



# FRAYS

*Academy Trust*

## **Frays Academy Trust Complaints Policy**

**Date Ratified: March 2020  
Review Date: March 2023**

## Approval

|  |                   |
|--|-------------------|
| <b>Signed by Chair of the Board of Directors</b> |                   |
| <b>Date of Approval/Adoption</b>                 | March 2020        |
| <b>Date of Review</b>                            | <b>March 2023</b> |

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Once issued, as a minimum this document shall be reviewed every three years or as necessary by the Trust.

To enable continuous improvement, all readers are encouraged to notify the author of errors, omissions and any other form of feedback.

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## 1 Aims

The Frays Academy Trust aims to meet its statutory obligations when responding to complaints from parents of pupils at our schools, 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. Where this is not possible, formal procedures will be followed.

The trust 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 each school's website as well as the trust's website.

Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

## 2 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).

In addition, 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.

## 3 Definitions and scope

### 3.1 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". The school 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".

### 3.2 Scope

We 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:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

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

Arrangements for handling complaints from parents of children with special educational needs (SEN) about the school's support are within the scope of this policy. Such complaints can first be made to the class teacher, the special educational needs co-ordinator (SENCO) or the Headteacher/Head of School; they will then be referred to this complaints policy. Each school's Special Educational Needs policy and information report includes information about the rights of parents of pupils with disabilities who believe that one of our schools has discriminated against their child.

Where parents have specific complaints about the Education Health and Care (EHC) plan procedures, or about the content of their child's EHC plan, they should contact the relevant local authority. This is in accordance with the SEND Code of Practice.

Complainants who are not parents/carers should address their complaint to the Headteacher/Head of School of the relevant school. Contact details for each school can be found in Appendix A of this policy.

Complaints about services provided by other providers who use school premises or facilities (for example, after school care provider) should be directed to the provider concerned.

## 4 Roles and responsibilities

### 4.1 The complainant

The complainant will get a more effective and timely response to their complaint if they:

- Follow these procedures;
- Co-operate with the school throughout the process, and respond to deadlines and communication promptly;
- Treat all those involved with respect;
- Not publish details about the complaint on social media.

### 4.2 The investigator

For formal complaints (stage 2), an individual will be appointed to look into the complaint, and establish the facts. This will usually be the Headteacher/Head of School (or other person appointed by the Headteacher/Head of School for this purpose). They will:

- Interview all relevant parties, keeping written notes;
- Consider records and any written evidence and keep these securely;

- Prepare a comprehensive report to the Headteacher/Head of School or complaints panel which includes the facts and potential solutions.

#### 4.3 Panel chair (should the complaint reach stage 3)

The panel chair will:

- Chair the meeting, ensuring that everyone is treated with respect throughout;
- Make sure all parties see the relevant information, understand the purpose of the committee, and are allowed to present their case.

#### 4.4 Clerk to the governing body (should the complaint reach stage 3)

The clerk will:

- Be the contact point for the complainant and the complaints panel, including circulating the relevant papers and evidence before complaints committee meetings;
- Arrange the complaints hearing;
- Record and circulate the minutes and outcome of the hearing.

### 5 Principles for investigation

When investigating a complaint, we will try to clarify:

- What has happened;
- Who was involved;
- What the complainant feels would put things right.

#### 5.1 Timescales

The complainant must raise the complaint within three [3] months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within three [3] months of the last incident.

We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

When complaints are made out of term time, we will consider them to have been received on the next school day. We will use all reasonable endeavours to resolve any informal complaints within ten (10) school days of them being raised, except where they are raised in school holidays, where the school will use all reasonable endeavours to resolve them as soon as possible after commencement of the new term (usually within ten (10) school days).

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;
- Where a complaint is under investigation, an update on progress will be given to the complainant before the longer school holidays (Christmas/Easter/summer) where it has not been possible to complete the investigation before the break.

