



**Inspiring Futures  
Through Learning**

## IFtL Complaints Procedure June 2021

### **Our IFtL Family**

At IFtL, we are committed to developing a family of schools who inspire all of our futures through learning. Schools within our Trust share the same values and ethos; our teams are constantly in the pursuit of development and excellence everyday. We open doors to opportunity and unlock the potential of both our children and our adults so that we all develop the confidence to achieve both our independent and collective ambitions. At IFtL, we are never alone. We know we are stronger together – one united family striving for excellence for all, in everything we do.

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<b>Version:</b>	V2
<b>Date relevant from:</b>	9 <sup>th</sup> June 2021
<b>Date to be reviewed:</b>	September 2021 <i>This policy will be reviewed every two years unless legislation dictates otherwise. Recent changes in Legislation will need to be read and used to review this Policy.</i>
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<b>Policy level**:</b>	1
<b>Relevant to:</b>	All employees through all IFtL schools and departments
<b>Bodies consulted:</b>	Employees Trade unions School / department governance bodies
<b>Approved by:</b>	IFtL Board of Trustees
<b>Approval date:</b>	June 2021

**Key:**

**\* Publication on website:**

IFtL website		School website	
1	Statutory publication	A	Statutory publication
2	Good practice	B	Good practice
3	Not required	C	Not required

**\*\* Policy level:**

1. Trust wide:
  - This one policy is relevant to everyone and consistently applied across all schools and Trust departments with no variations.
  - Approved by the IFtL Board of Trustees.
  
2. Trust core values:
  - This policy defines the values to be incorporated fully in all other policies on this subject across all schools and Trust departments. This policy should therefore form the basis of a localised school / department policy that in addition contains relevant information, procedures and / or processes contextualised to that school / department
  - Approved by the IFtL Board of Trustees as a Trust Core Values policy
  - Approved by school / department governance bodies as a relevantly contextualised school / department policy.
  
3. School / department policies
  - These are defined independently by schools / departments as appropriate
  - Approved by school / department governance bodies.

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## 1. Aims

IFtL and its constituent schools are dedicated to providing the best possible education and support for all pupils and families within its schools and aim to meet their statutory obligations when responding to complaints from parents of pupils, and others. When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect and courtesy
- Ensure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement evaluation processes

We try to resolve concerns or complaints by informal means wherever possible, positive relationships with our families is of utmost importance to us. Where this is not possible, formal procedures will be followed.

The schools and IFtL will aim to give the complainant the opportunity to complete the complaints procedure in full. To support this, we will ensure we publicise the existence of this policy and make it available on the school and IFtL websites. Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

## 2. Definitions and scope

### 2.1 Definitions

The DfE guidance explains the difference between a concern and a complaint:

- A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”. IFtL and its schools will resolve concerns through day-to-day communication as far as possible
- A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”

### 2.2 Scope

IFtL and its schools intend to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does not cover complaints procedures relating to:

- Exclusion of children from school;
- Pupil admissions;
- Statutory assessments of Special Educational Needs (SEN)
- Staff grievance, capability or disciplinary issues
- Issues related to safeguarding and child protection including Whistleblowing
- School re-organisation proposals
- Matters likely to require a Child Protection investigation
- Complaints about services provided by a third party who may use school/trust premises or facilities.
- Anonymous Complaints – please refer to the Whistleblowing Policy

- Subject Access Requests and Freedom of Information requests

Please see our separate policies for procedures relating to these types of complaint

### **3. Principles for investigation of a complaint**

#### **3.1 Raising a concern or complaint**

It is expected that concerns or complaints are raised noting that:

- the concern or complaint should be raised with a relevant school / IFtL colleague. Schools request that initial concerns are raised through class teachers which often generates an immediate response and resolution
- we expect our colleagues to be addressed in a respectful manner and for communication to remain calm at all times
- concerns or complaints are brought to the attention of the school / IFtL as soon as possible
- in order to investigate your concern or complaint as fully as possible, a staged approach is implemented (see below). We anticipate that almost all concerns or complaints that arise will be resolved at Stage 1 or Stage 2
- an anonymous concern or complaint will not be investigated under this procedure unless there are exceptional circumstances
- in this procedure:
  - o 'school / working days' excludes weekends and school holidays;
  - o 'parent' means a parent, carer or anyone with legal responsibility for a child.

