Diocese of Norwich Education and Academies Trust

Dereham Church of England Junior Academy

Complaints Policy- Primary Academies

Policy Type:	**Trust Core Policy**
Approved By:	**DNEAT Board of Trustees**
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Person Responsible:	**Academies Executive Officer**

A Procedure for handling concerns and complaints at Dereham Church of England Junior Academy

1. **Roles and Accountabilities**

   The Diocese of Norwich Education and Academies Trust is accountable for all policies across its Academies. All policies, whether relating to an individual academy or the whole Trust, will be written and implemented in line with our ethos and values as articulated in our prospectus. We are committed to the provision of high quality education in the context of the Christian values of service, thankfulness and humility where individuals are valued, aspirations are high, hope is nurtured and talents released.

   A Scheme of Delegation for each academy sets out the responsibilities of the Local Governing Body and Principal / Head Teacher. The Principal / Head Teacher of each academy are responsible for the implementation of all policies of the Academy Trust.

   All employees of the Academy Trust are subject to the Trust's policies.

2. **Principles:**

- Our Academy will seek to resolve all complaints through the informal stages but depending on the nature of the complaint, there may be a need to follow the formal complaints procedure. We will respond as quickly and effectively as possible.
- We want all our pupils to be healthy, happy and safe, and to achieve to their full potential. We recognise that parents, guardians or carers play an important part in making this happen.
- Cooperation between parents, staff and governors leads to a shared sense of purpose and a good atmosphere in the Academy.
- Each level of the procedure set out below offers the opportunity for concerns and complaints to be resolved as quickly as possible.
- We insist on mutual respect from all parties at all times. Aggressive or abusive behaviour is not acceptable and will not be tolerated at our Academy.
- All complaints will be dealt with in confidence.
- Anonymous complaints will not be investigated

3. **The Complaints procedure**

Level 1 – informal

Parents, carers or guardians should, in the first instance, make an appointment to speak to the class teacher about their concern. Third party complainants should speak to an appropriate member of business support staff (e.g. office manager, bursar, business manager). It is best to resolve issues at this point.

Guidance on informal level 1:

- Concerns should initially be handled informally in a manner that offers the best way of resolving issues.
- A class teacher should offer an appointment to discuss the issue as quickly as possible, as this will give both parties time to talk about it calmly and politely without being interrupted. It will also show a commitment to resolving issues.

- It is important for parents to recognise that Academies are busy organisations and that it may not be possible to offer an appointment straight away.
- The parties involved should be encouraged to offer their view of what would be a realistic resolution to the problem.

Level 2 - informal
Parents, carers, guardians or third party complainants dissatisfied with the result of the discussions with the class teacher/business support staff, should ask for an appointment to meet with the Headteacher or senior member of staff.
Guidance on informal level 2:

- It is always best to resolve issues informally at the earliest possible time but if the person is not satisfied with the result of the talk with the class teacher/business support staff then he/she can ask for an appointment to meet with the Headteacher or senior member of staff.
- It is in everyone's interest, particularly the child or children, for concerns and complaints to be sorted out quickly and smoothly.
- The aim should be that discussions end on a positive note with no bad feeling.
- It is good practice for the Headteacher to write a letter to parents summarising what has been agreed regarding the issue.

It is hoped that most problems will have been resolved by now.

Level 3 – formal complaint letter to Headteacher
An issue that has not been resolved through the informal levels 1 and 2 can become an official complaint.
Parents, carers, guardians or third party complainants wishing to move to level 3 must write a formal letter of complaint to the Headteacher. The letter will need to set out clearly the issues which have previously been discussed and why the parent, carer, guardian or third party considers the issue to be unresolved. The letter should also outline the resolution which they are seeking. The Headteacher should consider the complaint and investigate as appropriate before writing to the complainant outlining his/her findings. The Headteacher should respond in writing 10 within working days of receipt of the letter.

Guidance on level 3- formal:

- An unresolved issue can now move to a formal complaint. This is a serious step to be taken. In consideration of future home/Academy relationships everyone concerned will need to negotiate an agreement and concentrate on finding a resolution to the issue.
- The decision that the Headteacher has made as a result of the complaint does not become the focus of a complaint about the Headteacher. If the complainant feels the complaint has still not been resolved he/she should proceed to Level 4, a Governors' Complaints Panel.

Level 4 – formal complaint requesting a Governor's Complaints Panel.

