

# **Diocese of Gloucester Academies Trust**

## **North Cerney C of E Primary Academy**

### **Complaints Policy**

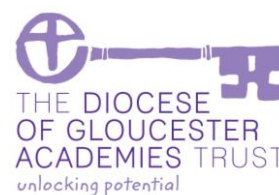
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Status and review cycle;	Non-statutory and cycle flexible
Responsible group:	The Trust with LGB additions
Implementation date:	September 2015
Next Review Date:	September 2018

# Diocese of Gloucester Academies Trust

## Complaints Policy

### Policy Statement



- 1 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 with parents 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.
- 2 The Trust expects parental concerns and complaints to be taken seriously and to be investigated and dealt with efficiently and sensitively.
- 3 **Purpose & Scope:** This policy is intended to provide guidance to Local Governing Bodies, all DGAT staff and parents about the process for dealing with problem or concerned raised by a parent about the operation of a Trust academy.

### Aims

- 4 Our Complaints Procedure aims to:
  - Encourage the resolution of problems by **informal** means wherever possible;
  - be easily **accessible** and **publicised**;
  - be **simple** to understand and use;
  - be **impartial**;
  - be **non-adversarial**;
  - allows **swift** handling within agreed **time-limits** for action and keeping people informed of progress;
  - ensures a full and **fair** investigation;
  - respect people's desire for **confidentiality**;
  - address all the points at issue and provide an **effective** response and **appropriate** redress, where necessary;
  - provide **information** to the Academy's senior management team so that services can be improved;
  - Ensure the confidentiality of the complainant is considered at all times.
- 5 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.
- 6 Whilst the policy which follows deals with how academies deal with complaints, the underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally.

## PROCESS

### Stage 1: Informal Process

- 7 It is in everyone's interest that complaints are resolved at the earliest possible stage. Where ever possible, concerns should be dealt with before they become serious enough to become a formal complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.
- 8 In the first instance parents are encouraged to speak with the member of staff concerned in the issue to seek an appropriate resolution to the complaint. In most cases the class teacher or the individual delivering the service in the case of extended academy provision, should therefore receive the first approach.
- 9 The Academy will respect the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the matter should be referred to the appropriate line manager. Where the complaint concerns the Principal, the complainant must be referred to the Chair to Governors.

### Stage 2: Formal Process – complaint heard by Principal

- 10 Formal procedures will need to be invoked when initial attempts to resolve the concerns are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.
- 11 If the complaint has not been resolved by informal means, then the complainant should put their concerns in writing to the Principal. **Anonymous complaints will not be considered.**
- 12 If the complaint is about the Principal, then the first stage in the process is to write to the Chair to Governors outlining the complaint.
- 13 The Principal may delegate the task of collating the information to another staff member but not the decision on the action to be taken.
- 14 All complaints must be made within a reasonable timescale, but as close to the event as possible.
- 15 The Principal will ensure that a written or oral acknowledgement is provided to the complainant within 5 working days of receiving a complaint. If a complaint is received during the school holidays, acknowledgement will be within 5 working 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 working days. If the target cannot be met a further letter should be written within 10 working days explaining the reason for the delay and providing a revised target date.
- 16 **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.**
- 17 Once all of the facts have been established the Principal will then produce a written response to the complainant, or may wish to meet the complainant to discuss/resolve the matter directly. If a

meeting is arranged, there must be a full record of the meeting kept. A copy of the record of the meeting should be available to all parties after the meeting.

- 18 Where a meeting takes place, this will be followed up by a letter together with a record of the meeting. The letter should include the decision reached and the reasons for it. Where appropriate this should also include what response the Academy will take to resolve the complaint.
- 19 The letter should also inform the complainant that should he/she be dissatisfied with the outcome, he/she may wish to progress to the third stage of this procedure then he/she should send a written request stating this to the Chair of Governors within 10 working days of receiving the response.
- 20 When the investigation has been concluded all parties concerned will also be informed of the outcome.
- 21 If no further communication is received from the complainant within 10 working days it is deemed that the complaint has been resolved and should end.

### **Stage 3: Formal Process - Appeal heard by Governing Body Complaints' Panel**

- 22 Complainants who are not satisfied with the Principal's decision may make representation to the Local Governing Body.
- 23 The complainant must write to the Chair of Governors as directed by the Principal giving details of the appeal within 10 working days of receiving the Principal's letter.
- 24 The Chair of Governors will inform the CEO of the Trust when an appeal is received and will follow any advice given with regard to process. The Chair of Governors will decide in consultation with the CEO who should hear the complaint appeal.
- 25 The panel will consist of at least three people not directly involved with the matters detailed in the complaint and must include one person who is independent of the management and running of the academy, and who is not a Governor. The appointed panel will ensure that the appeal is heard in private, and the complainant is welcomed and as far as possible is put at ease. The complainant may be accompanied if they wish. The Appeal Panel will appoint a clerk/note taker to keep a written record of the Appeal hearing.
- 26 No governor involved in the Appeal Panel should have previous involvement in the complaint.
- 27 The Clerk/note-taker will write to the complainant, acknowledging the complaint within 5 working days and should inform the complainant of the arrangements for hearing the complaint, which should take place within 15 working days of writing to the complainant. The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a friend/ interpreter.
- 28 The Governors' appeal hearing is the last Academy-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions.

- 29 The Board member / panel can: dismiss the complaint in whole or part; uphold the complaint in whole or part; decide on appropriate action to resolve the complaint; or recommend changes to the Academy's systems or procedures.
- 30 The Governing Body Appeal Panel will hear the complaint and their decision is final. The Clerk to Governors will write to the complainant within 10 working days to inform them of the governing body decision.
- 31 The Appeal panel can decide to: dismiss the complaint in whole or part; uphold the complaint in whole or part; decide on appropriate action to resolve the complaint; or recommend changes to the Academy's systems and procedures.

## **6. APPEAL TO THE SECRETARY OF STATE**

If the complaint is not resolved to the satisfaction of the complainant, they may make representation to the Secretary of State that the Academy is acting unreasonably or unlawfully.

## **7. DEALING WITH COMPLAINTS THROUGH OFSTED**

The Education (Investigation of Parents' Complaints) (England) Regulations 2007 brought in a new procedure for dealing with parents' complaints through Ofsted. The regulations set out what complaints can be investigated by Ofsted as qualifying or non-qualifying complaints.

Ofsted cannot investigate a parental complaint until the parent has exhausted all internal methods and appeals. However, the Chief Inspector has the discretion to waive this restriction

## **APPENDIX I**

### **Investigating Complaints**

The person investigating the complaint will make sure that they:

- establish what has happened so far, and who has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them (if unsure or further information is necessary);
- clarify what the complainant feels would put things right;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct the interview with an open mind and be prepared to persist in the questioning; and
- keep notes of the interview.

### **Resolving Complaints**

At each stage in the procedure the person attempting to resolve the complaint will keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is a valid complaint (in whole or in part) without admitting liability. In addition, it may be appropriate to offer one or more of the following:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again; and
- an undertaking to review Academy policies in light of the complaint

At all stages 1 – 3 those hearing the complaint will attempt to identify areas of agreement between the parties, and to clarify any misunderstandings that might have occurred in order to create a positive atmosphere in which to discuss any outstanding issues.

### **Responsibilities of the Local Governing Body**

The Local Governing Body will monitor the nature of complaints and review the outcomes annually or earlier if so determined by the Chair.

The Governing Body will publicise the complaints policy and procedure on the Academy website and ensure that information relating to the policy is given to all new parents when their children join the Academy.

The Local governing body will review their policy annually.

Where the Complaints' Policy is not followed, and a first approach is made to a governor or directly to the Trust, the governor/trustee should refer the complainant to the appropriate member of staff or Principal. Governors should not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

It is important to note that individual complaints must not be heard by the whole Governing Body at any stage, as this could compromise the impartiality of any hearing set up.

### **Staff Complaints**

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

### **Vexatious Complaints**

This procedure should limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair is able under this policy to inform them in writing that the procedure has been exhausted and that the matter is now closed.