



# COMPLAINTS PROCEDURE

Endeavour Learning Trust

MAY 2019

## 1. INTRODUCTION

All schools are required, by Section 29 of the 2002 Education Act, to establish a complaints procedure and to publicise that procedure. It is anticipated that this will include clear signposting to the procedure in any appropriate school publications, which should indicate that a copy of the full procedure is available on the school website and in the school office.

The intention of this procedure is to provide schools with a clear and transparent process that will enable all complaints to be dealt with as quickly and efficiently as possible. The length of time that this takes will vary with the gravity and complexity of the complaint and the urgency with which it needs to be settled. However, all complaints should be settled within a period which is reasonable in the circumstances.

The procedure takes into account the principles laid down in the DfE guidance on school complaints procedures. In addition, all academies are required to have procedures which meet certain requirements of Part 7 of the [Education \(Independent School Standards\) \(England\) Regulations 2014](#) and to make their procedures available to parents.

**All references to working days refer to days on which the school is open to students.**

## 2. SCOPE OF THE PROCEDURE

This procedure covers all complaints against the school by external persons/parties which do not have an alternative statutory avenue of appeal or complaint, i.e. admissions, exclusions, delivery of National Curriculum, some safeguarding children issues, provision of collective worship and religious education and SEN assessments. Where complaints make allegations of misconduct against members of staff this procedure may be superseded by use of the staff disciplinary procedure or other appropriate staffing procedure.

Complaints about services offered by other providers who use the school premises and facilities will be dealt with by the provider directly, not through the school.

Employees of the school cannot use this procedure but, where necessary, should raise concerns via the appropriate staffing procedure, full details of which are available from the school.

## 3. GENERAL PRINCIPLES

All complaints should be dealt with in a transparent way and as quickly as is reasonably practicable. Complainants should be kept informed during the investigation of their complaint and of the outcome, except where this is confidential, e.g. in the case of a staff disciplinary process. Every effort should be made to resolve complaints in a non-confrontational and informal way.

At any stage of the complaints procedure it is expected that the complainant will behave in a reasonable manner. If at any stage this is not adhered to the school, or the chair of the meeting, reserves the right to stop proceedings. In situations such as these the complaint may subsequently be deemed as vexatious (see below).

Where the timescales within this procedure cannot be adhered to, the complainant should be informed as to why this is the case and given a revised timescale for dealing with the complaint. This should be done within the specified timescale.

The school accepts its responsibility to ensure that staff who are likely to be involved in the handling of a complaint are suitably equipped to do so. The suitability of the staff is at the discretion of the school and the Headteacher/Head of School.

Correspondence, statements and records relating to individual complaints are kept confidential, except where the Secretary of State (or someone acting on his/her behalf) requests access to them.

### **Media/ Social Media**

In order for complaints to be resolved as quickly and fairly as possible we expect that complainants do not discuss complaints publicly at any stage, for example via social media such as Facebook and Twitter. Complaints will be dealt with confidentially for those involved, and we expect complainants to observe confidentiality also.

### **Complaints that result in staff capability or disciplinary**

If at any formal stage of the complaint it is determined that staff disciplinary or capability proceedings may be necessary, the details of this action will remain confidential to the headteacher and/or the individual's line manager. If the school takes disciplinary or capability action directly because of the complaint, the complainant is entitled to be informed that action is being taken. They are not entitled to participate in the proceedings or receive any detail about them in their role as the person who made the complaint. These issues will be dealt with under the relevant HR policies of the Trust.

**The Local Academy Council will ensure that they report, at least annually, in writing, all complaints and the way in which they are resolved. This will include complaints resolved following a formal procedure and those which proceed to a panel hearing. This report will also include the actions taken by the school as a result of the complaints, whether or not the complaint was upheld.**

#### **4. RESOLVING COMPLAINTS**

At each stage in the procedure the school will consider the 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 school policies in light of the complaint.

Complainants should be encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence.

#### **5. SERIAL AND PERSISTENT COMPLAINTS**

On very rare occasions complaints are made that are vexatious, in that an individual persists unreasonably with his/her complaints or makes complaints in order to make difficulties for the school rather than genuinely to resolve a concern. This may involve making serial complaints about different matters or continuing to raise the same or similar matters repeatedly. The frequency of contact with the school in such situations may hinder the consideration of the complaint and impede the ability of the Headteacher/Head of School and school to meet the needs of all pupils equitably.

Where the Headteacher/Head of School, and/or Chief Executive Officer (CEO), judges this to be the case s/he should seek advice from the manager of the school governance service in the first instance. Action taken may include restricting the contact between the complainant and the school.

Where a complainant seeks to reopen a matter the same as, or similar to, a matter previously considered under the procedure the CEO has the right to inform him/her that the procedure has been exhausted and the matter is closed.

#### **6. STAGES OF THE PROCEDURE**

Many concerns and minor complaints can be resolved quickly and informally. There are many occasions where issues are resolved immediately through the class teacher or another member of staff, depending upon the nature of the complaint. Unless there are exceptional circumstances every effort will be made by the school to have a full discussion with the complainant before moving into the stages of this procedure.

### **Informal Stage**

If the concern/complaint is not resolved through such discussion, the complainant should contact the Headteacher/Head of School. The complaint should be made by the complainant or by another person on their behalf, with their signed consent.

The Headteacher/Head of School, or other senior member of staff nominated by him/her, will meet with the complainant to discuss his/her concerns within ten working days of receiving the complaint. Where necessary the Headteacher/Head of School, or other nominated senior member of staff, will carry out a full investigation into the issues raised and will consult with the Executive Head to ensure standardisation across the Trust. At the end of the meeting all parties should agree on the status of the complaint and any actions going forward. This should be recorded by a note taker. Where the complainant is dissatisfied with this response, the complaint should move to the first formal stage of the procedure. It should be made clear to the complainant at this stage that the option to take the complaint further is available to them as long as this is done within ten working days of the informal meeting.

Where the complaint is against the Headteacher/Head of School the informal stage should be conducted by the Chief Executive Officer (CEO) of Endeavour Learning Trust. If the complaint progresses to the formal stage this will be conducted by the Chair of Trustees or other nominated trustee.

Where the complaint is against the CEO the informal stage should be conducted by the Chair of Trustees, or another trustee nominated by him/her. If the complaint progresses to the formal stage this will be conducted by another nominated Trustee.

Complaints against the Chair of Trustee or any individual Trustee or Local Academy Councillor should be made by writing to the Clerk of the Trustees.

### **Formal Stage**

If the complaint cannot satisfactorily be resolved informally, the complainant should put their complaint in writing by letter to the Chair of the Local Academy Council (or Chair/ nominated Trustee where the complaint is against the CEO/Chair of Trustees). The Chair of the LAC/ Chair of Trustees/nominated Trustee will meet with the complainant to discuss his/her concerns within twenty working days of receiving the complaint, or as soon as is reasonably practicable after this.

The Chair of LAC/Chair of Trustees/nominated Trustee will review the investigation and will consult the Chair of Trustees to ensure standardisation across the Trust. He/ she may then confirm this decision or reach a different decision.

The Chair of LAC/ Chair of Trustees/ nominated Trustee will communicate his/her response in writing to the complainant as soon as possible but, in any case, within thirty working days of receiving the written complaint.

Where the complainant is dissatisfied with this response the complaint should move to the appeal stage of the procedure.

## Appeal Stage

If the complainant wishes to appeal against the decision made at the formal stage s/he must indicate his/her intention to do so within twenty working days of receipt of the outcome of the formal stage.

The complainant should do this by sending a written appeal to the person who conducted the investigation into the formal part of the procedure, either by letter or email. This should state the original complaint and the reasons for on-going dissatisfaction.

An appeal panel should be convened, consisting of three Trustees or members of any Local Academy Council within the Endeavour Learning Trust who have had no direct involvement in consideration of the complaint, including one panel member who is independent of the management and running of the school from which the complaint originated. Where the complainant is a parent, school will try to include a parent Councillor on the panel. A complaints appeal meeting will be held in accordance with the procedure attached as Appendix A.

At this meeting the complainant (or complainants, if this is two parents from the same family) will have the right to be accompanied. The person accompanying the complainant should not contribute to the meeting and cannot be called as a witness. If the person accompanying the complainant is attending in order to represent the complainant, then the complainants themselves should not speak.

The meeting of the appeal panel should take place as soon as possible, but in any case, a date should be set and communicated to the complainant within twenty working days of receipt of the appeal. The panel's findings and recommendations will be communicated in writing to the complainant as soon as possible but, in any case, within five working days of the meeting. The complainant will have no further right to appeal this decision. Where relevant, the findings and recommendations will also be made provided to the person complained about and will be made available for inspection on the school premises by the proprietor and the head teacher.

**The Local Academy Council will ensure that they have report at least annually in writing all complaints and the way in which they are resolved. This will include complaints resolved following a formal procedure and those which proceed to a panel hearing. This report will also include the actions taken by the school as a result of the complaints, whether or not the complaint was upheld.**

## **7. OPPORTUNITIES TO REQUEST A REVIEW**

### **Complaining to the Secretary of State**

If a complainant believes that Endeavour Learning Trust has acted unreasonably s/he can take the complaint to the Education and Skills Funding Agency via the schools complaints form (see link below).

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

### **Complaining to Ofsted**

In extreme circumstances Ofsted has powers to investigate certain types of complaint from parents to help them to decide whether to inspect a school.

Before complaining to the Secretary of State or Ofsted, it would usually be expected that all stages of this procedure had been exhausted.

## APPENDIX A

### Conduct of Complaints Appeal Meetings

1. Although this procedure may appear formal, the hearing should be conducted in as informal as way as possible, and the Chair of the panel should make every effort to make all parties feel comfortable.
2. The date of the meeting must be agreed with all parties and witnesses and all relevant documentation must be circulated to all parties at least five working days in advance of the meeting.
3. The meeting should be minuted.
4. The meeting will be attended by:
  - The complainant, with a companion if desired. Only the complainant or the companion will speak, not both;
  - the Headteacher/Head of School, Chair of Local Academy Council and Chair of Trustees, as appropriate;
  - the members of the Complaints Panel, one of whom will be independent of the running of the school;
  - a minute taker, appointed by the panel;

Members of staff who have been involved in the issue, or other witnesses, may be called upon by either side to attend part of the meeting to provide information to the panel members.

5. The panel will select a Chair from amongst their number.
6. The Chair of the panel will introduce all the parties present and explain the procedure to be followed, and that every effort will be made to keep the process as informal as possible.
7. The complainant (or his/her companion) will outline his/her complaint and explain why s/he is dissatisfied with the school's response to date. The complainant may call any witnesses in support of his/her complaint who will attend the meeting only for the time that they are providing information and may be questioned by all parties.
8. The Chair of LAC or Trustees/nominated Trustee and the Local Academy Councillors will have the opportunity to ask questions of the complainant (or his/her companion).
9. The Chair of LAC or Trustees /nominated Trustee will explain their involvement in the complaint and the reasons for their decisions at the informal and first formal stage. The Chair of LAC or Trustees /nominated Trustee may call any witnesses in support of his/her statement who will attend the meeting only for the time that they are providing information and may be questioned by all parties.



10. The complainant (or his/ her companion) and the panel will have the opportunity to ask questions of the Chair of LAC or Trustees /nominated Trustee.
11. The panel may decide to adjourn the hearing pending further investigation at any stage, if this seems necessary.
12. Both parties will leave the meeting and the panel will consider the information that has been put to them.
13. The appeal panel must reach a unanimous or majority decision as to whether or not to uphold the complaint wholly or in part, and what action (if any) the school needs to take to resolve the complaint. This may include referring the matter to another formal process, whether in relation to a complaint against a Trustee, Local Academy Councillor or a member of the school staff. Normally the panel will reach a decision at this point, but they may feel the need to take further advice. Where this is the case, they should endeavour to reach a decision as soon as possible.
14. The panel will communicate their response to both parties in writing as soon as possible but, in any case, within five working days of reaching their decision. The panel's response should detail whether the complaint is upheld wholly or in part and briefly summarise the basis on which the panel arrived at this conclusion. The response should also include any lessons learnt and specify any action to be taken by the school as a result of the complaint and within what timescales.