



Concerns & Complaints Policy

September 2018

Office use

Published: November 2016 Reviewed July 2018	Next review: September 2019	Statutory/non: Statutory	Lead: Alison Elway, Company Secretary/Head of Governance Services
Associated documents:			
<ul style="list-style-type: none"> • Admissions Policy • SEND Policy • Unreasonable Complaints Policy 		<ul style="list-style-type: none"> • Safeguarding/Child Protection Policy • Whistleblowing Policy • General Data Protection Regulation (GDPR) • Freedom of Information Act Policy 	
Links to:			
<ul style="list-style-type: none"> • The Equality Act 2010 http://www.legislation.gov.uk/ukpga/2010/15/contents • Education (Independent School Standards) (England) Regulations 2014 Part 7 http://www.legislation.gov.uk/uksi/2014/3283/pdfs/uksi_20143283_en.pdf • The Department for Education Best Practice advice for school complaints procedures https://www.gov.uk/government/publications/school-complaints-procedures 			

Contents

1. Policy Statement	3
2. Introduction	3
3. Roles and responsibility.....	4
4. The informal and formal concern process.....	4
5. The formal complaints process.....	7
6. Monitoring and evaluation	10
7. Review of the policy	11
8. Appendix A: Academy informal concern form A.....	12
9. Appendix B: Academy formal panel complaint form B	13

1 Policy Statement

1.1 Diverse Academies aims to be fair, open and honest when dealing with any concern. All concerns will be given careful consideration and we will deal with them as swiftly as possible. We aim to solve any concern through dialogue and mutual understanding and, in all cases, we put the interests of the student above all other issues. We provide sufficient opportunity for any concern to be fully discussed, and then resolved.

In order for complaints to be resolved as quickly and fairly as possible we request that complainants do not discuss complaints publically via social media such as facebook and twitter. Complaints will be dealt with confidentially for those involved, and we expect complainants to observe confidentially also.

2 Introduction

2.1 We believe that all our academies provide a good education for all our students, and that the Principal and other staff work very hard to build positive relationships with all the parents and carers. However, if a concern or complaint does arise, the school has a policy and procedures in place in accordance with the terms of the Education (Independent School Standards) Regulations 2014 Part 7 http://www.legislation.gov.uk/ukxi/2014/3283/pdfs/ukxi_20143283_en.pdf

The following policy sets out the procedures that all Diverse Academies follow in such cases.

2.2 If any parent or carer is unhappy with the education that their child is receiving, or has any concern relating to the academy, we encourage that person to talk to the child's Tutor immediately. If a parent has a concern about a member of staff, please talk to the Principal of the academy in the first instance.

2.3 There are areas where concerns and complaints should be raised through other routes e.g.:

- a. Concerns and complaint's which have an alternative statutory avenue of appeal or complaint, e.g. admissions, exclusions, SEN assessments. These are detailed in the relevant policies
- b. Concerns and complaints which must be dealt with by specific employment procedures e.g. allegations of professional abuse, criminal offences or those that are potentially staff disciplinary issues
- c. Allegations of child abuse will be dealt with through the Safeguarding/Child Protection Policy
- d. Wherever a concern or complaint indicates that a child's wellbeing or safety is at risk, the academies are under a duty to report this immediately to the Local Authority. Any action taken will be in accordance with the Diverse Academies Safeguarding/Child Protection policy at www.dalp.org.uk

Concerns or complaints of financial improprieties or other criminal activities will be dealt with through the Whistleblowing policy. Whistleblowing complaints can occur when an individual knows, or suspects, that there is some wrongdoing occurring within the organisation and alerts the employer or the relevant authority. Please refer to the policy in the first instance at www.dalp.org.uk. Further concerns can be raised directly with Ofsted on 0300 123 3155 or email whistleblowing@ofsted.gov.uk or in writing to WBHL, Ofsted, Piccadilly Gate, Store Street, Manchester M1 2WD

- e. For concerns or complaints about services provided by other providers who may use school premises. Please refer these via the individual academy reception
- f. Subject Access Requests and Freedom of Information Act Requests are dealt with through the General Data Protection Regulation (GDPR) and Freedom of Information Act Policies at www.dalp.org.uk.

2.4 If at any stage in the procedure it becomes apparent that the concern or complaint falls outside of this general procedure, parents will be informed.