#### 5.2 Complaints about early years (reception and nursery)

We will investigate all written complaints relating to early years, and notify the complainant of the outcome within **twenty-eight (28) calendar days** of receiving the complaint as set out in the [Statutory framework for the early years foundation stage](#). Please see our Early Years Policy (available on request or from our websites) for information about our early years provision.

We will manage the complaint in accordance with the procedure set out within this policy.

The school will keep a record of the complaint (see section 11) and make this available to Ofsted on request.

Parents and carers can notify Ofsted if they believe that the school is not meeting Early Years Foundation Stage requirements, by calling 0300 123 4234 or 0300 123 4666, or by emailing [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk). An online contact form is also available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>.

In keeping with the requirements of the [Statutory framework for the early years foundation stage](#) we will notify parents and carers if we become aware that the school is to be inspected by Ofsted. We will also make the inspection report available to parents and carers.

## **6 Stages of complaint**

### **6.1 Stage 1: informal**

Each school will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The complainant should raise the complaint as soon as possible with the relevant member of staff or the Headteacher/Head of School, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the school office. See Appendix A for contact details.

The school will acknowledge informal complaints within five [5] school days, and investigate and aim to provide a response within a further five [5] school days.

If the complaint is not resolved informally, it will be escalated to a formal complaint. Responsibility sits with the senior leadership team of each school to review anonymised informal complaints received to identify any actions to be taken and learning that can be shared to improve our schools.

### **6.2 Stage 2: formal**

The formal stage involves the complainant putting the complaint in writing to the Headteacher/Head of School and/or the subject of the complaint 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 office. See Appendix A for contact details.

The Headteacher/Head of School (or other person appointed by the Headteacher for this purpose) will formally acknowledge receipt of the complaint in writing within five [5] school days.

The Headteacher/Head of School (or other person appointed by the Headteacher/Head of School for this purpose) will then conduct their own investigation. The investigator will arrange to meet with the complainant or to speak with them by phone as part of the process.

The aim will be for the complaint to be investigated within ten [10] school days. On completion of the investigation, a written response outlining the outcome will be sent to the complainant within five [5] school days. If the timescales set out in this policy cannot reasonably be met the complainant will be advised of this in writing with the reasons why this was not been possible.

If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the clerk to the governing body in writing within [10] school days from the date of their notification of the outcome of their complaint.

Formal complaints will be logged by each school and notified to the Chief Operating Officer, who will track the number and nature of formal (stage 2) complaints (see section 11).

### **6.3 Stage 3: review panel**

Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at the second, formal, stage. The Clerk will acknowledge receipt of the complaint within five [5] school days and manage the process at Stage 3.

The panel will be appointed by the Frays Academy Trust and must consist of at least 3 people who were not directly involved in the matters detailed in the complaint. At least 1 panel member must be independent of the management and running of the school. The panel cannot be made up solely of governing body members, as they are not independent of the management and running of the school.

The panel will have access to the existing record of the complaint's progress (see section 11).

The Complaint Panel Hearing is **not** a legal hearing and it is not appropriate for either the complainant or the school to be legally represented.

The complainant must have reasonable notice of the date of the review panel and efforts will be made to secure a mutually convenient date. However, if this has not proved possible in spite of reasonable efforts, the review panel reserves the right to convene at its convenience rather than that of the complainant. At the review panel meeting, the complainant and representatives from the school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant will be invited to attend the panel hearing and be accompanied if they wish. At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses may be called, as appropriate, to present their evidence.

The panel, the complainant and the school representative(s) will be given the chance to ask and reply to questions. Once the complainant and school representative(s) have presented their cases, they will be asked to leave and evidence will then be considered.

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 Frays Academy Trust and Headteacher/Head of School.

The Chair of the Panel will inform those involved of the decision in writing within [10] school days of the panel hearing.

## **7 Complaints against a Director, a Headteacher/Head of School, a Governor, a Local Governing Body or Frays central staff**

Depending on the nature of the complaint it may be deemed necessary to appoint another person to investigate your complaint. If this is the case, we will notify you.

For example, if the complaint is about the Headteacher/Head of School, or a member of the Local Governing Body (including the Chair or Vice-Chair), the Executive Headteacher/CEO will appoint the most appropriate person to investigate.

Complaints regarding Frays central staff should be addressed to the Chief Operating Officer (see Appendix A for contact details). The Chief Operating Officer will investigate complaints at Stage 2 or appoint a suitably skilled independent investigator.

## **8 Referring complaints on completion of the school's procedure**

If the complainant is dissatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the Education and Skills Funding Agency (ESFA). The ESFA will check whether the complaint has been dealt with properly by the school. The ESFA will not overturn a school's decision about a complaint. However, it will look into:

- Whether there was undue delay, or the school did not comply with its own complaints procedure
- Whether the school was in breach of its funding agreement with the secretary of state
- Whether the school has failed to comply with any other legal obligation

If the school did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the school's complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

We will include this information in the outcome letter to complainants.

If the complainant is dissatisfied with the outcome of the school's complaints procedure and the complaint is regarding the school not meeting standards set by the DfE in any of the following areas, the complainant can refer their complaint to the DfE:

- Education
- Pupil welfare and health and safety
- School premises
- Staff suitability
- Making information available to parents
- The spiritual, moral, social or cultural development of pupils

The DfE will consider reports of a major failure to meet the standards. Where appropriate, it can arrange an emergency inspection to look at pupil welfare and health and safety, and make sure that the school deals with serious failings.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

## **9 Persistent complaints**

### **9.1 Unreasonably persistent complaints**

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- Has made the same complaint before, and it's already been resolved by following the school's complaints procedure
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- Knowingly provides false information
- Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure
- Pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refused to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the time frames it sets out
- Changes the basis of the complaint as the investigation goes on
- Makes a complaint designed to cause disruption, annoyance or excessive demands on school time
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value

### **9.2 Steps we will take**

We will take every reasonable step to address the complainant's concerns, and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

If the complainant continues to contact the school in a disruptive way, we may put communications strategies in place. We may:

- Give the complainant a single point of contact via an email address;
- Limit the number of times the complainant can make contact, such as a fixed number per term;
- Ask the complainant to engage a third party to act on their behalf, such as Citizens Advice;
- Put any other strategy in place as necessary.

### **9.3 Stopping responding**

We may stop responding to the complainant when all of these factors are met:

- We believe we have taken all reasonable steps to help address their concerns;
- We have provided a clear statement of our position and the complainant's options for example the right to contact the EFSA as set out under paragraph 8);
- The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience.

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from our school site.

### **9.4 Duplicate complaints**

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we had not previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and the local process is complete;
- Direct them to the DfE if they are dissatisfied with our original handling of the complaint.

If there are new aspects, we will follow this procedure again.

### **9.5 Complaint campaigns**

Where the school receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school may respond to these complaints by:

- Publishing a single response on the school website;
- Sending a template response to all of the complainants.

If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the normal procedures will apply.

### **10 Barring from the School Premises**

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

If a parent's behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the Headteacher/Head of School or the local authority can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. Schools should always give the parent the opportunity to formally express their views on the decision to bar in writing.

At the parent's request, the decision to bar will be reviewed by a Governor Panel, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed, the parent will be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the Headteacher/Head of School or Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

### **11 Record keeping**

Each 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 final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls. Each school will notify the Chief Operating Officer, who will track the number and nature of formal (stage 2) complaints, to review underlying issues.

Complaints material will be treated as confidential and held securely by each school, 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 the trust's record retention schedule.

The details of the complaint, including the names of individuals involved, will not be shared with the whole Local Governing Body in case a review panel needs to be organised at a later point.

Where the Local Governing Body is aware of the substance of the complaint before the Review Panel stage, the school will (where reasonably practicable) arrange for an independent panel to hear the complaint.

## **12 Learning lessons**

Each Local Governing Body will review any underlying issues raised by complaints with the Headteacher/Head of School, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

## **13 Monitoring arrangements**

The complaints records are logged and managed by each of our schools. The Chief Operating Officer will track the number and nature of formal (stage 2) complaints, and review underlying issues as stated in section 11.

This policy will be reviewed by the Chief Operating Officer every three years. At each review, the policy will be approved by the Board of Directors.

## **14 Links with other policies**

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Exclusions policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEN policy and information report
- Privacy notices

## **Appendix A – Contact details**

**To contact the Headteacher/Head of School, the Chair of Governors or the Clerk please contact the relevant school and address your letter or email to the person you wish to contact:**

### **Beechwood Primary School**

Ambleside Close  
Woodley  
Reading  
RG5 4JJ  
Telephone: 0118 969 5976  
Email: [office-beechwood@fraysacademytrust.org](mailto:office-beechwood@fraysacademytrust.org)

### **Cowley St Laurence CE Primary School**

Worcester Road  
Cowley  
UB8 3TH  
Telephone: 01895 462361  
Email: [cowleystl@fraysacademytrust.org](mailto:cowleystl@fraysacademytrust.org)

### **Laurel Lane Primary School**

Laurel Lane  
West Drayton  
UB7 7TX  
Telephone: 01895 462360  
E-mail Address: [laurellane@fraysacademytrust.org](mailto:laurellane@fraysacademytrust.org)

### **St Matthew's CE Primary School**

High Street  
West Drayton  
UB7 7QJ  
Telephone: 01895 442724  
Email: [stmatthews@fraysacademytrust.org](mailto:stmatthews@fraysacademytrust.org)

### **St Martin's CE Primary School**

Rowan Road  
West Drayton  
UB7 7UF  
Telephone: 01895 462350  
E-mail: [smartins@fraysacademytrust.org](mailto:smartins@fraysacademytrust.org)

### **The Pond**

Laurel Lane  
West Drayton  
UB7 7TX  
Telephone: 01895 462 360  
Email: [thepond@fraysacademytrust.org](mailto:thepond@fraysacademytrust.org)

**To contact the Executive Headteacher/CEO, the Chair of the Board of Directors, the Chief Operating Officer or the Clerk please use the contact details below and address your letter or email to the person you wish to contact:**

**Frays Academy Trust**

Worcester Road

Cowley

UB8 3TH

Telephone: 01895 462361 (option 6)

Email: [office@fraysacademytrust.org](mailto:office@fraysacademytrust.org)

**Appendix B – Complaint Form**

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

|  |                    |                           |                        |
|--|--------------------|---------------------------|------------------------|
| Your Name:   |                    | Pupil's Name:             |                        |
| Your Relationship to Pupil:  |                    | Pupil's DOB and class:    |                        |
| Address and Postcode:  |                    | Daytime Telephone Number: |                        |
|  |                    | Evening Telephone Number: |                        |
| Full details of complaint (including the names of all persons involved and the dates of incidents referred to):                              |                    |                           |                        |
| What action, if any, have you already taken to try and resolve your complaint (for example, who did you speak to and what was the response)? |                    |                           |                        |
| What actions do you feel might resolve the problem at this stage?  |                    |                           |                        |
| Are you attaching any paperwork? If so, please give details.   |                    |                           |                        |
| <b>Stage of complaint (please tick)</b>  | Stage 1 (informal) | Stage 2 (formal)          | Stage 3 (review panel) |
| <b>Signature:</b>  |                    | <b>Date:</b>              |                        |
| <b>For Office use:</b>   |                    |                           |                        |
| Date acknowledgement sent:   |                    |                           |                        |
| Name of person complaint referred to:  |                    |                           |                        |
| Signature:   |                    | Date:                     |                        |