Complainants wishing to move to level 4 of the formal complaints procedure will need to write a letter to the Chair of Governors to request that a Complaints Panel meets to hear the complaint. This formal complaint letter must be received within 10 Academy days of the last meeting with the Headteacher concerning the issue. The complainant should write to the Chair of Governors at the Academy address marking the envelope 'urgent and confidential'. The letter will need to set out

the complaint that has previously been informally considered and formally discussed with the Headteacher and show why the matter is not resolved.
Time scales:

- Receipt of complainant's letter acknowledgement within 5 working days
- Complaints Panel meeting within 15 working days of receipt of complainants letter (unless this goes into Academy holidays)
- Written documentation sent to Complaints Panel Members and complainant and Headteacher 5 working days before meeting.
- Complaints Panel members decision communicated to all concerned as soon as possible but within 10 working days of meeting.

It is important that the Chair of Governors is clear that Stages 1 to 3 have been followed.

Guidance on level 4 - formal:
Before the meeting:

- The **Academy Trust/Chair of Governors** should appoint an independent clerk to the Complaints Panel, acknowledge the complainant's letter in writing within 5 working days of receipt and arrange for a panel of governors to meet within 15 working days of receipt. It must be recognised that if the letter is received within 14 working days to the end of term it may not be possible to organise the governors' panel meeting. In this case the matter should be dealt with within 10 working days of the Academy reopening.
- The Headteacher should be given a copy of the complainant's letter and written documentation should be requested from the Academy. The clerk should send both the complainant's letter and the Academy documentation to the Complaints Panel members, complainant and Headteacher (and anyone else involved in the meeting) at least 5 working days before the date of the meeting.
- The complainant and Headteacher will be invited to attend the Complaints Panel meeting to give a verbal statement in support of their documentation. Each of them can bring someone to support them if they wish, however, this person will not be allowed to contribute to the meeting.
- The formal complaints letter should be passed to the Vice-chair if the Chair will be unable to receive the letter within 5 working days.
- Members of the Complaints Panel, of which there should be three, should have no prior knowledge of the complaint and it is, therefore, unlikely that staff governors will be members of the panel. The Chair of Governors may wish to exclude certain governors from participating in the panel due to them having a possible interest in the focus of the complaint.
- One member of the Complaints Panel must be independent of the management and running of the school.
- At least one member of the panel should be a Trust Appointed governor.

At the meeting:

- The complainant and Headteacher (or his/her representative) should provide all the relevant information they wish and the Complaints Panel members should clarify any points. After the complainant and Headteacher (or his/her representative) have provided all the information they wish, the chair will ask all parties to leave except the panel members and the clerk.
- The Complaints Panel must be made up of at least three members and a clerk.

- Although this is a formal meeting, every effort should be made to make it as informal as possible for all concerned.
- Everyone attending should be in the room at the same time.
- Consideration may need to be given to the seating arrangements to make everyone feel equal and comfortable.
- The clerk should take notes of the meeting, listing who is present: Members of the Complaints Panel, stating who is the chair of the Panel, the Headteacher (or his/her representative) and any other members of Academy staff, the Parents/third party members and anyone accompanying them e.g. friend, the Clerk.
- The chair of the Complaints Panel should open the meeting stating the purpose and the format of the meeting to clarify this to all in attendance.
- People present should introduce themselves stating their reason for being at the meeting.
- The chair of the Complaints Panel should request a verbal statement from the complainant in support of his or her written letter of complaint and why s/he feels the issue has not been resolved. The Complaints Panel members can ask questions to make sure they understand the issue from the parent's point of view.
- The chair of the Complaints Panel should request a verbal statement from the Headteacher (or her representative) in support of his/her written account of the complaint and the steps taken to resolve the issue. The Complaints Panel members can ask questions to make sure they understand the issue from the Headteacher's point of view.
- The members of the Complaints Panel should make sure they fully understand the issues and ask any further questions to clarify any points that are still not clear to them.
- The chair of the Complaints Panel must ask the complainant and the Headteacher (or his/her representative) if they are satisfied that they have provided all the information they wanted or if there is something they wish to add and if they feel they have had a fair hearing.
- When the Complaints Panel members understand all the issues, the chair will ask all parties to leave except the panel members and the clerk.

After the meeting:

- The Complaints Panel members then discuss the issues in private and the clerk remains to record the decision.
- The Panel members will need to consider the information then come to a decision and suggest a way to resolve the issue, taking into account the best interests of the child or children.
- When the Panel have reached a decision the Clerk will inform everyone concerned in writing as soon as possible, but in any event, within 10 working days of the panel meeting.

The decision of the Complaints Panel is final.

- Once a Complaints Panel has heard a complaint, and it is clear that correct procedures have been followed, that specific complaint cannot be reopened. If a request is received in this respect, the chair of governors should inform the complainant that the matter is closed.
- The decision of the Complaints Panel will not be investigated. If, however, the complainant feels that the Academy and Complaints Panel have not followed the Academy's complaints procedure correctly, he/she can contact the Education Funding Agency (EFA) https://form.education.gov.uk/fillform.php?self=1&form_id=cCCNJ1xSfBE&type=form&Sh

owMsg=1&form_name=Contact+the+Department+for+Education&noRegister=false&ret=%2Fmodule%2Fservices&noLoginPrompt=1 .

- EFA will only investigates complaints about academies that fall into the following areas:
  - undue delay or non-compliance with the academy's own complaints procedure,
  - an academy's failure to comply with a duty imposed on it under its funding agreement with the Secretary of State.
  - An academy's failure to comply with any other legal obligation, unless there is another organisation better placed to consider the matter.
- Any complaints concerning the conduct of Academy staff will be handled in accordance with the Academies internal disciplinary procedures. The details of such an investigation will remain confidential.
- Some complaints regarding safeguarding, admissions, the curriculum or special educational needs are covered by statutory regulations. The Headteacher or Deputy Headteacher can give information about these issues or advice can be sought.

4. Concerns or complaints specifically about the Headteacher.

If, the concern or complaint is specifically about the Headteacher and is unable to be resolved at the informal stage, then it will be necessary for the complainant to formally complain to the Chair of Governors. The Academy will provide the Chair of Governor's name and the complainant should write to him or her at the Academy address marking the envelope 'urgent, private and confidential'. The Chair of Governors should acknowledge the complainant's letter in writing within 5 working days of receipt and contact a DNEAT representative for advice.

5. Extracurricular activities

The governing body should ensure that any third party provider offering activities and services through the extended Academies programme has their own complaints procedure in place. Governors would need to have a discussion around, and make a decision about, what happens when the third party provider's complaints process is exhausted and the matter is not resolved and whether it should then be referred to a Complaints Panel. This would ensure that the Governors are kept aware of complaints about provision.

6. Vexatious Complainants

It is important to distinguish between people who make a number of complaints because they really think things have gone wrong, and people who are being difficult. Complainants can be frustrated and aggrieved and it is therefore important to consider the merits of the case rather than their attitude.

Even though someone has made vexatious complaints in the past, it cannot be assumed that the next complaint is also vexatious. Each complaint must be considered as to whether it is vexatious or genuine. There is no way of avoiding evaluating each complaint.

7. For more information

http://media.education.gov.uk/assets/files/pdf/e/procedure%20for%20complaints%20about%20acads%20-%20version%20nov%202013.pdf

Chapter 3, paragraph 14 of a Guide to the Law for Academy Governors states:

'under the Education Act 1996, paragraphs 496 and 497, anyone can complain to the Secretary of State for Education and Skills if he or she believes that a governing body is acting "unreasonably" or is failing to carry out its statutory duties properly. However, intervention can only occur if the

governing body or the Academy Sponsor has failed to carry out a legal duty or has acted "unreasonably" in the performance of a duty. Intervention would have to be expedient in the sense that there would have to be something that the Secretary of State for Education and Skills could instruct either party to do to put matters right.'

8. Review

This policy will be reviewed every three years, or sooner as necessary.

Appendix 1: Poster to be displayed prominently around the Academy

Dereham Church of England Junior Academy Complaints Procedure.

For your concerns to be heard and dealt with effectively please follow these steps:-

Stage 1 – Informal Stage

Before making an official complaint, make an appointment to sit down with your child's teacher and discuss your concerns. They may be able to take direct action to sort out the problem. Complaints from members of the community are to be addressed to a member of the business support staff.

If you are not satisfied that enough has been done, and you have tried to discuss your concerns then you need to tell the teacher that you intend to take the complaint to the next level and involve the Headteacher or a senior member of staff.

We hope you can reach an agreement that satisfies you and the school; please give them time to take action.

Stage 2: - Informal stage

Having given the class teacher time to act on your concerns, if you feel it has not been sorted out to your satisfaction, you will need to arrange an appointment to speak to the headteacher or senior member of staff. You will need to discuss the matter with him / her explaining your complaint and what you would like to happen to put the matter right.

Stage 3: - Formal stage

If you are not satisfied with the response you will need to write a formal letter of complaint to the Headteacher. Having investigated your concern, the Headteacher will then inform you, in writing of any action being taken, within 10 working days.

Stage 4: - Formal stage

If you are not satisfied with the response from the Headteacher then you can write to the Chair of Governors requesting that a Governor's Complaints Panel is set up. The Governing Body will nominate 3 governors to hear your complaint. The meeting will take place within 15 working days of receipt of your complaint. You will be notified of the panel's decision within 10 working days.

We always seek to solve problems informally and as quickly as possible.
We are committed to all members of the Academy community being treated with respect and courtesy.
A full copy of the complaints policy is obtainable from the Academy office / on the Academy website