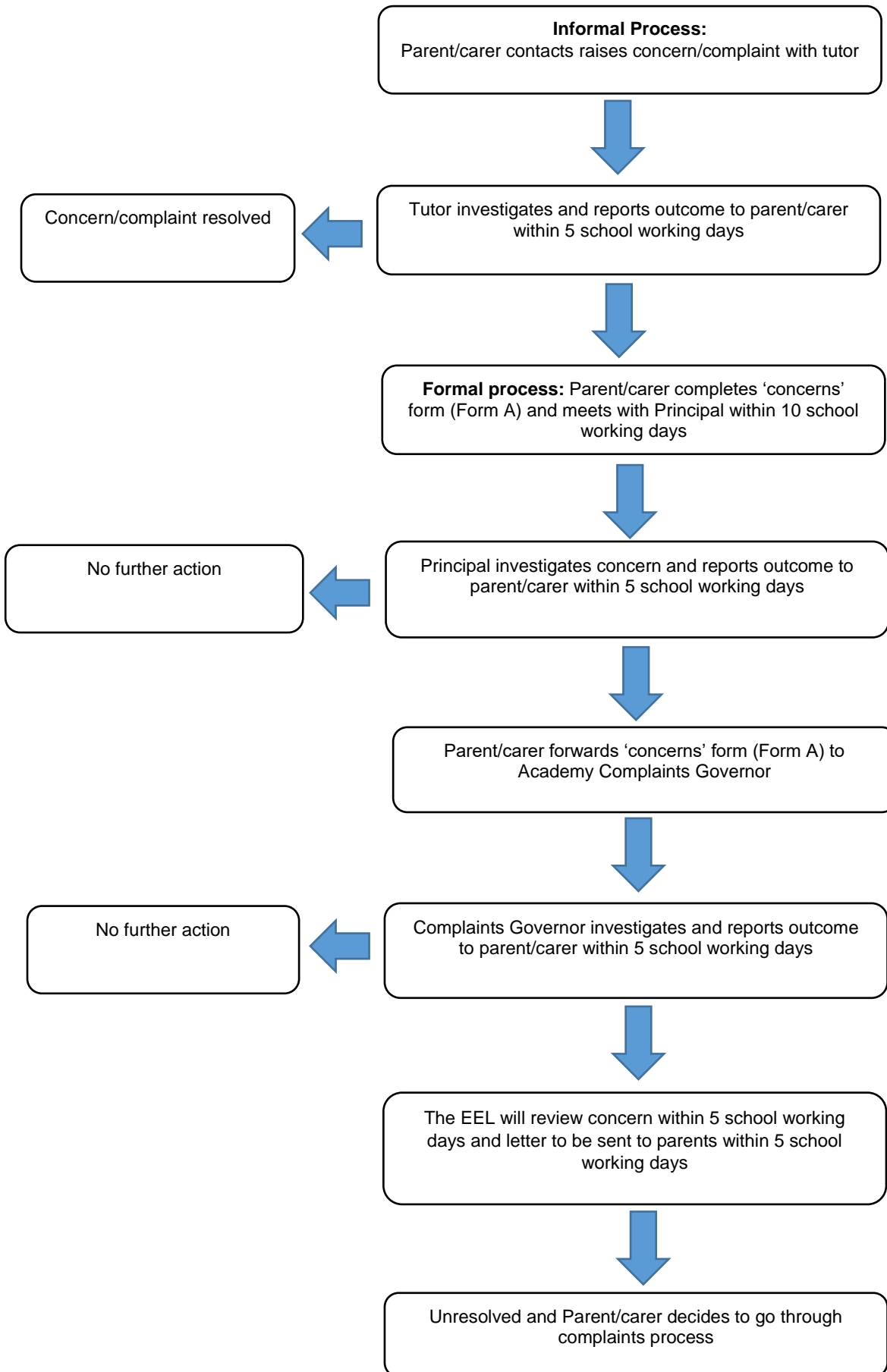
2.5 We deal with all concerns and complaints in accordance with this policy and procedure. This includes complaints from people who are not parents of attending students e.g. local residents, stakeholders.

3 Roles and responsibility

Diverse Academies has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. The Trust has delegated day-to-day responsibility for operating the policy to the Academy Principal

4 The informal and formal concern process

If, due to investigations taking place the timescales noted in the diagrams below are unable to be met the complainant will be informed.



4.1 If a parent or carer is concerned about anything to do with the education that we are providing at an academy they should, in the first instance, discuss the matter with their child's Tutor. Most matters of concern can be dealt with in this way. The aim is to take action promptly at the lowest appropriate level in order to achieve a mutually acceptable solution.

