



Djanogly Learning Trust

# Complaints Procedure

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# DJANOGLY LEARNING TRUST

## Complaints Procedure

### 1.0 Overview

- 1.1 Governing Bodies of Academies, Free Schools and Independent schools are required, under The Education (Independent Schools Standards) Regulations 2014 to have in place a procedure to deal with complaints relating to the institution and to any community facilities or services that the institution provides. The law also requires the procedure to be publicised.
- 1.2 Sometimes, when concerns are more specific, there are alternative and more appropriate policies for dealing with them. The following list details specific topics of complaints, and the correct policy to refer to. You can access these policies on the academy websites or ask for a copy from the academy receptions.
  - i. Pupil admissions; please see the relevant academy's Admissions policy
  - ii. Pupil exclusions; please see the Trust's Exclusion policy
  - iii. Staff grievance, disciplinary, capability; please see the Trust's Disciplinary, Capability, Grievance and Appeals policy
  - iv. Where the complaint concerns a third party used by the Trust or one of its academies; please complain directly to the third party themselves
  - v. Anonymous complaints; please refer to the Trust's Confidential Reporting (Whistleblowing) policy
  - vi. Subject Access Requests and Freedom of Information Requests; please refer to the Trust's Data Protection policy and Freedom of Information Publication Scheme
- 1.3 The term "complainant" has been used for all those bringing a complaint against the Trust/Academy and includes all complainants, not specifically parents or carers.

### **Part 1: General Principles of complaints**

### 2.0 Dealing with Complaints – Initial Concerns

- 2.1 The Trust needs to be clear about the difference between a concern and a complaint. Taking informal concerns seriously, at the earliest stage will reduce the numbers that develop into formal complaints.
- 2.2 This procedure deals with complaints but the underlying principle is that concerns ought to be handled, if at all possible, without the need for formal processes. The requirement to have a complaints

procedure need not in any way undermine efforts to resolve the concern informally. In most cases the individual delivering the service will receive the first approach. It would be helpful if staff were able to resolve issues on the spot, including apologising where necessary.

### 3.0 Dealing with Complaints – Formal Procedures

- 3.1 The formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.
- 3.2 The Trust and each Academy will have a nominated member of staff with responsibility for the operation and management of the Trust's complaints procedure, and to be referred to as the Trust/Academy "Complaints Co-ordinator".

### 4.0 Framework of Principles

The Trust's Complaints Procedure is designed to:

- a. Encourage resolution of problems by **informal** means if possible
- b. Be easily **accessible** and **publicised**
- c. Be **simple** to understand and use
- d. Be **impartial**
- e. Be **non-adversarial**
- f. Allow **swift** handling with established **time-limits** for action and keeping people informed of the progress
- g. Ensure a full and **fair** investigation by an independent person
- h. Respect people's desire for **confidentiality**
- i. Address all the points at issue and provide an **effective** response and **appropriate** redress, where necessary
- j. Provide **information** to the senior leadership teams so that services can be improved.

### 5.0 Investigating Complaints

It is suggested that at each stage, the person investigating the complaint (the Complaints Co-ordinator in most instances), makes sure that they:

- a. Establish **what** has happened so far, and **who** has been involved
- b. Clarify the **nature of the complaint** and what remains **unresolved**
- c. **Meet with the complainant** or contact them (if unsure or further information is necessary)
- d. Clarify what the complainant feels would **put things right**
- e. **Interview** those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- f. Conduct the interview with an **open mind** and be prepared to persist in the questioning

- g. **Keep notes** of the interview.

## **6.0 Resolving Complaints**

- 6.1 At each stage in the procedure the Trust/Academy will want to keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:
  - a. An apology
  - b. An explanation
  - c. An admission that the situation could have been handled differently or better
  - d. An assurance that the event complained of will not recur
  - e. An explanation of the steps that have been taken to ensure that it will not happen again
  - f. An undertaking to review policies in light of the complaint.
- 6.2 It would be useful if complainants were encouraged to state what actions they feel might resolve the problem at any stage. An admission that the the situation could have been handled better is not the same as an admission of negligence.
- 6.3 An effective procedure will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

## **7.0 Vexatious Complaints**

If properly followed, a good complaints procedure will 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 of the Board of Trustees/Local Governing Body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

## **8.0 Unacceptable Behaviour From Complainants**

- 8.1 It is expected that the complainants will behave in an appropriate manner such that the process, either informal or formal, can proceed in a mutually acceptable way towards a resolution. The acceptable behaviour principles will be no different from those expected of pupils and teachers within the Academy as outlined in the respective Behaviour policies. If the complainants consistently display unacceptable behaviour then the Trust/Academy has the right to refuse any further contact with the complainant.

## **9.0 Time-Limits**

Complaints need to be considered, and resolved, as quickly and efficiently as possible. An effective complaints procedure will have clear and realistic time limits for each action within each stage. 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. At all times the Trust/Academy will endeavour to provide reasonable notice to complainants of meetings or more formal hearings.

## **Part 2: The Formal Complaints Procedure**

### **10.0 The Stages of Complaints**

10.1 A flow chart of the four stages of complaint is in Appendix A. There may, on occasion, be the need for some flexibility; for example, the possibility of further meetings between the complainant and the member of staff directly involved and further investigations may be required by the Headteacher/Head of School/Executive Headteacher/Director of Operations after a meeting with the complainant.

10.2 The four stages are:

1. Complaint heard by staff member or Complaints Co-ordinator
2. Complaint heard by the Director of Operations/Academy Headteacher/ Head of School or designate
3. Complaint heard by the designated Governor for complaints
4. Complaint heard by Board of Trustees/Local Governing Body's Complaints Panel.

Timing:

- The complainant shall receive a response to their initial complaint within 14 working days
- If further investigation is required that date will be extended and the complainant informed of the delay and the new response deadline
- Full details of complaints panel will be provided to the complainant allowing reasonable notice.

10.3 The Board of Trustees/Local Governing Body reserves the right to allow, or not, another external agency to carry out an independent appeal or review.

10.4 Complaints against the Director of Operations/ Executive Headteacher/Headteacher/Head of School will be investigated by the Chair the Board of Trustees/ Local Governing Body. A complaint against a Trustee/governor will be heard by a

Trustee/governor who has not been involved in the issue previously.

10.5 The complaints procedure in summary form is in Appendix B.

### **Part 3 – Managing and Recording Complaints**

#### **11.0 Recording Complaints**

11.1 A complaint may be made in person, by telephone, or in writing. A proforma complaint form can be found in Appendix C. At the end of a meeting or telephone call, it would be helpful if the member of staff ensured that the complainant and the Trust/Academy have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls should be kept and a copy of any written response forwarded to the Complaints Co-ordinator.

11.2 The Complaints Co-ordinator is responsible for holding such records securely and confidentially and reporting back, as required, to Senior Management.

#### **12.0 Board of Trustees/ Local Governing Body Review**

12.1 The Board of Trustees/Local Governing Body can monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Complaints information shared with the whole Board of Trustees/Local Governing Body will not name individuals.

12.2 As well as addressing an individual's complaints, the process of listening to, and resolving, complaints will contribute to the Trust's/Academy's improvement. When individual complaints are heard, the Trust/Academy may identify underlying issues that need to be addressed. The monitoring and review of complaints by the Trust/Academy and the Board of Trustees/Local Governing Body is a useful tool in evaluating the Trust's/Academy's performance.

#### **13.0 Complaints Panel**

13.1 If a complaint reaches stage four it will be heard by the Board of Trustees/Local Governing Body complaints panel. The panel, which may consist of three or five people, will be drawn largely from the Board of Trustees/Local Governing Body, but must include one member who is independent of the leadership and

management of the academy. The panel choose their own chair. The panel can:

- 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 Trust's/Academy's systems or procedures to ensure that problems of a similar nature do not recur.
- 13.2 It is important that the appeal hearing is independent and impartial and that it is seen to be so. No Trustee/governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, Trustees/governors need to try and ensure that it is a cross-section of the categories of Trustee/governor and sensitive to the issues of race, gender and religious affiliation. The panel must also include an independent member.
- 13.3 The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the Trust/Academy and the complainant. However, it has to be recognised the complainant might 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.
- 13.4 An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial. Parents may be accompanied to the panel hearing if they so wish.
- 13.5 Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent/carer is the complainant, it would be helpful to give the parent/carer the opportunity to say which parts of the hearing, if any, the child needs to attend.
- 13.6 The panel members need to be aware of the complaints procedure.
- 13.7 The Complaints Panel will be serviced by a clerk who will be the

contact point for the complainant and be required to:

- a. Set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible
- b. Collate any written material and send it to the parties in advance of the hearing
- c. Meet and welcome the parties as they arrive at the hearing
- d. Record the proceedings
- e. Notify all parties of the Panel's decision.

13.8 The Chair of the Panel has a key role, to ensure that:

- a. The correct procedure has been followed
- b. The clerk is notified to arrange a panel if a hearing is appropriate
- c. The remit of the Panel is explained to the parties and each party has the opportunity of putting their case without undue interruption
- d. The issues are addressed
- e. Key findings of fact are made
- f. Parents and others who may not be used to speaking at such a hearing are put at ease
- g. The hearing is conducted in an informal manner with each party treating the other with respect and courtesy
- h. The Panel is open minded and acting independently
- i. No member of the Panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- j. Each side is given the opportunity to state their case and ask questions
- k. Written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

13.9 The chair of the Panel needs to ensure that the complainant is notified of the Panel's decision, in writing, with the Panel's response; this is usually within a set deadline which is publicised in the procedure. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

## **14.0 Publicising the Procedure**

There is a legal requirement for the Complaints Procedure to be publicised. It is up to the Trust to decide how to fulfil this requirement but details of the Complaints Procedures could be included in:

- a. The Trust/Academy websites

- b. The information given to new parents when their children join an Academy
- c. The information given to the children themselves
- d. The home-school agreement
- e. Newsletters
- f. Documents supplied to community users including course information or letting agreements
- g. Posters displayed in areas of an Academy that will be used by the public, such as reception.

### **15.0 Dissatisfaction about handling of the complaint**

Complainants who are not satisfied about the handling of their complaint should contact the Education Funding & Skills Agency (EFSA) on the following link:

[https://form.education.gov.uk/fillform.php?self=1&form\\_id=cCCNJ1xSfBE&type=form&ShowMsg=1&form\\_name=Contact+the+Department+for+Education&noRegister=false&ret=%2Fmodule%2Fservices&noLoginPrompt=1](https://form.education.gov.uk/fillform.php?self=1&form_id=cCCNJ1xSfBE&type=form&ShowMsg=1&form_name=Contact+the+Department+for+Education&noRegister=false&ret=%2Fmodule%2Fservices&noLoginPrompt=1)

## **Djanogly Learning Trust Complaints Procedure**

**We want to give parents/carers, pupils and the local community the best possible service, but we know that we can't get it right all of the time. This sheet explains what to do if things go wrong and you wish to complain.**

### **Contact the member of staff that has given you cause for concern or get in touch with the Complaints Co-ordinator at the Trust/Academy**

It is in everyone's interest that complaints are resolved as quickly as possible. If you think that someone at the Trust/Academy has made a mistake or let standards slip, please contact the person responsible and they will try to sort out the problem straight away. If you do not know the person to contact, or would prefer to contact someone else to discuss your concern, ask for the Complaints Co-ordinator. You can:

- ✓ **Visit** the Trust/Academy and ask to speak to the person concerned or to the Complaints Co-ordinator
- ✓ **Phone** [ ] and ask to speak to the person concerned or to the Complaints Co-ordinator
- ✓ **E-mail** [ ] your e-mail will either be dealt with by the Complaints Co-ordinator or forwarded to the person concerned
- ✓ **Write** to the person concerned, or to the Complaints Co-ordinator, at:

If you have a concern about the Complaints Co-ordinator and would prefer not to speak to that person, ask to speak to another staff member (e.g. another member of the Trust/Academy Senior Management Team). If your complaint concerns the director of Operations/Executive Headteacher/Headteacher/Head of School, the Complaints Co-ordinator can refer you to the Chair of the Board of Trustees/Chair of the Local Governing Body.

### **If you are not satisfied, you can make an official complaint**

If you have made a complaint but are unhappy with the way it has been dealt with or you are not happy with the outcome, you can make an **official complaint to the Director of Operations/Executive Headteacher/Headteacher/Head of School** using any of the methods described above. Your complaint will be investigated and you will be contacted within **14 working days** with a response. If your complaint is complicated our investigations may take longer than 14 working days, but we will write to you and let you know when we will be able to give you a full response.

### **If you are still not satisfied you can contact the designated Trustee/Governor for complaints.**

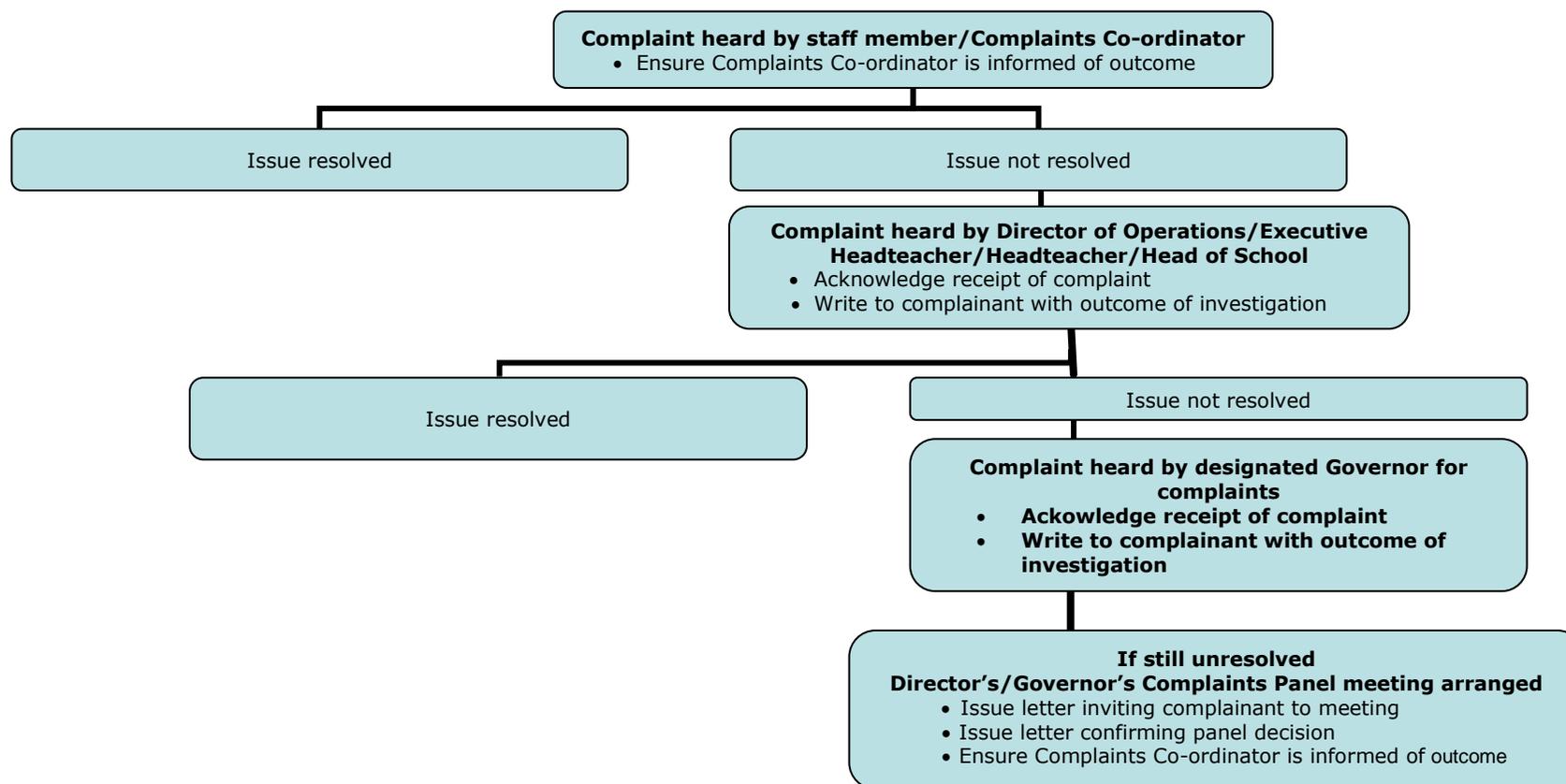
The designated Governor for complaints will investigate your complaint and you will be contacted within **14 working days** with a response. If your complaint is complicated the investigation may take longer than 14 working days, but the designated Governor will write to you and let you know when they will be able to give you a full response.

### **If you remain unsatisfied, you can contact the Board of Trustees/Local Governing Body**

When we have fully investigated your complaint, and if you are still not satisfied, you can contact the Chair of the Board of Trustees/Local Governing Body who will convene an **independent Board of Trustees/Local Governing Body Complaints Panel** to look into your complaint, and notify you of the result and whether there is any further right of appeal.

## Flowchart

### Summary of Dealing with Complaints



Djanogly Learning Trust  
**Complaint Form**

Please complete and return to **Complaints Co-ordinator a** who will acknowledge receipt and explain what action will be taken.

<b>Your name:</b> _____
<b>Pupil's name:</b> _____ (if applicable)
<b>Your relationship to the student:</b> _____
<b>Address:</b> _____ _____ <b>Postcode:</b> _____
<b>Day time telephone number:</b> _____
<b>Evening telephone number:</b> _____
<b>Details of your complaint.</b> (Continue on a separate sheet if more space is required) <div style="border: 1px solid black; height: 80px; width: 100%;"></div>
<b>What action, if any, have you already taken to try and resolve your complaint?</b> (Who did you speak to and what was the response?) <div style="border: 1px solid black; height: 80px; width: 100%;"></div>
<b>What actions do you feel might resolve the problem at this stage?</b> <div style="border: 1px solid black; height: 80px; width: 100%;"></div>
<b>Are you attaching any paperwork? If so, please give details.</b> <div style="border: 1px solid black; height: 50px; width: 100%;"></div>
<b>Signature:</b> _____ <b>Date:</b> _____