

Diocese of Gloucester Academies Trust

Complaints Policy

Status and review cycle;	Statutory –reviewed every 2 years or earlier if Regulations change or a complaint review identifies updates are required
Responsible group:	DGAT
Implementation date:	March 2022
Next Review Date:	February 2024

Date adopted: _____

Diocese of Gloucester Academies Trust

Complaints Policy

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Diocese of Gloucester Academies Trust

Complaints Policy

Section One:

Policy Statement

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

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

Purpose and Scope:

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

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

Aims and objectives

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

Child Protection

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

The Complaints Procedure

General Principles:

This procedure is intended to allow anyone, including members of the public, to raise a concern or complaint relating to the school, or the services that it provides, unless separate statutory provisions apply (such as exclusions or admissions).

An anonymous concern or complaint will not be investigated under this procedure, unless there are exceptional circumstances.

To enable a proper investigation, concerns or complaints should be brought to the attention of the school as soon as possible. In general, the school will not consider any complaint raised more than 3 months after the event.

Complaints need to be considered, and resolved, as quickly and efficiently as possible using time limits published in this policy. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

Concern

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

Complaint

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

The school will deal with any matter as a complaint when

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

or

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

the person who raised the concern remains dissatisfied.

Raising a concern or complaint

Stage I - Informal Procedure

It is normally appropriate to communicate directly with the member of staff concerned, or the Head Teacher if the concern is about any member of staff. This may be by letter, e-mail, telephone or in person by appointment. Many concerns can be resolved by simple clarification or the provision of information and it is anticipated that most concerns or complaints will be resolved by the informal stage within 5 working days of a concern being raised.

In the case of serious concerns, it may be appropriate to address them directly to the Head teacher (or to the Chair of the governing body, if the concern or complaint is about the Head teacher or a governor). If the resolution is likely to take longer than five days the complainant will be informed and kept up to date of the progress of the issue raised.

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

Procedure for dealing with concerns

The teacher, Head Teacher or Chair will endeavour to resolve the concern informally within 5 working days of a concern being raised. During the course of any informal investigation they may invite a third party in to observe any relevant meetings. Any member of staff complained about will be kept fully informed of the content of the concern raised and will be given an opportunity to explain their actions. During this period the person raising the concern will be regularly updated as to the progress of the investigation. If the resolution is likely to take longer than five days the complainant will be informed and kept up to date of the progress of the issue raised.

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

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

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

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

The Head Teacher (or Chair of the local governing board) may invite the complainant to a meeting to discuss the complaint and to seek a resolution, this should be within 5 school days of the acknowledgement of the complaint being sent. If the complainant accepts that invitation, they may be accompanied by a friend if they wish, to support them in explaining the nature of the complaint. If a meeting is arranged a full record of the meeting must be kept. A copy of the record of the meeting should be available to all parties within 3 school days after the meeting.

Once all of the facts have been established a written response will be sent to the complainant within 5 school days outlining the decision reached and the reasons for it. Where appropriate this should also include what action the school will take to resolve the complaint. The letter will make reference to any formal investigation that has taken place and a copy of the main body of investigation report will be provided. Where the report contains information relating to a third party this may be redacted in line with General Data Protection Regulation requirements (GDPR).

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

When the investigation has been concluded all parties concerned will also be informed of the outcome within 5 working days of the conclusion of the investigation.

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

For all complaints that reach Stage 2

- a member of staff must be made a designated Complaint Lead for every complaint case who is responsible for administering the complaints process from start to finish. This is usually but not exclusively the Headteacher or Chair of Governors. The CEO should be informed of all

complaints that reach Stage 2. A log of all complaints at Stage 2 and Stage 3 will be kept at both individual school and central trust level.

- The Complaint Lead should review Independent Investigator Reports to ensure there are no inconsistencies

For complaints relating to the Central Team

- the DCEO or CEO will oversee complaints of this nature and will be the Complaint Lead
- for complaints relating to the CEO the Chair of the Trust will be or will appoint a Complaint Lead.

Stage 3 – Review Process

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

The Chair of Governors will inform the CEO of the Trust within 24 hours of a complaint review request being received and will follow any advice given. The CEO will decide, in consultation with the Chair, the make-up of the panel to hear the complaint review. The CEO may delegate this responsibility to a member of the Central Team.

In the case of complaints relating to the Central Team representation as outlined above should be made to the CEO and in the case of the CEO to the Chair of the Board. Trust Members may be involved in the review if the situation requires it.

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

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

The panel will receive written evidence from the complainant of perceived failures to follow the procedure, any written submission must be received by the panel at least 3 working days in advance of the panel meeting. The panel will invite representatives of the school(usually the Head Teacher or the Chair of the local governing board that originally considered the matter), as appropriate, to make a response to the review request.

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

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

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

The review panel is the last school-based stage of the complaints process, and the outcome must be

reported to the CEO of the Trust. The findings and recommendations must be made available for inspection on the school premises by the Headteacher and CEO.

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

If a complainant has exhausted this complaints procedure, they will be advised that they can submit a complaint to the ESFA via www.gov.uk/government/organisations/education-and-skills-funding-agency/about/complaints-procedure, or by writing to:

Complaints Team
Education and Skills Funding Agency
Cheylesmore House
Coventry
Quinton Road
Coventry
CV1 2WT

Withdrawal of a complaint

Where a complainant wishes to withdraw their complaint, the school or Trust will ask them to confirm this in writing. Despite the complaint having been withdrawn, the Trust and school will still take the complainant's voice seriously and attempt to avoid causing similar distress to others in the future. The Trust and school will not under any circumstances ask, or pressure an individual, to withdraw a complaint.

Record keeping

A written record shall be kept of any complaint made, whether made via phone, in person or in writing, detailing:

- The main issues raised, the findings and any recommendations.
- Whether the complaint was resolved following an informal route, formal route or panel hearing.
- Actions taken by the trust as a result of the complaint (regardless of whether the complaint was upheld).

All correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or an inspectorate requests access to them.

Schools are data controllers in their own right and will retain records in relation to complaints within the Trust's data retention policy. The Trust will retain records of complaints and related documents in line with the Data Protection Policy and Records Management Policy. Personal data will only be kept for as long as necessary.

Managing unreasonable complaints

The Trust is committed to dealing with all complaints fairly and impartially. The Trust will not normally limit the contact complainants have with the Trust itself or any of its schools; however, the Trust does not expect staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

For the purposes of this policy, **“unreasonable complaints”** include:

- Vexatious complaints, which:
 - Are obsessive, persistent, harassing, prolific, or repetitious.
 - Insist upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason.
 - Insist upon pursuing meritorious complaints in an unreasonable manner.
 - Are designed to cause disruption or annoyance.
 - Demand for redress which lacks any serious purpose or value.
- Serial or persistent complaints, which:
 - Are duplicated, sent by the same complainant once the initial complaint has been closed.
 - Are new complaints that are submitted additionally, as part of an existing open complaint, by the same complainant.

A complaint may also be regarded as unreasonable when the complainant:

- Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance.
- Refuses to cooperate with the complaints investigation process while still wishing their complaint to be resolved.
- Refuses to accept that certain issues are not within the scope of a complaint’s procedure.
- Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Introduces trivial or irrelevant information which they expect to be taken into account and commented on, or raises large numbers of detailed but unimportant questions and insists they are fully answered, often immediately and to their own timescales.
- Makes unjustified complaints about staff who are trying to deal with the issues and seeks to have them replaced.
- Changes the basis of the complaint as the investigation proceeds.
- Repeatedly makes the same complaint despite previous investigations or responses concluding that the complaint is groundless or has been addressed.
- Refuses to accept the findings of the investigation into that complaint where the trust’s complaints procedure has been fully and properly implemented and completed, including referral to the ESFA.
- Seeks an unrealistic outcome.
- Makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the complainant:

- Acts maliciously or aggressively.
- Uses threats, intimidation or violence.
- Uses abusive, offensive or discriminatory language.
- Knows the complaint to be false.
- Uses falsified information.
- Publishes unacceptable information in media such as social media websites and newspapers.

The above applies regardless of the method the complaint is made, e.g. face-to-face, by telephone, in writing or electronically.

Complainants should limit the number of communications with the Trust while a complaint is being progressed. It is not helpful if repeated correspondence is sent, either by letter, phone, email or text, as it could delay the outcome being reached.

Whenever possible, the member of staff, local governor or trustee leading the response to a complaint will discuss any concerns with the complainant informally before applying an ‘unreasonable’ marking.

Serial or persistent complaints will only be marked as ‘serial’ once the complainant has completed the complaints procedure. It is the complaint that will be marked as ‘serial’, meaning the complainant can complain about a separate issue if necessary.

