



Concerns and complaints policy September 2019

Office use

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Associated documents:			
<ul style="list-style-type: none"> • Admissions Policy • SEND Policy • Unreasonable Complaints Policy • Safeguarding/Child Protection Policy 		<ul style="list-style-type: none"> • Whistleblowing Policy • General Data Protection Regulation (GDPR) • Freedom of Information Act Policy 	
Links to:			
<ul style="list-style-type: none"> • The Equality Act 2010 • 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 www.gov.uk/government/publications/school-complaints-procedures/best-practice-advice-for-school-complaints-procedures-2019 			

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Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to an Academy within the Diverse Academies Partnership about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

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 a complainant commences legal action against 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.

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. All Academies within the Diverse Academies Partnership 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 Principal 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, the Principal will refer you 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, the individual Academy will attempt to resolve the issue internally, through the stages outlined within this procedure.

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.

Anonymous complaints

We will not normally investigate anonymous complaints. However, the Principal or Chair of 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

the Academy will inform the new complainant that the school has already considered that complaint and the local process is complete. The Academy will advise the new complainant to contact the Department of Education if they are dissatisfied with the school's handling of the original complaint.

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

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.

Complaints received outside of term time

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

Withdrawal of a Complaint

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

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 school 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.

Senior Principal [SP]

The SP's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, 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
 - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify

what the complainant feels would put things right.

The SP 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 Principal or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The 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.

Principal's Personal Assistant/Office Manager (in primary academies)

The PA/OM should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, Principal, Chair of Governors and Clerk to ensure the smooth running of the complaint procedure
- collate any written material relevant to the complaint (for example; stage 1 paperwork, school and complainant submissions) and give to the Clerk to Governors 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 governor level process
- keep records of the issue, contact made with complainant and comprehensive notes of any actions taken

Academy Committee Panel Review

All Academy Committees have a duty to deal with complaints impartially. Details of complaints will not be shared with the whole committee at any stage while they are still being considered, in case a complaints committee needs to be organised.

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

If the whole 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
- the local authority's governor services team
- the diocese, if appropriate

Clerk to Governors

The Clerk will be the contact point for the complainant if the complaint reaches 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 (if they are invited to attend) and that the venue and proceedings are accessible
- receive paperwork from the PA/OM and send it to the parties in advance of the meeting within an agreed timescale
- circulate the minutes of the meeting
- notify all parties of the committee's decision

Academy Panel Chair

The academy panel's 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.

If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting

- both the complainant and the 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 and Business Operations Manager

Academy Panel Member

Academy Panel members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so
No 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 school 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.**

1 Policy Statement

1.1 Diverse Academies 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.

1.2 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 face book and twitter. Complaints will be dealt with confidentially for those involved, and we expect complainants to also observe confidentially.

2 Introduction to the Policy

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 the following 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
- e. 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
- f. For concerns or complaints about services provided by other providers who may use school premises. Please refer these via the individual academy reception

- 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 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.

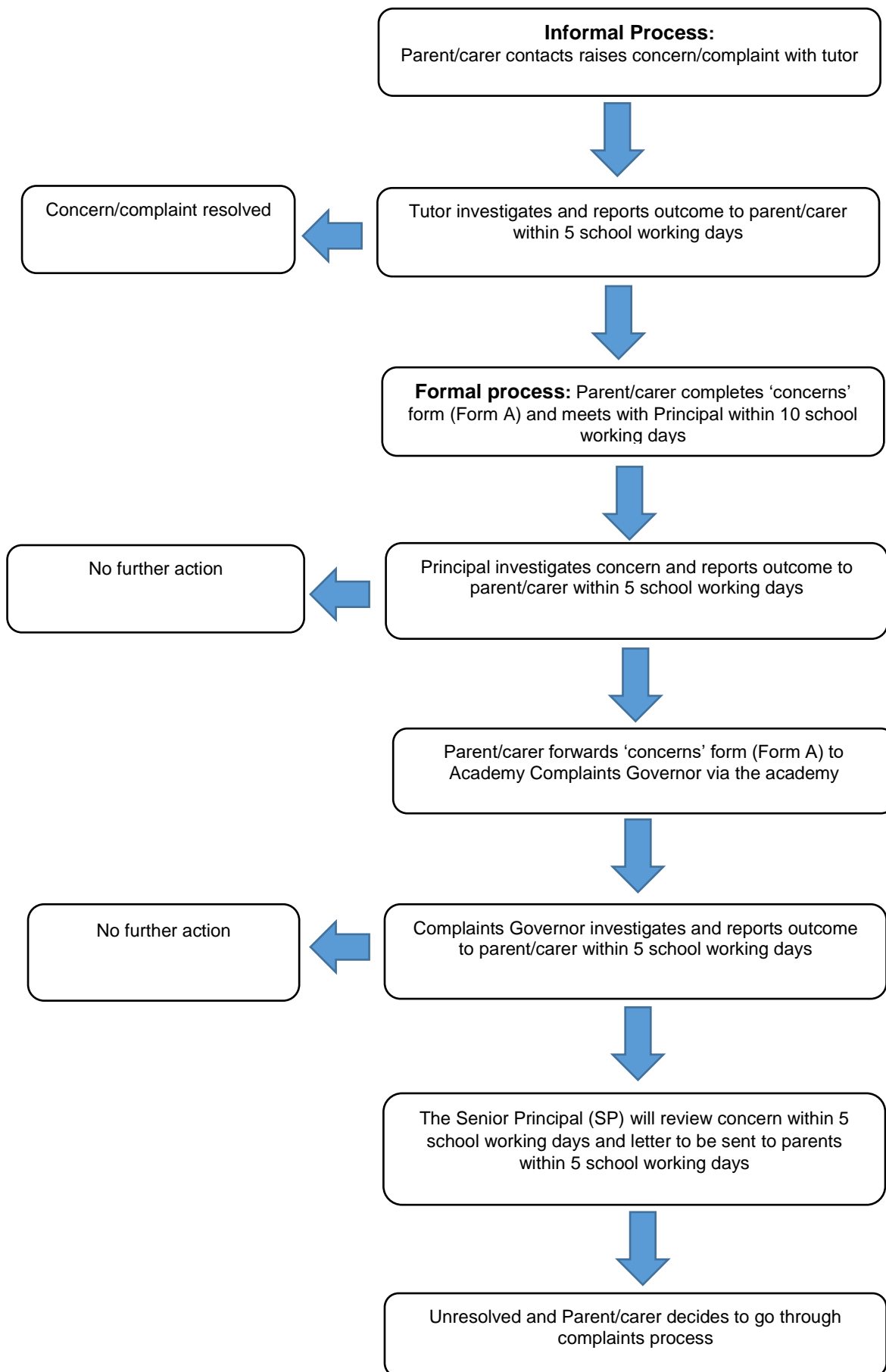
3 Operation of the Policy

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.

Informal Process



4.1 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 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 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.

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 Committee's Chair of Governors. Concerns or complaints against the Chair of Governors or any individual governor should be made in writing to the relevant Clerk to Governors.

4.5 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 '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.

4.6 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.

