



Education
Funding
Agency

Procedure for dealing with complaints about academies

Introduction

The Education Funding Agency (EFA) handles complaints about open academies and free schools. Part of our role is to make sure academies comply with the terms of their funding agreement which is a contract between the academy and the Secretary of State.

The following information explains how you can complain to the EFA about academies. It also sets out our procedure for considering them. This is not the procedure for complaints about the administration of independent appeal panels for admissions to academies. You can find information on that [here](#).

Before submitting a complaint to us your first step should be to make a complaint directly to the academy following its complaints procedure.

Responsibilities of academies

Academies must make available on request a procedure for dealing with complaints from parents of pupils. We recommend that academies publish this online. For complaints from parents of pupils, this procedure must comply with The Education (Independent School Standards) Regulations 2010 and offer:

- an opportunity to resolve the complaint with the academy on an informal basis, for example through discussion with a senior member of staff;
- a formal complaint stage when the complaint is made in writing and usually responded to by the chair of governors; and
- a hearing with a panel set up by the academy trust, comprising at least three people not directly involved in the matters detailed in the complaint, one of whom must be independent of the management and running of the school. Parents must be allowed to attend the panel and be accompanied if they wish

Academies may choose to handle complaints from those who are not parents of pupils at the academy differently. In these cases, we recommend that the academy should clearly explain to the complainant how their complaint will be handled.

What the EFA will investigate

We will look at complaints about academies that fall into the following areas:

- undue delay or non-compliance with an academy's own complaints procedure
- an academy's failure to comply with a duty imposed on it under its funding agreement with the Secretary of State
- an academy's failure to comply with any other legal obligation, unless there is another organisation better placed to consider the matter as set out in the next section

What the EFA will not investigate

We will not investigate complaints that are, for example:

- about the quality of education or leadership, or concerns affecting the school as a whole. These should be raised with [Ofsted](#)
- about discrimination. These should be raised with the [Equality Advisory Support Service](#)
- about data protection. These should be raised with the [Information Commissioner's Office](#)
- about exam malpractice or maladministration. These should be raised with the Office of Qualifications and Examinations Regulation ([Ofqual](#)) and relevant awarding body
- about criminal behaviour. These should be raised with the police
- about any matter which is, or has been, subject to legal action
- about employment matters. These should be raised through the academy's grievance procedure, or taken to an [Employment Tribunal](#)
- about safeguarding or child protection matters. These should be taken up with the academy's Local Safeguarding Children's Board
- about a child or young person's Statement of Special Educational Need where there is another route of appeal, for example the [First Tier Tribunal](#) (Special Educational Needs and Disability) Service formerly the Special Educational Needs and Disability Tribunal (SENDIST)

We will not consider complaints more than 12 months after a decision or action is taken. The only exceptions will be if the delay in sending the complaint to us was unavoidable or if there is evidence that the academy is not currently complying with legal requirements.

We reserve the right not to consider complaints that:

- are malicious (that is, they are instituted without sufficient grounds and serving only to cause annoyance)
- use obscenities, racist or homophobic language
- contain personally offensive remarks about members of our staff
- are repeatedly submitted with only minor differences after we have fully addressed the complaint

Whistleblowing

We take seriously all whistleblowing concerns raised. Please consider submitting your complaint confidentially rather than anonymously. Submitting a complaint anonymously will make it difficult for us to conduct a full and thorough investigation. We will respect your confidentiality when investigating whistleblowing complaints. (see paragraph below).

If we can only proceed with an investigation by disclosing something to the academy that identifies you, we will ask for your consent first. If you do not give us your consent, it may

be that we will not be able to take your case any further. If the allegation is sufficiently serious to require an investigation we may reveal your identity without your consent.

Outcomes from investigations

We cannot change any decision an academy has made about your complaint. Our role is to look at whether the academy considered your complaint properly, by following a procedure that is in line with legal requirements.

If we uphold a complaint then we may do one or both of the following:

- ask the academy to reconsider the complaint from an appropriate stage
- ask the academy to change its complaints procedure so that it complies with legal requirements

Complaining to the EFA about an academy

We will deal with complaints about academies in accordance with the following principles:

- academies should be receptive to genuine expressions of dissatisfaction
- complaints are dealt with promptly, fairly and proportionately; they are also resolved at the most local level possible
- in dealing with complaints the EFA will take account of its public sector equality duty (under the Equalities Act 2010)

If, at any stage of the process, we believe we are unable to meet the deadline outlined in this procedure, we will tell you before the deadline.

We will give you:

- the reasons we are unable to meet the deadline
- a new deadline date

Where possible, please put your complaint in writing. If you have difficulty in providing details in writing, we will discuss with you alternative ways of receiving the information.

Complaints about academies should be sent:

- via the Department for Education's [schools complaints form](#)
- by post to Ministerial and Public Communications Division
Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD

Receiving the complaint

Your complaint will be acknowledged in writing within 5 working days. Your complaint will be allocated to a named case officer who will write to you and consider your complaint in line with this procedure.

Assessing the complaint

Within 10 working days of acknowledging your complaint we will either:

- let you know you that your complaint will not be investigated, explain the reasons why and where possible give you helpful information about what to do next
- let you know that we will investigate your complaint
- ask you for further information to enable us to make an assessment

If we are going to investigate your complaint, before we begin we will ask you to:

- agree a summary of your complaint prepared by us
- give us permission to disclose your details to the academy you are complaining about
- give us permission to ask the academy whether or not its complaints procedure has been followed through all its stages

Investigation

Once you send us the information we have asked for we will look at it and, if appropriate, amend the summary of your complaint before sending it to the academy. The summary will be sent to the academy within 5 working days of receiving the additional information you have supplied.

We will then ask the academy to give us:

- an explanation of how each stage of its complaints procedure has been followed
- a response to the summary of the complaint together with relevant information

We will ask the academy to respond within 10 working days and, if necessary, to explain why this information should not be shared with you. For example some of the information provided might include data belonging to individuals not involved in the complaint.

We will forward the academy's response to you within 5 working days of receipt.

You will be asked to confirm within 5 working days whether you:

- are satisfied with the response, in which case we will close the case
- wish to pursue the matter further

If you do not think the response fully addresses your complaint, we will make a provisional decision within 10 working days based on the evidence gathered and send this to both you and the academy.

Both you and the academy will be asked to comment on the provisional findings within 10 working days.

Adjudication

We will look at any responses from you and the academy and any new evidence on whether or not the academy was in breach of its funding agreement. We will then confirm our findings and decision in writing. This will be done within 5 working days of receiving the last response, or 15 working days from sending out the provisional findings, whichever is the later.

Once we inform you and the academy of our decision, we will close the complaint.

Actions

If we uphold your complaint we will do one or both of the following:

- ask the academy to reconsider the complaint from an appropriate stage
- ask the academy to change its complaints procedure so that it complies with legal requirements

If the academy does not comply with the actions, we may, if appropriate, seek to enforce the decision on behalf of the Secretary of State through the courts under the terms of the funding agreement.

What to do if you aren't satisfied

We take complaints about the service provided by the EFA seriously and take every opportunity to learn how to improve our processes and our service. If you are concerned about the way the EFA handled your complaint you can let us know via:

The EFA's Contact Us form: <https://www.education.gov.uk/help/contactus/dfe>

Or by writing to:
EFA Complaints
Chief Executive's Office
53-55 Butts Road
Earlsdon Park
Coventry
CV1 3BH

Or you can email: complaints.efa@education.gsi.gov.uk



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Any enquiries regarding this publication should be sent to us at academy.questions@education.gsi.gov.uk

This document is also available from www.gov.uk

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