



Complaints Policy

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Aims and General Principles

The Trustees, Governors and staff of Endeavour MAT (the Trust) are committed to providing the best possible educational experience and outcomes for students. Where a concern or complaint is raised the Trust undertakes to deal with these in a prompt, fair and honest manner.

These procedures cover concerns or complaints against an individual; the general operations of a school or the Trust; and matters regarding the curriculum and educational provision of any Trust school.

Matters relating to student exclusions and student admissions are not covered under this procedure as they have their own separate process.

The aims of this policy and procedure are:

- To set out simple steps to be used for making a complaint about a school within the Trust
- To establish impartial procedures to be followed by the Trust, or one of its schools, when dealing with a concern or complaint.
- To establish clear guidance on the timeframe for dealing with concerns or complaints

Concerns: A concern is defined as 'an expression of worry or doubt over an issue considered to be important, for which reassurances are sought' and these are always best addressed informally and promptly.

Where this policy and procedure refers to 'working days' this is defined as days when the Trust's schools are open, unless mutually agreed otherwise.

Informal Resolution

It is expected that the majority of complaints can be dealt with informally through a dialogue with the person (teacher or other Trust employee) who is most closely involved with the matter which is causing concern. This may be with a teacher, member of the support staff, or any member of staff with jurisdiction over the area of provision which has given rise to the concern.

In the first instance, all concerns should be raised by contacting a student's form tutor or subject teacher, or if the concern relates to the general operation of the school or the Trust, by contacting the school or Trust office. Concerns may be raised by letter, email, telephone or in person by appointment, requested via the school or Trust office.

For the purposes of this procedure, the person wishing to make a complaint or raise a concern will be referred to as the Complainant.

The Trust will take steps to informally resolve a complaint or concern usually within 5 school days by such means as:

- Reviewing the matter fully;
- Providing information or an explanation;
- Holding a meeting with the Complainant to discuss and resolve the concern.

A written record will be maintained on the student's file (if it relates to schooling) or in a separate central complaints file, maintained by the Head teacher's PA, for all other informal

complaints and concerns. The Trust has a duty to monitor concerns and complaints and how they are handled.

If the Complainant is not satisfied with the outcome following the informal stage of the process to try to resolve their concern, the matter can be referred to a more senior member of staff. This will be the Head of Department if it relates to a particular subject, to a member of the school's Senior Leadership Team, or to a Trust Senior Manager; who will review the matter and liaise with the Complainant to try to resolve the concern through;

- Reviewing the matter more fully
- Providing further information or an explanation
- Holding a meeting with the Complainant to discuss and resolve the concern.

It is helpful at this stage for the concern to be put in writing by the Complainant with a summary of what has been done so far and by whom, and why the informal approach to try to resolve the concern has not been satisfactory. This will then initiate the formal procedure below.

Formal Procedure

Formal procedures will need to be invoked when initial attempts to resolve the concern or complaint informally have been unsuccessful and the Complainant remains dissatisfied and wishes to take their concern further.

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

In general, any matter raised as a formal complaint and which relates to an event or incident which took place more than three months ago will not be considered, except in exceptional circumstances.

An anonymous concern or complaint received by the Trust will not normally be investigated under this procedure, unless there are exceptional circumstances, or unless the complaint relates to safeguarding.

Complainants are requested to put the details of their formal complaint in writing, preferably using the Complaint Form contained in Appendix 1. Please include as much detail as possible to assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents, as well as a clear statement of the outcome or actions which would resolve the complaint.

Complaints should be submitted in a sealed envelope addressed to:

**The Trust Finance and Governance Officer
Endeavour MAT
Wilmington Grange
Parsons Lane,
Wilmington
DA2 7BB**

This can be posted or handed directly to the relevant school office if preferred.

The Trust Finance and Governance Officer will share the information with the Head Teacher, or with the relevant Trust Senior Manager. If the complaint is about the Head Teacher, or

about the Trust Senior Manager the complaint will be passed to the CEO of the Trust. If the complaint is about the Trust's CEO, or a Governor or Trustee, the complaint will be passed to the Chair or Vice Chair of Trustees, as appropriate.

On receipt of a formal written complaint, the Head Teacher or relevant Trust Senior Manager (or CEO, or Chair/Vice Chair of Trustees) will nominate an impartial member of staff to initially gather all relevant information. This person will be called the Investigator (see appendix 2 for clarification of roles and responsibilities).

The Head Teacher or Trust Senior Manager (or CEO, or Chair/Vice Chair of Trustees) will act as the Complaint Coordinator and will acknowledge receipt of the complaint in writing, normally within 5 working days of receiving the formal complaint, setting out in the letter how the Trust intends to proceed and giving the name of the appointed Investigator (if an investigation is deemed necessary).

The Investigator will take steps to investigate the matter and may invite the Complainant to a meeting to clarify the facts and to clarify how the Complainant feels the matter could be amicably resolved. The Complainant may be accompanied by a friend or relative during this meeting to assist with explaining the nature of the concerns.

The Investigator may need to interview other staff members or students who may have information pertinent to the complaint, and may also need to gather written information and other documentation as part of the investigation process. The Investigator will put his/her investigation findings in writing, including recommending any steps the Trust should be taking to resolve the matter. Wherever possible this will be done within fifteen working days following receipt of the formal complaint form, or within fifteen working days following the meeting with the Complainant.

Following receipt of the investigation report, the Complaints Coordinator will write to the Complainant to inform the Complainant of the key findings from the investigation process together with details of the steps the school/Trust plans to take to resolve the formal complaint.

Appeal Process

If, following receipt of the letter confirming the outcome of the formal complaint, the Complainant is not satisfied with the response to his/her complaint, he/she should write to the Trust Finance and Governance Officer requesting to appeal the outcome, and for the complaint to be considered by a Complaints Appeal Panel. The Complaints Appeal Panel will comprise of three people; namely two Governors or Trustees who have not been involved in dealing with the complaint previously and one person who is independent of the management of, or the running of, the school/Trust unit being considered.

None of the members of the Complaints Appeal Panel will have been directly involved in any previous consideration of the complaint.

The appeal hearing is the final stage of the Trust's complaints process and will review the earlier stages of the process, together with any additional information that is available.

The Complainant will be invited to the appeal hearing and will be given at least five working days' notice in writing of the time and venue of the hearing. The Complainant will also be advised that he/she may be accompanied at the appeal hearing by a friend or adviser, however legal representation will not be permitted at the appeal hearing

At the appeal hearing the Complainant will have the opportunity to put forward his/her reasons for dissatisfaction and to enlarge on these, but may not introduce new concerns. The school/Trust will have the opportunity to put forward its position. Members of the appeal panel will be permitted to ask questions of both parties during the appeal hearing.

Remit of the Complaints Appeal Panel

The Complaints Appeal Panel can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the Trust's systems or procedures to ensure that similar problems do not recur.

Members of the appeal panel will keep certain points clearly in mind:

- a. It is important that the appeal hearing is independent and impartial and that it is seen to be so. No Governor or Trustee may sit on the appeal panel if they have had a prior involvement with the complaint in question or in the circumstances surrounding it. Members of the appeal panel who feel that their independence might be compromised in this or any other way must draw this to the attention of the Panel. In deciding the makeup of the panel, Governors/Trustees must try to ensure that the panel represents a diverse mix of individuals.
- b. The aim of the appeal hearing, which will be held in private, will always be to resolve the complaint and to achieve reconciliation between the School/Trust and the Complainant. However, it is recognised that the Complainant might not be satisfied with the outcome if the appeal hearing does not find in their favour. In some cases, it may only be possible to establish the facts and make recommendations that will satisfy the Complainant that his/her complaint has been taken seriously;
- c. Extra care needs to be taken when the complaint directly concerns a student. The Complaints panel must be aware of the views of the student and must give them equal consideration to those of adults. Where the student's parent/carer is the Complainant, the panel will provide the parent/carer with an opportunity to discuss which parts of the appeal hearing, if any, it might be helpful for the student to attend;
- d. Those sitting on the complaints appeal panel must be fully aware of this complaints procedure.

When the Complaints Appeal Panel has collected sufficient information, it will form an opinion and make recommendations. A written copy of these findings and recommendations will be sent to the Complainant normally within three working days, and where relevant, to the person being complained about within the school/Trust will be informed of the findings and recommendations.

The Head Teacher, the CEO, the Governing Body/Board of Trustees will also be informed of the outcome.

The correspondence and records relating to individual complaints will be kept confidential.

Record Keeping

A written record of all formal complaints will be kept by the Trust Finance and Governance Officer.

Correspondence, statements and records relating to individual complaints are to be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

The Education & Skills Funding Agency

In the unlikely event that the Complainant is still not satisfied that his/her complaint has been resolved, he/she has the right to pursue the complaint with the Education & Skills Funding Agency (the ESFA is a division of the Department for Education).

Complaints to the ESFA should be submitted, in writing, addressed to;
Academies Central Unit (Academy complaints)
Education Funding Agency
Earlsdon Park
53-55 Butts Road
Coventry CV1 3BH

Guidance can be found on the Department for Education website at:
<https://www.gov.uk/complain-about-school>

Formal Complaint Form - Appendix 1

Please complete this form and return it, via the school office if preferred, addressed to the **Trust Finance and Governance Officer** who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name:		School:	
Your relationship with school/Trust (e.g. parent/carer of a student on the school roll):			
Student's name (if relevant to your complaint):			
Your address:			
Telephone number Daytime:		Evening:	
e-mail address:			
Please give concise details of your complaint, (including dates, names of witnesses etc.), to allow the matter to be fully investigated:			
You may continue on separate paper, or attach additional documents, if you wish. Number of additional pages attached: What action, if any, have you already taken to try to resolve your complaint? (i.e. who have you spoken with or written to and what was the outcome?)			
What actions do you feel might resolve the problem at this stage?			
Signed Date			
School use			
Date form received:		Received by:	
Date acknowledgement sent:		Acknowledgement sent by:	
Complaint referred to:		Date:	

Roles and Responsibilities – Appendix 2

The Complainant: The Complainant is the person who raises a concern or complaint. The Complainant will receive a more effective response to the complaint if he/she: -

- co-operates with the school/Trust in working to achieve a resolution to the complaint;
- expresses the complaint in full, as early as possible;
- responds promptly to requests for information or meetings or in agreeing the details of the complaint;
- asks for assistance as needed;
- treats all those involved in the complaint with respect.

The Complaints Coordinator: The Complaints Coordinator will:

- write to the Complainant to acknowledge receipt of any complaint and ensure that the Complainant is fully updated at each stage of the procedure;
- ensure that all people involved in the complaints process are aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000;
- appoint an Investigator (as appropriate) and liaise with staff members, Head Teacher/Trust Senior Manager, Chair of Governors/Trustees and Clerk to ensure the smooth running of the complaints handling process;
- write to the Complainant to inform them of the outcome of their complaint.
- be aware of issues regarding: -
 - sharing third party information;
 - additional support requirements that may be needed by Complainants when making a complaint (e.g interpretation support).

The Investigator: The Investigator is the person involved in investigating the complaint using this procedure, and preparing a report of his/her findings. The Investigator's role can include: -

- 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;
 - consideration of records and other relevant information;
 - interviewing staff and children/young people and other people relevant to the complaint;
 - analysing information;
- effectively liaising with the Complainant and the Complaints Coordinator as appropriate to clarify what the Complainant feels would put things right;
- identifying solutions and recommending courses of action to resolve problems;
- being mindful of the timescales to respond; and
- responding to the Complainant in plain and clear language.

The person investigating the complaint should make sure that they:

- 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.

The Panel Clerk (this could be Clerk to the Local Governing Body/Trustees or the Complaints Coordinator). The Trust Finance and Governance Officer is the contact point for the Complainant for the appeal hearing and is expected 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;
- circulate the minutes of the panel hearing, after the event;
- notify all parties of the panel's decision;
- liaise with all parties, including the Complaints Coordinator and Complaints Appeal panel members.

The Appeal Panel Chair: The Panel Chair has a key role in ensuring that: -

- the meeting is minuted;
- the remit of the appeal panel is explained to the Complainant and both they and the school have the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents/carers and others who may not be used to speaking at such a hearing are put at ease – this is particularly important if the Complainant is a child/young person;
- the hearing is conducted in an informal manner with everyone treated with respect and courtesy;
- the layout of the room will set the tone – care is needed to ensure the setting is informal and not adversarial;
- the appeal panel is open-minded and acts independently;
- no member of the appeal panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- both the Complainant and the school are given the opportunity to state their case and seek clarity;
- written material is seen by everyone in attendance – 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 hearing;
- liaise with the Clerk and Complaints Coordinator.

Appeal Panel Member: Panel members will need to be aware that: -

- it is important that the appeal panel hearing is independent and impartial, and that it is seen to be so; No Governor/Trustee may sit on the appeal panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the appeal hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the Complainant; However, it must be recognised that 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.
- Complainants may feel nervous and inhibited in a formal setting; parents/carers often feel emotional when discussing an issue that affects their child. The panel will ensure that the proceedings are as welcoming as possible.
- extra care needs to be taken when the Complainant is a child/young person and present during all or part of the hearing; Careful consideration of the atmosphere and proceedings will ensure that the child/young person does not feel intimidated. The panel 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 panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent/carer is the Complainant, the panel should give the parent/carer the opportunity to say which parts of the hearing, if any, the child/young person needs to attend. The parent/carer should be advised however that agreement might not always be possible if the parent/carer wishes the child/young person to attend a part of the meeting which the panel considers not to be in the child/young person's best interests.
- The welfare of the child/young person is paramount.

Investigation Protocols – Appendix 3

Interviewing Best Practice Tips

Children/young people

- Children/young people should be interviewed in the presence of another member of staff, or in the case of serious complaints (e.g. where the possibility of criminal investigation exists) in the presence of their parents/carers. However, it might not always be possible to conduct an interview in case it prejudices a LADO or police investigation.
- Care should be taken in these circumstances not to create an intimidating atmosphere.
- Children/young people should be told what the interview is about and that they can have someone with them.

Staff/Witnesses

- Explain the complaint and your role clearly to the interviewee and confirm that they understand the complaints procedure and their role in it.
- Staff are allowed a colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager.
- Use open, not leading questions.
- Do not express opinions in words or attitude.
- Ask single not multiple questions, i.e. one question at a time.
- Try to separate 'hearsay' evidence from fact by asking interviewees how they know a particular fact.
- Persist with questions if necessary. Do not be afraid to ask the same question twice. Make notes of each answer given.
- Deal with conflicting evidence by seeking corroborative evidence. If this is not available, discuss with the Complaints Coordinator the option of a meeting between the conflicting witnesses.
- Make a formal record of the interview from the written notes as soon as possible while the memory is fresh. Show the interviewee the formal record, ask if s/he has anything to add, and to sign the record as accurate.