Diocese of Gloucester Academies Trust

Complaints Policy

Status and review cycle;	Statutory –reviewed every 2 years or earlier if Regulations change
Responsible group:	DGAT
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Next Review Date:	May 2020

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Complaints Policy

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Diocese of Gloucester Academies Trust

Complaints Policy

Section One:

Policy Statement

The Trust is an organisation with a Christian foundation. The ethos, values and relationships of the Trust, and its associated academies, are central to upholding the values of the foundation. Constructive working relationships are important to the success of the Trust and in recognition of this the Trust is committed to resolving differences as quickly as possible and finding workable solutions for identified problems.

The Trust expects all concerns and complaints to be taken seriously and to be investigated and dealt with efficiently and sensitively.

Purpose and Scope:

This policy is intended to provide guidance about the process for dealing with concerns or complaints raised by anyone about the operation of a Trust academy.

The following policy sets out the procedure that the academy follows in such cases. A copy of this policy is available on the academy and DGAT websites.

Aims and objectives

The academy aims to be fair, open and honest when dealing with any concerns or complaints giving them careful consideration and dealing with them as swiftly as possible. The aim is to resolve any complaint through dialogue and mutual understanding and in all cases putting the interests of the child above all other issues.

Child Protection

If the complaint concerns a child protection issue or involves an allegation of abuse by a member of the Academy staff, the named person responsible for child protection matters at the Academy should be informed and safeguarding procedures followed.

The Complaints Procedure

General Principles:

- This procedure is intended to allow anyone, including members of the public, to raise a concern or complaint relating to the academy, or the services that it provides, unless separate statutory provisions apply (such as exclusions or admissions).
- **An anonymous concern** or complaint will not be investigated under this procedure, unless there are exceptional circumstances.
- To enable a proper investigation, concerns or complaints should be brought to the attention of the academy as soon as possible. In general, the academy will not consider any complaint raised more than 3 months after the event.
- Complaints need to be considered, and resolved, as quickly and efficiently as possible using time limits published in this policy. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

Concern

A concern can be defined as an expression of a worry in respect of the academy. A matter should be viewed as a concern if it is capable of being resolved locally and does not require a formal response.

Complaint

A complaint can be defined as an expression of dissatisfaction with the academy which requires a formal response.

The academy will deal with any matter as a complaint when

the person raising the matter requests the matter to be dealt with as a formal complaint

or

when informal attempts to deal with the concern have been exhausted and

the person who raised the concern remains dissatisfied.

Raising a concern or complaint

Stage 1 - Informal Procedure

It is normally appropriate to communicate directly with the member of staff concerned, or the Head Teacher if the concern is about any member of staff. This may be by letter, e-mail, telephone or in person by appointment. Many concerns can be resolved by simple clarification or the provision of information and it is anticipated that most concerns or complaints will be resolved by the informal stage.

In the case of serious concerns it may be appropriate to address them directly to the Head teacher (or to the Chair of the governing body, if the concern or complaint is about the Head teacher or a governor).

If there is uncertainty about who to contact, then advice may be sought from the school office or Clerk to the governing body.

Procedure for dealing with concerns

The teacher, Head Teacher or Chair will endeavour to resolve the concern informally. During the course of any investigation they may invite a third party in to observe any relevant meetings. Any member of staff complained about will be kept fully informed of the content of the complaint and will be given an opportunity to explain their actions. During this period the person raising the concern will be regularly updated as to the progress of the investigation.

Stage 2 - Formal Procedure (How to take the matter further)

If the concern is not resolved at the informal stage, or the concern is of a sufficiently serious nature, a formal complaint should be made in writing using the **Complaint Form**. This should be addressed to the Head Teacher, who will be responsible for ensuring that it is investigated appropriately. The form should be sent to the Clerk to the Governing Body, for the attention of the Chair, if the complaint is about the Head Teacher or a governor. If the complaint is about the Headteacher or the Chair contact the CEO of the Trust as soon as possible.

A written acknowledgement will be provided to the complainant within 5 school days of receiving a complaint. If a complaint is received during the school holidays, acknowledgement will be within 5 school days of the start of the new term. The acknowledgement will give a target date for providing a response to the complaint which should normally be within 10 school days.

If the target cannot be met because, for example, an independent investigation is needed, then a further letter should be written explaining the reason for the delay and providing a revised target date.

The Head Teacher (or Chair) may invite the complainant to a meeting to discuss the complaint and to seek a resolution. If the complainant accepts that invitation, they may be accompanied by a friend if they wish, to support them in explaining the nature of the complaint. If a meeting is arranged a full record of the meeting must be kept. A copy of the record of the meeting should be available to all parties after the meeting.

Once all of the facts have been established a written response will be sent to the complainant outlining the decision reached and the reasons for it. Where appropriate this should also include what response the Academy will take to resolve the complaint.

The letter should also inform the complainant how they can proceed to the third stage of the procedure if they are dissatisfied with the outcome, and that they must do so within 10 school days of receiving the response.

When the investigation has been concluded all parties concerned will also be informed of the outcome.

If no further communication is received from the complainant within 10 school days it is deemed that the complaint has been resolved and should end.

Stage 3 – Review Process

Complainants who are not satisfied may make representation to the Local Governing Body requesting a review of the process followed by the school in handling the complaint. A request must be made in writing to the Clerk to the Governing Body using the **Review Request Form**. This must be done within 10 school days of receiving notice of the outcome of the complaint, and include a statement specifying any perceived failures to follow the procedure.

The Chair of Governors will inform the CEO of the Trust when a complaint review request is received and will follow any advice given. The CEO will decide, in consultation with the Chair, the make-up of the panel to hear the complaint review.

The review panel will consist of at least three people who were not directly involved with the matters detailed in the complaint. The panel **must include one person who is independent of the management and running of the academy.** The review panel will appoint a clerk/note taker to keep a written record of proceedings.

The Clerk/note-taker will write to the complainant, acknowledging the review request within 5 school days and informing the complainant of the arrangements for undertaking the review, which should take place within 10 school days of writing to the complainant. The review panel will normally consider written submissions, but will sympathetically consider any reasonable requests to make oral representations. Should this be the case the panel will ensure that the review is heard in private, and the complainant informed they may be accompanied to the meeting by a friend/ interpreter if they wish.

The panel will receive written evidence from the complainant of perceived failures to follow the procedure. The panel will invite representatives of the academy (usually the Head Teacher or the Chair of the Local Governing Body that originally considered the matter), as appropriate, to make a response to the review request.

The panel may also have access to the records kept of the process followed.

The complainant, where relevant the person complained about, the academy representatives and the CEO will be informed in writing of the finding of the review and any recommendations , usually within 5 school days of the panel meeting. If the review panel decides that due process has not been followed they may consider a number of outcomes. The panel may decide to:

- dismiss the complaint in whole or part;
- uphold the complaint in whole or part;
- decide on appropriate action to resolve the complaint;
- recommend changes to the Academy's systems and procedures

The review panel is the last Academy-based stage of the complaints process, and the outcome must be reported to the CEO of the Trust. The findings and recommendations must be made available for inspection on the school premises by the Headteacher and CEO.

The matter will then be closed as far as the academy is concerned.

Secretary of State

If a complainant is reluctant to accept the outcome of the process, and believes the academy has acted unreasonably or unlawfully in handling the complaint, then they may make representations to the Secretary of State for Education.

The Secretary of State's powers are delegated to the School Complaints Unit (SCU). The SCU will only consider cases in which the governing body has acted unlawfully or unreasonably. It will only overturn a decision in extreme circumstances. If it decides that a school has not followed its published procedures it has the power to direct that the process is re-visited.

Telephone	0370 000 2288
Online	www.education.gov.uk/help/contactus
Letter	DfE, School Complaints Unit, 2nd Floor, Piccadilly Gate, Store Street, Manchester, M1 2WD.

Persistent or serial complaints

The following criteria may be applied in deciding whether a complaint is persistent or serial and potentially vexatious:

- All reasonable steps have been taken to address matters
- A clear statement has been provided of the school's position
- The school is being repeatedly contacted with the same points being raised
- The school has reasonable grounds for believing that the intention is to cause inconvenience
- Communications are aggressive in tone or content. Abusive, derogatory and/or threatening comments are made

Should the complainant continue to make contact on the same issue the Chair of Governors has the power to inform them that the process is complete and the matter is therefore closed.

5. Monitoring and review

The Governors monitor the Complaints Procedure, in order to ensure that all complaints are handled properly. The Head Teacher logs all formal complaints received by the school and records how they were resolved. Governors examine this log on an annual basis.

DGAT will take into account any local or national decisions that affect the complaints process, and make any modifications necessary to this policy. DGAT will review this policy every two years or more often if necessary. **The governors will formally adopt this policy every two years.**

See also Complaints Procedure Policy flowchart

Complaint Form

Please complete this form and return it to Head teacher (or Clerk to the governing body), who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name:	
Your Address:	
Daytime telephone number:	
Evening telephone number:	

Relationship with school e.g. parent of a child on the school's roll	
Child's name (if relevant to your complaint):	

Please give concise details of your complaint, (including dates, names of witnesses etc.), to allow the matter to be fully investigated: You may continue on separate paper, or attach additional documents, if you wish.

Number of additional pages attached	
What action, if any, have you already taken to try to resolve your complaint? (i.e. who have you spoken with or written to and what was the outcome?	

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

Signature:
Date:

School use:			
Received by:		Date	
Acknowledgement sent by:		Date	
Complaint referred to:			
Name		Date	
Name		Date	
Name		Date	

Complaint Review Request Form

Please complete this form and return it to Head teacher (or Clerk to the governing body), who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name:	
Your Address:	
Daytime telephone number:	
Evening telephone number:	

Dear sir/madam

I submitted a formal complaint to the school on

Date:

My complaint was submitted to

Name:

and I received a response from

Name:

on

Date:

I have attached copies of my formal complaint and of the responses from the school.

I am dissatisfied with the way in which the procedure was carried out because:

You may continue on separate paper, or attach additional documents, if you wish.

Number of additional pages attached	

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

Signature:
Date:

School use:			
Received by:		Date	
Acknowledgement sent by:		Date	
Complaint referred to:			
Name		Date	
Name		Date	

Section Two: Complaints Guidance

Investigating Complaints

The person investigating the complaint will make sure that they:

- establish what has happened so far, and who has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them (if unsure or further information is necessary);
- clarify what the complainant feels would put things right;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct the interview with an open mind and be prepared to persist in the questioning; and
- keep notes of the interview.

Resolving Complaints

At each stage in the procedure the person attempting to resolve the complaint will keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is a valid complaint (in whole or in part) without admitting liability. In addition, it may be appropriate to offer one or more of the following:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again; and
- an undertaking to review Academy policies in light of the complaint

At all stages 1 – 3 those hearing the complaint will attempt to identify areas of agreement between the parties, and to clarify any misunderstandings that might have occurred in order to create a positive atmosphere in which to discuss any outstanding issues.

Responsibilities of the Local Governing Body

The Local Governing Body will monitor the nature of complaints and review the outcomes annually or earlier if so determined by the Chair.

The Governing Body will publicise the complaints policy and procedure on the Academy website and ensure that information relating to the policy is given to all new parents when their children join the Academy.

The Local governing body will adopt the policy every 2 years.

Ensure that accurate records are kept

- Notes of meetings held and of telephone conversations should be attached to the record
- Consideration should be given to recording conversations in situations where there are communication difficulties. (Permission must be sought from all parties involved)
- All stages of the process should be documented in a single file held centrally by the person designated as the complaints co-ordinator (this could be the head teacher)
- All such records are subject to the Freedom of Information and Data Protection Acts. Content should therefore be factual and objective
-

A written record will be kept of all complaints, and any action taken by the academy as a result (regardless of whether they are upheld). This applies whether they are resolved following a formal procedure (Stage 2) or proceed to a review panel (Stage 3). All correspondence, statements and records relating to individual complaints are to be kept **confidential** except where the Secretary of State or a body conducting an inspection requests access to them.

Be informed by the 'need to know' principle

Concerns are sometimes brought to a governor in the first instance. Governors need to understand that they should advise the person to follow the procedure set out in the academy's complaints policy. Governors should not act unilaterally on an individual complaint outside the formal procedure. The Chair should be advised that this procedure has been followed without providing details of the substance of the potential complaint. This ensures that the governor concerned does not play any part in any subsequent investigation. It is essential to prevent governors becoming aware of the details of a complaint. Otherwise they may become 'compromised' and this would cause difficulties at later stages of the complaints procedure

It is important to note that individual complaints must not be heard by the whole Governing Body at any stage, as this could compromise impartiality. Should a concern be shared with the entire governing body, arrangements should be made to convene an independent panel via the CEO of the Trust.

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Staff Complaint

If a member of staff wishes to make a complaint (in their capacity as an employee) should be investigated using the Grievance Procedure and not the Complaints Policy.

Does this complaints procedure cover all provision?

The DfE's advice identifies areas lying outside the scope of academy procedures.

Exceptions	Whom to contact
• Admissions to school • Statutory assessments of Special Educational Needs • Matters likely to require a Child Protection investigation	Local authority.
• School re-organisation proposals	DGAT
• Exclusion from school	Parents and carers may use procedures to challenge permanent exclusions and fixed term exclusions of more than 5 days in a given term. Concerns about the process followed can be raised via the complaints procedure.
• Whistleblowing	Academies should have an internal procedure for employees and volunteers. Ofsted may be contacted by email (whistleblowing@ofsted.gov.uk) telephone (03001233155) or in writing (WBHL, Ofsted, Piccadilly Gate, Store Street, Manchester, M1 2WD.
• Staff grievances and disciplinary procedures	Academies **must** have staff grievances, discipline and conduct procedures in place. Complainants are not informed of the outcomes of actions under this procedure.

• Complaints about services provided by external bodies using a school's premises or facilities.	Providers should be contacted directly and have their own procedures for such eventualities.

Guidance for school governors when conducting/commissioning an independent review/investigation as part of the complaints procedure

It may be necessary as part of the school's complaint procedures to commission an independent review or investigation, especially if governors have too much knowledge of the complaint and therefore cannot investigate the matter in an open, transparent and fair manner. This paper lays out some points to be considered when setting up the review or investigation.

The school's complaints policy is a key document in this process. In addition, the Department for Education's document – *Best Practice advice for School Complaints Procedures,* published in January 2016 – provides some helpful information: www.gov.uk/government/publications/school-complaints-procedures

Points to consider

- Be clear that the complaints coordinator (head/chair/other staff member or governor) manages the review/investigation process
- Select an appropriate independent reviewer/investigator –the local authority and the education team at the Diocese will be good sources of advice
- Be clear about the costs involved
- Provide the reviewer/investigator with clear guidance on
  - the focus of the review/investigation and the specific points that need to be covered and reported on
  - the nature of the documentation/report that is to be produced, for example - are recommendations required, are specific questions to be answered. The report should be impartial, non-adversarial and the language used should be plain and simple to understand. It should address all the points at issue and provide an effective response.
  - the documentation that is required at the end of the review
  - who to send the draft report to
  - who "owns" the report
- Ensure the reviewer/investigator is clear about who the report will be submitted to, once the review/investigation has been completed
- Be precise about the circulation of the report – who will have access to it when it is completed?
- Refer the reviewer/investigator to *Best Practice Advice for School Complaints Procedures* page 19 interviewing – best practice tips, and page 16 the role of the investigator

- Ensure the reviewer/investigator keeps clear written notes of evidence/interviews etc., and that notes from meetings are agreed and signed by the interviewee.
- Ensure the timescales of the process are set out clearly and link to the school's complaints procedure
- Be clear with the complainant about timescales of the review/investigation and how the outcome of the report will be communicated to them
- Ensure the complainant is advised promptly if there should be a delay to the review/investigation due to any complexities of the matter
- Ensure the complainant understands what is likely to/may happen after the report is completed
- Consider sharing the report with the Diocese before it is circulated, in order to gain an additional perspective on the report
- Be aware that all documentation could be subject at some future date to a Freedom of Information or Data Protection request. Only write in all correspondence what can be evidenced and keep careful records.

Section Three: Sample Letters

<u>Acknowledgement of receipt of formal complaint *and* invitation to meet</u>

Dear [Name of Complainant]

I have received your formal complaint, dated ……. Thank you for bringing this to my attention.

The academy and governing body take any complaint seriously. Therefore, I would like to meet with you, as soon as possible, so that I may understand the details of your concerns more clearly. You are welcome to be accompanied to the meeting by a friend, if you would find this helpful. *Please telephone…… in order to arrange an appointment.*

***OR** I can offer you an appointment at …. on ,…….. Please let me know if this is convenient.*

I hope that we will be able to resolve your concerns through our meeting, but if not I will ensure that the appropriate investigation takes place.

Yours sincerely,

Head Teacher

Or Chair of the Local Governing Body

Notification of decision regarding a formal complaint

Dear

Following receipt of your complaint and careful consideration of all the available relevant evidence, I/the panel have/has concluded that:

The concern is not substantiated by the evidence in that ……

OR

The concern was substantiated in part/in full, as ……. The academy will review its practices/procedures…..... with the intention of avoiding any reoccurrence. Parents will be informed in due course of any policy changes.

OR

In order to address fully the matters investigated, the academy has initiated appropriate internal procedures. Due to the nature of these procedures, their outcome must remain strictly confidential. We are confident, however, that the circumstances that gave rise to your complaint should not recur

OR

In order to address fully the matters of concern that you identified, the panel recommended that the governing body should review its …….. policy, as a matter of urgency. We are confident that this should prevent similar concerns arising in future.

I hope that this will now conclude the matter. However if you are not satisfied with the outcome you may make representation to the Local Governing body requesting a review of the process followed. Please do this within 10 school days of receiving this letter using the Review Request Form obtainable from the academy office.

Yours sincerely,

Head Teacher/Chair of the Local Governing Body

Notification of the result of the complaint review

Dear

Having carefully considered your representations in the context of the relevant evidence, the Complaints Review Panel has concluded that the school followed the relevant procedure appropriately in respect of your complaint.

Summary of reasons ……

Therefore, we now consider the matter closed.

Or

Having carefully considered your representations in the context of the relevant evidence, the Complaints Review Panel has concluded that the school followed the relevant procedure appropriately in respect of your complaint except …….. .

Therefore, the following action will be taken ……. .

Once this action has been completed the academy will consider the matter to be closed.

Or

Having carefully considered your representations in the context of the relevant evidence, the Complaints Review Panel has concluded that the academy followed the relevant procedure appropriately in respect of your complaint except …….. .

However the panel determined that this procedural failure did not affect the outcome of the consideration of your complaint so, while we regret this error, we will now consider this matter to be closed as far as the academy is concerned.

Yours sincerely,

Chair of Complaints Review Panel

c.c. Head Teacher

Chair of the Local Governing Body

CEO, DGAT

Acknowledgements of receipt of formal complaint and advising complainant that the matter is being dealt with under a confidential school procedure

Dear …….

I have received your formal complaint, dated ……. Thank you for bringing this to my attention.

The academy and local governing body take any complaint seriously. Therefore I have initiated an immediate investigation to ascertain the full facts of the matter. It is possible that the investigator will wish to meet with you to clarify the evidence that you have provided so far. If so, he/she will write to you to make suitable arrangements.

As your concerns relate to the conduct/capability of a member of staff, the investigation will be carried out under the academy's personnel procedures. This means that the detail of the procedure and its outcome **must** remain confidential to the academy and the member of staff concerned.

OR

As your concerns relate to the behaviour of a pupil, the investigation will be carried out under the behaviour policy. This means that the detail of the procedure and its outcome must remain confidential to the academy and the parents of the child concerned.

In due course, I may be able to provide you with some information about the outcomes of the investigation and the processes that have been followed, but in any event will let you know when the matter has been concluded.

If I can be of any further assistance, please do let me know

Yours sincerely,

Head Teacher

Or Chair of the Local Governing Body