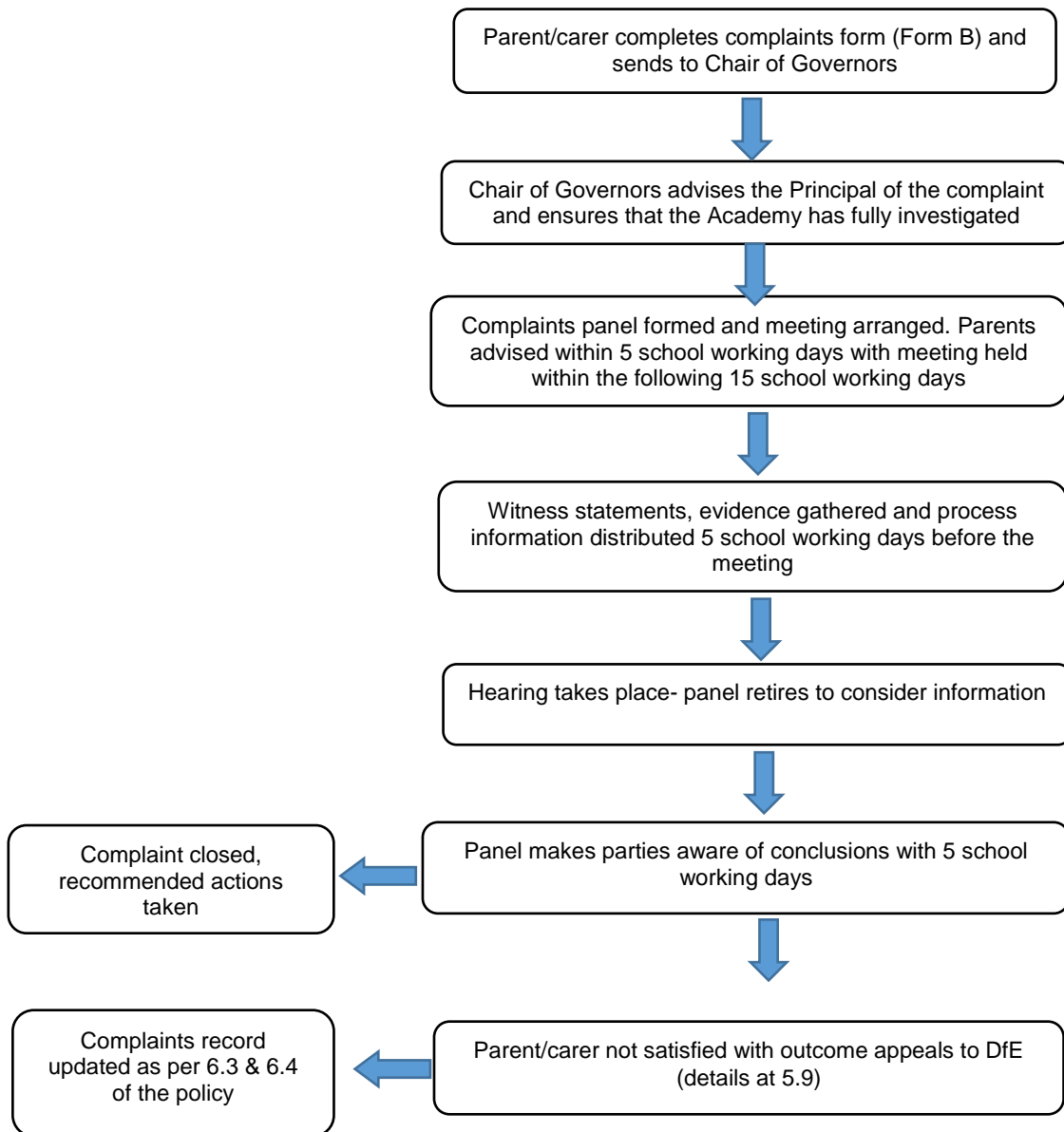
4.7 The complainant will be asked what they think might resolve the issue.

4.8 If a parent or carer is unhappy with the outcome the Senior Principal (SP) for the Academy will review the concern. It is the role of the SP 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/carers 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/carers may make a formal complaint to the Academy Committee, 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 concerns process (as detailed above on pages 10 & 11) fails to resolve the matter should a complaint be made to the Academy Committee. 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, individual governor or Principal, 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 any member of staff who may be 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. It is not recommended that either party brings legal representation with them – these committees are not a form of legal proceedings. 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 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 complaints procedure.

5.5 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. 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

5.6 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.

5.7 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; and where relevant the person complained about. 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.

5.8 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 governors of a committee of independent, appointed governors who have no connection with the complaint.

5.9 If the complainant thinks the complaints panel did not provide them with a fair hearing or deal with the complaint properly, or acted unreasonably, they can take their concerns further by contacting the DfE via the information provided, or use the following link:

Department for Education; Education and Skills Funding Agency (ESFA); via the [schools complaints form](#).

www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to :

Department for Education
Piccadilly Gate
Store Street
Manchester M1 2WD

Their purpose is not to re-investigate the complaint but to review the process. They will investigate to consider whether the academy has adhered to education legislation and statutory policies connected to the complaint. Escalation is to Department for Education (DfE) online at

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.

5.10 If the complainant tries to reopen the same issue, the Chairman 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.

5.11 In considering the concerns raised by parents, the academy may also refer and work to the Diverse Academies Unreasonable Complaints Policy a copy of which is available on the Diverse Academies 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 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.

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

6.3 A written record of all complaints either dealt with at an academy level or governor level is kept by the PA/OM or Clerk as appropriate and it is noted whether they are resolved following a formal procedure, or proceed to a panel hearing. Records will also state whether any action was taken by the academy 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.

6.4 Any findings and recommendations made by a panel will be available for inspection on the academy premises by the Senior Principal, Principal or Chair of Governors

6.5 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.

6.6 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 see below

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 see below.

To proceed 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:	Diverse Academies Learning Partnership
Date acknowledgement letter sent:	By Whom:
Concern referred to:	Date: