LACEYFIELDS ACADEMY COMPLAINTS PROCEDURE

This policy relates to Laceyfields Academy which is part of the Djanogly Learning Trust (the Trust). If your complaint relates to the Chief Executive Officer, the Senior Executive Team, Central Support Services Staff or the Board of Trustees please see the Trust's Complaints Procedure which is published on its website www.djanogly.org.

For the purposes of this policy the term Academy Leader relates to Principal/Headteacher/Head of School.

Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at the Academy. Any person, including members of the public, may make a complaint to the Academy about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

If staff, including staff who have left the Trust, have a concern or complaint this should be raised under the Trust's Disciplinary, Capability, Grievance & Appeals Policy.

The difference between a concern and a complaint

A concern may be defined as '*an expression of worry or doubt over an issue considered to be important for which reassurances are sought*'.

A complaint may be defined as '*an expression of dissatisfaction however made, about actions taken or a lack of action*'.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. The Academy takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Academy Leader will refer you to another staff member to discuss your concern with. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Academy Leader will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, the Academy will attempt to resolve the issue internally, through the stages outlined within this complaints procedure. Details of roles and responsibilities in respect of the formal complaint procedure can be found at Appendix 1.

How to raise a concern or make a complaint

A concern or complaint can be made in person, in writing by letter or email or by telephone. They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.

Concerns should be raised with either the class teacher or Academy Leader. If the issue remains unresolved, the next step is to make a formal complaint.

Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 2 of the procedure.

Complaints against school staff (except the Academy Leader) should be made in the first instance, to the Academy Leader. Please see Appendix 2 for contact details.

Complaints that involve or are about the Academy Leader should be addressed to the Director of Education via the Clerk to the Governing Body. Please see Appendix 2 for contact details.

Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to the Clerk to the Governing Body. Please see Appendix 2 for contact details.

For ease of use, a template complaint form is included at Appendix 3. If you require help in completing the form, please contact the school or the Clerk to the Governing Body. You can also ask third party organisations like the Citizens Advice to help you.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

Anonymous complaints

We will not normally investigate anonymous complaints. However, the Academy Leader or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

Time scales

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

Complaints received outside of term time

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by the Academy, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
• Admissions to schools • Statutory assessments of Special Educational Needs • School re-organisation proposals	Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Derbyshire County Council.

• Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding Professional.allegations@derbyshire.gov.uk
• Exclusion of children from school	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions. Complaints about the application of the Behaviour policy can be made through the school's complaints procedure. The Academy's Behaviour Policy is published on our website.
• Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus. Volunteer staff who have concerns about our school should complain through the school's complaints procedure.
• Staff grievances	Concerns or complaints from staff will be dealt with under the Trust's Disciplinary, Capability, Grievance & Appeals Policy
• Staff conduct	Concerns or Complaints about staff will be dealt with under the Trust's Disciplinary, Capability, Grievance & Appeals Policy, if appropriate.
• Complaints about services provided by other providers who may use school premises or facilities	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
• National Curriculum - content	Please contact the Department for Education at: www.education.gov.uk/contactus

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against the Academy in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

Resolving complaints

At each stage in the procedure, the Academy wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology.

Withdrawal of a Complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

Serial and unreasonable complaints

The Academy is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with our school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

The Academy defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if 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 co-operate with the complaints investigation process
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- 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 school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education (DfE)
- seeks an unrealistic outcome
- makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the school that relates to their complaint, while the 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 Academy Leader or Chair of Governors will discuss any concerns with the complainant informally before applying an '*unreasonable*' marking.

If the behaviour continues, the Academy Leader will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact the Academy causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from the Academy.

Stage 1

Formal complaints must be made to the Academy Leader (unless they are about the Academy Leader). This may be done in person, in writing or email (preferably using the Complaint Form at Appendix 3), or by telephone. Please see Appendix 2 for contact details.

The Academy Leader will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 2 school days.

Within this response, the Academy Leader will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Academy Leader can consider whether a face to face meeting is the most appropriate way of doing this.

The Academy Leader may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.

During the investigation, the Academy Leader (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation.

If during the investigation it becomes clear that it involves staff and potentially a disciplinary or capability situation, then the investigation involving staff must follow the procedure in the Disciplinary, Capability, Grievance and Appeals Policy. This would be dealt with as a separate

investigation to the complaint but may affect the outcome.

At the conclusion of their investigation, the Academy Leader will provide a formal written response within 10 school days of the date of receipt of the complaint.

If the Academy Leader is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the Academy will take to resolve the complaint.

The Academy Leader will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

If the complaint is about the Academy Leader, or a member of the governing body (including the Chair or Vice-Chair), the Director of Education will be appointed to complete all the actions at Stage 1.

Complaints about the Academy Leader or member of the governing body must be made to the Clerk to the Governing Body. Please see Appendix 2 for contact details.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 1 will be considered by a trustee appointed by the board of trustees. At the conclusion of their investigation, the independent investigator will provide a formal written response.

Stage 2

If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2 – a meeting with members of the governing body's complaints committee. This is the final stage of the complaints procedure.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 2 will be a meeting with members of the board of trustees' complaints committee. This is the final stage of the complaints procedure.

A request to escalate to Stage 2 must be made to the Clerk to the Governing Body within 10 school days of receipt of the Stage 1 response. Please see Appendix 2 for contact details.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 2 school days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 15 school days of receipt of the Stage 2 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

The complaints committee will consist of at least three individuals with no prior involvement or knowledge of the complaint including at least one panel member who is independent of the management and running of the school. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee. The Clerk will source any additional, independent governors through another Trust academy, from the board of trustees, a local school or through their LA's Governor Services team, in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 2.

The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.

If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.

Complaints about staff conduct will not be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate,

Representatives from the media are not permitted to attend.

At least 10 school days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the committee at least 5 school days before the meeting.

Any written material will be circulated to all parties at least 5 school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The committee will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint

- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

The committee will make findings and recommendations and a copy of those findings and recommendations will be:

- provided to the complainant and, where relevant, the person complained about; and
- available for inspection on the school premises by the proprietor and the Headteacher.

The Chair of the Committee will provide the complainant and the Academy with the above information in writing, within 5 school days.

The letter to the complainant will include details of how to contact the DfE if they are dissatisfied with the way their complaint has been handled by the Academy.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 2 will be heard by a committee of independent trustees.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the Academy will take to resolve the complaint.

The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

Next Steps

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the DfE after they have completed Stage 2.

The DfE will not normally reinvestigate the substance of complaints or overturn any decisions made by the Academy. They will consider whether the Academy has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the DfE online at: here: https://form.education.gov.uk/service/Contact_the_Department_for_Education, by telephone on: 0370 000 2288 or by writing to:

Department for Education
Piccadilly Gate
Store Street
Manchester

M1 2WD.

Reporting and recording complaints

Details of all formal complaints will be accurately recorded by the Academy at both Stage 1 and Stage 2, including actions taken. The Academy Leader is responsible for ensuring staff consistently and accurately record all formal complaints.

Records relating to individual complaints are confidential, except in limited circumstances to comply with specific acts or statutory law. This includes Data Protection and Freedom of Information, or where the Secretary of State or another Statutory Body conducting an inspection requests access.

The Academy will monitor the level of concerns and complaints and review the outcomes on a regular basis. Where possible, the complainant will not be identified. The governing body will receive a regular update on the number of formal complaints received and how they have been resolved.

Appendix 1 - Roles and Responsibilities

Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the Academy in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

Investigator

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
    - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
    - interviewing staff and children/young people and other people relevant to the complaint
    - consideration of records and other relevant information
    - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the Academy Leader or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The Academy Leader or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

Academy Leader/Director of Education

The Academy Leader/Director of Education should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with all parties to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
  - sharing third party information
  - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.

Clerk to the Governing Body

The Clerk is the contact point for the complainant and the committee and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example; stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision.

Committee Chair

The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.

  If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting
- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk (and complaints co-ordinator, if the school has one).

Committee Member

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so

  No governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant

  We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- many complainants will feel nervous and inhibited in a formal setting

  Parents/carers often feel emotional when discussing an issue that affects their child.

- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting

  Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.

  The committee should respect the views of the child/young person and give them equal consideration to those of adults.

  If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.

  However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.

- the welfare of the child/young person is paramount.

Appendix 2 Academy contact details

Complaints may be submitted by telephone, email or in writing. Please mark any correspondence 'Private and Confidential' for the attention of the Academy Leader/Director of Education or Clerk to Governors as outlined under Stage 1 above.	
Telephone:	01773 712 823
Email:	Academy Leader: s.rogers@laceyfields.djanogly.org Director of Education: c.hathaway@djanogly.org Clerk to Governors: Mhairi Billington: m.billington@djanogly.org
Address:	Laceyfields Road Heanor Derbyshire DE75 7HJ

Appendix 3 Complaint Form

Please complete and return to the Academy Leader/Director of Education/Clerk to Governors who will acknowledge receipt and explain what action will be taken.

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Please give details of your complaint, including whether you have spoken to anybody at the school about it.

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:

Appendix 4 Flowchart summary of complaints process

If you have a concern, raise it with an appropriate member of staff in the first instance.

If not resolved

If you are unsatisfied with the response or lack of action from staff at the Academy the your complaint should be logged with the Academy Leader (stage 1).

The Academy Leader will acknowledge receipt of your complaint within 2 school days. The Academy Leader will investigate your complaint and advise you of the outcome within 10 school days. If the Academy Leader needs more time to consider your complaint they will write and advise you.

If your complaint is specifically about the Academy Leader or a member of the Governing body this should be logged with the Director of Education via the Clerk to Governors.

The Director of Education will acknowledge receipt of your complaint within 2 school days. The Director of Education will investigate your complaint and advise you of the outcome within 10 school days. If the Director of Education needs more time to consider your complaint they will write and advise you.

If you are still not satisfied with this response, you should communicate this to the Clerk to Governors within 10 school days of receipt of the Stage 1 response. The Clerk will acknowledge receipt within 2 school days and this is now a Stage 2 complaint.

The Clerk will aim to convene a meeting of the complaints committee within 15 school days of the Stage 2 request. Once the hearing has been held you will receive a written explanation of the complaint committee's decision and the reasons for it within 5 school days.

NOTE – At all stages the Academy will seek to resolve your complaint. In complex cases, it might take longer to investigate a problem so the timings may extend and you will be kept informed if this is the case.