



## **The Fermain Academy**

# **Complaints Policy and Procedures**

**Date Accepted by Governing Body: 01/09/2015**

**Reviewed By: Governing Board**

**Date for Policy review: Autumn 2016**

The Fermain Academy Trust's Board and the Principal are committed to providing the best educational experience they can for all learners attending The Fermain Academy and its provisions. They recognise the value to all concerned of dealing fairly, speedily and effectively with any complaint against their decisions, actions or omissions, which a student or parent/carer or other aggrieved person may have. To this end, they have adopted the underlying principles and procedures set out in this document.

### Framework of Principles

Our complaints procedure:

- encourages resolution of problems by **informal** means wherever possible;
- is easily **accessible** and **publicised**;
- is **simple** to understand and use;
- is **impartial**;
- is **non-adversarial**;
- allows **swift** handling with established **time-limits** for action and keeping people informed of the progress;
- ensures a full and **fair** investigation by an independent person where necessary;
- respects people's desire for **confidentiality**;
- addresses all the issues and provide an **effective** response and **appropriate** redress, where necessary;
- provides **information** to the Trust's board so that services can be improved.

### Definition of complaint

An academy complaint is any communication received by a person or persons with a legitimate interest in the school, but not employed at the school, which expresses dissatisfaction about the standard of teaching of members of the teaching staff, or about the conduct, actions or omissions of members of the teaching or non-teaching staff employed at the academy.

### Definition of a complainant

A complainant is someone:

- who allegedly has been wronged
- whose child(ren) has been wronged (i.e. parent or carers or other person with parental responsibility) or
- someone representing a person in one of the above groups, for example a Councillor.

Where a complainant is a student under the age of 18 years, the complaint may be pursued only by, or on behalf of, the child's parent or carer. Where someone other than a pupil or a parent/carer is pursuing a complaint on his or her behalf, this can be done only with the express consent of the pupil or parent concerned.

## **Types of complaints**

### ***Statutory/established procedures***

It is the Academies intention to resolve all complaints informally and as such we will endeavour to do so. There are however, established or statutory procedures for dealing with a number of complaints as listed in the associated Fermain Academy policies listed below.:

- admissions and referrals to the academy
- exclusions
- special education provision (SEND)
- school re-organisation
- matters concerning the curriculum under Section 19 and 23 of the Education Reform Act 1988
- complaints by academy staff or prospective staff
- child protection
- public examinations
- academy records on individual students

The following stages of complaints procedure will be applied in relation to supporting complaints relating to the above policies or any complaint that arises outside of the policies listed.

### ***Complaints not covered by established or statutory procedures***

#### **Stage 1 - Informal Stage**

All complaints, however received, should be reported to the Academy Office. The Academy Office may refer the complaint to an appropriate member of staff to resolve the matter. That member of staff will have a duty to inform the Principal if any issue is not resolved after discussion with the complainant. Parents/carers should be encouraged to settle the matter with the class teacher or designated staff member. The majority of straightforward complaints and problems are likely to be resolved at this point.

#### **Stage 2 – Formal Complaint to the Principal**

The second stage is where the parent/carer is not satisfied with the informal response or feels it is not appropriate to make the complaint formally to the Principal. They should be advised to take up the matter in writing with the Principal. The Principal can, if they wish to do so, refer this to The Fermain Academy Board of Governors, who in turn may ask the Secretary of State through the EFA (Education Funding Agency) to undertake a formal investigation and provide a detailed report. If the Principal undertakes the investigation at stage 2, they will be exempt from sitting on any complaints committee convened to hear a complaint escalated to stage 3.

The outcome at this stage may be:

- No further action, with reasons given
- Action within the Principals own powers

- Referral to The Fermain Academy Trust's Board for consideration. All complaints at this stage will be responded to in writing within 14 working days of the original complaint.

**Stage 3 - The Trusts Board**

The third stage will be where the parent/carer is not satisfied with the outcome of the stage 2 investigation and response. They should be advised to put their concerns in writing to the review board for consideration. The Board would meet within 10 working days of the complaint being received.

A panel of three members (including one independent member) with delegated powers would convene to hear the complainant a meeting attended by the complainant (accompanied should the individual request so), the Principal and witnesses. Written evidence is submitted in advance to all parties and verbal evidence given at the hearing. The complainant or the Academy can involve independent parties who can support either party at this meeting. Independent parties could be legal or supportive partners such as Parent Support Services or specialist advisers.

The board's decision is final and will notify all parties as soon as possible after the meeting. The outcome will be one of the following:

- 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 academies' systems or procedures to ensure that problems of a similar nature do not recur.

The review board will be:

Stephen Armstrong – Chair of Governors	Martin Howlett –Standards subcommittee and Safeguarding governor	Independent Head Teacher from Local High School
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**Timescales**

The following limits should apply to all complaints handled under the schools complaints procedure:

Stage 1: It is reasonable that parents/carers seeking to resolve matters of concern to them should receive a response within 15 working days of making initial contact, unless there is a good reason not to do so. The response should offer the complainant a full explanation or set out the steps that are proposed to resolve the complaint.

Stage 2: Should be responded to within 15 working days from receipt of

complaint escalation.

Stage 3: Should be responded to within 20 working days from receipt of complaint escalation.

The longer time limit for Stage 3 reflects the fact that these complaints may be complex and therefore likely to take longer to resolve. Where it is not possible to respond to complaints within these timescales, the complainant should be informed in writing of the reason for the delay and given an anticipated response date.

All complaints and correspondence will be kept in a confidential file with detailed timings. These documents will be available to the governing body and or inspectors (under section 109) should they wish to review the process and outcomes.

### **Further Stages**

Following the Board's review of the complaint at stage three, it is open to the complainant to pursue their complaint with the Secretary of State for Education via the EFA (Education Funding Agency). The Fermain Academy Board will give full consideration to any recommendations or directions the EFA may make. The complainant will be advised of this course of action should they remain dissatisfied with a decision made by The Fermain Academy Board.

The Fermain Academy Complaint Form

Please complete and return to the Principal who will acknowledge receipt and explain what action will be taken.

Your name:

Student's name:

Your relationship to the student:

Address:

Postcode:

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Day time telephone number:

Evening telephone number:

Please give details of your complaint:

What action, if any, have you already taken to try and resolve your complaint.

(Who did you speak to and what was the response)?

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

Are you attaching any paperwork? If so, please give details.

Signature:.....

Date: .....

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**Official use**

Date acknowledgement sent:

By who:

Complaint referred to:

Date: