



# Concerns and complaints policy

## June 2021

*Office use*

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## **1 Who can make a complaint**

This policy and procedure applies to complaints from parents/carers of pupils/students i.e. for persons for whom education is being provided within the Diverse Academies Trust. It does not cover complaints from parents of students/pupils who have left voluntarily or as a result of being excluded (except in cases where the complaints process was started when the student/pupil was still being educated within the trust). Nor does it apply to parent/carers of prospective pupils or prospective pupils.

Any person, including members of the public, may make a complaint to the trust or one of our academies about any provision of facilities or services that we provide. All complaints will be investigated but it will be for the senior leader in charge of the investigation to decide how this will be undertaken and may not follow the process in this policy.

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations. If this happens we will inform you of a proposed new timescale.

If a complainant commences legal action against the trust or an academy in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

## **2 The difference between a concern and a complaint**

A concern may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'.

A complaint may be defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the procedure. The trust and its academies take concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the member of staff receiving the complaint will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, you

will be referred to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case there will be an attempt to resolve the issue internally, through the stages outlined within this procedure.

### **3 How to raise a concern or make a complaint**

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.

Complaints against school staff (except the principal) should be made in the first instance, to the principal of the academy via the academy office. Please mark them as private and confidential.

Complaints that involve or are about the principal should be addressed to the chair of governors via the academy office. Please mark them as private and confidential.

Complaints about the chair of governors, any individual governor or the whole academy committee should be addressed to the Clerk to the Academy Committee via the school office. Please mark them as private and confidential.

Complaints against any members of head office staff (except the Chief Executive Officer, CEO) should be made in the first instance, to the CEO via the head office address. Please mark them as private and confidential.

Complaints about the CEO should be addressed to the chair of trustees, via the head office address. Please mark them as private and confidential.

Complaints about the chair of trustees, an individual trustee or the whole trust board should be addressed to the clerk to trustees via the head office. Please mark them as private and confidential.

Unless otherwise advised, all complaints will be dealt with in line with this policy and whoever receives a complaint will ensure that it has been dealt with according to the stages as recorded in this policy.

For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact us. You can also ask a third-party organisation for example like the Citizens Advice to help you.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, where possible providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

## **4 Anonymous complaints**

We will not normally investigate anonymous complaints. However, the appropriate senior leader (to include CEO in all references to senior leader/principal or chair of trustees/governors, if appropriate, will determine whether the complaint warrants an investigation.

### **Duplicate complaints**

After closing a complaint at the end of the procedure, if a duplicate complaint is received from:

- a spouse
- a partner
- a grandparent
- a child
- a known person to the complainant

the trust/academy will inform the new complainant that it has already considered that complaint and the local process is complete. The trust/academy will advise the new complainant to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the handling of the original complaint.

Every effort will be taken to ensure that no new aspects to the complaint are overlooked that may not have been previously considered. If it is identified that there are new aspects these will be investigated and dealt with to the full extent of the procedure.

If the complaint has been fully investigated according to this policy but the complainant persists on raising the issue, the trust/academy may refer to its Unreasonable Complaints policy.

[www.diverseacademies.org.uk/wp-content/uploads/sites/25/2018/08/Unreasonable-Complaints.pdf](http://www.diverseacademies.org.uk/wp-content/uploads/sites/25/2018/08/Unreasonable-Complaints.pdf)

## **5 Time scales**

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

## **6 Complaints received outside of term time**

We will consider complaints made outside of term time to have been received on the first day the academy is open after the holiday period.

## **7 Withdrawal of a complaint**

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

## **8 Roles and responsibilities**

The following explains the roles/actions of those involved.

### **Complainant**

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the trust/academy in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

**Academy complaints governor: Dfe guidance is not suggesting that this is a governor but ‘investigator’.**

The academy complaints governor role is to establish the facts relevant to the complaint by providing a comprehensive, independent, open, transparent and fair consideration of the complaint through:

- sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
- interviewing staff and children/young people and other people relevant to the complaint
- consideration of records and other relevant information. This will include reviewing student records that will be unredacted to ensure that a balanced view of the issue can be gained
- analysing information
- liaising with the complainant and the lead member of staff as appropriate to clarify what the complainant feels would put things right.

**The academy complaints governor should:**

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the senior leader/principal or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems. The senior leader/principal or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details
- ensure confidentiality of all discussions

**The principal will:**

- thoroughly investigate all complaints by referring to members of staff who might have been in previous discussions with the complainant. The investigation will be undertaken with an open mind and through discussions with the complainant, the principal will endeavour to reach a satisfactory resolution.

**The executive principal will:**

- review the investigations that have taken place by the principal and the complaints governor to ensure that a fair and unbiased process has been undertaken
- if the executive principal has been involved in the complaint, another executive principal who has not had any dealings with the academy or the complaint will undertake this role

- a report should be written which confirms the investigation that has been undertaken and which will be received by the complainant.

### **Business manager**

The business manager (or member of staff designated by the business manager) should:

- ensure that the complainant is fully updated at each stage of the informal procedure
- liaise with staff members, senior leader/executive principal/principal, chair of governors
- collate any written material relevant to the complaint (for example, stage 1 paperwork, school, and complainant submissions) and give to the academy complaints governor within agreed timescales
- be aware of issues regarding:
  - sharing third party information
  - additional support: this may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- be the point of contact until such time as the complaint reaches the formal complaint process, liaising with the clerk to governors thereafter
- keep records of the issue, whether deemed to be a concern or a complaint, contact made with complainant and comprehensive notes of any actions taken.

### **Academy committee panel review**

The trust board and all academy committees have a duty to deal with complaints impartially.

Details of complaints will not be shared with the whole board/committee at any stage while they are still being considered in case a complaints committee needs to be organised at the hearing stage.

The exception to this is when a complaint is made against the whole board/academy committee and they need to be aware of the allegations made against them, to respond to any independent investigation.

If the whole board/academy committee becomes aware of the significant detail of a complaint (that is not collectively against them) and before the final stage has been completed, consideration will be given, and arrangements put in place to invite an independent committee to hear the complaint.

The independent governors invited to serve on a complaints committee may come from:

- another school; either within or outside of Diverse Academies Trust
- the local authority's governor services team
- the diocese, if appropriate.

### **Clerk to the governors or clerk to the trust board**

The clerk will be the contact point for the complainant if the complaint reaches trustee/governor involvement level and should:

- keep records of the issue, contact made with complainant and comprehensive notes of any actions taken
- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible
- receive paperwork from the business manager and send it to the parties in advance of the meeting within an agreed timescale
- record and circulate the minutes of the meeting
- notify all parties of the committee's decision.

### **Board/academy committee panel chair**

The board/academy committee's panel chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR. Information identifying third parties will be redacted from information received.
- if a new issue arises all attendees will be given the opportunity to consider and comment upon it; this may require a short adjournment of the meeting
- both the complainant and the trust/school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made

- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the clerk to governors.

### **Committee panel member**

Committee panel members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so
- no trustee/governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the trust/academy and the complainant
- we recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations
- many complainants will feel nervous and inhibited in a formal setting
- parents/carers often feel emotional when discussing an issue that affects their child
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting
- careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.

The committee should respect the views of the child/young person and give them equal consideration to those of adults.

If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.

However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.

**The welfare of the child/young person is paramount.**

## 9 Policy Statement

9.1 Diverse Academies Trust aims to be fair, open, and honest when dealing with any concern or complaint. All concerns or complaints 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.

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

## 10 Introduction to the policy

10.1 We believe that all our academies provide a good education for all our students, and that all staff work very hard to build positive relationships with all the parents and carers. However, if a concern or complaint does arise, the trust has the following policy and procedures in place in accordance with the terms of the Independent School Standards April 2019 Part 7.

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

10.2 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 senior leader of the trust/academy in the first instance.

10.3 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 to schools ([see admission information on the academy website](#)), exclusion of children from schools [Exclusion Statutory Guidance](#), statutory SEN assessments ([see SEND policy on academy website](#)).
- 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. matters likely to require a child protection investigation or of a safeguarding nature will be dealt with under our child protection/safeguarding policy and in accordance with relevant

statutory guidance. Adult to child and peer on peer safeguarding allegations are covered by clear guidance in that policy. The Local Authority Designated Officer (LADO) will be advised of any adult to child safeguarding concerns. Any peer-on-peer safeguarding issues will be discussed with the local Multi Agency Safeguarding Hub (MASH).

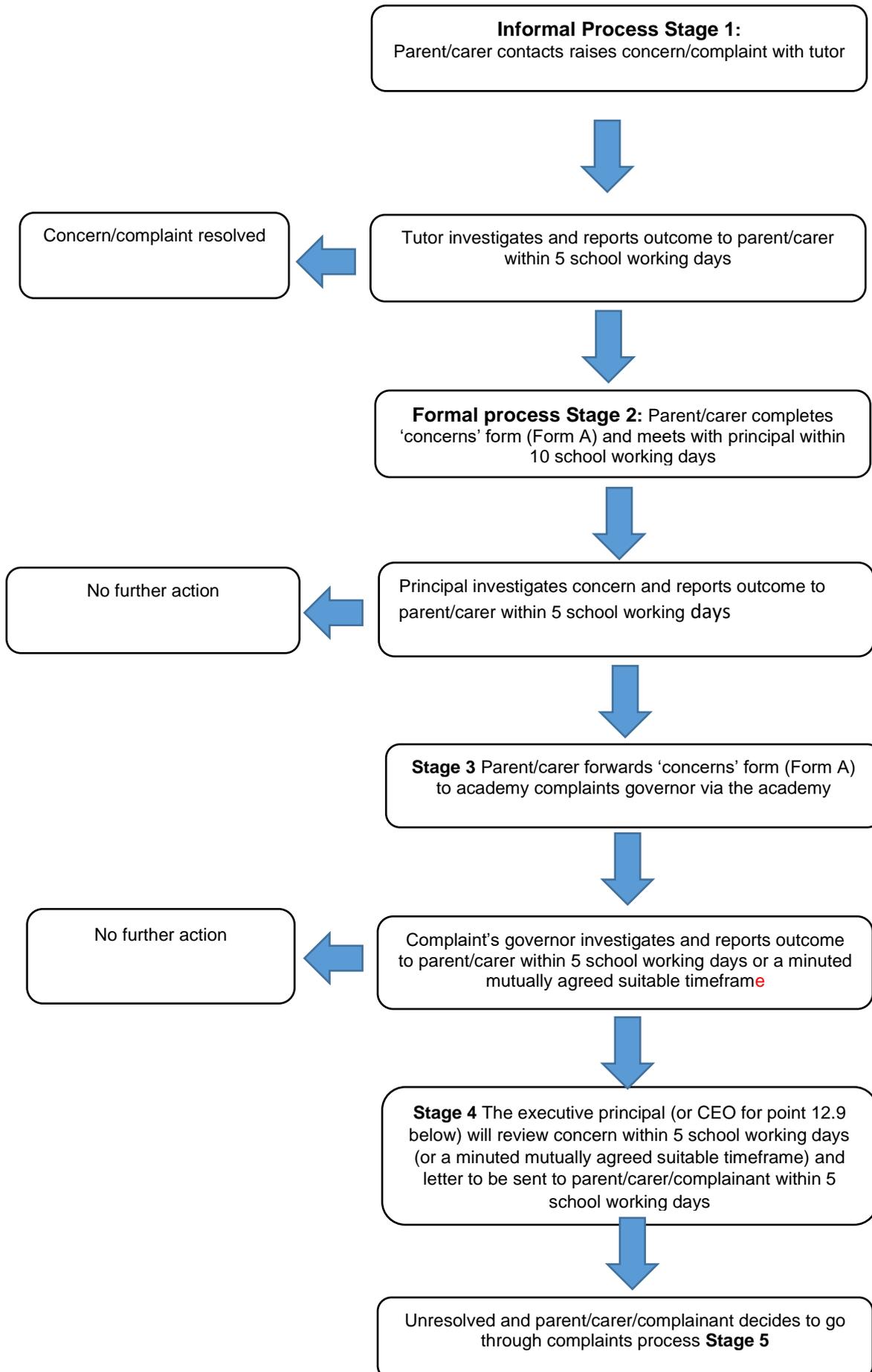
- d. concerns or complaints of financial improprieties or other criminal activities will be dealt with through the Whistleblowing Policy. Whistleblowing complaints can occur when an individual knows, or suspects, that there is some wrongdoing occurring within the organisation and alerts the employer or the relevant authority. Please refer to the policy in the first instance available here <https://www.diverseacademies.org.uk/wp-content/uploads/sites/25/2018/08/Whistleblowing.pdf>
- e. the Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <https://www.gov.uk/contact-dfe>  
Volunteer staff who have whistleblowing concerns about the organisation should complain through this complaint's procedure, or the Department for Education (see link above), depending on the substance of your complaint.
- f. for concerns or complaints about services provided by other providers who may use trust/academy premises, please refer these via the trust or individual academy reception as appropriate
- g. 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 <https://www.diverseacademies.org.uk/about-us/policies/>
- h. complaints about staff conduct will be dealt with under the trust's internal grievance or disciplinary procedures. Complainants will not be informed of any disciplinary action taken against a member of staff as a result of a complaint. However, the complainant will be notified that the matter is being addressed
- i. staff grievances will be dealt with under the trust's internal grievance procedures
- j. complaints about the application of the behaviour policy can be made through this policy.

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

## **11 Operation of the policy**

Diverse Academies Trust 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 locally to the appropriate senior leader in each setting.

## 12 Informal process



## **13 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.

### **Informal process stage 1**

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

13.2 All teachers work very hard to ensure that each child is happy at their academy and 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/teacher will either take action, or work with appropriate colleagues to resolve the concern. If the tutor/teacher is the subject for your concern please contact the academy and you will be advised who would be best to deal with your query.

13.3 Making an attempt at informal resolution does not mean that the complainant cannot make a formal complaint if the attempt fails.

### **Formal process stage 2**

13.4 Where a complainant 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.

### **Formal process stage 3**

13.5 If you feel that your concern has not been dealt with to your satisfaction you may write to the academy committee'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 'private and 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 complainant 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.

13.6 Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints if a panel of governors needs to be formed.

13.7 If the complaint is:

- jointly about the chair and vice chair or
- the entire academy committee or
- the majority of the academy committee

the formal process will be escalated to the CEO of the trust by the clerk to governors.

13.8 Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken. Any recordings taken covertly will not be used or taken into consideration at any stage of the procedure.

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

#### **Formal process stage 4**

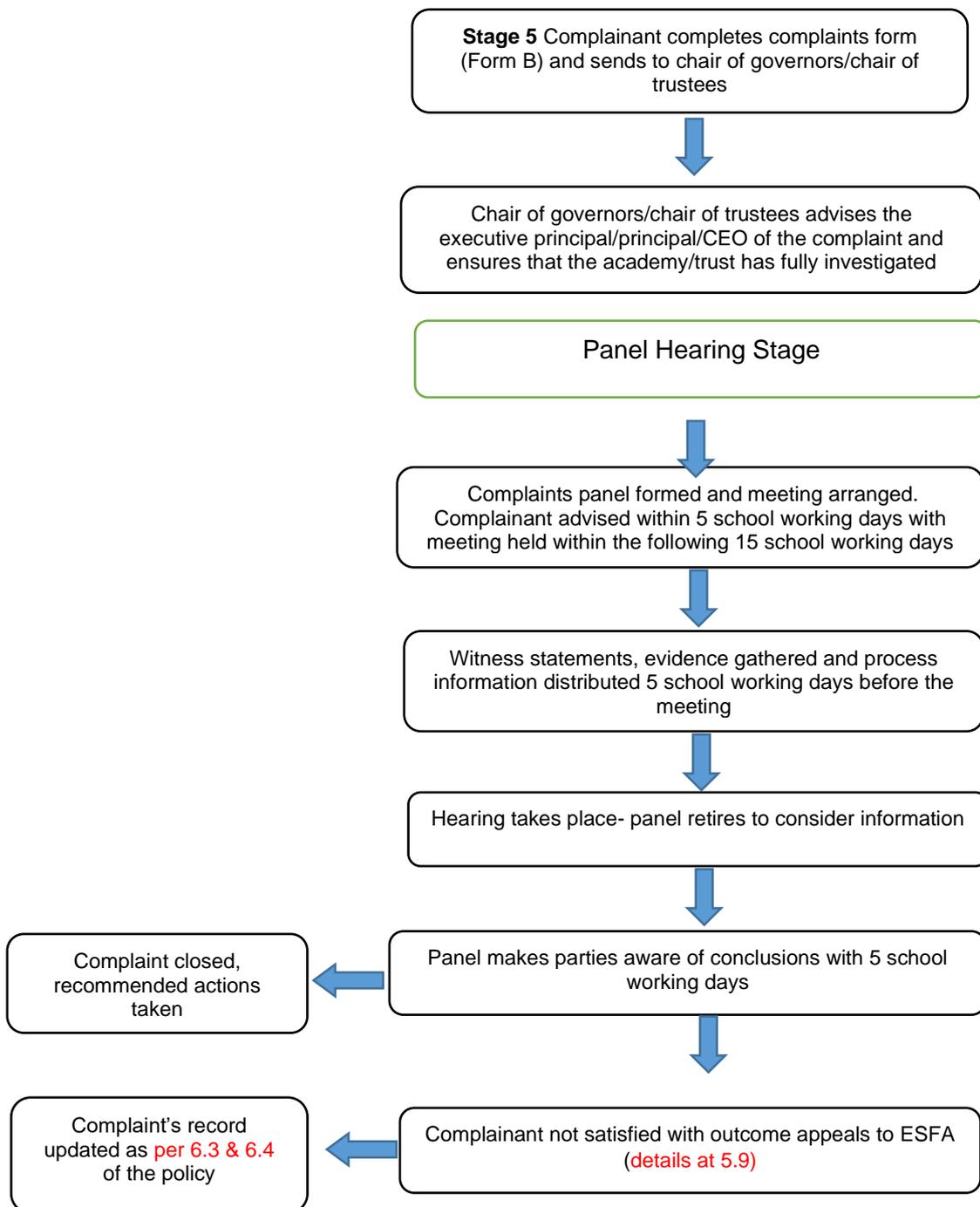
13.10 If a parent or carer is unhappy with the outcome the executive principal for the academy (or CEO, or member of staff designated by the CEO if the complaint is about the trust) will review the concern. It is the role of the executive principal/CEO to confirm that every effort has been made to try and resolve the complaint in the most appropriate way and that the policy process and procedures have been followed. The complainant will receive a letter advising them of their investigations.

If the executive principal of the academy has been involved in the complaint, an executive principal from another academy will be asked to review the complaint.

Diverse Academies Trust is aware that in some circumstances, a satisfactory resolution may not be agreed upon at which time the complainant may make a formal complaint to the academy committee/trust board if the complaint is about the trust at the hearing stage as outlined below.

## 14 The formal panel hearing process stage 5

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



14.1 Only if the previous process (as detailed above on pages 14 and 15) fails to resolve the matter should a complaint be escalated. This complaint must be made in writing, stating the nature of the complaint and how the academy has handled it so far and how the complainant would like the situation resolved. The complainant should complete form B (appendix B) at the end of this policy and send it to the trust/academy as appropriate addressed private and confidential to the

chair of governors/chair of trustees, at the academy or head office postal address. Where a complaint is made against the chair of trustees or chair of governors, individual governor or CEO, executive principal or principal, form B should be used addressed to the clerk to the governors at the trust or academy's postal address.

14.2 Hearing - a complaints panel will be formed to consider the complaint. The panel will comprise 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 trust/academy. This is to ensure that the panel has the benefit of an external source of scrutiny and challenge in its consideration of the complaint. The independent panel member will not be a member, trustee or employee of the academy/trust. A governor from a local academy committee at a different school within Diverse Academies Trust, who has no conflict of interest or prior knowledge of the complaint, can be an independent panel member.

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 or CEO who dealt with the complaint and any member of staff who may be the subject of the complaint.

If the attendance of any student is required, parental permission will be sought if they are under the age of 18. Depending upon the nature of the complaint and the information being shared, the student may be asked to give their consent to share their personal data with the complainant if they are in Year 13 or above.

A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate. For instance, if a trust employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

Representatives from the media are not permitted to attend.

The organisation 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 to attend the meeting, but it would usually be expected to be held during the school working day.

If the complainant rejects the offer of three proposed dates, without good reason, the clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

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 taken by the clerk once they have been approved by the panel members. It is for the panel members, not the complainants, to agree that the minutes of the meeting are a true synopsis of the discussions at the meeting.

14.3 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.

The committee will not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from stage 1 of the procedure.

14.4 Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before recordings of meetings or conversations take place. Consent will be recorded in any minutes taken. Any recordings taken covertly will not be used or taken into consideration at any stage of the complaint's procedure.

14.5 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. Complainants 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.

14.6 Complainants 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 side after the deadline for submission has passed must be agreed by the chair of the panel. If submission is accepted, the

meeting may adjourn for each party to read the additional information. Confidentiality will be respected at all times.

14.7 After listening to all parties and all the evidence, the complaints panel will consider their decision and inform the complainant about the outcome in writing; and where relevant the person complained about. The panel will do all they can at this stage to resolve the complaint to the complainant's satisfaction.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the academy/trust will take to resolve the complaint. 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.

The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled.

14.8 When a complaint concerns the whole of the academy committee, the chair and vice chair, or the majority of the academy committee, an independent complaints panel may be drawn from within the organisation, and which will always include an independent panel member who have no connection with the complaint.

## **15 Complaints about the trust, CEO, or trustee including complaints about head office functions**

If a complaint is escalated to the trust or if a complainant wishes to complain directly about the trust or a trustee, then the complaint should be sent to the CEO to be investigated. The CEO will write to the complainant acknowledging the complaint within 5 school days of the date that the written request was received. The acknowledgement will confirm that the complaint will now be investigated under Stage 4 at page 13 of this complaints policy and will confirm the date for providing a response to the complainant.

If any time limits detailed in the process cannot be met, the CEO will write to the complainant explaining the reason for the delay and providing a revised date.

If the complaint concerns the CEO or a trustee, the complaint should be investigated by the chair of the trust board. If a formal complaint form is received about the chair, the complaint will be referred to the vice chair for investigation

Where the chair of the trust board has investigated a complaint, they will write the letter of outcome to the complainant and provide a copy to the CEO.

If the complaint is unable to be resolved the process will move to stage 5 at point 13 above.

If the complaint is:

- jointly about the chair and vice chair or
- the entire trust board or
- the majority of the trust board

the complaint will be heard by a completely independent committee panel.

## 16 Final actions

16.1 If the complainant thinks the complaints panel did not provide them with a fair hearing or deal with the complaint properly, or acted unlawfully or unreasonably, in the exercise of their duties under education law, they can take their concerns further by contacting the Education and Skills Funding Agency via the information provided, or use the following link: <https://www.gov.uk/contact-dfe>

Education and Skills Funding Agency (ESFA); via the school's complaints form, <https://www.gov.uk/contact-dfe>

by telephone on 0370 000 2288 or by writing to:

Academy Complaints and Customer Insight Unit

Education and Skills Funding Agency

Cheylesmore House

5 Quinton Road

Coventry

CV1 2WT.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by the trust/academy complaints panel. They will investigate to consider whether the academy has adhered to education legislation and statutory policies connected to the complaint and whether they have followed part 7 of the Education (Independent School Standards) Regulations 2014.

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.

16.2 If the complainant tries to reopen the same issue, the chair of the Diverse Academies board is able under this policy to inform them in writing that the procedure has been exhausted and that the matter is closed.

16.3 In considering the concerns raised by complainants, the organisation may also refer and work to the Diverse Academies Unreasonable Complaints and Vexatious Communication policy a copy of which is available [here](#) or from an academy.

16.4 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 executive principal/principal/CEO. The complainant is not entitled to participate in the proceedings or receive any details about them.

## **17 Monitoring and evaluation**

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

17.2 The trustees and governors monitor this policy and procedure, in order to ensure that all complaints are handled properly.

17.3 A written record of all concerns or complaints either dealt with at an academy or trust level is kept by the business manager or clerk as appropriate and it is noted whether they are resolved following an informal or formal procedure or proceed to a panel hearing. Records will also state any action taken by the academy/trust 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.

17.4 Any findings and recommendations made by a panel will be available for inspection on the academy premises by the CEO/executive principal/principal or chair of governors

17.5 Trustees will take into account any local or national decisions that affect the Diverse Academies complaints process and make any modifications they feel 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.

17.6 The Concerns and Complaints Policy and associated forms are available through the website <https://www.diverseacademies.org.uk/about-us/policies/> A printed version and versions that support those with disabilities can be obtained from the head office or each academy's office available in response to a personal visit, a telephone request, by letter or email.

## **18 Review of the policy**

This policy is reviewed at least annually by the trust and if any new guidance or recommendations are made by the ESFA. It will monitor the application and outcomes of this policy to ensure it is working effectively.

**Appendix A: Academy informal concern form A please see below**

Please complete and return to the principal and/or complaints governor (depending on the stage of the process) at the academy who will acknowledge receipt and explain what action will be taken.

<b>Name:</b>	
<b>Student's name (if applicable):</b>	
<b>Your relationship to the student (if applicable):</b>	
<b>Address:</b>	
<b>Telephone number:</b>	
<b>Email address:</b>	
<b>Detail of concern (continue on a separate sheet if necessary):</b>	
<b>Details of action you have already taken to try and resolve your concern. Who did you speak to and what was the response:</b>	
<b>What actions do you feel might resolve the problem at this stage?</b>	
<b>Are you attaching paperwork? If so please give details:</b>	
<b>Signature:</b>	
<b>Date:</b> .....	
For Academy use only:	
<b>Date acknowledgement letter sent:</b>	<b>By whom:</b>
<b>Concern referred to:</b>	
<b>Action taken:</b>	<b>Date:</b>

**Appendix B: Formal panel complaint form B please see below.**

To proceed please complete and return to the chair of governors/chair of trustees at the academy/head office who will acknowledge receipt and explain what action will be taken.

<b>Name:</b>	
<b>Student's name (if applicable):</b>	
<b>Your relationship to the student (if applicable):</b>	
<b>Address:</b>	
<b>Telephone number:</b>	
<b>Email address:</b>	
<b>Date and details of your original concern:</b>	
<b>Detail of complaint:</b>	
<b>Details of any previous discussions with staff or the complaints governor and the reasons why you do not feel your complaint has been satisfied:</b>	
<b>What actions do you feel might resolve the problem at this stage?</b>	
<b>Are you attaching paperwork? If so please give details:</b>	
<b>Signature:</b>	
<b>Date:</b>	
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<b>For Academy use only:</b>	<b>Diverse Academies Trust</b>
<b>Date acknowledgement letter sent:</b>	<b>By whom:</b>
<b>Concern referred to:</b>	<b>Date:</b>
<b>Action taken:</b>	