#### **3.2 Time scales**

For IFtL and / or its schools to be able to investigate a complaint, it should be made as soon as possible, ideally within 3 months of the incident occurring. If a complaint is related to an incident older than 3 months, it may not be investigated.

When complaints are made out of term time, we will consider them to have been received on the next school day. If at any point we cannot meet the time scales we have set out in this policy, we will:

- Set new time limits with the complainant
- Send the complainant details of the new deadline and explain the delay

The prime aim is to resolve the complaint as fairly and speedily as possible. Formal complaints will be dealt with in a sensitive, impartial and confidential manner.

#### **3.3 Those involved in resolving a concern or complaint**

At each stage, the person investigating the complaint will ensure that they:

- establish what has happened so far, and who has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them (if unsure or further information is necessary);
- clarify what the complainant feels would put things right;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct the interview with an open mind and be prepared to persist in the questioning;
- keep notes of the interview.

#### **3.4 Complaints about our fulfilment of Early Years requirements**

We will investigate all written complaints relating to the school or IFtL fulfilment of the Early Years Foundation Stage requirements and notify the complainant of the outcomes within 20 school days

of receiving the complaint. The school/IFtL will keep a copy of the complaint and will make this available to Ofsted on request.

Parents and carers can contact Ofsted if they believe that the school/Trust is not meeting Early Years Foundation Stage requirements by calling 0300 123 4234 or 0300 123 4666, or by emailing enquiries@ofsted.gov.uk.

An online form is also available at:

<https://www.gov.uk/government/organisations/ofsted#org-contacts>

We will notify parents and carers if we become aware that the school is to be inspected by Ofsted. We will also supply a copy of the inspection report to parents and carers of children attending the setting on a regular basis.

#### 4. Resolving Complaints

At each stage in the procedure IFtL and its schools will keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review school policies in light of the complaint.

Those reporting a concern or complaint will be encouraged to state what actions they feel might resolve the problem at any stage. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

This complaints procedure outlines the stages we take to ensure full resolution of concerns and complaints and is found at Appendix 1, however a summary is given here:

<b>Stage 1: Informal concerns</b>	Individual making the complaint brings complaint to attention of member of staff
	Dialogue to take place with the aim of resolution
	If no satisfactory resolution has been found, consideration of proceeding to Stage 2 to be made
<b>Stage 2: Formal Written Complaint</b>	Parent to put complaint in writing by letter or email
	Complaint to be acknowledged within 5 school days
	(Optional) Meeting with parents within 10 school days
	Response to the complaint sent within 15 school days

<b>Stage 3: Referral to Complaints Committee</b>	Parent to request hearing within 10 school days of receiving notice of the outcome of Stage 2
	Request to be acknowledged within 5 school days
	Hearing to take place within 20 school days of receipt of request
	Notification of date, time and place of the hearing and details of the committee members present sent at least 5 school days before the hearing
	Trust and individual making the complaint to submit evidence in support of their case to Clerk at least 3 school days before the hearing
	Complaints Committee decision sent not more than 5 school days after the hearing

### 5. Unreasonable complaints – vexatious complaints

If a complaint is made that raises an issue that has already been dealt with via the complaints procedure, and that procedure has been exhausted, the school / IFtL will not reinvestigate the complaint unless there are exceptional circumstances, for example where new evidence has come to light.

If a complainant persists in raising the same issue, the Headteacher/CEO will write to them explaining that the matter has been dealt with fully in line with the school/Trust complaints procedure, and therefore the case is now closed. The complainant will be provided with the contact details of the Department for Education (see the end of this document) if they wish to take the issue further.

Unreasonable complaints include the following scenarios:

- the complainant refuses to co-operate with the school's relevant procedures
- the complainant changes the basis of the complaint as the complaint progresses
- the complainant seeks an unrealistic outcome
- excessive demands are made on the time of staff and school governors and it is clearly intended to aggravate
- the complainant acts in a way that is abusive or offensive.

The Headteacher/CEO will use their discretion to choose not to investigate these complaints. If they decide to take this course of action, the Chair of Governors/Trustees must be informed, explaining the nature of the complaint and why they have chosen not to investigate. If the Chair deems it appropriate to, they can redirect the Headteacher/CEO to investigate the complaint. The full complaints procedure will then commence from stage one on this direction.

If the Chair upholds the Headteacher/CEO's decision not to look into the complaint, and the complainant deems this decision to be so unreasonable that no other rational board in the same position would have made that decision, then the complainant may write to the Department for Education.

### 6. Records of complaints

The school will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls. This material

will be treated as confidential and held centrally and will be viewed only by those involved in investigating the complaint or on the review panel. This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a school inspection. Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and records management policy.

## **7. Monitoring and review of complaints**

The Local Governing Boards and Board of Trustees will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary and will determine whether there are any improvements that the school/Trust can make to its procedures or practice to prevent similar events in the future.

As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to the Trust process and identification to identify underlying issues that need to be addressed.

The monitoring and review of complaints by the schools, Governing Boards and Trust will be a useful tool in evaluating a school's and Trusts performance.

IFtL is committed to dealing with all complaints fairly and impartially and to providing a high-quality service to those who complain. We will not normally limit the contact complainants have with the school and/or Trust. However, we do not expect any of our staff within Schools and the Trust to tolerate unacceptable behaviour and will act to protect staff from any kind of abusive, offensive or threatening behaviour.

## **8. Relevant legislation and guidance**

This document meets the requirements set out in part 7 of the schedule to [the Education \(Independent School Standards\) Regulations 2014](#), which states that we must have and make available a written procedure to deal with complaints from parents of pupils at the school.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on creating a [complaints procedure that complies with the above regulations](#), and refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE).

This procedure complies with our funding agreement and articles of association and it addresses duties set out in the Early Years Foundation Stage statutory framework with regards to dealing with complaints about the school's fulfilment of Early Years Foundation Stage requirements.

In addition, the below legislation / guidance documents are relevant to this procedure:

The Equality Act 2010

<http://www.legislation.gov.uk/ukpga/2010/15/contents>

The Data Protection Act 2018

<https://www.legislation.gov.uk/ukpga/2018/12/contents/enacted>

Understanding and Dealing with Issues Relating to Parental Responsibility 2018

<https://www.gov.uk/government/publications/dealing-with-issues-relating-to-parental-responsibility>



## Publicising the Procedure

The legal requirement for the Complaints Procedures to be publicised will be fulfilled by including details in:

- the websites of IFtL ([www.iftl.co.uk](http://www.iftl.co.uk)) and its schools;
- any report/communication from the Trustees;
- the information given to IFtL Employees

## **APPENDIX 1: Details of Complaints Procedure**

### **Stage 1: Informal concerns**

1.1 Many enquiries and concerns can be dealt with satisfactorily by a member of staff without the need to resort to the formal procedure. We value informal meetings and discussions and encourage parents to approach staff with any concerns they may have and aim to resolve all issues with open dialogue and mutual understanding.

1.2 It is always helpful if you can fully explain the nature of the concern and identify the outcome you are looking for. You may be invited to an informal meeting with the member of staff most appropriate for dealing with that concern. The member of staff dealing with the concern will make sure that you are clear on what action (if any) has been agreed. This may be put in writing if appropriate.

1.3 If the concerns are about the staff within a specific school or the Headteacher these should be referred directly to the Chair of the Local Governing Board under Stage 2.

1.4 There is no suggested timescale for resolution at this stage given the importance of dialogue through informal discussion, although it would be expected that most issues will be resolved within 15 school days. Where no satisfactory solution has been found, you will be advised that if you wish your concerns to be considered further you should write to the Trust CEO and following this the Chair of Trustees, if the CEO is not deemed appropriate or if the matter is still not resolved.

### **Stage 2: Formal Written Complaints**

2.1 The formal stage involves the complainant putting the complaint to the headteacher\* of the school in a letter or email.

The complainant should provide details such as relevant dates, times and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.

If complainants need assistance raising a formal complaint, they can contact the school or IFtL office.

*\*Where the complaint is around central IFtL activity, complaints should be addressed to the CEO*

2.3 The formal complaint will normally be acknowledged in writing within 5 school days of receipt. The acknowledgement will give a brief explanation of the Trusts complaints procedure and a target date for providing a response to the complaint. This will normally be within 15 school/working days of receipt.

2.4 The Headteacher\* (or someone appointed by them) will usually invite you to a meeting to clarify your complaints and to explore possible resolutions. If you accept that invitation, you may be accompanied by one other person, such as a friend, relative, advocate or interpreter, to assist you. Where possible, this meeting will take place within 10 school/working days of receipt of the written complaint.

2.5 If necessary, witnesses will be interviewed, and statements taken from those involved. If the complaint centres on a pupil, the pupil should also be interviewed. Pupils should normally be interviewed with their parent present, but if this would seriously delay the investigation of a serious or urgent complaint or if the pupil has specifically said that s/he would prefer that their parents were not involved, another member of staff with whom the pupil feels comfortable should be present. If a member of staff is complained against, they must have the opportunity to present their case.

2.6 Once all the relevant facts have been established as far as possible, you will be provided with a written response to the complaint, including a full explanation of the decision and the reasons for it as well as a copy of the minutes. This will include what action the school / IFtL will take to resolve the complaint (if any). You will be advised that if you are dissatisfied with the outcome of the complaint, you may request that your complaint be heard by the Complaints Committee.

2.7 If in the early stages of the investigation, the Headteacher or Trust CEO considers that the complaint is best dealt with immediately at Stage 3, it will be passed to the Chair of Trustees and you will be informed of this action without delay.

#### **What if the complaint is about the CEO?**

If the complaint is about the CEO, or if the CEO has been closely involved at Stage 1, your complaint should be sent to the Chair of Trustees who will carry out all the Stage 2 procedures.

#### **What if the complaint is about a member of the Board of Trustees?**

You should contact the Chair of the Trustees who will investigate the concerns in accordance with Stage 2. If the complaint is about the Chair of the Trustees, you should contact the Vice Chair of Trustees.

If the complaint is about the Trustees as a whole, you should send your complaint to the IFtL CEO, however, if you feel the CEO and all the Trust Board including the Trust Chair are involved then you should follow the IFtL Whistleblowing Policy Procedures found within the IFtL website Policy section

<https://www.iftl.co.uk/policies/>

### **Stage 3: Referral to the Complaints Committee**

3.1 If you are dissatisfied with the decision under Stage 2, you may request that a Complaints Committee be convened to consider your complaint. Your request will only be considered if you have completed the relevant procedures at Stages 1 and 2.

3.2 To request a hearing before the Complaints Committee, you should write to the **Clerk to the Governing Body** (see school website for contact) or the Clerk to the Board of Trustees of IFtL c/o Fairfields Primary School, Apollo Avenue, Fairfields, Milton Keynes MK11 4BA or [clerk@iftl.co.uk](mailto:clerk@iftl.co.uk) within 10 school days of receiving notice of the outcome of Stage 2. You should ensure that you provide copies of all relevant documents and state all the grounds for your complaint and the outcome that you are looking for.

3.3 Your written request will be acknowledged within 5 school days of receipt.

3.4 The Clerk will arrange for a Complaints Committee to be convened, made up of at least three members, including:

- members of the local governing board and/or trustees of the academy trust with no prior involvement in the matter; and,
- one person who is independent of the management and running of the school

3.5 The Clerk shall appoint one of these members to be the Chair of the Committee.

3.6 Every effort will be made to enable the hearing to take place within 20 school days of the receipt of your request. As soon as reasonably practicable and in any event at least 5 school days before the hearing, you will be sent written notification of the date, time and place of the hearing, together with brief details of the committee members who will be present. Fair consideration will be given to any bona fide objection to a particular member of the committee. The notification will also inform you of your right to be accompanied to the meeting by a friend, relative, advocate or interpreter and explain how the meeting will be conducted. You should notify the Clerk in advance if you intend to bring anyone to the hearing.

3.7 A copy of the complaint and any other documents provided by you in support of your complaint or by the academy in defence of the complaint will be provided to the Complaints Committee as soon as practicable upon receipt. Copies of these documents shall also be provided to you or CEO or the appointed person (as applicable) at least 3 school days before the hearing. The Complaints Committee reserves the right not to consider any documentation presented by either you or the academy less than 3 school days prior to the hearing. The Complaints Committee is under no obligation to hear oral evidence from witnesses but may do so and/or may take written statements into account.

3.8 The hearing will be conducted in such a way as to ensure that each party has the opportunity to address the Complaints Committee. The procedure to be followed during the hearing will be set out to the parties by letter in advance of the hearing. The Clerk will ensure that sufficient notes are taken to record an accurate reflection of the points considered and any decisions taken, or actions agreed.

3.9 Unless otherwise stated, the procedure for an appeal is as follows:

- the individual who is making the complaint and CEO or the appointed person will enter the hearing together;
- the Chair of the Committee will introduce the committee members and outline the process;
- the individual who is making the complaint will explain details of the complaint;
- the CEO and/or the appointed person and committee members will investigate and question to clarify the complaint;
- the CEO and/or the appointed person will explain the trusts actions;
- the individual who is making the complaint and the committee members will question the CEO and/or the appointed person;
- the individual who is making the complaint will sum up their complaint;
- the CEO and/or the appointed person will sum up the academy's actions;
- the Chair of the Committee will explain that both parties will hear from the committee within 5 school days;
- both parties will leave together while the committee decides; and,
- the Clerk will stay to assist the committee with its decision making.

If the complaint is at a school level, the appropriate members of staff including the Headteacher and Local Governing Board will be represented/present in the above process.

The Clerk and or Complaints Committee reserves the right to modify the above procedure at their sole discretion, for example requiring the individual who is making the complaint and CEO and/or the appointed person to present their complaint/actions separately to the Committee in the absence of the other party.

3.10 Once all the relevant facts have been established as far as possible, the panel will then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint, and make a copy available for inspection by the proprietor and headteacher. The school will inform those involved of the decision in writing within 5 school days.

This will include what action the school / IFtL will take to resolve the complaint (if any).

The committee can (by a majority if necessary):

- 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 happen again.

You will be advised that if you are dissatisfied with the outcome of the complaint, you may request that your complaint be heard by the Complaints Committee.

3.11 Complainants have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the Local Governing Board / Board of Trustees, who will not unreasonably withhold consent.

#### **Stage 4: Referral of complaint to Education and Skills Funding Agency (ESFA)**

If you are dissatisfied with the decision of the Complaints Committee, you are entitled to refer your complaint to the Education and Skills Funding Agency (ESFA) who has limited powers to review the handling of the complaint in accordance with ESFA's 'Procedure for dealing with complaints about Academies'.

At the time of writing this procedure, the ESFA procedure and the ESFA academy complaints form are available at: <https://www.gov.uk/complain-about-school>