



**Fylde Coast Academy Trust**  
(FCAT)

**Procedures for the Handling of  
Complaints 2016-2019**



**Related Policies:**

**FCAT Managing Violent and Abusive Parents, Carers and Visitors Policy**

## Introduction

The policy of FCAT is to work in partnership with parents and the wider community. It is based on the belief that co-operation and a sense of joint purpose between staff, parents and the academy will assist in ensuring open and positive relationships. From time to time, however, parents and members of the public may express concern or make a complaint, either orally or in writing, about some aspect of the conduct/operation of the academy, the conduct of the Principal, an individual member of staff, the Academy Council or an individual Academy Council member. The academy will always give serious consideration to concerns and complaints that are brought to its attention. However, anonymous complaints will not normally be considered. In considering concerns or complaints, the academy will ensure that they are dealt with effectively and with fairness to all parties. Where possible, complaints will be resolved informally. Where a complaint has not been resolved informally, then the formal procedures set out in this policy will be followed.

### Formats

This document can be made available in a variety of alternative formats e.g. audio, large print, Braille and in languages other than English. Please contact FCAT Business Services to request this.

## What is a concern or complaint?

- (a) A concern or complaint is defined as an expression of dissatisfaction about the conduct/operation of an academy within the FCAT organisation, the conduct of, actions or lack of actions by a member of staff / FCAT executive, the Governing Body/ Academy Council /an individual governor, unacceptable delay in dealing with a matter or the unreasonable treatment of a student or other person.
- (b) Concerns or complaints relating to any of the following are not covered by these procedures, as separate procedures apply.
- Child Protection
  - Collective Worship
  - Freedom of Information Access
  - Student Exclusions
  - School Admissions
  - Sex Education
  - Grievance
  - Statementing procedures for special educational needs
  - Whistle-blowing by an employee
- (c) Services provided by other organisations serious complaints or allegations relating to the abuse of children, assault, criminal or financial matters are also subject to separate procedures.

## Making a complaint - who to complain to:

If the complaint is about:

- Something that has happened or failed to happen in an academy, contact the Principal.
- A staff member, contact the Principal.
- The actions of the Principal, contact the Chair of the Academy Council.
- The actions of an Academy Council member, contact the Chair of the Academy Council and Fylde Coast Academy Trust.
- The Chair of an Academy Council, contact the Fylde Coast Academy Trust.
- The actions of the Academy Council, contact the Fylde Coast Academy Trust.

The academy would in most cases hope to resolve concerns and complaints at an informal stage, but the procedures allow for formal consideration of a complaint and an appeal stage if matters cannot be resolved. The academy is committed to dealing with complaints as speedily as possible and would plan to complete each stage within 20 school days. From time to time, it may not be possible to complete the process in that timescale. Where that is not possible the complainant will be informed of any delays.

## The Complaints Procedures

In dealing with complaints FCAT will take account of its public sector equality duty and have due regard to 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 the academy staff, that person will be informed of the complaint at the earliest opportunity.

### Informal stage

The Academy will seek to resolve concerns and complaints informally, with the member of staff or Academy Council member concerned and encourages the complainant to discuss with them the matters causing them concern. However, if that does not resolve the problem then the matter should formally be brought to the attention of the Principal (complaints and concerns about Academy Council members should be made to the Chair of the Academy Council). The Principal (or Chair) will then seek to resolve the matter informally and will:

- Acknowledge the complaint;
- Make enquiries to establish the facts;
- Seek advice as appropriate;
- Attempt to resolve the matter informally;
- Establish whether or not the complainant is satisfied;
- Advise complainants of the next stages if they wish to proceed to a formal consideration of the complaint;
- Make a brief note of the complaint and the outcome.

This stage would normally be expected to be completed in 20 school days. A complainant wishing to proceed to the formal stage of the procedure should normally notify the Principal/Chair of the Academy Council within 20 school days of being notified of the outcome of the informal stage.

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

## Formal stage

Where an informal complaint has not been resolved to the satisfaction of the complainant or the complainant has indicated they wish to go straight to the formal stage the Principal and Investigating officer (or Chair) will:

- Ensure the complainant is aware of the procedures;
- Require a written record of the complaint (someone else may write this on behalf of the complainant);
- Formally acknowledge the complaint;
- Seek advice as appropriate;
- If the complaint concerns a member of staff (or governor) inform them and provide them with a copy of the complaint;
- Arrange for a full investigation of the complaint;
- Advise the Complainant and individual staff member (if applicable) to consult with a friend or representative of their professional association / trade union
- Prepare a report as a result of the investigation and consider actions to be taken;
- Advise the complainant of the outcome.
- Where it is considered no further action is needed or the complaint is unsubstantiated, the complainant should be advised, in writing. They should also be informed of their right to appeal to the Complaints Appeals Committee within 20 school days;
- Make a record of the complaint and its outcome; this should be retained for academy records.

This stage would normally be expected to take no more than 20 school days. The Academy Council will be informed in general terms of all formal complaints.

