



Education
Funding
Agency

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Guidance

Creating an academy complaints procedure

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1.

Introduction

All academies must have a complaints procedure. This must meet the standards set out in the [Education \(Independent School Standards \(England\) Regulations 2014](#) Schedule 1, Part 7.

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The Regulations set out how complaints procedures should be drawn up and used effectively to handle complaints from parents of pupils.

The Education Funding Agency (EFA) has produced this guidance to help academies avoid the common pitfalls in meeting the standards and to share good practice.

2.

Requirements for complaints procedures

Academies' complaints procedures must be in writing, be made available to parents and set out clear timescales for the management of the complaint.

The complaints procedure must consist of at least three stages:

1. informal (usually a meeting with the complainant)
2. formal (the complaint is put in writing)
3. a panel hearing

If the complaint progresses to the final panel hearing stage, the academy must:

1. allow the parent(s) to attend and be accompanied if they wish
2. ensure at least one member of the panel is independent of the management and running of the academy

The panel cannot be made up solely of governing body members because they are not independent of the management and running of the academy. It is a matter for the academy to identify suitably independent individuals who can fulfil the role and responsibility of being the independent member.

3.

Good practice suggestions

The following tips and suggestions are intended to help academies ensure their complaints procedures are robust and effective.

- Publish the complaints procedure online.
- Make clear how the academy will deal with complaints from people who are not parents of attending pupils. You may wish to use the same procedure you use for complaints from parents, or you may wish to develop a different one.
- If the complaint does proceed to a panel stage, ensure parents are given reasonable notice of the panel hearing date.
- Be clear what behaviour will be considered as unacceptable from complainants and the action you will take if a complainant behaves unacceptably.
- Consider if staff likely to be involved in handling a complaint are suitably equipped to do so.
- Provide complainants with written responses where appropriate and if requested. This is particularly worth doing for correspondence with MPs as they often use the correspondence they have received to brief or inform their constituents.
- Clearly signpost parents that are not satisfied about the handling of their complaint to the EFA via the [schools complaints form](#) .

4.

The role of the EFA

The EFA can support academies to achieve a compliant procedure but it is the responsibility of academy trusts to make sure that their complaints procedure is fully compliant. Our responsibility is to ensure academies comply with their funding agreements.

If a complaint comes to us we will check whether the complaint has been dealt with properly by the academy. We will consider complaints about academies that fall into any of the following three areas:



1. where there is undue delay or the academy did not comply with its own complaints procedure when considering a complaint
2. where the academy is in breach of its funding agreement with the Secretary of State
3. where an academy has failed to comply with any other legal obligation

We will not overturn an academy's decision about a complaint. However, if we find an academy did not deal with a complaint properly we will request the complaint is looked at again and procedures meet the requirements set out in the Regulations.

If the academy's complaints procedure does not meet the Regulations, we will ask the academy to put this right. We may seek to enforce the decision under the terms of the funding agreement on behalf of the Secretary of State, if appropriate.

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