



**Fylde Coast Academy Trust**  
(FCAT)

**Procedures for the Handling of  
Complaints 2017-2020**



**Related Policies:**

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

Policy Version & Issue Date	Version 1 First Version – September 2016
Policy Version / Issue Date and amendments	Version 2 – 4 <sup>th</sup> May 2017 <b>Amendments:</b> Procedure in respect of informal, formal and appeal stages. <b>Added:</b> Executive Principals' role in complaints procedure. Contact with chairs of academy councils should be through the Governance Administrator. Add information on complaints to the Complaints Register.
	Version 3 – 21 <sup>st</sup> July 2017 Amendments: Strengthened procedure in respect of complaints against the Trust itself. References to Education Funding Agency (EFA) changed to Education and Skills Funding Agency (ESFA) Addition of unauthorised absence during term time to list of complaints not covered by this policy.
	Version 4 - 22 <sup>nd</sup> July 2017 Amendments: Addition of processes for complaints against Executive Principals and central FCAT Team. Addition of Complaints Procedure Flowchart
Electronic copies of this plan are available from	FCAT CENTRAL
Hard copies of this plan are available from	FCAT / All FCAT Academy Websites
Date of next review	April, 2020
Person responsible for Policy / review	GFL/KB
Checked by	FCAT Executive 27 <sup>th</sup> June 2017

## 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 Trust, a particular academy, the conduct of the Chief Executive Officer, FCAT central staff, a Principal or Executive Principal, an individual member of staff, the Academy Council or an individual Academy Council member. FCAT and its academies will always give serious consideration to concerns and complaints that are brought to its attention and ensure that these 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 FCAT or an academy within the FCAT organisation, the conduct of, actions or lack of actions by a member of staff / FCAT executive, an academy council /an individual governor, unacceptable delay in dealing with a matter or the unreasonable treatment of a pupil or other person.
- (b) Concerns or complaints relating to any of the following are not covered by these procedures, as separate procedures apply.
  - Safeguarding and 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
  - Principal's decisions on unauthorised absence in term time
- (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.
- (d) We will not respond to complaints made about incidents that have happened six months previously or earlier.

## **Making a complaint - who to complain to:**

If the complaint is about:

- FCAT, its policies or practices, or an issue with a member of the central FCAT team, contact John Topping, FCAT Community Relations and Estates Lead on [jt@fcat.org.uk](mailto:jt@fcat.org.uk).
- Something that has happened or failed to happen in a particular academy, contact the Principal of that academy.
- A staff member at a particular academy, contact the Principal of that academy.
- The actions of the Principal, contact the Executive Principal of that academy.
- The actions of the Executive Principal, contact the Governance Administrator, Kath Buddle on [kathryn.buddle@fcat.org.uk](mailto:kathryn.buddle@fcat.org.uk) who will pass the matter on to the Chief Executive of Fylde Coast Academy Trust.
- The actions of an Academy Council member or members, contact the Governance Administrator, Kath Buddle on [kathryn.buddle@fcat.org.uk](mailto:kathryn.buddle@fcat.org.uk) who will pass the matter on to the appropriate Academy Council Chair.
- The Chair of an Academy Council, contact the Governance Administrator, Kath Buddle on [kathryn.buddle@fcat.org.uk](mailto:kathryn.buddle@fcat.org.uk) who will pass the matter on to the Chief Executive of Fylde Coast Academy Trust.

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.

## **The Complaints Procedures**

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.

### **Informal stage**

We will seek to resolve concerns and complaints informally, with the member of staff, parent, academy council member or other individual/group concerned and encourage the complainant to discuss the matters causing them concern. This stage may necessitate the involvement of the principal of the academy and/or the executive principal or one of the central FCAT team and take several meetings/actions in order to avoid the complaint reaching a formal stage.

At the informal stage, the person leading the response to the complaint should:

- Acknowledge the complaint;
- Make enquiries to establish the facts;
- Seek advice as appropriate;
- Work to resolve the matter;
- Establish whether or not the complainant is satisfied;
- Reply to the complainant explaining clearly the outcome of the investigation/action. Advise complainants of the next stages if they wish to proceed to a formal consideration of the complaint;
- Make a note of the complaint and the outcome and retain this on site.

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 notify the Principal (in the case of a complaint about an academy) or the FCAT Community Relations and Estates Lead (in the case of a complaint about the Trust or a central team member) 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 a formal stage meeting needs to be arranged.

In the case of a complaint about a particular academy or member of staff at an academy, the complainant should contact the Principal of the academy concerned who should then arrange a meeting to take place within 20 days of the request for a formal meeting. The meeting should involve at least one member of the academy council; preferably the Chair, the Principal and the complainant. The member of the academy council will chair the meeting.

In the case of a complaint about the Trust itself or a member of the FCAT central team, the FCAT Community Relations and Estates Lead will arrange a meeting to take place within 20

days of the request for a formal meeting. The meeting should involve at least one Governor or Director who will chair the meeting.

In both cases, witnesses and individuals providing support for the complainant or the academy/Trust are also able to attend the meeting. A note taker should also be present to take minutes.

