

Complaints Policy

Derby Diocesan Board of Education (DBE) views complaints as an opportunity to learn and improve for the future, as well as a chance to put things right for the person who has made the complaint, where a complaint has been upheld.

Our policy is:

- To provide a fair complaints procedure which is clear and easy to use for anyone wishing to make a complaint.
- To publicise the existence of our complaints procedure so that people know how to contact us to make a complaint.
- To make sure everyone who works for the DBE central team knows what to do if a complaint is received.
- To make sure all complaints are investigated fairly and in a timely way.
- To make sure that complaints are, wherever possible, resolved and that relationships are repaired and reconciliation explored.
- To gather information which helps us to improve what we do.

Definition of a Complaint

A complaint is any expression of dissatisfaction about any aspect of the work or conduct of the DBE Central Team.

Where Complaints Come From

Complaints may come from:

- people who are dissatisfied with the service that they have received from a member of staff employed by the DBE.
- people who have concerns relating to policies for running the DBE or decisions taken by the DBE.

A complaint can be received by email or in writing. It is our policy that we will not investigate anonymous complaints.

This policy does not cover:

- Complaints where the individual school's complaints process should be used.
- Complaints which should be referred to the PCC.
- Complaints which should be referred to the Cathedral Chapter.
- Complaints from staff of the Diocese, who should use the grievance procedure of their employing body.
- Complaints from members of clergy where the issue is a grievance relating to the exercise of the office held. The Archbishops' Council has set out a Code of Practice and supportive advice for dealing with such grievances.

- Disclosures, concerns, or allegations about abuse of children or vulnerable adults, which should always be referred directly to the police or Social Services where there is immediate danger and otherwise to the Diocesan Safeguarding Adviser. (Please note that complaints about safeguarding procedures and processes do come under this complaints policy.)
- Complaints regarding members of clergy except insofar as they are exercising a role within the DBE.

Confidentiality

All complaint information will be handled sensitively, shared only with those who need to know, and used and stored with due regard to any relevant data protection requirements.

Responsibility

Overall responsibility for this policy and its implementation is with Derby DBE.

Complaints Procedure

Contact Details for Complaints

Written complaints should be sent to Liz Seymour, Acting Diocesan Director of Education.
liz.seymour@derby.anglican.org

If the complaint is about the Diocesan Director of Education, it should be sent to the Right Reverend Malcolm Macnaughton, Chair of the Diocesan Board of Education.

bishopofrepton@derby.anglican.org

Receiving Complaints

In practice, complaints may arrive through channels publicised for that purpose or through any other contact details or opportunities the complainant may have.

Complaints received by telephone or in person need to be recorded. The member of staff who receives a complaint made over the phone or in person should:

- Write down the facts of the complaint
- Take the complainant's name, address, and telephone number
- Note down the relationship of the complainant to the DBE Central Team
- Tell the complainant that we have a Complaints Policy and give them a copy
- Tell the complainant what will happen next and how long it will take
- Where the complainant wishes to take the matter further, ask the complainant to send a written account by post or by email so that the complaint is recorded in the complainant's own words.

Resolving Complaints

Derby DBE Central Team reserves the right to terminate the investigation into a complaint under the following circumstances:

- it is considered vexatious
- it is a persistent, repeat complaint
- more than 3 months have elapsed since the incident or event (or where the complaint relates to a series of incidents or events, more than three months from the date of the latest incident or event)
- on initial investigation the complaint is considered clearly unjustified

Where the Diocesan Director of Education (DDE) decides that a concern or complaint will not be investigated, they will write to the complainant notifying them of the decision within **10 working days** of the concern or complaint being raised.

If the complainant is unhappy with the decision not to investigate further a concern or complaint, the complainant may write to the Chair of the DBE asking for the decision to be reviewed. The Chair will be provided with all documentation relating to the concern or complaint, together with the letter from the DDE to the complainant and will review the decision made. The Chair will write to the complainant with the outcome of the review within **10 working days** of the date that the letter from the complainant seeking the review was received and provide the DBE with a copy of the letter.

The person investigating the complaint (whatever the stage followed below) will consider the following options:

- An explanation
- An apology

- Reassurance that steps have been taken to prevent a recurrence of events which led to the complaint
- Reassurance that the DBE will undertake a review of its policies and procedures considering the complaint

None of the above will constitute an admission of negligence or an acceptance of liability on behalf of the DBE.

Informal Stage

In many cases, a complaint is best resolved by the person responsible for the issue being complained about. If the complaint has been received by that person, they may be able to resolve it swiftly and should do so if possible and appropriate. Most matters can and should be resolved informally and locally.

If, for example, somebody is dissatisfied with the service they have received, then in the first instance they should tell their immediate diocesan contact of their dissatisfaction. He or she should be willing to listen, to discuss the matter and seek to satisfy the concerns were justified. If a person remains unhappy, the member of staff will arrange for the concerns to be discussed with a more senior member of staff.

If, following the informal process, the complainant remains dissatisfied or the informal route is considered inappropriate by the person receiving the complaint, then the formal procedure should be followed.

Formal Stage

If the complainant feels that the problem has not been satisfactorily resolved during the informal process, they can escalate the complaint to the formal process. At this stage, the complaint will be passed to the DDE or, if the complaint is about the conduct of the DDE, to the Chair of the DBE.

Complaints should be acknowledged by the person handling the complaint within a week. The acknowledgement should say who is dealing with the complaint and when the complainant can expect a reply. A copy of this Complaints Policy should be attached.

A suitably senior person may be appointed to investigate the facts of the case. This may involve reviewing the paperwork of the case and speaking with anyone who may have been involved in dealing with the complaint at the informal stage.

If the complaint relates to a specific person, they should be informed and given an opportunity to respond. The person who dealt with the original complaint at the informal stage should be kept informed of what is happening where appropriate.

Ideally complainants should receive a definitive reply within 28 days. If this is not possible because, for example, an investigation has not been fully completed, a progress report should be sent with an indication of when a full reply will be given.

Whether the complaint is upheld or not, the reply to the complainant should describe the action taken to investigate the complaint, the conclusions from the investigation, and any action taken because of the complaint. Where disciplinary action is deemed appropriate, the reply to the complainant will not include details relating to individual staff member's employment record.

It should be recognised that in some instances, people will take positions where the matter cannot be resolved. However, the aim should be to ensure that the process respects those involved.

The decision taken at this stage is final, unless the Board decides it is appropriate to seek external assistance with resolution. There is no further appeal process. A log of the complaint will be kept.

The outcome of all concerns and complaints, whether dealt with formally or informally, will be recorded centrally by the DBE. Examples of outcomes include

- There was insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- The evidence did not substantiate the concern, so the complaint cannot be upheld
- The complaint was substantiated in part or full. A brief description should be given of the remedial action being taken by the DBE because of the complaint. Details of the investigation of or any disciplinary sanctions to be taken against a member of staff will not be disclosed.
- The matter has been fully investigated and, consequently, further confidential procedures are being pursued. Strictly confidential procedures such as staff disciplinary investigations and sanctions must not be referred to.

External Stage

The DBE is a charity. Consequently, the complainant can complain to the Charity Commission at any stage. The Charity Commission's involvement in looking at complaints is limited to issues that pose a serious risk of significant harm to a charity's beneficiaries, assets, services, or reputation. Information about the kind of complaints the Charity Commission can involve itself in can be found on their website at: www.charitycommission.gov.uk/publications/cc47.aspx

Variation of the Complaints Procedure

The Board may vary the procedure for good reason. This may be necessary to avoid a conflict of interest, for example, a complaint about the Chair would not have the Chair as the person leading the formal process.