THE FLITCH GREEN
ACADEMY
Learning for life

Complaints Policy and Procedure

The Policy was formally adopted by the Governing Body:
5th November 2026

To be reviewed Autumn 2027

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Introduction - Why does this policy and procedure exist?

Nearly all concerns or questions can be resolved very quickly and informally if individuals feel able to voice them as soon as they arise. The more information the school provides the less scope there is for misunderstanding.

The earlier that a concern is raised in an open and transparent manner directly with a child's teacher the more likely it is that a quick and informal resolution can be reached. Care should be taken by all parties not to raise concerns in front of children as that can cause unnecessary distress and may also undermine the teachers' continuing position of authority.

Individuals and parents/carers should feel that feedback is always welcome by the academy and that they are warmly encouraged to voice any concerns straightaway, preferably to the person responsible for their child at school i.e. their class teacher. In most cases, discussion, explanation, further information – or an apology if appropriate – will resolve the issue. Every effort should be made to allay concerns at this level and with the least possible formality.

The ideal situation is that no concern should ever become a formal complaint.

In all cases there should be a concerted effort by all parties to resolve issues informally, very occasionally however, a concern will be too serious to be handled in this way, perhaps needing greater attention; or the person concerned may not feel that the answers given so far have been acceptable or adequate. In such circumstances, the concern will become a complaint, and this formal procedure should be rigorously followed. Even in these cases, every effort should be made to resolve the issue at the earliest possible point and at the lowest possible level of the procedure.

It is very important that all governors and members of staff are familiar with this complaints procedure and that they know what to do when approached by someone with a complaint.

In all circumstances the published procedure must be followed closely and that includes complaints arising from extended services or third-party use of the school premises.

Outline of Procedures

Who can make a complaint:

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to The Flitch Green Academy about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions or staff conduct), we will use this complaints procedure.

The difference between a concern and a complaint:

A concern may be defined as an informal, worry, doubt or questions. For example, looking for reassurance, clarification, or a quick update about your child's day, homework, or general wellbeing.

A complaint may be defined as a formal expression of dissatisfaction; an issue has not been handled properly, a mistake has been made, or actions (or lack of action) have created a serious problem that requires further investigation.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage.

Many issues can be resolved informally, without the need to use the formal stages of the Complaints Procedure. The Flitch Green Academy takes concerns seriously and will make every effort to resolve the matter as quickly as possible. If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Principal will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern the Principal will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, The Flitch Green Academy will attempt to resolve the issue internally, through the stages outlined within this Complaints Procedure.

How to raise a concern or make a complaint:

A concern or complaint can be made in person, in writing or by email. They may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so.

Complaints about school procedures or how a decision has been made or implemented should be addressed to the Principal, via the school office. Please mark them as Private and Confidential

Complaints concerning school staff (except the Principal) should be made in the first instance to the Principal, via the school office. Please mark them as Private and Confidential.

Complaints that involve or are about the Principal should be addressed to the Chair of Governors, via the school office. Please mark them as Private and Confidential.

Complaints about the Chair of Governors, any individual Governor or the whole Governing Body should be addressed to the Clerk to the Governing Body, via the school office. Please mark them as Private and Confidential.

For ease of use a template complaint form is included at the end of this procedure. This form helps the school to understand the exact nature of the complaint, any outstanding issues the complainant feels haven't been and addressed and the outcome the complainant is seeking. If you require help in completing the form, please contact the school office. You can also ask a third-party organisation for example like the Citizens Advice to help you.

In accordance with equality law, we will consider making reasonable adjustments, if required, to enable complainants to access and complete this Complaints Procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

Anonymous complaints:
We will not normally investigate anonymous complaints. However, the Principal or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation in exceptional circumstances, for example, a safeguarding or child protection concern.

Time scales:
You must raise the complaint within 3 months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will only consider complaints made outside of this time frame if exceptional circumstances apply.

Complaints received outside of term time:
We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

Scope of this Complaints Procedure:
This procedure covers all complaints about any provision of community facilities or services by The Flitch Green Academy, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions:
Who to contact:

- Admissions to schools. Concerns about admissions should be handled through a separate process – either through the appeals process or via the Local Authority (LA).

- Matters likely to require a Child Protection Investigation. Complaints about child protection matters are handled under our Child Protection and Safeguarding Policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the Local Authority Designated Officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).

Exclusion of children from school* Further information about raising concerns about exclusion can be found at:

www.gov.uk/school-disciplinehttp://www.gov.uk/school-discipline-exclusions/exclusions>exclusions/exclusions.

*complaints about the application of the Behaviour Policy can be made through the school's Complaints Procedure.

- Whistleblowing. We have an internal Whistleblowing Procedure for all our employees, including temporary staff and contractors.

The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus.

- Volunteers who have concerns about our school should complain through the school's Complaints Procedure.

- Staff grievances. Complaints from staff will be dealt with under the school's internal Grievance Procedures.

- Staff conduct. Complaints about staff will be dealt with under the school's internal Disciplinary Procedures, if appropriate.

Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.

If other bodies are investigating aspects of the complaint, for example the police, LA safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations. If this happens, we will inform you of a proposed new timescale.

If a complainant commences legal action against The Flitch Green Academy in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

<u>Resolving complaints:</u>
At each stage in the procedure, The Flitch Green Academy wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation.
- an admission that the situation could have been handled differently or better.
- an assurance that we will try to ensure the event complained of will not recur.

• an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made.
• an undertaking to review school policies in light of the complaint.
• an apology.

Withdrawal of a complaint:
If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

Duplicate complaints**:**
If, after closing a complaint at the end of the Complaints Procedure, we receive a duplicate complaint from a spouse, a partner, a grandparent or a child not attending this school, we will consider whether this should be considered from the standpoint of a different perspective. However, it the complaint is deemed to be an exact duplicate of the original complaint which as been investigated, we will remind the new complainant that we have already considered the complaint, and the local process is complete. Complainants will be advised to contact the DfE if they are dissatisfied with our handling of the complaint.

Complaint campaigns:
If we receive what we consider to be a large volume of complaints, all based on the same subject and possibly from complainants not connected to The Academy, then we will treat these complaints as being part of a campaign and respond in one of the following two ways, depending upon the nature and scale of the complaint:

- send the same response to all complainants; or
- publish a single response on the school's website.

Social Media:
In order for complaints to be resolved as quickly and fairly as possible, Flitch Green Academy requests that complainants do not discuss complaints publicly via social media such as WhatsApp, Facebook, Instagram and X. Complaints will be dealt with confidentially for those involved, and we expect complainants to also observe confidentiality.

Use of AI in making a complaint.
While the school is committed to handling all complaints fairly, proportionately, and in accordance with this policy, certain factors may affect the way a complaint is managed. The following points clarify how the school will approach particular circumstances that could impact the process or timeframe for response.

"AI doesn't always get it right when citing laws and can make a complaint more complex than necessary." (Ref: 'Parent guide to school complaints': V8- Parent Complaint Guide) Detailed references to legislation are rarely helpful in explaining your complaint. The school needs to be able to clearly understand the issue that has led to your complaint. All complaints will be considered in accordance with this policy (or other school policies, such as staff disciplinary procedures); however, the school is not required to provide a legal interpretation or detailed response to every statutory reference included in a submission. Responses will focus on the substantive matters raised and their relevance to the school, its pupils, and staff. Where

appropriate, the school may seek legal or professional advice but reserves the right to limit its response to matters within its remit and operational responsibility, and with reference to the substance of the complaint.

Details of Procedures:
Stage 1 - Informal complaints
Stage 2 - Complaint reviewed by the Principal.
Stage 3 - Complaint heard by Governing Body's Complaints Panel.

Stage 1 – Informal complaints
It is to be hoped that most concerns can be expressed and resolved on an informal basis.

Concerns should be raised with either the class teacher, Leadership Team or Principal.

Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 3 of the procedure.

At the conclusion of their investigation, the appropriate person investigating the complaint will provide a response within 15 school days of the date of receipt of the complaint.

If the issue remains unresolved, the complainant may wish to proceed to stage 2.

If a response to the stage 1 outcome is not received within 10 -school days, the complaint will be close and marked as satisfied under Stage 1.

Stage 2 – Formal complaints

Formal complaints must be made to the Principal (unless they are about the Principal), via the school office. This may be done in person or in writing, using the Complaint Form. The Principal will record the date the complaint is received and will acknowledge receipt of the complaint in writing, either by letter or email, within 3 school days. Should the Complaint form not have been used, the Principal will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Principal can consider whether a face-to-face meeting is the most appropriate way of doing this.

Note: The Principal may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.

During the investigation, the Principal (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish.
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the Principal will provide a formal written response within 15 school days of the date of receipt of the complaint.

If the Principal is unable to meet this deadline, they will provide the complainant with an update and revised response date. The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it.

Where appropriate, it will include details of actions The Flitch Green Academy will take to resolve the complaint.

The Principal will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

If the complaint is about the Principal, or a member of the governing body (including the Chair or Vice Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 2. Should a suitable governor not be available, the governing board may appoint an external, independent investigator such as an educational governance professional or an independent HR consultant to conduct the stage 2 investigation and report back.

Complaints that involve or are about the Principal should be addressed to (the Chair of Governors), via the school office. Please mark them as Private and Confidential.

If the complaint is about the Governing Body should be made to the Clerk, via the school office.

If the complaint cannot be resolved, the complainant may refer it to Stage 3 by writing to the Principal within 10 school days of receipt of the stage 2 outcome.

Following completion of stage 2 if a response is not received within 10 school days, the complaint will be closed and marked as satisfied under Stage 2.

Stage 3 - Complaint Heard by Governing Body's Complaints Panel

A Complaints Panel consisting of at least three people who were not directly involved in the matters detailed in the complaint will be convened to consider the complaint. The panel will include one member who is independent of the management and running of the school. This is to ensure that the panel has the benefit of an external source of scrutiny and challenge in its consideration of the complaint. The panel will decide whether to deal with the complaint by inviting all parties to a joint meeting, or to separate meetings, or through written representations. In making their decision they will be sensitive to the complainant's needs.
This is the final stage of the complaint's procedure.

Complaints under review must not be discussed in detail at a meeting of the full Governing Body as this could compromise the impartiality of the complaints panel. Governors should however be made aware of the existence of complaints by the Principal, Chair or Clerk

To trigger Stage 3, the complainant must have failed to reach agreement at the first two stages and now have requested a Stage 3 hearing in writing to the Chair of Governors. (Or Vice-Chair in the event that the complaint is about the Chair of Governors)

A request to escalate to stage 3 must be made within 10 school days of receipt of the stage 2 response. The Chair of Governors will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within3 school days. If a response is not received within 10 school days of receipt of the complaint, the complaint will be closed and marked as satisfied under Stage 2.

The Chair will - via the Clerk - convene a Governing Body's Complaints Panel. If the original complaint concerned the Chair of Governors and was referred to the Vice-Chair, the Vice-Chair will fulfil this role.

This is the final stage of the procedure.

The purpose of the panel is to review complaints that have not been resolved at earlier stages. The panel will only consider the original complaint. Any new complaint must be submitted as a separate complaint and will be considered under stage 1 of the complaints process. The panel should establish how the complaint has been reviewed so far and confirm whether the school has followed its own as well as statutory policies and procedures in dealing with the complaint. A panel member will act as Chair and should be a Clerk for the meeting.

Timescales. All parties should agree the date of the panel meeting within 5 school days from receipt of the written request from the complainant.

The meeting itself should be held within 20 school days of receipt.

If the Complainant or the Principal wishes to submit information in writing to the panel, they should send it to the Clerk to the governors at least 5 school days before the meeting.

As far as possible, the meeting should not be delayed if the referral comes at the end of a term, especially at the end of the summer term.

Since the aim of the procedure is to resolve the issue and effect reconciliation, it will be best if the matter can come to the panel as quickly as possible. If the complainant is unable to attend the initial date offered for the meeting, up to 2 further dates may be offered. If the complainant is still unable to attend the alternative dates, the meeting can proceed without their input in order to resolve the matter in a timely manner.

<u>The Meeting of the Governing Body's Complaints Panel:</u>
Before the meeting: Members of the panel should consider carefully any documentation from the Principal and the Complainant but should not discuss the matter with anyone, including the other members of the panel, before the meeting. This is in the interest of fairness and natural justice. The appeal panel must operate scrupulously as an independent arbiter of the complaint.

The panel may:

- 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 school's systems or procedures to ensure that problems of a similar nature do not recur.

After the Hearing the following actions need to be taken:

- The Chair of the panel agrees with the Clerk the wording of the letter to be sent to all parties. The Clerk then ensures that the letter is sent out in accordance with the agreed timescale.
- The Clerk writes up the notes of the meeting and gives a copy to the Chair of the panel.
- The Clerk ensures that any recommendation to change school procedures is put on the agenda for the next governing body meeting.

Vexatious Complaints:

If the complainant, still dissatisfied, tries to reopen the same issue, the Chair of Governors is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

Failure to engage:

If the Complainant consistently fails to engage with the procedure at any stage, then the Principal (at stages 1-2) or the Chair of the complaints panel (at stage 3) can immediately and formally dismiss the complaint as unsubstantiated. Records must still be maintained and in extreme circumstances e.g. where there has been an obvious and serious failing, then the review may be directed to continue to enable appropriate recommendations to be made and corporate learning to take place.

GENERAL POINTS

Using and Publicising the Procedure:

The governing body has adopted this procedure formally and will review and re-adopt it initially annually then every 3 to 5 years. They are also responsible for ensuring that staff are confident in its use and that it is appropriately publicised to all interested parties.

Recording and Reporting Complaints:

In order to turn complaints to positive effect, it is important that records are kept so that at regular intervals both the senior managers of the academy and the governing body can reflect on issues that have arisen and on the way in which they have been handled. The Complaints Co-ordinator is the most obvious person to confidentially hold these records and to collate

them into a report for the Principal and the governing body. Such a confidential report is a valuable self-evaluation tool. **All records will be kept for 7 years.**

Meeting set up and conduct

The meeting room should be private and as informally laid out as possible in order to encourage a spirit of partnership. It is very important that there should be nothing adversarial about the proceedings.

The tone of the whole meeting will be set by the atmosphere of the room in which it is set and by the way people are greeted.

Panel members should be sensitive to the vulnerabilities and concerns of all those involved. Everyone needs to remember that the aim and purpose of the meeting is to resolve the complaint and find ways of going forward together.

It is possible that the Complainant may not be satisfied with the outcome if the panel does not find in their favour, but the conduct of the meeting can go a long way towards smoothing such dissatisfaction.

At the very least, every Complainant should feel that their complaint has been taken seriously and examined impartially.

Very special care should be taken if the complainant is a child or if there are child witnesses. Children's views should be given equal consideration to those of adults, but it may not be in their own best interests for children to attend the panel. The panel should proactively consider alternative methods of hearing the views of children e.g. written statement, an adult may represent them, or a recording of their views may be played to the panel.

Complaints Made Other Than in Accordance with the Procedure:

Sometimes a complainant may be unfamiliar with, or unaware of, the complaints procedure; sometimes they may choose to take their complaint straight to governors or to other parties, such as the Local Authority. In every such case, the procedure must be strictly adhered to, and the complaint redirected to the proper stage in the procedure. It is, therefore, important that all members of staff and all governors are fully aware of the procedure and that it is publicly available. It is particularly important that governors know that they must not attempt to deal with complaints themselves, but should tell complainants to take their complaint to the school's Complaints Co-ordinator. This does not discount that nearly all concerns can be effectively resolved very quickly by prompt action and relates only to formal complaints.

Complaints Made to the Department for Education:

In unusual cases the Secretary of State may have the power to intervene if the governing body of the school has acted as no reasonable governing body would act. This is very unlikely to be the case unless the whole of the school's own complaints procedure has been exhausted.

Retention of Data:

The school processes personal data collected during the informal and formal grievance procedure in accordance with its Data Protection Policy. In particular, data collected as part of the grievance procedure is held securely and accessed by, and disclosed to, individuals only for the purposes of responding to grievances or conducting the grievance procedure. On the conclusion of the procedure, data collected will be held in accordance with the school's retention schedule. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the school's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the school's disciplinary procedure.

Appendix A – Complaint Record Form:

To be used by school staff for Stage 1 and Stage 2

PART 1: Record of Complaint

Complainant's Name:

Address:

Telephone and email:

Details of the complaint:

Date complaint made to Complaints Co-ordinator and method:

Action already taken to resolve the matter:

Complainant's view of what might resolve the issue:

PART 2: Action taken in accordance with the Complaints Procedure:

Complaint investigated by:

Action Log (with dates):

Date of formal meeting with Complainant:

Outcome of meeting:

Appendix B – Complaint form for use by Complainant:

Please complete and return to the Complaints Co-ordinator, who will acknowledge and explain what action will be taken.

Your name:

If relevant, pupil's name and class:

Your address (including Post Code):

Day time telephone number:

Evening telephone number:

Email:

Please give details of your complaint. Provide as much detail as possible and continue on a separate sheet as required:

What action, if any, have you already taken to try and resolve your complaint. 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:

Signature:

Date:

For Academy use only:
Date acknowledgement sent:
By whom:

Stage 1 complaint referred to:
Date:
Resolution – Yes/No and details

Stage 2 complaint referred to:
Date:
Resolution – Yes/No and details:

Stage 3 complaint referred to:
Date:
Resolution – Yes/No and details