Prior to the meeting, the Principal/FCAT Community Relations and Estates Lead must:

- Inform the Governance Administrator that a formal stage meeting, involving a governor/director will be taking place.
- 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);
- 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 to inform discussion at the meeting.
- Provide papers to all parties attending the meeting at least one week in advance of the meeting taking place.

At the meeting, the Chair will:

- Welcome everyone to the meeting, introduce attendees and explain the procedure to be followed which is that:
  - The complainant will be invited to make their case about the complaint
  - The Principal will put forward his/her response to the matter
  - Questions from the panel and all parties will take place during the course of the meeting.
  - A potential resolution will be obtained.

After the meeting, the academy/Trust must:

- Advise the complainant of the outcome in writing or via email.
- Where it is considered no further action is needed or the complaint is unsubstantiated, advise the complainant of their right to appeal to the Complaints Appeals Committee, via the Governance Administrator, within 20 school days.
- Make a record of the complaint and its outcome and ensure that this is added to the Complaints Register via the Governance Administrator.

This stage would normally be expected to take no more than 20 school days. The individual academy councils 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 any complainant that the Trust regards as:

- Abusive
- Offensive
- Threatening
- Behaviour deemed to be harassment
- Repeated complaints that previous investigations have found to be unsubstantiated or are felt to have been addressed.

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

## **Appeals stage**

A Complaints Appeals Committee will consider complaints that the academy/Trust has not been able to resolve to the satisfaction of the complainant at the formal stage and the complainant wishes to appeal.

Any appeal must be made in writing to the Governance Administrator, Kathryn Buddle, FCAT, c/o Montgomery High School, All Hallows Lane, Blackpool FY2 0AZ who will convene an appeals committee meeting. The committee will consist of at least three governors from across the Trust who are not directly involved in the matters detailed in the complaint. The committee will meet with the complainant at a meeting held within 20 days of receipt of the written appeal. One of the committee will be nominated to chair the meeting. The Governance Administrator should also be present to take formal minutes of the meeting. Witnesses and individuals providing support are also able to attend.

Prior to the meeting, the Governance Administrator will:

- Formally acknowledge the request for the meeting;
- Ensure that the Principal/other appropriate people is/are informed of the request;
- Arrange a time for the meeting that is mutually convenient for the committee and the complainant and make sure all parties are informed of this and the venue;
- Provide papers to all parties attending the meeting at least one week in advance of it taking place. These should include the letter from the complainant requesting the meeting, a report from the Principal/appropriate person on the matter, the minutes taken at the formal stage meeting and the letter sent to the complainant on the outcome of the formal stage meeting. Other papers can also be circulated to substantiate particular issues e.g. witness statements from the complainant and/or academy/Trust.

At the meeting, the Chair will:

- Welcome everyone to the meeting, introduce attendees and explain the procedure to be followed which is that:
- The complainant will be invited to make their case about the complaint and the reasons for requesting an appeal against the original outcome.
- Questions from the panel will take place during the course of the meeting.
- When all information has been submitted and questions asked, the complainant will be asked to leave in order for the committee to consider the issues raised and make a decision on whether or not the original outcome was valid.
- The committee can also request further information from the Principal/other appropriate people in light of the complaint/appeal either by asking him/her to attend part or all of the meeting. It may be appropriate to hear their statements in the absence of the

complainant in order to avoid unnecessary anxiety between parties. However, the complainant, the Principal and any individuals supporting either party, must leave the meeting while the committee comes to its decision.

After the meeting, the Governance Administrator will:

- Inform the complainant of the outcome of the meeting in writing, and, where the appeal has been dismissed, signpost him/her to the Education and Skills Funding Agency (ESFA), via the Department for Education website if they would like to take the matter further.
- Inform all other parties of the outcome of the meeting and any further actions identified at the meeting.
- Make a record of the outcome and ensure that it is added to the Complaints Register.
- Report all appeals and decisions to the next meeting of the FCAT Directors.

## **Further stages**

If, after following all stages of this complaints procedure a complainant wishes to take the matter further, the complaint should be sent to the Education and Skills Funding Agency (ESFA) via the Department for Education (DfE).

The ESFA will normally only consider a complaint after FCAT's own complaints procedure has been exhausted.

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

If the ESFA finds that an academy/trust did not consider a complaint appropriately it can request that the complaint be reconsidered and/or its complaints procedure be amended.

Complaints should be sent by post to Academies Central Unit (Academy Complaints), Education and Skills Funding Agency, Earlsdon Park, 53-55 Butts Road, Coventry, CV1 3BH or by email to [academyquestions@efa.education.gov.uk](mailto: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 Governance Administrator who will refer the matter to the appropriate chair of the academy council. A response will be provided by the chair via the Governance Administrator.

Any appeal against the chair's response would be dealt with by the Complaints Appeals Committee via the Governance Administrator.

Complaints about the Chair must be referred to the Chief Executive of Fylde Coast Academy Trust via the Governance Administrator.

## **Complaints Register**

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/Executive 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/Executive Principal will inform the FCAT Services Lead, and FCAT's external auditors.

If the allegations relate to the abuse of children, the Principal/Executive 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>			

## Complaints Procedure flowchart