If the behaviour continues, the individual handling the complaint will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the Trust or any of its schools causing a significant level of disruption, the Trust may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after six months.

A decision to stop responding will only be considered in circumstances where the following statements are true:

- Every reasonable step has been taken to address the complainant’s concerns
- The complainant has been given a clear statement of the school or Trust’s position and their options
- The complainant contacts the Trust or any of its schools repeatedly, making substantially the same points each time

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the school.

Staff Complaint

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

Does this complaints procedure cover all provision?

The DfE’s advice identifies areas lying outside the scope of school procedures.

Exceptions	Who to contact
Admissions to school Statutory assessments of Special Educational Needs Matters likely to require a Child Protection investigation	Local authority
School re-organisation proposals	DGAT
Exclusion from school	Parents and carers may use procedures to challenge permanent exclusions and fixed term exclusions of more than 5 days in a given term.

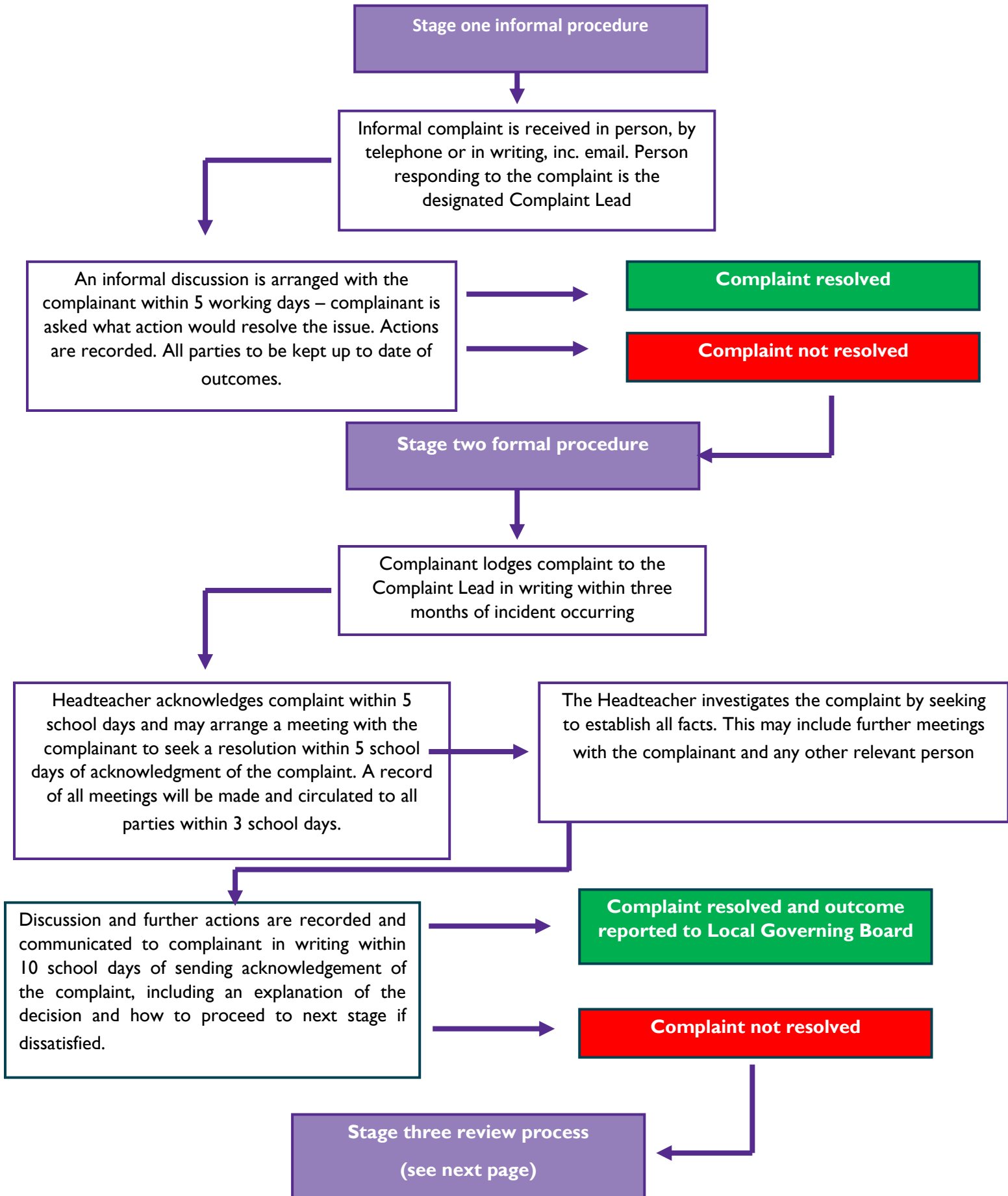
	Concerns about the process followed can be raised via the complaints procedure.
Whistleblowing	Academies should have an internal procedure for employees and volunteers. Ofsted may be contacted by email (whistleblowing@ofsted.gov.uk) telephone (03001233155) or in writing (WBHL, Ofsted, Piccadilly Gate, Store Street, Manchester, M1 2WD).
Staff grievances and disciplinary procedures	Academies must have staff grievances, discipline and conduct procedures in place. Complainants are not informed of the outcomes of actions under this procedure.
Complaints about services provided by external bodies using a school's premises or facilities.	Providers should be contacted directly and have their own procedures for such eventualities.

5. Monitoring and review

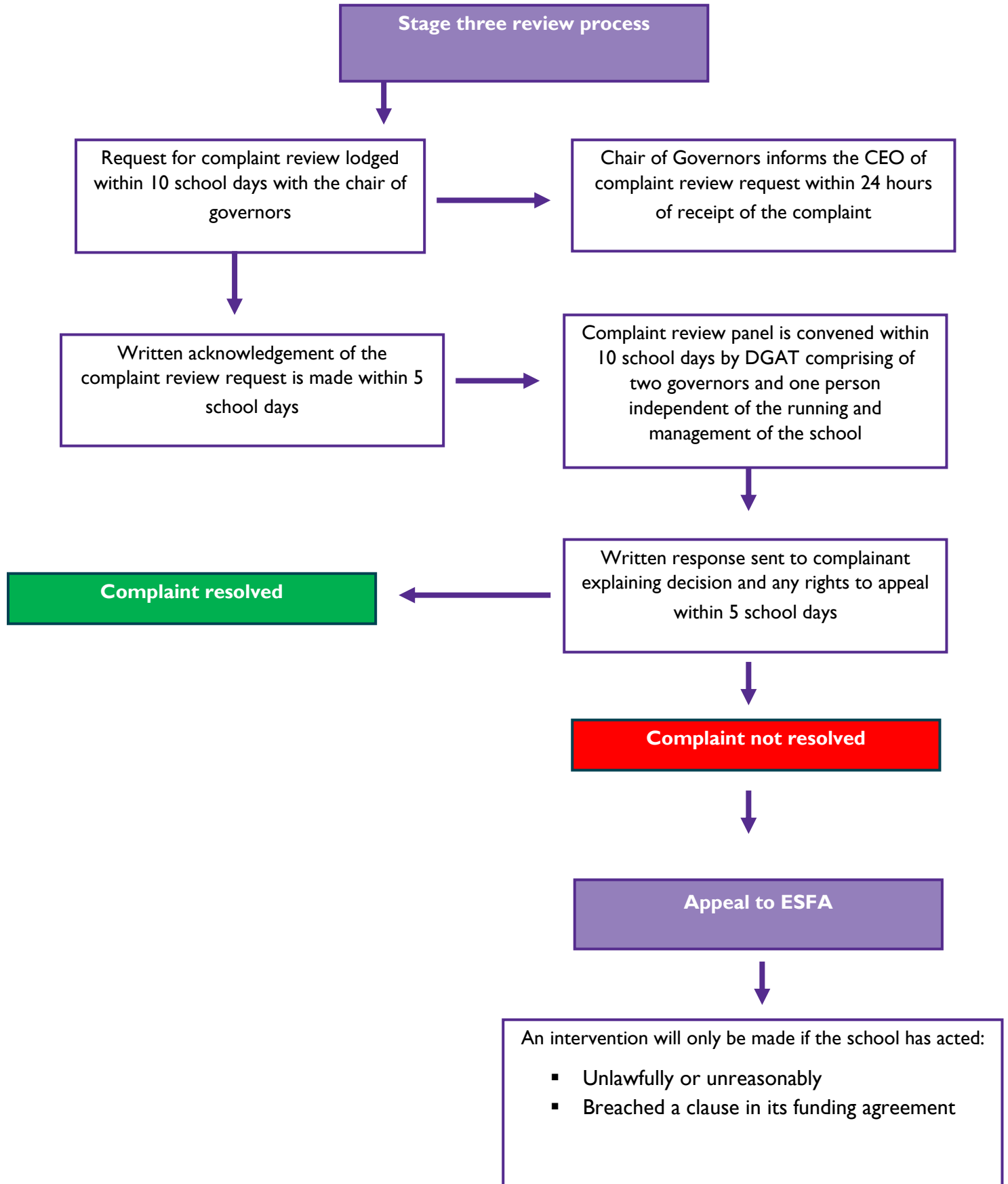
The local governing board monitor the Complaints Procedure, in order to ensure that all complaints are handled properly. The Headteacher logs all formal complaints received by the school and records how they were resolved. Local governors examine this log on an annual basis.

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

DGAT Complaints flow chart for complaints investigated by the Headteacher



DGAT Complaints flow chart for complaints investigated by the Headteacher



DGAT Complaints flow chart for complaints made against the Headteacher

Stage one informal procedure

Informal complaint is received in person, by telephone or in writing, inc. email. The complaint must be forwarded to the Chair of Governors without delay. The Chair of Governors is appointed the designated Complaint Lead unless circumstances prevent this when another local governor will be appointed Designated Complaint Lead

Chair of Governors informs the CEO of the complaint

An informal discussion is arranged with the complainant within 5 school days of receipt of the complaint – complainant is asked what action would resolve the issue. Actions are recorded. All parties to be kept up to date of outcomes

Complaint resolved

Complaint not resolved

Stage two formal procedure

Complainant lodges complaint to the Chair of Governors in writing within three months of incident occurring

Chair of Governors acknowledges complaint within 5 school days and they or the Designated Complaint Lead may arrange a meeting with the complainant to seek a resolution within 5 school days of acknowledgement of the complaint. A record of all meetings will be made and circulated to all parties within 3 school days

The Chair of Governors or the designated Complaint Lead investigates the complaint by seeking to establish all facts. This may include further meetings with the complainant and any other relevant person

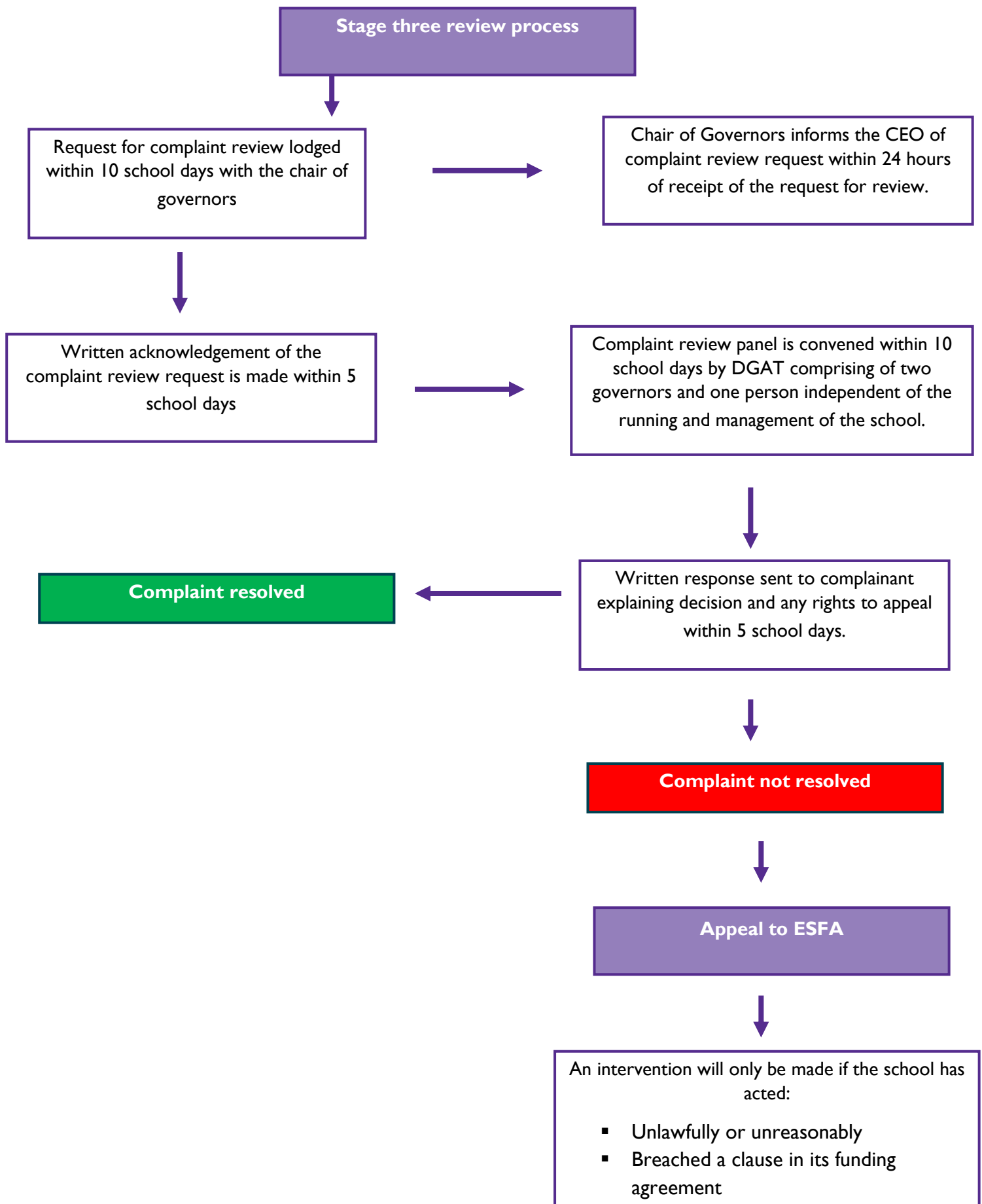
Complaint resolved and outcome reported to the CEO and Trust Board

Discussion and further actions are recorded and communicated to complainant in writing within 10 school days of sending acknowledgement of the complaint, including an explanation of the decision and how to proceed to next stage if dissatisfied.

Complaint not resolved

Stage three review process See next page

DGAT Complaints flow chart for complaints made against the Headteacher



DGAT Complaints flow chart for complaints made against the local governing board or central team staff

Stage one informal procedure

Informal complaint is received in person, by telephone or in writing, inc. email. The complaint must be forwarded to the CEO without delay. The CEO is appointed the designated Complaint Lead unless circumstances prevent this or if the complaint is about them. In this situation another member of the Executive Leadership Team or Trust Board will be appointed Complaint Lead

CEO informs the Chair of the Trust Board of the complaint within 24 hours of the complaint being received.

An informal discussion is arranged with the complainant within 5 school days of the complaint being received – complainant is asked what action would resolve the issue. Actions are recorded. All parties to be kept up to date of outcomes

Complaint resolved

Complaint not resolved

Stage two formal procedure

Complainant lodges complaint to the CEO in writing within three months of incident occurring

CEO acknowledges complaint within 5 school days and they or the Designated Complaint Lead may arrange a meeting with the complainant within 5 school days to seek a resolution. A record of all meetings will be made and circulated to all parties within 3 school days

The CEO or the designated Complaint Lead investigates the complaint by seeking to establish all facts. This may include further meetings with the complainant and any other relevant person

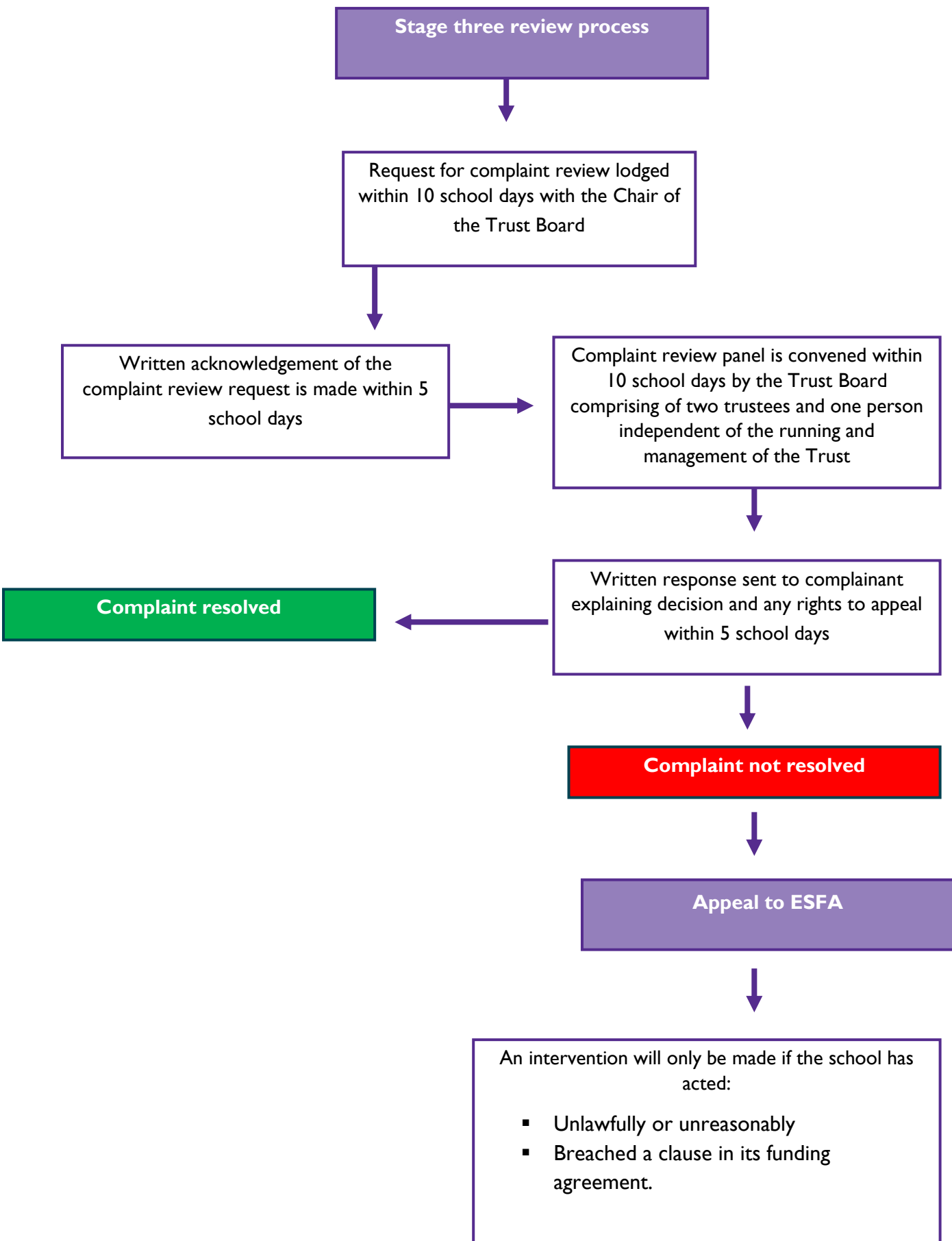
Complaint resolved and outcome reported to the CEO and Trust Board

Discussion and further actions are recorded and communicated to complainant in writing within 5 school days of sending acknowledgement of the complaint, including an explanation of the decision and how to proceed to next stage if dissatisfied

Complaint not resolved

Stage three review process (see next page)

DGAT Complaints flow chart for complaints made against the local governing board or central team staff



Complaint Form

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

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

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

Please give concise details of your complaint, (including dates, names of witnesses etc.), to allow the matter to be fully investigated:

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

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

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

Signature:
Date:

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

Complaint Review Request Form

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

Your name:	
Your Address:	
Daytime telephone number:	
Evening telephone number:	
<p>Dear sir/madam</p> <p>I submitted a formal complaint to the school on</p> <p>Date:</p> <p>My complaint was submitted to</p> <p>Name:</p> <p>and I received a response from</p> <p>Name:</p> <p>on</p> <p>Date:</p> <p>I have attached copies of my formal complaint and of the responses from the school.</p> <p>I am dissatisfied with the way in which the procedure was carried out because:</p>	

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

Number of additional pages attached

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

Signature:

Date:

School use:

Received by:

Date

Acknowledgement sent by:		Date	
Complaint referred to:			
Name		Date	
Name		Date	

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Whistleblowing	Academies should have an internal procedure for employees and volunteers. Ofsted may be contacted by email (whistleblowing@ofsted.gov.uk) telephone (03001233155) or in writing (WBHL, Ofsted, Piccadilly Gate, Store Street, Manchester, M1 2WD).

Staff grievances and disciplinary procedures	Academies must have staff grievances, discipline and conduct procedures in place. Complainants are not informed of the outcomes of actions under this procedure.
Complaints about services provided by external bodies using a school's premises or facilities.	Providers should be contacted directly and have their own procedures for such eventualities.