



THE FELS FEDERATION COMPLAINTS PROCEDURE

The procedure below fulfils the requirements of The Education Act 2002 (Section 29) for "all governing bodies to have a procedure to deal with complaints relating to aspects of the federation, and any community facilities or services that the federation provides."

This procedure does not apply to (and should not be used for) statutory appeals in relation to:

- Admissions
- Exclusions
- Assessment of children with special educational needs

Similarly, it should not be used for dealing with complaints that make allegations against staff of child abuse, or relate to staff discipline or capability, where other statutory procedures apply. If a concern is brought to the attention of the federation that relates to any of these matters, the federation will refer to the local authority or its HR provider to ensure that the relevant statutory or local authority procedure is used.

The governing body is not responsible for handling complaints about third party providers offering community facilities or services through our premises or using federation facilities for external events. The governing body will however take reasonable steps to ensure that such providers have their own complaints procedures.

ADOPTED AT A MEETING OF THE FULL GOVERNING BODY

SIGNED: Peter Fox (Chair of Governors)

DATE: October 2019

TO BE REVIEWED BY : October 2021



FELLS FEDERATION COMPLAINTS PROCEDURE

Who can raise a concern or make a complaint?

Anyone who has dealings with the federation can use this procedure, whether a pupil, a parent or carer, a visitor, a neighbour, or a provider of a service to the federation. If you wish to raise a concern or complain on someone else's behalf, the federation will usually only deal with this if the person on whose behalf you are complaining is unable to do so for themselves. If this is the case, we may be able to assist you to obtain support from a local advocacy service, such as [People First](#).

How will my concern or complaint be handled?

Our procedure has three stages:

1. Responding to concerns
2. Investigating complaints
3. Appeal to the governing body

At any point in the handling of your complaint, there is also the possibility of a 'resolution' meeting. The federation will try to deal with your complaint as quickly as possible. If you have concerns about the time being taken, you should raise this with the Clerk to the governing body.

We expect concerns and complaints to be brought to the attention of the federation as quickly as possible. Complaints notified to the federation after three months from the date of any incident will usually be ruled 'out of time', unless there are exceptional circumstances. The federation may escalate a concern to a complaint in order to speed up the resolution of the issue.

If you report any of the concerns in the list below, we will need to refer to the local authority or other adviser to ensure that the relevant statutory or local authority procedure is used.

- the admission of your child
- the exclusion of your child
- local authority processes for assessing children with special educational needs
- allegations against staff of child abuse or other disciplinary matters

1. Responding to concerns

If your concern is about something that a person has or has not done, for example a member of staff, the Headteacher, a governor, or a volunteer, you should make an arrangement through the relevant school office to discuss the concern with that person or their manager. If your concern is about an aspect of federation practice or policy, you should contact the Headteacher. We want to respond to your concern as quickly as possible, but it may not be possible to arrange an immediate meeting: an appointment within a few days may be necessary. Please do not approach staff while they are 'on duty'.

We can reassure you that most concerns are usually resolved at this stage. We will give you a verbal response, usually within 5 federation days, and confirm this in writing.

2. Investigating complaints

If you remain dissatisfied by our response to your concern, then you should make a formal complaint in writing to the Executive Headteacher, even if you have already met and discussed the concern. If you need help to set out your complaint in writing, the federation will arrange for this for you. All letters should be sent to the federation address, marked 'Confidential: for immediate attention'.

The Headteacher will arrange for the complaint to be investigated. If your complaint is about the Executive Headteacher, you should contact the Chair of Governors who will arrange for it to be investigated by a nominated member of the governing body. If your complaint is about the Chair of Governors, you should contact the Clerk to the governing body, who will make the arrangement. In all cases,

- state that you are making a complaint
- give specific details
- say what you want the federation to do to put things right

The Headteacher, staff member or governor nominated to investigate and respond to your complaint will,

- Contact you and arrange to meet or discuss the complaint and confirm with you, what will be investigated;
- Review any documents and meet with relevant staff and/or witnesses (though governors will not usually interview children);
- Seek and consider independent advice, such as from the local authority;
- Write a response letter with a decision and explain how to make any appeal.

Please be aware that if your complaint alleges misconduct by a member of staff, the federation must use a separate procedure which is confidential to the employer and employee. You will not normally be given any details of the outcome and the right of appeal does not apply.

This process should take no longer than 20 federation days (from the date the federation acknowledges receipt of the complaint. If there is likely to be a delay, the investigator should contact you again to explain why and indicate a new timescale.

3. Appeal to the governing body

If you remain dissatisfied with the outcome of the investigation, you may appeal to the governing body. The Chair of Governors (or the Clerk) will arrange for a panel of governors to consider your appeal. The letter giving the federation's decision following the investigation will tell you how to make an appeal. This is usually by writing to the Clerk within 10 federation days] of the date of the response letter. The governing body will arrange for a panel of three governors to review your complaint. After this review, the panel will notify you of their decision. This will include informing you that the federation's procedure has been exhausted and that the matter is now closed. There is no further right of appeal to the federation against the decision.

The appeal process should take no longer than 20 federation days. If there is likely to be a delay, the Chair of the appeal panel should contact you again to explain why and indicate a new timescale.

Resolution meeting

You may at any time contact the federation and ask for a Resolution meeting (and the federation may offer a Resolution meeting at any time) which means that the formal investigation and appeal procedure can be suspended and a meeting held to resolve matters informally, usually within 10 federation days of the request or offer being made. Should the Resolution meeting fail to resolve the complaint, the investigation or appeal will be resumed

The Secretary of State

You have a separate right to complain to the Secretary of State if you believe that the governing body has acted unreasonably or is failing to carry out its statutory duties properly. Telephone 0370 000 2288 or go to <https://www.gov.uk/government/organisations/department-for-education>

Ofsted

If your complaint is about a whole federation issue, you have a separate right to complain to the Office for Standards in Education (Ofsted). Contact details can be found at www.ofsted.gov.uk. Note, however, that Ofsted do not usually consider complaints relating to individual children but they may use the information to bring forward an inspection.

Unreasonable Complainants

The Fells Federation Federation 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 federation. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

John Ruskin Federation defines unreasonable complainants as *'those who, because of the frequency or nature of their contacts with the federation, hinder our consideration of their or other people's complaints'*.

A complaint may be regarded as unreasonable when the person making the complaint:-

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;

- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the federation's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;
- makes excessive demands on federation time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:-

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with the federation while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the Executive headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Executive headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact The Fells Federation causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from school sites.

Barring from the Federation Premises

Although fulfilling a public function, federations are private places. The public has no automatic right of entry. Federations 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 Executive headteacher or the local authority can notify them in writing that their implied licence to be on federation premises has been temporarily revoked subject to any representations that the parent may wish to make. The Fells Federation will always give the parent the opportunity to formally express their views on the decision to bar in writing.

The decision to bar should then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent should 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 Executive headteacher or Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education. Once the federation's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

Please see the attached policy.

Further Information

For any complaint about the following, contact the local authority on 0800 121 8800 for advice and information

- an appeal against a decision relating to the admission or exclusion of your child
- an appeal against a local authority decision about your child's special educational needs
- an allegation of child abuse or other criminal offence

The governing body is not responsible for handling complaints about third party providers offering community facilities or services through our premises or using federation facilities for external events. The governing body will however take reasonable steps to ensure that such providers have their own complaints procedures.