## Unreasonable Complainants

FCAT will deal with complaints fairly and impartially but will not allow the occurrence of unacceptable behaviour from the complainant whom FCAT regard as:

- Abusive
- Offensive
- Threatening
- Behaviour deemed to be harassment
- Complainants that repeatedly make the same complaint previous investigations have found unsubstantiated or that have been addressed.

**(FCAT Managing Violent and Abusive Parents, Carers and Visitors Policy).**

## Appeals stage

The Complaints Appeals Committee of the Academy Council will consider complaints where the Principal (or Chair) has not been able to resolve the complaint to the satisfaction of the complainant and the complainant wishes to appeal. Any appeal must be made in writing to the Clerk to the Academy Council (the academy will advise the complainant of the contact details). The Committee will be convened by the Clerk to the Complaints Appeals Committee (Academy Council). The Committee will consist of at least three people who are not directly involved in the matters detailed in the complaint and at least one committee member will be independent of the management and running of the academy. The Committee will:

- Consider the written materials;
- Consider the complaint and the Principal's (or Chair's) action;
- Invite the Principal or Chair (as appropriate) and the complainant to the meeting;
- Seek advice and support as necessary.

At the end of their consideration the Committee will:

- Determine whether to dismiss or uphold the appeal in whole or part, including, if appropriate, referring the matter back to the Principal/Chair of the Academy Council for further consideration;
- Where upheld, decide on appropriate action;
- Advise the complainant and the Principal of their decision;
- Advise the complainant of any further action they may wish to take if they remain dissatisfied.

The Clerk to the Committee will arrange for the School's Complaints Register to be amended to include a brief summary of the complaint and the decision of the Complaints Appeals Committee for the matter to be reported to the Academy Council.

This stage would normally be expected to take no more than 20 school days.

In cases where the matter has been referred back for further consideration the Complaints Appeals Committee will be reconvened.

## Further stages

If, after following all stages of this complaints procedure you do not think that your complaint has been resolved, you can send your complaint to the Education Funding Agency (EFA) via the Department for Education.

The Education Funding Agency (EFA) will normally only consider a complaint about an academy after the academy's own complaints procedure has been exhausted.

**The EFA cannot review or overturn decisions about complaints made in respect of academies. The EFA can only investigate whether the academy considered the complaint appropriately.**

If the EFA finds that an academy did not consider a complaint appropriately it can request the academy to re-consider the complaint or amend its complaints procedure.

Complaints should be sent by post to Academies Central Unit (Academy Complaints), Education Funding Agency, Earlsdon Park, 53-55 Butts Road, Coventry, CV1 3BH or by e mail to academyquestions@efa.education.gov.uk

### **Withdrawal of a complaint**

If the complainant wishes to withdraw their complaint, they will be asked to confirm this in writing.

### **Complaints about an Academy Council member, the Chair or the Academy Council**

Complaints about a governor should be referred to the Chair of the Academy Council who will investigate and respond to the complainant.

Any appeal against the Chair's response would be dealt with by the Complaints Appeals Committee.

Complaints about the Chair must be referred to the Fylde Coast Academy Trust.

### **Complaints Record**

FCAT will maintain a written record of all formal complaints, how they were dealt with and the outcome in a complaints register.

### **Serious allegations or complaints**

If the allegations refer to criminal activity which may require the involvement of the Police, the Principal will inform the Chair of the Academy Council and seek appropriate advice as necessary from FCAT HR and FCAT Policies and procedures.

If the allegations relate to financial or accounting irregularities involving misuse of FCAT funds or assets or any circumstances which may suggest irregularities affecting cash, stores, property, remuneration or allowances, the Principal will inform Fylde Coast Academy Trust and their auditors.

If the allegations relate to the abuse of children, the Principal will seek the advice of the Senior Designated Person for Child protection in the academy, FCAT and/or the Local Authority Designated Officer. Serious allegations of this nature will be referred under Child Protection Procedures.

**In all cases, FCAT policies and procedures will be followed, without prejudice.**

## Equality and Diversity Impact Assessment

<b>Date: September 2016</b>	<b>FCAT Complaints Policy</b>	<b>Assessor: GFL</b>
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Number	Protected Characteristics	Any Concerns Arising?	Details of Concerns	Recommendations
<b>1</b>	<b>Disability</b>			
	Example: physical disabilities, learning difficulties or medical needs	x	Potential accessibility issues	Make a range of accessibility tools available e.g. 'text to audio', large text, etc., as needed.
<b>2</b>	<b>Gender</b>			
	Females/Males			
<b>3</b>	<b>Sexual Orientation</b>			
	Example: Gay, lesbian			
<b>4</b>	<b>Gender Reassignment</b>			
	Gender Reassignment			
<b>5</b>	<b>Race/Ethnic Group</b>			
	Example: Black, Asian, Chinese, etc.			
<b>6</b>	<b>Pregnancy/Maternity</b>			
	Pregnancy or maternity/paternity			
<b>7</b>	<b>Marriage/Civil partnership</b>			
	Marriage/Civil Partnership			
<b>8</b>	<b>Religion or Beliefs</b>			
	Example: Jewish, Muslim, Christian etc.			
<b>9</b>	<b>Age</b>			