4.2 All teachers work very hard to ensure that each child is happy at their academy, and is making good progress; they always want to know if there is a problem, so that they can take action before the problem seriously affects the child's progress. The Tutor will either take action, or work with appropriate colleagues to resolve the concern. If the Tutor is the subject for your concern please contact the academy and you will be advised who would be best to deal with your query. This would normally be the Pastoral Head.

4.3. Where a parent or carer feels, following interaction with staff, a situation has not been resolved, they should put their concerns in writing to the Principal using Concern Form A (Appendix A). The Principal considers any such concern very seriously and each case will be investigated thoroughly. The Principal will arrange to meet the parent or carer to try and resolve matters and most concerns are normally resolved at this stage.

4.4 Should a parent or carer have a concern or complaint about the Principal, he/she should first make an approach to the Academy Board's Chair of Governors. Concerns or complaints against the Chair of Governors or any individual governor should be made in writing to the Clerks to Governors.

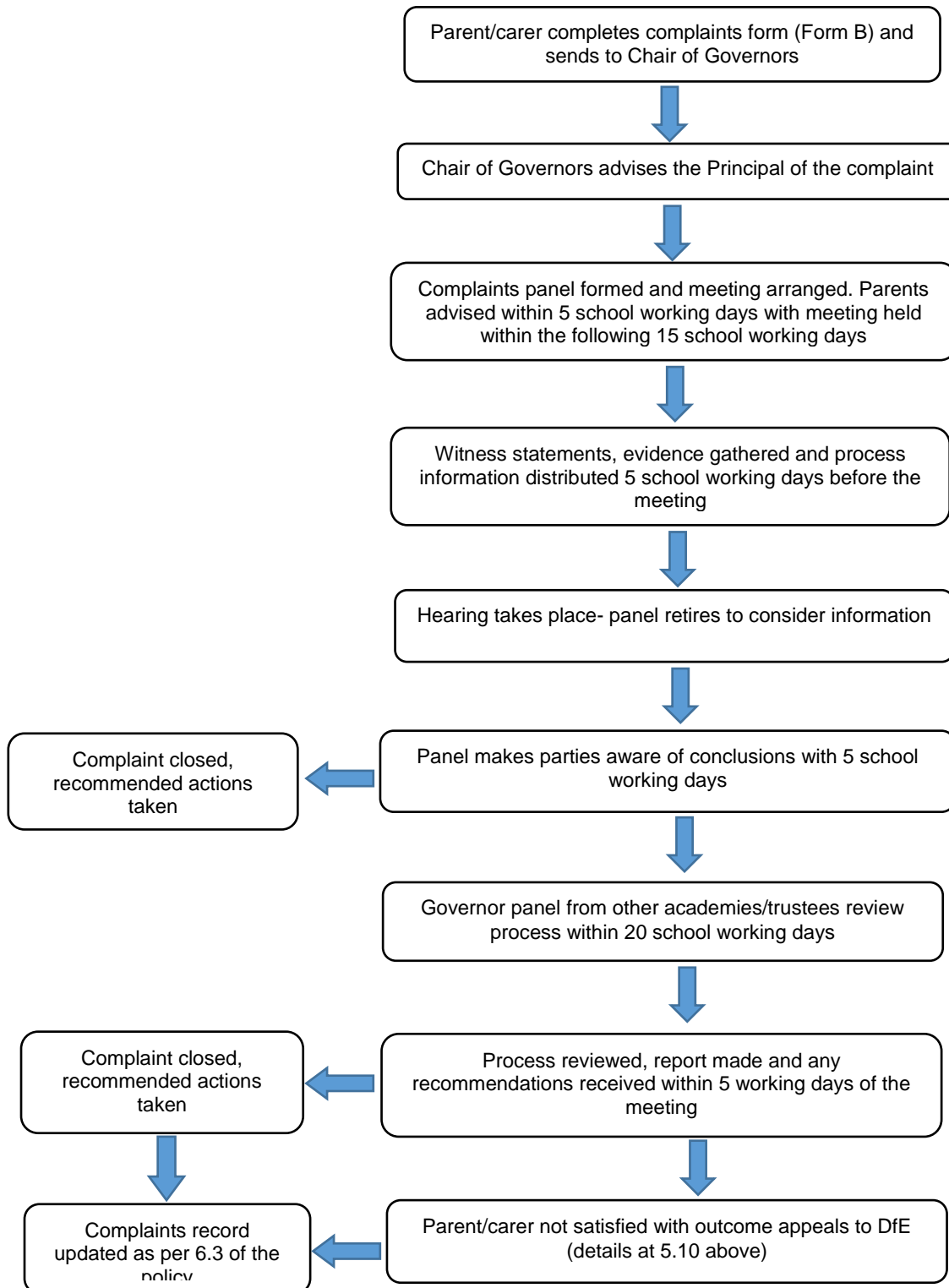
4.5 If you feel that your concern has not been dealt with to your satisfaction you may write to the Academy Board's Complaints Governor. Please forward already completed Form A (Appendix A) in order that we can deal with your concern more efficiently. Any correspondence to the Complaints Governor must be marked 'confidential' and addressed to the Academy. The governor in question will do all he/she can to resolve the issue through a dialogue with the academy and yourself and the issue will be fully investigated. Where a concern/complaint is made that involves the Complaints Governor any correspondence should be sent to the Chair of Governors.

4.6 The complainant will be asked what they think might resolve the issue.

4.7 If a parent or carer is unhappy with the outcome the Executive Education Lead (EEL) for the Academy will review the concern. It is the role of the EEL to confirm that every effort has been made to try and resolve the complaint in the most appropriate way and that the policy process and procedures have been followed. The parent/carer will receive a letter advising them of their investigations. Diverse Academies is aware that in some circumstances, a satisfactory resolution may not be agreed upon at which time the parent/carer may make a formal complaint to the Academy Board, as outlined below. Making an attempt at informal resolution does not mean that the complainant cannot make a formal complaint if the attempt fails.

5 The formal complaints process

If, due to investigations taking place the timescales noted in the diagrams below are unable to be met the complainant will be informed



5.1 Only if the process (as detailed above) fails to resolve the matter should a complaint be made to the Academy Board. This complaint must be made in writing, stating the nature of the complaint and how the academy has handled it so far and how they would like the situation resolved. The parent or carer should complete Form B (Appendix B) at the end of this policy and send it to the academy addressed private and confidential to the Chair of Governors, at the academy postal address. Where a complaint is made against the Chair of Governors, or individual governor Form B should be used addressed to the Clerk to the Governors at the academy postal address.

5.2 A complaints panel (comprising of at least three people not directly involved in the matters detailed in the complaint, one of whom will be independent of the management and running of the academy) will be formed to consider the complaint. The panel will arrange a meeting so the nature of the complaint can be understood, and the complainant/complainants have an opportunity to explain the complaint in more detail. Attendees at a meeting will be the panel, the clerk, the complainant/s, the Principal who dealt with the complaint and the member of staff if they are the subject of the complaint.

If the attendance of any pupils is required, parental permission will be sought if they are under the age of 18.

The complainant and member of staff may, if they wish, bring a supporter with them. This will be a friend or colleague. Neither party is able to bring legal representation with them. If after the hearing any party feels that legal action is necessary, please see the contact details at the end of the procedure.

The academy will give the complainant at least 5 school working days' notice of the meeting. The clerk will set the date, time and venue of the hearing ensuring that the venue and proceedings are accessible. All efforts will be taken to arrange a mutually convenient time for all attendees to the meeting but it would usually be expected to be held during the school working day. All written materials will be collated and sent to all parties at least 5 school working days in advance of the meeting. A copy of the procedure at the meeting will also be sent to each party. All parties will be welcomed to the hearing and the proceedings recorded formally in minutes of the meeting. Each person at the meeting will receive a copy of the minutes. There will be a focus at the meeting on clarifying the actions the complainant feels would resolve the complaint.

5.3 At the meeting the complaints panel will consider the evidence collected and witness statements/or hear witnesses as appropriate. The aim of the hearing, which is held in private, and is independent and impartial will always be to clarify the actions the complainant feels would resolve the complaint and achieve reconciliation between the academy and the complainant wherever possible.

5.4 The chair of the panel will explain the remit of the panel to the parties and give each party the opportunity to put their case without undue interruption. Their role will be to ensure that all issues are addressed and key findings of fact are made. Parents/Carers will be advised that the committee may:

- a. dismiss the complaint in whole or in part
- b. uphold the complaint in whole or in part
- c. decide on the appropriate action to be taken to resolve the complaint
- d. recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur

5.5 Parents/carers should be put at ease and the chair will ensure that each party treats the other with respect and courtesy. The panel members will be reminded that they should be open minded, act independently and no member of the panel should have a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure. Each side will be given the opportunity to ask questions and state their case. Written material is seen by all parties in advance of the meeting. Any late submission of additional evidence or witnesses from either the academy or parents/carers after the deadline for submission has passed must be agreed by the Chair of the Panel. Confidentiality will be respected at all times.

5.6 After listening to all parties and all the evidence, the complaints panel will consider their decision and inform the parent or carer about the outcome in writing. The panel will do all they can at this stage to resolve the complaint to the parent's or carer's satisfaction. However, it is recognised that the complainant may not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

5.7 When a complaint concerns the whole of the Academy Board, an independent complaints panel may be drawn from governors of other Diverse Academies who have no connection with the complaint.

5.8 If the complainant thinks the complaints panel did not provide them with a fair hearing or deal with the complaint properly, a panel made up of three governors from academies within Diverse Academies (all of which will be independent of the academy who received the complaint and will not have any prior knowledge of the complaint) or Diverse Academies Trustees **may** hear the case. Their purpose is not to re-investigate the complaint but to review the process. They will not meet to overturn the outcome.

5.9 This procedure should limit the number of complaints that become protracted. This is the final stage at which the academy will consider the complaint. There may be occasions when, despite all

stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant wishes to take the complaint further, please see the contact details at 5.10 below

If the complainant tries to reopen the same issue, the Chairman of the DALP Board is able under this policy to inform them in writing that the procedure has been exhausted and that the matter is closed.

5.10 If any parent or carer feels that the Academy Board has acted 'unreasonably' in the handling of the complaint and the procedure detailed within this policy has been fully complied with, then he/she is entitled to appeal to Department for Education

<https://www.gov.uk/complain-about-school>

Please note that unreasonable is used in the legal sense and means acting in a way that no reasonable school or authority would act in the same circumstances.

5.11 In considering the concerns raised by parents, the academy may also refer and work to the DALP's Unreasonable Complaints Policy a copy of which is available on the DALP website at www.dalp.org.uk or from the academy.

5.12 If at any formal stage of the complaint it is determined that staff disciplinary or capability proceedings are necessary in order to resolve the issue, the details of this action will remain confidential to the Principal. The complainant is not entitled to participate in the proceedings or receive any details about them.

6 Monitoring and evaluation

6.1 All staff will be given have clear information about how to deal with concerns they receive and their responsibility to deal with them so that complainants do not get passed from one person to another.

6.2 The governors monitor the complaints policy and procedure, in order to ensure that all complaints are handled properly. Formal complaints received by the academy are logged and any findings and recommendations made by a panel will be provided to the complainant and, where relevant the person complained about and be available for inspection on the academy premises by the proprietor and the Principal/Chair of Governors

6.3 A written record is kept of all complaints that are made and it is noted whether they are resolved following a formal procedure, or proceed to a panel hearing. Records will also state whether any was action taken by the school as a result of those complaints (regardless of whether they are upheld) and provides that 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 under section 109 of the 2008 Act requests access to them. Governors will examine this log

6.4 Governors/Trustees will take into account any local or national decisions that affect the Diverse Academies complaints process, and make any modifications necessary to this policy. This

policy is made available to all parents and carers, so that they can be properly informed about Diverse Academies' complaints process.

6.5 The Concerns & Complaints Policy and associated forms are available through the website. www.dalp.org.uk. A printed version and versions that support those with disabilities can be obtained from each academy's office available in response to a personal visit, a telephone request, by letter or email.

7 Review of the policy

This policy is reviewed at least annually by the Trust. We will monitor the application and outcomes of this policy to ensure it is working effectively.

Appendix A: Academy informal concern form A

Please complete and return to the Principal and/or Complaints Governor at the academy who will acknowledge receipt and explain what action will be taken.

Name:

Student's name:

Your relationship to the student:

Address:

Telephone number:

Detail of concern (continue on a separate sheet if necessary):

Details of action you have already taken to try and resolve your concern. Who did you speak to and what was the response:

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

Are you attaching paperwork? If so please give details:

Signature:

Date:

For Academy use only:

Date acknowledgement letter sent:

By Whom:

Concern referred to:

Date:

Appendix B: Academy formal panel complaint form B

Please complete and return to the Chair of Governors at the academy who will acknowledge receipt and explain what action will be taken.

Name:	
Student's name:	
Your relationship to the student:	
Address:	
Telephone number:	
Date and details of your original concern:	
Detail of complaint:	
Details of discussions with the Principal and Complaints Governor and the reasons why you do not feel your complaint has been satisfied:	
What actions do you feel might resolve the problem at this stage?	
Are you attaching paperwork? If so please give details:	
Signature:	
Date:	

For Academy use only:	
Date acknowledgement letter sent:	By Whom:
Concern referred to:	Date: