



Putting in place a complaints procedure

Statutory requirements on academies

All academies must have a complaints procedure which meets the standards set out in the [Education \(Independent School Standards \(England\) Regulations 2010](#) Schedule 1, Part 7.

The Regulations set out the manner in which a complaints procedure should be drawn up and used effectively to handle complaints from parents of pupils.

How can this factsheet help?

Since April 2012 the Education Funding Agency (EFA) has been handling complaints about academies from parents and others. This factsheet captures what we have learnt from these cases. We have made this information available to academies to help you avoid the common pitfalls in meeting the standards and to share good practice adopted by academies.

What do the Regulations say?

- Academies must have a complaints procedure consisting of at least three stages: informal (usually a meeting with the complainant), formal (the complaint is put in writing) and a panel hearing stage
- Academies' complaints procedures must contain clear timescales
- If the complaint progresses to the final panel stage, the academy must ensure one member of the panel is independent of the management and running of the academy
- Academies must allow the parent to attend and be accompanied at a panel hearing if they wish

Is there any good practice I could adopt?

Although not required under the Regulations, here is some good practice we have identified:

- A member of the governing body of the academy does not qualify as someone independent of the management and running of the academy. Academies have successfully used members of governing bodies of neighbouring schools or local business people to fulfill this role
- Make the complaints procedure available on-line
- 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 date of the panel hearing and provide clear information on the process to enable a parent to attend
- Be clear what behaviour will be considered as unacceptable from complainants and the action you will take if a complainant behaves unacceptably
- Consider whether staff likely to be involved in handling a complaint are equipped to do so
- Provide complainants with written responses where appropriate and where the complainant requests a written response. This is particularly worth doing for correspondence with MPs as they will often use the correspondence they have received to brief or inform their constituents
- Clearly signpost parents that are not satisfied their complaint has been handled properly to us via the [schools complaints form](#) (more on the EFA's role is below)

What is the EFA's role?

We can support academies to achieve a compliant procedure, but it is the responsibility of academy proprietors to make sure that their complaints procedure is fully compliant.

If a complaint comes to us, we will check whether the complaint has been dealt with properly by the academy. This derives from our responsibility to ensure academies comply with their funding agreements. We will consider complaints about academies that fall into any of the following three areas:

- a. where there is undue delay or the academy did not comply with its own complaints procedure when considering a complaint.
- b. where the academy is in breach of its funding agreement with the Secretary of State.
- c. 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 from the appropriate stage, following a process which meets 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 on behalf of the Secretary of State, if appropriate, seek to enforce the decision under the terms of the funding agreement.