



THE DELAMERE
C of E ACADEMY

COMPLAINTS POLICY

At Delamere C of E Primary Academy, we are proud to deliver a rich and creative learning experience that enables all the children to fulfil their potential. Our vision puts children first. As a Christian School, we aim for all children to be successful, independent learners and effective decision makers. We value the individual and are committed to an inclusive education promoting respect for all, working in partnership with governors, parents and the local community.

Safeguarding and Online Safety

All staff have had appropriate child protection and safeguarding training with the Head of School and Assistant Head being the designated leads responsible for monitoring safeguarding issues in school. We actively encourage our children to use modern technology to the fullest of its potential. In this school we believe that the best protection from the dangers that can exist around online safety is to develop pupil's awareness through our teaching and their learning. All staff have had PREVENT training and are aware of the dangers that can exist to children's well-being in its many forms.

The emotional health and wellbeing of all members Delamere C of E Academy (including staff, pupils, parents and carers) is fundamental to our philosophy and ethos 'valuing everyone, caring for each other, achieving excellence'.

Procedures For Dealing With Complaints

At DELAMERE ACADEMY we undertake to provide a friendly and safe environment in which students will be helped to achieve their potential, both academically and socially. As a Church school our policy aims to promote mutually shared respect, operating in a culture that teaches Christian values of peace, care and love. We recognise, however, that sometimes things can go wrong and parents, carers and members of the public may need to make a complaint or raise concerns they have with the academy. This policy tells you what to do if this happens.

Introduction

The majority of issues raised by parents, the community or students, are concerns rather than complaints. We are committed to taking concerns seriously, at the earliest stage, in the hope of keeping the number of formal complaints to a minimum and without needing formal procedures. However, depending on the nature of the complaint, you may wish or be asked to follow the academy's formal complaints procedure. For the academy to be able to investigate a complaint, it needs to be made within one year of the incident occurring. If a complaint is older than a year it will not be investigated.

The prime aim of DELAMERE ACADEMY's policy is to resolve the complaint as fairly and speedily as possible. Formal complaints will be dealt with in a sensitive, impartial and confidential manner. Any complaints concerning the conduct of academy staff will be handled in accordance with the academy's internal disciplinary procedures and such an investigation will remain confidential.

The following details outline the stages that can be used to resolve complaints.

The Academy Policy has four main stages.

Stage 1 – A concern is raised informally with a staff member.

Stage 2 – The formal complaint is heard by an appropriate member of staff. The formal procedures are only 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.

Stage 3 – The complaint is heard by Principal.

Stage 4 – The complaint is heard by Governing Body's Complaints Panel. A panel convened by the Governing Body as and when required

Stage 1 – Raising a concern

Concerns can be raised with the academy at any time and will often generate an immediate response, which will resolve the concern. However, it is important for parents / carers to recognise that the academy is a busy organisation and that whilst we will do our best, it may not be possible to offer an appointment immediately.

On some occasions the concern raised may require investigation, or discussion with others, in which case you will receive an informal but informed response within a day or two. The vast majority of concerns will be satisfactorily dealt with in this way. However, if you are not satisfied with the result at Stage 1, please write to or call the academy within ten working days and state what you would like the academy to do. The academy will then look at your complaint at the next stage.

Stage 2 – Complaint heard by an appropriate staff member.

Formal complaints should be put in writing and addressed to the Principal or an appropriate member of staff. You may request a complaints form for this purpose. The complaint will be logged, including the date it was received. The academy will normally acknowledge receipt of the complaint within three working days of receiving it. In many cases this response will also report on the action the academy has taken to resolve the issue, however, if the issue requires complex investigation (e.g. interviewing a number of people) it may take up to five working days. Alternatively, a meeting may be convened to discuss the matter further.

This meeting will normally take place within ten working days. The aim will be to resolve the matter as quickly as possible. However, if you are not satisfied with the result at Stage 2 please write to or call the academy within ten working days of receiving our response. You will need to tell the academy why you are still not satisfied and what you would like the academy to do. You can request a complaint form for this.

Stage 3 – Complaint heard by Principal

If the matter has not been resolved at Stage 2, the Principal will arrange for a further investigation. Following the investigation, the Principal will normally give a written response within ten academy working days. If you are dissatisfied with the result at Stage 3, you will need to let the academy know within ten working days of receiving the response.

Stage 4 – Complaint heard by the Governing Body’s Complaints Panel

If the matter has still not been resolved at Stage 3, then you will need to write to the Chair of Governors giving details of the complaint. The Chair or a nominated Governor will convene a panel to hear the complaint, normally consisting of Chair, Vice Chair and ANO Governor. The hearing will normally take place within ten working days of the receipt of the written request for Stage 4 investigation. The aim of the Complaints Panel hearing is to impartially resolve the complaint and to achieve reconciliation between the Academy and the complainant. All parties will be notified of the Panel’s decision in writing within three working days after the date of the hearing.

NOTE

Allegations of abuse against a member of the academy staff must be reported to the Principal immediately. Allegations of abuse against the Principal must be reported to the Chair of Governors immediately.

In cases where the matter concerns the conduct of the Principal, the Principal and Chair of Governors will be informed of the complaint. The Chair of Governors will arrange for the matter to be investigated. In cases where the matter concerns the conduct of a member of the Governing Body the member will be informed of the complaint.

Review

The Governing Body will review this policy at least every two years and assess its implementation and effectiveness. The policy will be promoted and implemented throughout the Academy.

**Approved by Delamere Academy Governing Body on 5th September 2013,
following review:**

Reviewed April 2014, September 2015, September 2016 October 17, September 2018

Date of Next Review: September 2019

Appendix 1

Guidance for Staff Investigating Complaints

At each stage, the person investigating the complaint makes sure that they:

- establish **what** has happened so far, and **who** has been involved;
- make a note of the complaint
- 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;
- Keep notes of the interview.

You should normally 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. This can allow parties to remain calm. It will also show a commitment to resolving issues. Complaints need to be considered, and resolved, as quickly and efficiently as possible (see procedure). 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 each stage in the procedure you 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:

- 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;
- an undertaking to review academy policies in light of the complaint.
- In circumstances where a complaint is found to be unfounded or a result of a misunderstanding, clarity on this decision will be provided.

It is useful if complainants are encouraged to state what actions they feel might resolve the problem at any stage. 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.

Appendix 2

Complaints Panel Hearing

The aim of the hearing, which needs to be held in private, will be to resolve the complaint and achieve reconciliation between the 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. The letter will also contain what you need to do if you wish to take the matter further.

It is important that the complaint hearing is independent and impartial and that it is seen to be so. No governor including the Principal may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the makeup of the panel, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.

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.

The Role of the Clerk

The clerk is the contact point for the complainant and be required to:

- 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;

- collate any written material and send it to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision.

The Role of the Chair of the Governing Body or the Nominated Governor

The nominated governor role:

- check that the correct procedure has been followed;
- if a hearing is appropriate, notify the clerk to arrange the panel;

The Role of the Chair of the Panel

The Chair of the Panel has a key role, ensuring that:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the panel is open minded and acting independently;
- 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;
- each side is given the opportunity to state their case and ask questions;

- 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.

Before 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 days.
- Members of the Complaints Panel should have no prior knowledge of the complaint and it is, therefore, unlikely that staff governors will be members of the panel.
- The letter inviting the parent / carer to attend should indicate that they may be accompanied by a friend

At the meeting:

- The Complaints Panel must be made up of at least three members and a clerk.
- One member of the panel must be completely independent from the Academy.
- Although this is a formal meeting, every effort should be made to make it as informal as possible for all concerned and parent / carer put at ease.
- Everyone attending should be in the room at the same time.
- The clerk should take notes of the meeting, listing who is present and make everyone aware of the confidential nature of the process.
- The chair of the Governors' 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 Governors' 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

Governors' Complaints Panel members can ask questions to make sure they understand the issue from the parent's point of view.

- The chair of the Governors' Complaints Panel should request a verbal statement from the Principal (or their representative) in support of his/her written account of the complaint and the steps taken to resolve the issue. The Governors' Complaints Panel members can ask questions to make sure they understand the issue from the Principal's point of view.
- Members of the Governors' 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 Governors' Complaints Panel must ask the complainant and the Principal (or 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 Governors' 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 Panel members will need to consider the information come to a decision and suggest a way to resolve the issue.
- The Governors' Complaints Panel members discuss the issues in private and the clerk remains to record the decision. The panel can:
 - o dismiss the complaint in whole or in part;
 - o uphold the complaint in whole or in part;
 - o decide on the appropriate action to be taken to resolve the complaint; o recommend changes to the academy's systems or procedures to
 - ensure that problems of a similar nature do not recur.
- When the Panel have reached a decision the Clerk will inform everyone concerned in writing as soon as possible, but in any event, within ten working days of the panel meeting.

- A record should be kept of the outcome of the hearing.
- Written records of complaints will be kept and reported on an annual basis to Governors.

Unresolved and Vexatious Complaints

The complaints 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 unresolved issue, the chair of the Governing Body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

Should a complaint or complainant become vexatious the following procedure applies:

The School defines vexatious complaints as follows:

- Complaints which are obsessive, persistent, harassing, prolific, repetitious; Insistence upon pursuing complaints and/or unrealistic outcomes beyond all reason; Insistence upon pursuing complaints in an unreasonable manner; Complaints which are designed to cause disruption or annoyance; Demands for redress which lack any serious purpose or value.
- The school may judge your complaint to be pursued in an 'unreasonable manner' where your frequency of contact with the school hinders the consideration of the complaint and/or impedes the ability of the Principal and school to meet the needs of all pupils equitably.
- Where the Principal, and/or Chair of Governors, or other nominated governor judges a complaint to be frivolous or vexatious, having considered all the relevant circumstances, s/he will take such actions as they consider appropriate which may include rejecting the complaint and/or restricting contact between you and the school.
- Any such decision will be communicated to you in writing with the reasons for it.

- Where you seek to reopen a matter the same as, or similar to, a matter previously considered under the procedure the Chair of Governors has the right to inform you that the procedure has been exhausted and the matter is closed.

Summary of Procedure and Agenda

- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The Principal may question both the complainant and the witnesses after each has spoken.
- The Principal is then invited to explain the academy's actions and be followed by the academy's witnesses.
- The complainant may question both the Principal and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The Principal is then invited to sum up the academy's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The chair explains that both parties will hear from the panel within a set time scale.

Guidance Notes for Clerk to Complaints Panel Hearing

Invitations:

- Parent / Carer (who may be accompanied by friend or relative but not a legal representative)
- Chair of Governors Complaints Panel (TBC)
- Co-Vice Chair in absence
- An additional Governor
- Principal (or Vice Principal in case of absence) but not as a panel member

NB. Letters should indicate date and time of learning, indicate that the proceedings will be entirely confidential, and that the decision of the panel will be final.

Procedure of Hearing – General

NB. Chair to put attendees at their ease.

- Chair to introduce members and ask for all parties to be introduced
- Note that the procedure will be minuted
- Note that the outcome will be final
- Indicate that a record will be kept of complaint and its outcome, and forwarded to governors
 - Follow agenda as per policy

Delamere Academy Complaint Form

Please complete and return to who will acknowledge receipt and explain what action will be taken.

Your name:

Student's name:

Your relationship to the student:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Please give details of your complaint.

What action, if any, have you already taken to try and resolve your complaint. (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 any paperwork? If so, please give details.

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date: