



# Complaints Policy

## Fairfax Multi-Academy Trust

### February 2016

Fairfax Academy defines a complaint as “A complaint is an expression of dissatisfaction or concern by parents/carers or the public, however made, about the conduct, standard of service, actions or lack of action by the trust, one of its academies or its staff”

This document outlines the procedure to be used following a complaint about the trust and/or an academy within the trust from a parent, or member of the public. This procedure provides a process for a complaint from a parent or member of the public which has not received a satisfactory response.

It is in everyone’s interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the trust and / or an academy within the trust can be crucial in determining whether the complaint will escalate. To that end, staff will be made aware of the procedures so that they know what to do when they receive a complaint.

The Head of Academy will monitor the number and nature of complaints received regarding staff and will report findings to the Associates.

There are two informal stages which are likely to have taken place before the formal complaints procedure is initiated.

#### **Informal Stage One:**

#### **Staff Member and/or a Director/Associate receives communication from a parent or member of the public about the academy – informal discussion**

- Staff who receive a complaint will liaise with their line manager as soon as dissatisfaction is indicated and it is likely that the line manager is the more appropriate person to hear the complaint.
- If the line manager has any concern about how to deal with the complaint, they should consult with senior staff.
- If the issue has any aspect related to child protection guidelines it should be immediately referred to the Head of Academy.
- The academy will respect the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the line manager can refer the parents or member of public to another staff member. The ability to consider the complaint objectively and impartially is crucial.
- If the issue concerns the Head of Academy, the chair of the academy association will deal with the query.  
The line manager will inform the complaints coordinator of any issues and outcomes

- Where the first approach is made to a director or associate, the director/associate will refer the complainant to the trust procedure; advising them to contact the academy directly. Directors/associates will not act unilaterally on an individual complaint or be involved at the early stages of an issue in case they are needed to sit on a panel at a later stage of the procedure.

A response at this stage, whether given orally or in writing, should take place within 5 school days of the issue being raised. Where a response requires a greater time, the complainant must be contacted and given a new timescale within which a response will be provided.

### **Informal Stage Two: Issue referred to the Senior Leadership Team**

If the parent or member of the public is dissatisfied with the way the issue was handled at informal stage one, it will be referred to the Head of Academy. The Head will delegate the task of investigating and collating the information to a senior leader, who will then investigate and respond to the complainant.

A response at this stage should be in writing and provided to the complainant within 5 school days of receipt of the complaint. The complainant should be kept informed of any complaint which will require more detailed investigation and a new timescale will be provided.

### **Formal Complaints Procedure: Head of Academy investigation**

If the parent or member of the public is dissatisfied with the way the issue was handled at informal stage two, the complainant may refer it to the Head of Academy by using the Formal Complaint Form (annex 1). The Head will investigate and respond to the complainant if all informal stages have been exhausted.

A response at this stage should be in writing and provided to the complainant within 5 school days of receipt of the complaint. The complainant should be kept informed of any complaint which will require more detailed investigation and a new timescale will be provided.

### **Formal Complaints Procedure: Academy Association Complaints Panel**

If the parent or member of the public is still dissatisfied with the way the issue has been handled, they may complain, using the attached form to the Chair of the Academy Association giving details of the complaint.

The Chair of Academy Association will convene an Academy Association Complaints Panel ("the Panel"). The Panel will comprise 3 members, one of whom will be independent of the management and running of the academy.

The Panel is the final academy-based stage of the process and is not convened to merely rubber-stamp previous decisions. Individual complaints would not be heard by the whole Academy Association at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint. The Academy Association will nominate a number of members with delegated powers to hear complaints at this stage, and set out its terms of reference.

In addition and in accordance with the requirements of the Education (Independent School Standards) Regulations 2010, the Academy association will also nominate persons who are independent of the running and management of the academy to sit on the Panel.

The Panel may choose their own chair.

The Panel, acting through the clerk, will make arrangements to hear the complaint within 20 school days of it being received. The complainant will be invited to attend the meeting and may be represented by a friend or other person if they wish. The Panel's decision will be issued in writing without delay and within 5 school days of the conclusion of the hearing.

### **The Remit of the Panel**

The panel can:

- 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, recommend disciplinary action, or procedures to ensure that issues of a similar nature do not recur.

The Panel will work within the following guidelines:

a) It is important that the complaint hearing is independent and impartial. No associate or independent person may sit on the Panel if they have a prior involvement in the complaint or in the circumstances surrounding it. The Panel will be sensitive to the issues of equality as outlined in the equality policy.

b) The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the academy and the complainant. However, it has to be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

c) An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The Panel chair will ensure that the proceedings are as considerate as possible.

d) Extra care needs to be taken when the complainant is a student. The Panel will consider the welfare of the student in its arrangements of the hearing. The panel needs to be aware of the views of the student and give them equal consideration to those of adults.

e) The Panel members must be fully conversant of the complaints procedure.

### **Roles and Responsibilities**

The role of the Complaints Coordinator:

a) Ensure that correct academy procedure is used to respond to complaints within academy within informal stage 1;

b) Ensure that appropriate action is taken as a result of a complaint in academy within informal stage 1;

c) Ensure that complaints at informal stage 2 are logged, and that appropriate action is taken;

d) Ensure that complaints are responded to within the stated timeframe;

e) Ensure that complainants are aware of the formal procedure for complaints if they are dissatisfied with the action to date.

### **The Role of the Clerk**

The Panel considering complaints will be supported by a clerk. He/she will be the contact point for the complainant and will:

- Set the date, time and venue of the hearing, taking reasonable measures to ensure that the dates are convenient to all parties and that the venue and proceedings are accessible;
- Collate any written material and send it to the parties in advance of the hearing;
- Meet and welcome the parties as they arrive at the hearing;
- Record the proceedings;
- Notify all parties of the panel's decision.

### **The Role of the Chair of the Academy Association**

The chair will:

- Check that the correct procedure has been followed;
- Notify the clerk to arrange the panel following receipt of a formal complaint.

### **The Role of the Chair of the Panel**

The Chair of the Panel has a key role, ensuring that:

- The hearing and decision making process are chaired effectively
- The remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- The issues are addressed;
- Key findings of fact are made;
- Parents and others who may not be used to speaking at such a hearing are put at ease;
- The hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- The panel is open minded and acting independently;
- No member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure; each side is given the opportunity to state their case and ask questions;
- Written material is seen by all parties by the date specified by the clerk. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it prior to any hearing.

### **Notification of the Panel's Decision**

The chair of the panel will ensure that the complainant is notified of the panel's decision, in writing, with the panel's response within five school days.

### **Academy Complaints Procedure Checklist for a Panel Hearing**

The Panel needs to take the following points into account:

- Witnesses are only required to attend for the part of the hearing in which they give evidence;
- After introductions, the complainant is invited to explain their complaint, and use their witnesses to support their case, in turn;
- The Head of Academy may question both the complainant and use their witnesses to support their case, in turn;
- The Head of Academy is then invited to explain the academy's actions and be followed by the academy's witnesses;

- The complainant may question both the Head of Academy and the witnesses after each has spoken;
- The Panel may ask questions at any point;
- The complainant is then invited to sum up their complaint;
- The Head of Academy is then invited to sum up the academy's actions and response to the complaint;
- The chair explains that both parties will hear from the Panel within the set time scale;
- The Head of Academy and the complainant leave together while the Panel decides on any actions to be taken.

**Formal Complaint Form**

Please complete and return to the Head of Academy or Chair of the Academy Association who will acknowledge receipt and explain what action will be taken.

