

TDAP017J COMPLAINTS POLICY

Requisite: Recommended			Responsible Committee: Full Trustee Board		
Vers.	Approval Date	Committee	Head	Chair	Next Review Date
D	07/12/2016	Full Governing Body			01/03/2018
F	22/01/2020	Full Governing Body			01/05/2021
G	28/04/2021	Full Governing Body			01/08/2022
H	07/03/2022	Full Governing Board			11/09/2022
I	12/09/2022	Full Governing Board			31/12/2023
J	04/03/2024	Full Governing Board			01/03/2025

The Dorcan Academy vision is to become an outstanding school of first choice at the heart of our local community. Our values are Be Kind, Show Respect, Do your Best. We welcome constructive feedback as an opportunity to become the best that we can be, and we respect the views of all stakeholders. It is important that there is an effective partnership between home and school based on mutual respect and we are committed to resolving any issues or concerns swiftly in order to remove any barriers to learning.

1. Introduction

- 1.1 The Dorcan Academy is committed to ensuring that all children and young people are provided with a first-class educational experience and that we work in a productive and positive partnership with all parents, carers and other members of the public.
- 1.2 However, if a parent/carer or member of the public feels that a situation has arisen that they are unhappy about, then they have a right to make a complaint. Every complaint made will be taken seriously and dealt with swiftly and professionally. All parents/carers and members of the public will be made aware of this policy if they wish to make a complaint.

2. Policy Implementation

- 2.1 The officer with responsibility for ensuring that this policy is implemented is the Headteacher. Where a complaint is made, it will be logged by the Governance Professional to the Trustees (or Head's PA) and forwarded to the Headteacher who will ensure it is dealt with by the relevant person.

3. Records

- 3.1 All complaints will be recorded by the academy, including informal complaints and will note whether they have been resolved by an informal or formal process. The Headteacher is responsible for ensuring that staff record all complaints and their

outcome.

- 3.2 Records relating to individual complaints are confidential, except where the Secretary of State or a statutory body conducting an inspection requests access to them.
- 3.3 The Trustee Board will monitor the level and the subject matter of complaints and review the outcomes on a regular basis.

4. Serial and Persistent Complaints

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

5. Who can make a complaint?

- 5.1 This complaints policy 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 about any provision of facilities or services provided. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), this complaints policy will be used. (See exceptions at [section 11](#)).
- 5.2 It is recognised that on occasion, a child/young person may wish to complain, and their views will be given equal consideration to those of adults. However, their age and ability to understand the process they are engaging in will be taken into consideration when dealing with the complaint, and the welfare of the child/young person will be paramount throughout.
- 5.3 If the complaint of a child/young person progresses to Stage 3, extra care will be taken, with careful consideration of the atmosphere and proceedings throughout the hearing, to ensure they do not feel intimidated. The parents will be given the opportunity to say which parts of the hearing they feel the child/young person should attend, if any, but it may be that the committee feel it is not in the child/young person's best interests to be present during all or part of the hearing.

6. The difference between a concern and a complaint

- 6.1 A concern may be defined as '*an expression of worry or doubt over an issue considered to be important, for which reassurances are sought*'.
- 6.2 A complaint may be defined as '*an expression of dissatisfaction however made, about actions taken or a lack of action*'.

- 6.3 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 policy. The Dorcan Academy takes concerns seriously and will make every effort to resolve the matter as quickly as possible.
- 6.4 If you have difficulty discussing a concern with a particular member of staff, these views will be respected. In these cases, you will be referred to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the headteacher 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.
- 6.5 It is understood 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 policy.

7. How to raise a concern or make a complaint

- 7.1 A concern or complaint can be made in person, in writing or by telephone although you will be asked to complete the complaints form (see Appendix A). They may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so.
- 7.2 Complaints against academy staff (except the headteacher), should be made, in the first instance, to the headteacher via the head@dorcan.co.uk email address.
- 7.3 All complaints submitted should be marked as *Private and Confidential*.
- 7.4 Complaints that involve or are about the headteacher should be addressed to the Chair of Trustees via the governors@dorcan.co.uk email address.
- 7.5 Complaints against the Chair of Trustees should be reported to the Vice-Chair of the Trustee Board either directly or via the Governance Professional to the Trustee Board. The Vice-Chair of Trustees will liaise with the Chair of the Staffing Committee to decide on the most appropriate course of action.
- 7.6 **Complaints against a Trustee or Full Trustee Board**
Complaints against a Trustee or the Full Trustee Board should be reported to the Governance Professional to the Trustees to decide the most appropriate course of action by appointing an independent investigator and the possibility of an independent panel to review the complaint.

Complaints of this nature are to be treated in the strictest confidence with neither party being notified, of the complaint, until the appropriate course of action has been agreed.

- 7.7 For ease of use, a template complaint form is included at the end of this policy – [Appendix 1](#). If you require help in completing the form, please contact the academy.
- 7.8 In accordance with equality law, reasonable adjustments will be considered, if required, to enable complainants to access and complete this complaints policy. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

8. Anonymous complaints

- 8.1 Anonymous complaints will not normally be considered. However, the headteacher or other senior member of the Trust, will determine whether the complaint warrants an investigation.

9. Time scales

- 9.1 The complaint must be raised within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. Complaints made outside of this time frame will only be considered if exceptional circumstances apply.
- 9.2 Complaints need to be considered, and resolved, as quickly and efficiently as possible using time limits published in this policy. However, where further investigations are necessary, or the complaint is complex, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.
- 9.3 See Complaints Policy Flow Chart at [Appendix 2](#).

10. Complaints received outside of term time

- 10.1 Complaints made outside of term time will be considered to have been received on the first school day after the holiday period.

11. Scope of this complaints policy

- 11.1 This policy 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, as set out below:

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Exceptions	Who to contact
Admissions to schools	Concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority.
Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under the 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 or the Multi-Agency Safeguarding Hub (MASH).
Exclusion of children from school*	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions . <i>*complaints about the application of the Ready to Learn behaviour Policy can be made via the complaints policy.</i>
Whistleblowing	<p>The Trust has a Whistleblowing Procedure for all employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus.</p> <p>Volunteer staff who have concerns about the academy should complain through the complaints policy. You may also be able to complain direct to the local authority or the Department for Education (see link above), depending on the substance of your complaint.</p>
Staff grievances	Complaints from staff will be dealt with under the academy grievance procedures.
Staff conduct	<p>Where appropriate, complaints about staff conduct will be dealt with under the academy disciplinary procedures.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>

11.2 If other bodies are investigating aspects of the complaint, for example the police, local authority safeguarding teams or tribunals, this may impact on The Dorcan Academy's ability to adhere to the timescales within this policy or result in the procedure being suspended until those public bodies have completed their investigations. If this happens, you will be informed of a proposed new timescale.

11.3 If a complainant commences legal action against the academy in relation to their complaint, consideration will be given as to whether to suspend the complaints policy until those legal proceedings have concluded.

12. Resolving complaints

12.1 At each stage in the policy, the aim is always to resolve the complaint. If appropriate, it will be acknowledged that the complaint is upheld in whole or in part. In addition, one or more of the following may be offered:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that The Dorcan Academy will try to ensure the event complained about 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 academy processes in light of the complaint
- an apology.

13. Withdrawal of a complaint

13.1 If a complainant wishes to withdraw their complaint, this should be confirmed in writing.

14. Stage 1 – Informal stage

14.1 It is hoped that most concerns can be expressed verbally and resolved on an informal basis without recourse to this complaints policy. If, through day-to-day discussions, the concern cannot be resolved, the complainant should be informed that the complaint will now need to be dealt with informally at stage 1 and an informal written response will be provided.

14.2 Concerns should be raised with the appropriate person which may include the class teacher, Curriculum Leader, Head of House, or member of the senior leadership team/Headteacher. Complainants should not approach individual trustees 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 3 of the policy.

14.3 At the conclusion of their investigation, the appropriate person investigating the complaint will provide an informal written response, endorsed by the Headteacher, within ten school days of the date of receipt of the complaint.

14.4 If the issue remains unresolved, the next step is to make a formal complaint, within 10

school days of receipt of the informal written response.

15. Stage 2 – Formal complaints

- 15.1 In most cases, all complaints will be dealt with via the informal stage initially, before progressing to the formal stage. It is acknowledged however, that on occasion, dependent on the nature of the complaint, it may be appropriate to proceed straight to the formal stage, in agreement with the academy and the complainant.
- 15.2 Formal complaints must be made to the Headteacher (unless they are about the Headteacher), via the head@dorcan.co.uk email address. This may be done in person or in writing (but will preferably be in writing on the Complaint Form – [Appendix I](#)).
- 15.3 The Headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within five school days.
- 15.4 The Headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Headteacher can consider whether a face-to-face meeting is the most appropriate way of doing this, or whether a telephone conversation is sufficient.
- Note: The Headteacher may delegate the investigation to another member of the senior leadership team, but not the decision to be taken.*
- 15.5 During the investigation, the Headteacher (or investigator) will:
- if necessary, interview those involved in the matter and/or those complained about, allowing them to be accompanied if they wish
 - keep a written record of any meetings/interviews in relation to their investigation.
- 15.6 At the conclusion of their investigation, the Headteacher will provide a formal written response within ten school days of the date of receipt of the complaint.
- 15.7 If the Headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.
- 15.8 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.
- 15.9 The Headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

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- 15.10 If the complaint is about the Headteacher, the Chair of Trustees will complete all the actions at Stage 2.
- 15.11 If the complaint is about the Chair of Trustees, the Vice Chair will complete the actions.
- 15.12 If the complaint is about the Full Board of Trustees it will be referred to the Members.

16. Stage 3 – Panel Hearing

- 16.1 If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3 – a panel hearing consisting of at least three people who were not directly involved in the matters detailed in the complaint, with one panel member who is independent of the management and running of the academy. This is the final stage of the complaints policy.
- 16.2 A request to escalate to Stage 3 must be made to the governance professional within ten school days of receipt of the Stage 2 response. This can be emailed to governors@dorcan.co.uk or by letter.
- 16.3 Requests to progress to Stage 3 received outside of this time frame will only be considered if exceptional circumstances apply.
- 16.4 The governance professional will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within five school days. The complainant will also be asked to provide copies of any further written material they wish to submit, within five school days of the date of the acknowledgement letter.
- 16.5 The governance professional will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within twenty school days of receipt of the Stage 2 request. If this is not possible, they will provide an anticipated date and keep the complainant informed.
- 16.6 If the complainant rejects the offer of three proposed dates, without good reason, the governance professional 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.
- 16.7 If the complaint is:
- jointly about the chair and vice chair of Trustees
 - the entire Trustee Board

Stage 3 will be heard by Members and an independent panel member, for example, a senior leader of another school.

16.8 A complainant may bring someone along to the panel meeting to provide support. This can be a relative/friend or interpreter. Generally, it is not encouraged that either party bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate, but this must be approved in advance.

Note: Where appropriate, complaints about staff conduct will not generally be handled under this complaints policy. Complainants will be advised that any staff conduct complaints will be considered under the disciplinary procedure, but outcomes will not be shared with them.

16.9 Representatives from the media are not permitted to attend.

16.10 At least ten school days before the meeting, the Governance Professional will confirm and notify the complainant of the date, time and venue of the meeting, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible.

16.11 Any written material will be circulated to all parties at least five 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.

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

16.13 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 recordings of meetings or conversations take place. Consent will be recorded in any minutes taken. Recordings will be managed and retained by the Trust.

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

- uphold the complaint in whole or in part
- not uphold the complaint in whole or in part.

16.15 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 academy processes or procedures to prevent similar issues in the future.

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- 16.16 The chair of the committee will provide the complainant and the academy with a full explanation of their decision and the reason(s) for it, in writing, within ten school days.
- 16.17 The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by the academy.
- 16.18 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.
- 16.19 The panel will ensure that those findings and recommendations are sent by email or otherwise delivered to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection.
- 16.20 A confidential written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing including any action taken.

17 Next Steps

- 17.1 If the complainant believes Dorcan did not handle their complaint in accordance with the published complaints policy or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the ESFA after they have completed Stage 3.
- 17.2 The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by The Dorcan Academy. They will consider whether the academy has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed Part 7 of the Education (Independent School Standards) Regulations 2014.
- 17.3 The complainant can refer their complaint to the ESFA online at:

www.education.gov.uk/contactus, by telephone on 0370 000 2288 or by writing to:

Academy Complaints and Customer Insight Unit
Education and Skills Funding Agency
Cheylesmore House
5 Quinton Road
Coventry
CV1 2WT

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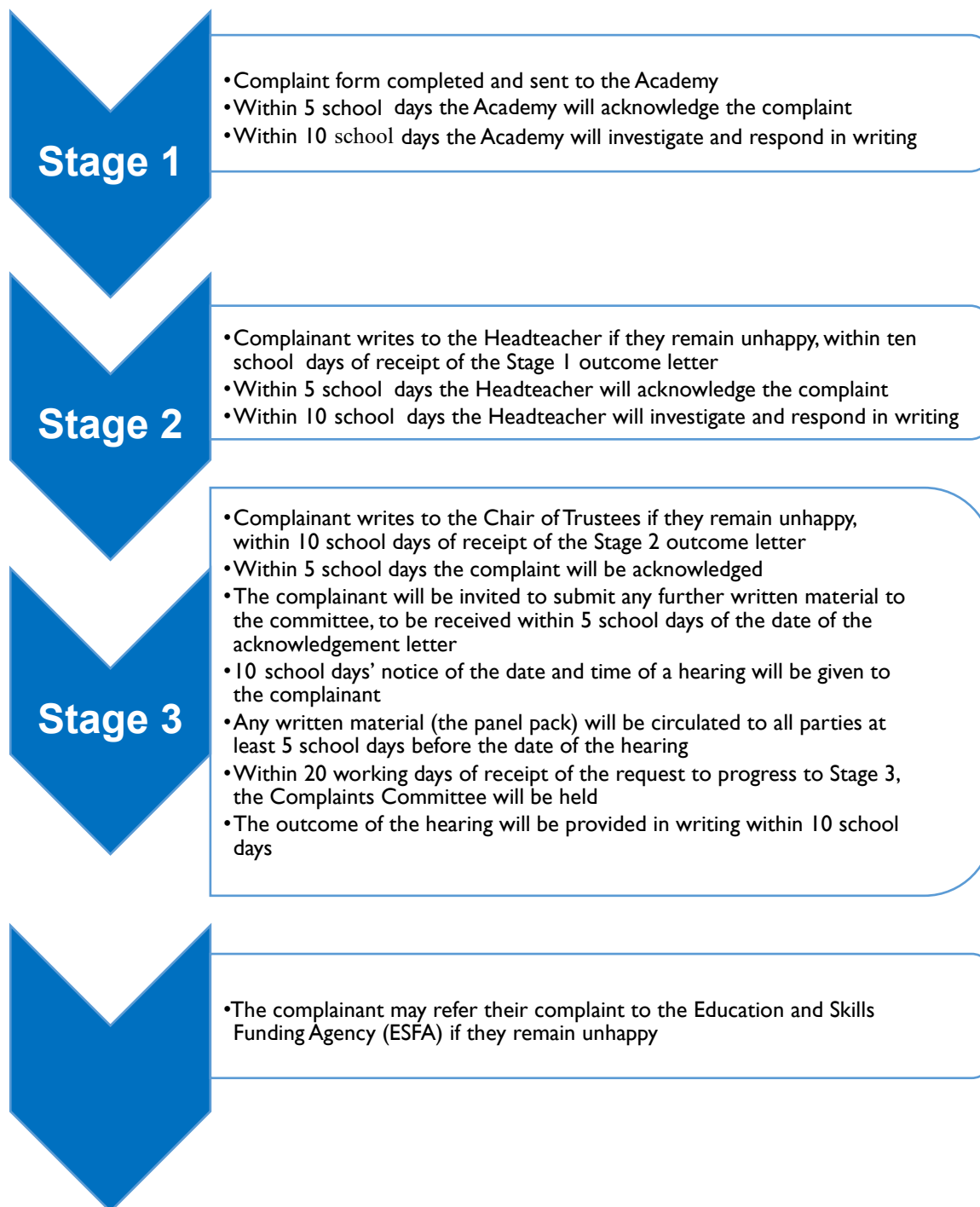
Appendix A

Complaint form

please return to The Dorcan Academy by post or email to head@dorcan.co.uk

Your name:
Student's name (if relevant):
Your relationship to the student (if relevant):
Address: Postcode: Day time telephone number: Evening telephone number: Email address:
Brief outline of your complaint including whether you have spoken to anybody at the academy about it.
Please give details of which policy has been contravened and how, giving evidence where you have it. Eg Safeguarding, Anti Bullying, Equality
What actions do you feel might resolve the problem at this stage?
Are you attaching any paperwork? If so, please give details.
Signature: Date:

Appendix B – Complaints Flow Diagram



Appendix C

- Safeguarding Children and Young people
 - Behaviour
 - Anti-Bullying
 - Lettings and Use of Premises
 - Special Educational Needs
 - School trips
 - Curriculum
 - Children in Care
 - Health and Safety
 - Sex and Relationships Education
 - Security
 - Equality Diversity and Community Cohesion
 - Students with Additional Needs
 - Internet Access and Use
 - Use of ICT and Website
 - Young Carers
 - Privacy, Confidentiality, Information Sharing and Data
 - Whistle blowing
- The above list is not exhaustive but when undertaking development or planning of any kind the school will consider safeguarding matters

• **Revision Notes**

Rev A	original
Rev B	Revised 2013 at Chairs Committee
Rev C	Approved by Chairs Group September 2014. Revised in light of new EFA guidance April 2015 and approved by Full Governing Body 22/04/15
Rev D	Review by governors as part of policy review process at Full Governing Body meeting 07/12/16
Rev E	Review by governors as part of the policy review process at Full Governing Body meeting 28/02/2018
Rev F	Review by governors as part of the policy review process at Full Governing Body meeting 22/01/2020
Rev G	Review by governors as part of the policy review process at Full Governing Body meeting 28/04/2021
Rev H	Review as part of the policy review process at FGB meeting 09/03/2022 – update and change of terms FTB 04/07/2022
Rev I	Review and rewrite of policy. Agreed and approved at FTB on 12/09/2022
Rev J	Review in line with policy review. Agreed and approved at FTB on 04/03/2024