

Fioretti Trust

Name of Policy
<h2>Concerns and Complaints Policy Members of the Public</h2>

<u>Concerns and Complaints Policy</u>	<u>Written By</u>	<u>Committee Responsible</u>	<u>Regularity of review</u>	STATUTORY	
	Harrison Clark Rickerbys Solicitors	Trust Board	Bi-Annual; or more frequent if required		
<u>Version</u>	<u>Date Proposed</u>	<u>Date Accepted</u>	<u>Date of next review</u>	<u>Signature (Chair of Trust)</u>	<u>Reason for revision</u>
Version 0.01	31 st January 2023	7 th February 2023	Spring Term 2025		New policy

Concerns and Complaints Policy – Members of the Public

Introduction

Fioretti Trust (the “**Trust**”) respects the right of members of the public to report any concerns they may have regarding the Trust’s provision of services or, if they deem it necessary, to make a complaint.

A concern may be defined as an expression of worry over an issue for which reassurances are sought from the Trust. The Trust will treat such concerns seriously and endeavour to provide that reassurance. A concern does not constitute a complaint.

A complaint is an expression of dissatisfaction by a member of the public (complainant). It is likely to arise if a complainant believes that the Trust has done something wrong or has failed to do so something that it should have done or acted unfairly. A complaint may be made about the Trust as a whole, one of our schools, about a specific department or about an individual member of staff, local governor or trustee.

The procedures outlined in this policy do not apply to complaints from parents of pupils at the Trust for which there is a separate policy.

The Trust will make this complaints procedure available on its website. It will also ensure that anyone who requests it is sent a copy of this document.

Expectations of the Complainant

The complainant will:

- Inform the Trust of their complaint in full as early as possible;
- Co-operate with Trust staff investigating their complaint;
- Seek a resolution to their complaint in collaboration with the Trust; and
- Treat all members of staff involved in the complaint with respect and not act unreasonably at any time.

Complaints should be lodged within a reasonable time frame. The Trust will not consider complaints lodged more than three months after the matter or series of incidents that gave rise to the complaint unless there are exceptional circumstances. 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.

Expectations of the Trust

The Trust will:

- Deal with complaints promptly;
- Not investigate anonymous complaints. However, the Headteacher or the Chair of the Board of Trustees, if appropriate, will determine whether in exceptional circumstances the complaint warrants an investigation;
- Not accept as evidence recordings of any conversations that were obtained covertly except in exceptional circumstances.

- Resolve a complaint by informal means if possible;
- Be impartial;
- Ensure that a thorough investigation is carried out; and
- Provide redress where appropriate.

Recording Complaints

The Trust will keep a written record of all complaints and at what stage of the procedure they are resolved. The Trust will keep records of the following information:

- Date when the complaint was raised
- Name of complainant
- Description of the complaint
- Records of all the investigations
- Witness statements (if appropriate)
- Name of staff handling the issue at each stage
- Any action taken by the Trust as a result of the complaint
- Copies of all correspondence on the issue

The Trust will ensure, wherever possible, that third party information remains confidential.

Stage 1 - Informal Resolution

- 1.1 The Trust will endeavour to resolve most complaints quickly and informally.
- 1.2 At this stage, the complainant should contact the school's Headteacher who will pass on the complaint to the Trust's Head of Operations who may designate an appropriate member of staff to investigate the complaint. The Head of Operations may decide, in their discretion, that the complaint is unlikely to be resolved informally so the complaint will be dealt with at the next stage as a formal complaint.
- 1.3 The investigator will gather information relevant to the complaint in order that they may clarify the matter. The complainant will usually be informed of the outcome of the complaint within 14 days of receipt of their complaint during term time or as soon as practicable during holiday periods.
- 1.4 The Head of Operations can dismiss the complaint in whole or in part or uphold the complaint in whole or in part.
- 1.5 If the complaint is against a Headteacher, the Chief Executive Officer (CEO), a local governor or a trustee, the complaint should be made directly to the Clerk to the Board of Trustees who will appoint an appropriate trustee (not the Chair of the Board of Trustees) to seek to investigate and resolve the complaint as above.
- 1.6 If the matter cannot be resolved to the complainants' satisfaction, then they will be advised that they can proceed with their complaint in accordance with Stage 2 of this procedure.

Stage 2 - Formal Resolution

- 2.1 If the complaint cannot be resolved informally, then the complainant should put their complaint in writing to the CEO using the Complaint Form attached to this policy at Appendix 1 within 5 days of receiving the outcome of the informal complaint. The complainant may also be referred directly to this stage if the Head of Operations has decided that the complaint is unlikely to be resolved informally. The CEO will then decide, after considering the complaint, the appropriate course of action to take. A complaint may be made by a third party acting on behalf of the complainant, so long as they have appropriate consent to do so.

Please mark your complaint 'Private and Confidential'.

If you require help in completing the Complaint Form, please contact the relevant school office. You can also ask a third-party organisation, such as Citizens Advice, to help you.

- 2.2 In most cases, the CEO (or nominee) will meet or speak to the complainant, normally within seven days of receiving the complaint, to discuss the matter. Every attempt will be made to reach a resolution at this stage.
- 2.3 It may be necessary for the CEO (or nominee) to carry out further investigations.
- 2.4 The CEO (or nominee) will keep written records of all meetings and interviews held in relation to the complaint.
- 2.5 Once the CEO (or nominee) is satisfied that, so far as is practicable, all of the relevant facts have been established, a decision will be made. The complainant will be informed of this decision in writing usually within 21 days of the receipt of the formal complaint during term time and as soon as practicable during holiday periods. The CEO (or nominee) will also give reasons for his decision. If this time limit cannot be met, the CEO (or nominee) will write to the complainant with 21 days of receipt of the complaint, explaining the reason for the delay and providing a revised date.
- 2.6 The CEO (or nominee) can:
- Dismiss the complaint in whole or in part;
 - Uphold the complaint in whole or in part;
 - Recommend changes to the Board of Trustees to ensure that similar issues do not recur.
- 2.7 If the complaint is against a Headteacher, the CEO, a local governor or a trustee, it should be addressed to the Chair of the Board of Trustees, via the Trust's office at St Francis CE Primary School and Nursery. The Chair of the Board of Trustees will call for a full report from them and for all the relevant documents. The Chair of the Board of Trustees may also call for a briefing from members of staff, and will in most cases, speak to or meet with the complainant to discuss the matter further. Once the Chair of the Board of Trustees is satisfied that, so far as is practicable, all of the relevant facts have been established, the complainant will be informed of the decision in writing. The Chair of the Board of Trustees will give reasons for their decision and can recommend changes as above.
- 2.8 If the complaint is against the Chair of the Board of Trustees, the clerk will appoint the Vice Chair of the Board of Trustees to consider the complaint and reach a decision following the same procedure detailed in paragraph 2.7.

Complaint campaigns

If the Trust becomes the focus of a campaign and receives large volumes of complaints all based on the same subject and from complainants unconnected with the school we will publish a single response on our website.

Unreasonable Complaints

A complaint may be regarded as unreasonable if the complainant:

- 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;
- Raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately or to their own timescales;
- Requires questions to be answered in a set format, particularly where it does not assist with transparency;
- Makes unjustified complaints about staff who are trying to deal with the issues;
- Changes the basis of the complaint as the investigation proceeds;
- Makes excessive demands on school time by either frequent, lengthy, complicated and/or stressful contact with staff regarding the complaint;
- Repeatedly makes the same complaint and refuses to accept previous findings (despite investigations or responses concluding that the complaint is groundless or has been addressed); or
- Seeks an unrealistic outcome.

A complaint may also be considered unreasonable if the complainant acts:

- Maliciously;
- Aggressively, using threats, intimidation or violence;
- Using abusive, offensive or discriminatory language;
- Making defamatory statements;
- Knowing what is stated to be false; or
- Publishing information such as on social media websites, including WhasApp and in newspapers.

Where, at any stage, a complaint is deemed by the CEO (or Chair of the Board of Trustees), to be unreasonable, the Trust may take any of the following actions:

- Implement a limited communications strategy;
- Advise that a third party act on the complainant's behalf; and/or
- Notify the complainant that the complaint procedure will not be implemented and that there will be no further response to their complaint.

Where aggression or abusive behaviour has been used, the Trust may:

- Ask the complainant to leave the Trust premises;
- Inform the police; and/or
- Bar them from being on the Trust premises.

Further Steps

If, following the formal procedure, the complainant remains dissatisfied and attempts to reopen the same or similar issues, the complaint will be viewed as serial or persistent. The Chair of the Board of Trustees will inform them in writing that all stages of the complaints' procedure have been completed and that the matter is now closed. Any further contact from the complainant regarding the complaint will be ignored by the Trust.

If a complainant wishes to take the complaint further, they must contact the Education and Skills Funding Agency (ESFA) on 0370 000 2288 or online at: www.education.gov.uk/contactus.

The ESFA will consider complaints where there is:

- Undue delay or non-compliance with the Trust's own complaints procedure;
- Failure to comply with a duty imposed by virtue of the Trust's Funding Agreement;
- Failure to comply with any other legal obligation, unless there is another organisation better placed to consider the matter.

If the ESFA upholds a complaint then it will not overturn the decision taken by the Trust. It may do one or both of the following:

- Ask the Trust to reconsider the complaint from an appropriate stage; and/or
- Ask the Trust to change its complaints procedure so that it complies with legal requirements.

Review

The Board of Trustees will monitor the nature and frequency of formal complaints.

This policy will be evaluated in the light of complaints made and their resolution in order to contribute to Trust improvement.

APPENDIX 1 – COMPLAINT FORM - PUBLIC

Please complete and return to the Trust's CEO via the Trust's office at St Francis CE Primary School and Nursery.

Your name:
Are you related to a pupil currently attending the school?
Address: Postcode: Day time telephone number: Evening telephone number: Email address
Please give details of your complaint, including whether you have spoken to anybody at the school about it.

What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Action taken:

Date:

