



*Caring Achieving Respectful Exciting*

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# Derby Diocesan Academy Trust Complaints Policy

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**Link Governor:** C Sayers

**Policy Approved** Signed: C Sayers Date: 07.06.18

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## **1.0 Introduction**

At Hardwick Primary School we have a strong commitment towards working in positive partnership with the whole school community. A school is a busy place where there are many interactions between pupils, parents/carers and staff as part of the everyday life of the school.

We have an ethos of respecting the rights of all members of the school community and as part of our curriculum teaching we work to instil this in our pupils. From time to time something may go wrong, or you may think we can do something better. Where any concerns are raised we aim to resolve these as quickly and as efficiently as possible. Usually concerns that are raised can be resolved very quickly through the school's day to day communication between parents and the school staff without anxiety and in the knowledge that concerns and complaints will be treated seriously, impartially and, except where disclosure is legally required, confidentially. Where a parent may feel that an issue has not been dealt with appropriately it is important, for all involved, that there is a clear and transparent process for a complaint to be looked into and followed up.

This procedure is available to all parents via the school's website, in joining information and handbooks provided for parents. Parents of prospective pupils registered for entry are provided with a copy. This policy can also be made available in a different language or more accessible format, on request. The school will make such reasonable adjustments as necessary to the complaints procedure to ensure it is readily accessible to those people with a disability.

The kinds of issues that might lead to a formal complaint being made may include:

- The school environment
- Staff conduct
- Bullying
- Discrimination on the grounds of lack of equal opportunity

In each of these cases the responsibility for action lies with the school. In some cases a complaint may lead to a disciplinary or an appeal against a decision in which case it may be appropriate for the issue to be dealt with separately from the complaints procedure.

The complaints procedure cannot deal with complaints for which procedures already exist for dealing with each of the following issues:

- Complaints about the statementing process for children with special educational needs.
- Disciplinary issues relating to members of staff (although sometimes this may come about as a result of a complaint).
- Allegations of abuse.
- Admissions and exclusions.
- Provision of collective worship and religious education.
- Child Protection matters

## **2.0 Stage 1: Informal resolution**

### **Resolution**

Parents or carers should wherever possible seek an early and informal resolution of all concerns. The school will wish to take whatever measures are necessary to sort out any problems effectively before they turn a concern into a complaint; such measures will include some or all of the following:

- giving advice or reassurance;
- explaining the context of an incident or decision;
- gathering information from other staff or from pupils;

- finding information from other sources;
- referring the concern or potential complaint to a senior colleague;
- reviewing or amending practice; giving feedback to parents; and
- apologising for a mistake or oversight.

### **Making Contact**

A parent or carer with a concern or potential complaint should normally first contact their child's class teacher. However, there may be occasions where the first contact may be with an alternative, normally more senior, teacher. Other staff (for example, a Head of Key Stage, or Head of School) may need to be involved or consulted if the class teacher cannot resolve the matter alone.

### **Record Keeping**

Class teachers will keep a written record of concerns raised with them and the date on which they were received. In common with other correspondence from parents, details of concerns made in this way are kept in pupils' confidential files.

### **Timescales**

In the event that a parent or carer (or exceptionally, a pupil using this procedure) remains dissatisfied that a satisfactory resolution has not been reached through the school's response and within a reasonable time (fifteen (15) school days unless otherwise notified), then the parent is entitled to proceed with a formal written complaint in accordance with the procedure below.

## **3.0 Stage 2: Formal complaints**

### **Stage 2(i) – Formal resolution by a member of the school's management team**

If the concern or complaint has not been resolved informally, the parent or carer should put it in writing (a form is enclosed for this purpose), stating that a complaint is being made and stating the complainant's desired outcome, addressed to the Head of School, who will decide after consideration the appropriate course of action to take. At this point a formal complaint will be registered and acknowledged. Where necessary, the Head of School will meet with the parent or carer, within ten (10) school days of receiving the complaint, to discuss the matter and if possible to reach a resolution at this stage. Where a complaint is received during a school holiday, it will be deemed to have reached the school on the first full school day following its arrival. It may be necessary to carry out further investigations. The Head of School will keep written records of all complaints and of meetings held in relation to them. Once the Head of School is satisfied that all the relevant facts have been established, a response to the parent's or carer's complaint will be made and the parent will be informed in writing, within ten (10) school days: the nature of the response will depend on the nature of the complaint but it will always give a judgement whether and to what extent, if at all, the complaint is justified, and reasons; the response may include actions which the school intends to take or a decision. A parent or carer who is not satisfied should proceed to the next stage.

### **Stage 2(ii) – Formal resolution by appeal to the Head of School**

If Stage 2(i) has not resolved the complaint satisfactorily, the parent should write to the Head of School within ten (10) school days, stating why an appeal for resolution by the Head of School is requested and, wherever possible, the action which the parent or carer wishes the school to take to resolve the problem. The procedure to be followed by the Head of School will involve the same steps, timescale, record keeping and form of response as set out for resolution by the Head of School in Stage 2(i). A parent or carer who is not satisfied, after receiving the Head of School's decision should proceed to Stage 3.

A parent or carer of a pupil in the school may, for complaints of a particularly serious nature or a complaint relating to the actions or conduct of the Head of School, may choose to address the complaint directly to the Chair of Governors. In this instance the Chair of Governors will discuss the nature of the complaint with the Derby Diocesan Director of Education and decide on the most appropriate course of action to investigate and resolve the complaint. In this instance the

complaint may be investigated by the Chair of Governors, Chair of the Trust Board or Derby Diocesan Academy Trust senior staff member and in these instances these people will undertake the tasks associated with the Head of School in this policy and procedure.

#### **4.0 Stage 3: Independent resolution: panel hearing**

If Stage 2 has not resolved the complaint to the satisfaction of the parent or carer, he/she should write within ten (10) school days to the Head of School, requesting a hearing before the complaints panel. The Head of School will acknowledge the letter of complaint within five (5) school days.

The panel will not consider any new areas of complaint which have not been previously raised as part of the complaints procedure.

The panel's task is to establish the facts surrounding the complaints that have been made. If the panel considers that the complaint is valid, it will uphold the complaint. If the panel consider that the complaint is without foundation, it will dismiss the complaint. The panel will make these decisions on the balance of probability. It is not within the powers of the panel to make any financial award, nor to impose sanctions on staff, pupils or parents. The panel may make recommendations on these or any other issue to the Head of School.

A panel of three will be convened in accordance with the DDAT schemes of delegation to hear the complaint, within fifteen (15) school days. One member will be an independent member and will not be associated in any way with the school or the Derby Diocesan Academy Trust and will be a person with professional competence (usually a serving or retired Head) or failing that through the appointment of an Independent Person, who would meet the standard for independence, as defined by the requirement that is laid down in The Children Act 1989 Representations Procedure (England) Regulations and Guidance, "Getting the Best from Complaints". None of these members will have been involved in the matters detailed in the complaint

It is important that the complaint panel should not only be independent, but be seen to be so. The full governing body should not consider individual complaints in case the investigation leads to a disciplinary hearing that would need to be heard by a separate group of governors. Similarly, some governors may have prior knowledge of a problem, which might make them unable to give fair and unbiased consideration to the issue.

The school will appoint a clerk to the panel from amongst their staff. Members of the panel will have access to all relevant documentation and will be able to ask the school and the parent or carer for any other relevant information or documentation. It is intended that the process should not be legalistic. Parents may be accompanied at this meeting by another family member, if appropriate and by another person (e.g. relative, friend or a relevant specialist). If possible, the panel will resolve the parent's or carer's concern without further investigation. Where further investigation is needed, the panel will decide how to carry out the investigation.

After due consideration of all relevant facts, the panel will give a written finding in response to the complaint: the finding will depend on the nature of the complaint but the panel will always give a judgement whether and to what extent, if at all, the complaint is justified, and the panel's reasons. The finding may include recommendations or actions which the panel requires the school to take. The finding of the panel will be final. A copy of the finding will be sent to the complainant, Head of School and any, where relevant, person who is the object of the complaint by electronic mail. Where electronic mail is not appropriate, a copy will be given or sent in the post. A written response to the complainant will be made as soon as possible but in any case within 15 school working days of the panel

## **5.0 Appeal to the School Complaints Unit (SCU)**

If the complainant is still not happy by this stage, an appeal can be made to the School Complaints Unit (SCU) who will investigate complaints about:

- Undue delay or non-compliance with published complaints procedures;
- Allegations that the School has failed to comply with a duty imposed on it under its Funding Agreement with the Secretary of State ;
- Allegations that the School has failed to comply with any other legal obligation placed on it, except in cases where there is another body or organisation that is, in the view of the SCU, better placed to consider and if necessary, take further action in connection with the issue.

The SCU will not usually investigate complaints until the School's own complaints procedure, including any hearing, has been exhausted. The SCU may decide to investigate before the School's procedure has been exhausted if it has reason to believe either that:

- A complaint was made to the School and the School has had a reasonable opportunity to investigate it and respond, but has failed to do so; or
- There are circumstances which mean it is not reasonable for the matter to be brought to the attention of the School.

The SCU will not usually investigate complaints about:

- Examination results or curriculum content where a more appropriate form of redress would be the examining body or Ofqual;
- Statements of special educational needs where there is an appeal to the First-tier Tribunal (SEND);
- Matters that are the subject of legal action.

The SCU will not investigate complaints more than 12 months after the decision or action was taken unless the complainant has good reason for the delay in making the complaint.

Further detail concerning the procedure the SCU will undertake in dealing with complaints can be obtained from SCU at the following address:

The School Complaints Unit (SCU)  
Department for Education  
2<sup>nd</sup> Floor  
Piccadilly Gate  
Manchester  
M1 2WD

## **6.0 Vexatious complaints**

A good procedure can help limit the number of protracted complaints. It is not appropriate to make personal accusations or attacks on members of school staff, or to raise matters that are not about education or a pupil's well-being. It is also not appropriate to make unsubstantiated allegations against the school, or to behave unreasonably by not engaging with the school to attempt a joint resolution. If a complainant attempts to reopen issues that have been dealt with through the complaints procedure it will be explained that the procedure has been exhausted.

If a complainant acts unreasonably by continuing to raise similar issues, or raising a range of unrelated issues on a repeated basis then the school reserves the right not to respond. If a

complainant in this category refuses to engage in the school's formal complaints procedures, but continues to complain, then the Head of School or chair of governors will inform the complainant that the complaints are vexatious.

If the complainant believes that the school has acted unreasonably they may appeal to the Education Funding Agency on behalf of the Secretary of State for Education as detailed in the section above.

## **7.0 Monitoring complaints**

The school will monitor complaints. Details to include:

- Name of complainant
- Details of the complaint
- How the complaint was investigated and by whom
- When the complaint was made
- The results and conclusions of the investigation(s)
- Any action taken as a result

## **8.0 Confidentiality and Record-keeping**

A record will be kept of all complaints, including a note of the stage at which the complaint was resolved. All complaints resolved at the formal stage will be recorded in the school's complaint book. A copy of the panel's findings and recommendations will be available on the school premises for inspection by the Head of School, and Derby Diocesan Academy Trust staff. Correspondence, statements and records relating to individual complaints are kept confidential except where the Secretary of State or a body conducting an inspection under section 162A of the 2002 Act, as amended, requests due access to them.

A record of complaints will be kept for at least three years.

## **9.0 Monitoring and Evaluation**

The Head of School and Trust will review this policy statement annually and update it in consultation with key staff, in line with current best practice as s/he considers necessary.

## **10.0 Publicising our complaint procedure**

Details of our complaint procedure will be available on the School website and also on request through the main school office.

All school staff and governors will be aware of the complaints procedure, to ensure a consistent approach in dealing with concerns.

A copy of this complaints procedure is available on request in large print.

## **11.0 Approval by Local Governing Body and Review Date**

This policy has been formally approved and adopted by the Local Governing Body at a formally convened meeting.

**Appendix 1**

**HARDWICK PRIMARY SCHOOL – Complaint Form**

Your name: .....

Pupil's name: .....

Your relationship to pupil: .....

Your address and postcode: .....

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Your daytime telephone number: ☎ .....

Your evening telephone number: ☎ .....

Your complaint is (include details of actions already taken by the school to try to resolve the situation):

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(If you run out of space, please use extra paper)

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

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Your signature: ..... Date: .....

**All functions of the complaints procedure must adhere to the requirements of the Data Protection Act, 1998 and the Freedom of Information Act, 2000.**

**The School will, in following this procedure, refer to any relevant legislation including all human rights based legislation.**

**Please complete and return to the school office. Your complaint will be acknowledged with an explanation of what happens next.**

**For office use only:**

Date acknowledgement sent ( )

Responsible member of staff ( )

## Monitoring

Are you:    Male ☐    Female ☐

Do you have a disability?    Yes ☐    No ☐

### White

- ☐ British
- ☐ Irish
- ☐ Greek or Greek Cypriot
- ☐ Turkish or Turkish Cypriot
- ☐ Albanian excluding Kosovan
- ☐ Kosovan
- ☐ Any other White background – specify if you wish:

### Asian or Asian British

- ☐ Indian
- ☐ Pakistani
- ☐ Bangladeshi
- ☐ Any other Asian background – specify if you wish:

### Chinese

- ☐ Chinese

### Mixed

- ☐ White and Black Caribbean
- ☐ White and Black African
- ☐ White and Asian
- ☐ Any other Mixed background – specify if you wish:

### Black or Black British

- ☐ Caribbean

### African

- ☐ Nigerian
- ☐ Somali
- ☐ Congolese
- ☐ Any other African background – specify if you wish:

### Any other ethnic category

- ☐ Any other group – specify if you wish

## **Appendix 2**

### **Procedure for a complaints panel (Stage 3)**

#### **When should a complaints panel be convened?**

If a complainant is unhappy about the investigation made by the Head of School at stage 2 of the complaints process the procedures outlined below should be followed.

The complaint must be made in writing, outlining what action has been taken by the School so far and what desirable outcome the complainant would like.

#### **Acknowledgment**

A written acknowledgement of the complaint should usually be made within ten (10) school working days. The acknowledgement should inform the complainant that the complaint is to be heard by a panel comprising two members of the school's governing body and a member who is independent of the school within fifteen (15) school working days of receiving the complaint. The letter should also explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received by at least five school working days before the panel date for the documents to be sent to the three members.

#### **The panel**

The Chair of the governing body should arrange to convene a complaints panel elected from two members of the governing body and an independent member. It may be necessary for the governing body to appoint reserves to this panel to ensure that three governors are available to carry out their task within the set time.

The panel members should be governors who have had no prior involvement with the complaint. The Chair of the complaints panel should chair the meeting.

#### **Timescale**

The panel Chair will ensure that the panel will hear the complaint within fifteen (15) school working days of receiving the request to move to stage 3. All relevant correspondence regarding the complaint should be given to each panel member as soon as the composition of the panel is confirmed. If the correspondence is extensive, the Chair should prepare a thorough summary for sending to panel members.

The Chair will write and inform the complainant, Head of School, any relevant witnesses, and members of the panel of the date, time and place of the meeting. This should be done at least ten school working days in advance. The notification to the complainant should also inform him or her of the right to be accompanied to the meeting by a friend or advocate or interpreter. The Head of School will also be informed of his/her right to be accompanied by a representative. The letter will also explain how the meeting will be conducted and the complainant's right to submit further written evidence to the panel within 5 school working days.

#### **Who should attend?**

The Chair should invite the Head of School to attend the panel meeting and prepare a written report for the panel in response to the complaint. The Head of School may also invite members of staff directly involved in matters raised by the complainant to respond in writing or in person to the complaint. Any relevant documents including the Head of School's report should be received by all concerned – including the complainant – at least 5 school working days prior to the meeting.

The involvement of staff other than the Head of School is subject to the discretion of the Chair. It is the responsibility of the Chair to ensure that the meeting is properly minuted.

### **The meeting**

The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that sometimes it may only be possible to establish facts and make recommendations which will satisfy the complainant that his or her complaint has at least been taken seriously.

The panel should remember that many parents are unused to dealing with groups of people in formal situations and may feel inhibited when speaking to the panel. The Chair should therefore ensure that the proceedings are as informal as possible.

If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interests of natural justice to adjourn the meeting so that the other side has time to consider and respond to the new evidence.

The meeting should allow for:

- The complainant to explain their complaint and for the Head of School to explain the school's response
- The Chair to seek clarification about the complaint with the complainant and/or the Head of School
- The complainant to question the Head of School and/or other members of staff about the school's response (at the discretion of the Chair, and questions to be asked through the Chair)
- The Head of School to question the complainant (at the discretion of the Chair, and questions to be asked through the chair)
- Panel members to have an opportunity to question through the Chair both the complainant and the Head of School
- Any party to have the right to call witnesses (subject to the approval of the Chair) and all parties having the right to question all the witnesses
- Final statements by both the complainant and the Head of School

### **The decision**

The Chair will explain to the complainant and the Head of School that the panel will now consider its decision, and a written decision will be sent to both parties within 15 school working days. The complainant, Head of School, other members of staff and witnesses will then leave.

The panel will then consider the complaint and all the evidence presented and:

- Reach a unanimous, or at least a majority, decision on the complaint.
- Decide upon the appropriate action to be taken to resolve the complaint.
- Where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again.

A written statement outlining the decision of the panel must be sent to the complainant and Head of School.

The school should ensure that a copy of all correspondence and notes are kept on file in the school's records. These records should be kept separately from the student's personal records.

**Checklist for the panel hearing**

- The hearing should be as informal as possible.
- Witnesses are only required to attend for the part of the hearing for which they give their evidence.
- After introductions, the complainant is invited to explain their complaint and what outcomes from the meeting they seek.
- The Head of School may question the complainant and any witnesses (through the Chair)
- The panel may ask questions at any point.
- The Head of School is then invited to explain the school's actions, followed by any witnesses for the school.
- The complainant may question both the Head of School and the witnesses (through the Chair)
- The complainant is invited to sum up their complaint.
- The Head of School is invited to sum up the school's response to the complaint.
- The Chair explains to the complainant and Head of School when they can expect to hear from the panel.
- The complainant and the Head of School leave together to allow the panel to reach a decision, which would generally be communicated formally in writing.

### **Appendix 3:**

#### **Number of complaints registered under the formal procedure during the year**

Schools are required to publish the number of complaints registered under the formal procedure during the preceding year. The figure will be recorded in the Governing Body minutes and reported to the Trust Board.