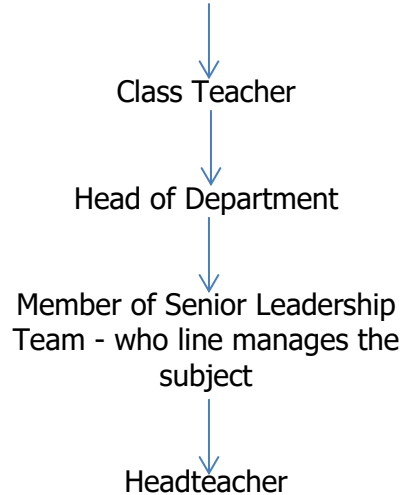
## Appendix 3: Recommended Communication/Complaint Procedure

### Stage 1:

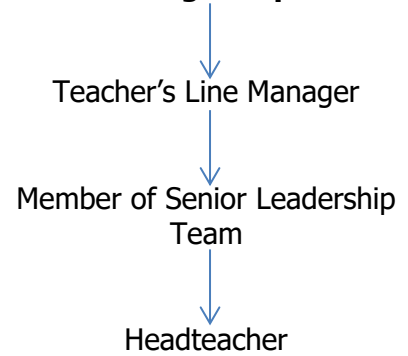
#### A Pastoral Concern



#### A Curriculum Concern



#### A Staffing Complaint



### Stage 2:

Headteacher – if not contacted under stage 1 and unable to resolve the issue.

### Stage 3

Chair of Trustees – if stage 1 and 2 followed and not resolved.

## Appendix 4: Terms of Reference and Procedure for the Trustees' Complaint Panel

### 1. **Membership**

- 1.1. The Complaint Panel will consist of two trustees and at least one member who is independent of the management and running of the Academy. No member of the panel will have had involvement in the complaint or in the circumstances surrounding it. The Chair is to be agreed prior to the meeting of the panel, by the panel members.

### 2. **Quorum**

- 2.1. The quorum for any meeting will be two trustees and at least one independent member.

### 3. **Purpose and Delegated Authority**

- 3.1. To hear complaints that have reached stage 4 of the Academy's complaints procedure and to decide whether to:

- 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 reoccur

- 3.2. It is important that the complainant understands that trustees' powers are limited and, in some circumstances, that the complaint will only be reviewed rather than reconsidered.

- **Review**  
Many of the actions taken or decisions made by a Headteacher are entirely within the Headteacher's own remit and professional terms and conditions of service. In these cases the trustees do not have the power to overturn the decision or direct a Headteacher to change a decision/action. The main function of the complaints panel in these circumstances will be to ensure that the complaint has been properly handled by the Headteacher (and Chair of Trustees); that a sufficiently comprehensive investigation has been carried out; that all information available at the time has been considered and/or the correct procedures/policies have been adhered to. Additionally, it will look at how the school has tried to resolve the disagreement. The panel will also review whether the Headteacher has acted 'reasonably', that is, was the Headteacher's response one within a reasonable range of responses that might have been made, for example, by other Headteachers in the same circumstances.
- **Reconsideration (considering afresh)**  
Some matters can be considered 'afresh' by trustees. These may relate to a matter which has been delegated to the Headteacher but is the Trust Board's responsibility. In these less common circumstances, the panel can reconsider the matter and make its own decision. In doing so, it can take into account any new information that may not have been previously available to the Headteacher.

#### 4. **Arranging the Hearing**

4.1. On receipt of the complaint at Stage 4 the clerk will ensure that the complaint has already been addressed through the Academy's complaints procedures, for example, via the Headteacher and the Chair of Trustees. If the complaint has not been previously considered at the appropriate stages, the complainant will need to be referred back to the relevant stage.

4.2. The clerk will:

- write to the complainant, acknowledging receipt of the request and explain briefly the process.
- select three members according to the agreed selection procedure, ensuring that these members have not had prior involvement in the complaint.
- identify three or four available dates from these members, the Headteacher and Chair of Trustees and contact the complainant to agree a date.
- check with the complainant that there are no reasonable objections to the panel members, for example, if the complaint has reached a wider audience
- once a date is agreed, confirm the day, date, time and venue of the hearing and agree with all parties.
- work out a timescale which will allow time for paperwork to be received and simultaneously redistributed to all parties, including the panel members, at least two days before the hearing.
- request any written representations from the Academy and the complainant by a set deadline.
- check with the complainant to see whether they wish to bring a partner and/or a friend or representative as a supporter.
- check to see whether the Headteacher and Chair of Trustees will be accompanied by a member of staff as a supporter.
- find a room in the Academy which, if possible is not the Headteacher's office.

#### 5. **Paperwork**

5.1. The paperwork should include the outcomes of the previous stages of the procedure, that is, the Headteacher's and Chair of Trustees' responses. It will also include any written representations from the Academy and complainant they feel the trustees will require to consider the complaint fully.

5.2. The clerk should send the paperwork together with the agenda to the panel members and all parties so that they receive it at the same time and at least two days prior to the hearing.

#### 6. **The Agenda for a Complaint Panel Meeting**

- introductions
- the complainant's verbal submission
  - questions by the Headteacher/Chair of Trustees
- the school's verbal submission
  - questions by the complainant
- summary by the complainant
- summary by the School
- closure of the hearing

7. **Reporting**

- 7.1. To report the decision to the next full meeting of the Trust Board following the meeting. The report will normally be restricted to the outcome of proceedings and will need to be confidentially minuted.

8. **Minutes**

- 8.1. The Trust Board or chair of the committee should appoint a clerk to take notes of the proceedings. The clerk cannot be a member of the trust board, or the Headteacher or a member of the panel.
- 8.2. The clerk to the panel shall keep notes of the proceedings. Once the notes have been agreed they will be signed by the chair of the committee at the earliest possible opportunity and retained on file in the usual way. These notes are confidential and excluded from the usual rules concerning publication of trust board proceedings.