

# COMPLAINTS POLICY

## **POLICY DETAILS**

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## **POLICY REVISION AND APPROVAL HISTORY**

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# **Endeavour Academies Trust**

## **Introduction**

Endeavour Academies Trust is committed to ensuring that all students are provided with a first class educational experience and that each Academy works in a productive and positive partnership with all parents and carers.

However, if a parent/carer feels that a situation has arisen that they are unhappy about then they have a right to make a complaint. Any and every complaint made will be taken seriously and dealt with swiftly and professionally. All parents/carers will be made aware of this policy and the procedures to follow if they wish to make a complaint.

Part 1 of this policy outlines how parents/carers of registered pupils/students currently attending academy schools within the trust can raise a concern or complaint. Concerns or complaints from other persons will be dealt with in accordance with Part 2 of this policy.

Within this document the term "Head" refers to any Principal, Head Teacher or Head of School at any academy within the trust.

## **PART ONE**

### **Principles**

The relevant academy will try to resolve problems informally wherever possible. An effective response and appropriate redress will be provided to all complaints as quickly as possible dependent upon the complexity of the issues raised.

This policy relates to complaints about the educational administration of an academy and typically applies to complaints made by parents and carers of students. It does not relate to matters which are governed by employment legislation or those where the principles of civil contract law would normally apply e.g. service/supply contracts entered into with an academy. This procedure does not apply to employees of the Trust, alternative employment procedures exist for raising concerns.

### **Statutory obligations**

- Complainants must be aware that there is a complaints procedure and copies of this policy will be available on request.
- If the process results in an appeal to the Local Governing Body ("LGB") (see below), this procedure is statutory.
- A record will be made of any action taken by the academy as a result of those complaints (regardless of whether they are upheld).

### **Dealing with complaints**

At each stage, the person investigating the complaint will ensure that they:

- Clarify the nature of the complaint and unresolved issues
- Clarify what the complainant feels would put things right
- Interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- Keep appropriate notes of any interview(s) held.

## **Records**

A written record will be kept of all complaints by the academy. This record will confirm the level at which the complaint is resolved, including whether it progresses to a formal hearing. The Head is responsible for ensuring that staff record all complaints and their outcome.

- Records relating to individual complaints are confidential, except where the Secretary of State or a statutory body conducting an inspection requests access to them.
- The LGB will monitor the level and the subject matter of complaints and review the outcomes on a regular basis through the mechanism of performance and data reporting.

## **Trust responsibility**

The officer with responsibility for ensuring that this policy is implemented in our academies is the Chief Executive Officer ("CEO"). Complainants should be aware that Heads may refer complaints received to the Chief Executive Officer because they consider the matter is one of such a nature that it should be investigated independently of the academy. Where a complaint is made direct to Endeavour Academies, it will be logged by the CEO and forwarded to the academy unless it is appropriate for it to be dealt with by the trust.

## **Detailed procedure**

### **Dealing with Complaints – Initial Concerns**

It is important to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

The policy which follows deals with complaints but the underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. In most cases the class teacher or the individual delivering the service in the case of extended Academy provision, will receive the first approach. It would be helpful if staff were able to resolve issues on the spot, including apologising where necessary.

## **Dealing with Complaints about SEND Provision**

Any concerns or complaints about SEND provision by parents or carers should be initially raised informally, whether by e-mail, letter or a telephone call with the academy's SENDCo. The SENDCo will investigate and report back within a week.

If the parents/carers continue to be dissatisfied, a complaint should be raised as per the formal procedure within this complaints procedure by completing the Appendix 1.

## **Dealing with Complaints – Formal Procedures**

The formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

## **Framework of Principles**

Our Complaints Procedure:

- encourages resolution of problems by informal means wherever possible;
- is easily accessible and publicised;
- is simple to understand and use;
- is impartial;
- is non-adversarial;
- allows swift handling within agreed time-limits for action and keeping people informed of progress;
- ensures a full and fair investigation;
- respect people's desire for confidentiality;
- addresses all the points at issue and provide an effective response and appropriate redress, where necessary;
- provides information to the Academy's senior management team so that services can be improved.

## **Investigating Complaints**

At each stage, the person investigating the complaint makes sure that they:

- establish what has happened so far, and who has been involved;
- clarifies the nature of the complaint and what remains unresolved;
- meets with the complainant or contacts them (if unsure or further information is necessary);
- clarifies what the complainant feels would put things right;
- interviews those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conducts the interview with an open mind and is prepared to persist in the questioning; keeps notes of the interview;
- Interviews should be recorded using the template at Appendix 3 and signed and dated by the individual as soon as they have been typed up.

## **Resolving Complaints**

At each stage in the procedure, the Academy will keep in mind 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 Academy policies in light of the complaint.

It would be useful if complainants were encouraged to state what actions they feel might resolve the problem at any stage. An admission that the Academy could have handled the situation better is not the same as an admission of negligence.

## **Vexatious Complaints**

We expect our members of staff to be addressed in a respectful manner and for communication to remain calm at all times. The procedure under Part 3 will only be used on very rare occasions to deal with unreasonably persistent complainants or unreasonable complainant behaviour.

## **Time-Limits**

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, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay. We are unable to hear historic complaints, and can not consider complaints regarding incidents older than six months.

The Academy will publicise the complaints policy and procedure on their website.

## **Endeavour Academies Trust Complaints Procedure**

Having raised an initial concern (page 5), a parent may feel that the academy has not dealt with their concern satisfactorily, and therefore may wish to make a complaint.

### **Stage One: Informal Complaint Heard by Staff Member(s)**

1. It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the Academy can be crucial in determining whether the complaint will escalate. To that end, staff will be periodically made aware of the procedures so that they know what to do when they receive a complaint.

2. Parents should never feel or be made to feel that a complaint made in a reasonable and appropriate way will be taken amiss or will reflect adversely on the student or his/her opportunities at the Academy. The Academy will try to investigate and try to resolve every complaint in a positive manner and will treat every complaint as an opportunity to improve our service.
3. The Academy will try to respect the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, it may be appropriate to refer the complainant to another staff member. Alternatively they may not feel this is necessary. Where the complaint concerns the Head, the complainant can be referred to the CEO.
4. Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the Head may consider referring the complainant to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.
5. Where the first approach is made to a governor, the next step would be to refer the complainant to the appropriate member of staff. Governors should not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.
6. The member of staff hearing the complaint will ensure that a written or oral acknowledgement is provided to the complainant within 5 school days of receiving a complaint. The acknowledgement will give a brief explanation of the Academy's complaints procedure and will give a target date for providing a response to the complaint which should normally be within 10 school days. If the target cannot be met a letter should be written within 10 school days explaining the reason for the delay and providing a revised target date.
7. The member of staff hearing the complaint will seek to meet or speak with all of the appropriate people in order to establish the facts relating to the complaint.
8. Once all of the facts have been established the academy will then produce a written response to the complainant, or may wish to meet the complainant to discuss/resolve the matter directly.
9. A written response should contain an outline of the complaint and a summary of the response to the complaint including the decision reached and the reasons for it. Where appropriate this should also include what response the Academy will take to resolve the complaint. This may be by way of a general description e.g. 'Action taken within the Disciplinary Procedure.
10. When the investigation has been concluded the complainant and the member of staff concerned will be informed in writing of the outcome. This may be to the effect that:
  - There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
  - The concern was not substantiated by the evidence
  - The concern was substantiated in part or in full. Some details may then be given of the action the Academy may be taking to review procedures etc. but details of the investigation or of any disciplinary procedures will not be released.

- The matter has been fully investigated and that appropriate procedures are being followed which may be strictly confidential (e.g. where staff disciplinary procedures are being followed).

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 Academy policies in light of the complaint.
11. This letter should also inform the complainant that should he/she wish the complaint to progress to the second stage of this procedure then he/she should send a written request stating this to the Head within 10 school days of receiving the response.
  12. If no further communication is received from the complainant within 10 school days it is deemed that the complaint has been resolved and should end.

### **Stage Two: Complaint Heard by Headteacher**

13. If the complainant is dissatisfied with the way the complaint was handled at stage one they may go to Stage 2 and have the Head hear the complaint. The Head may delegate the task of collating the information to another staff member but not the decision on the action to be taken. If the complaint is about the Head then at Stage 2 the complaint will be heard by the CEO, ensuring they have had no previous involvement at Stage 1.
14. The same timings as in Stage 1 will apply.

### **Stage Three: Complaint Heard by Local Governing Body Complaints Appeal Panel**

15. The complainant needs to write to the Chair of Governors as directed by the Head giving details of the complaint.
16. The Chair of Governors should write to the complainant acknowledging receipt of the written request for the complaint to be heard. This acknowledgement must be sent within 5 school days and should inform the complainant of the arrangements for hearing the complaint within 20 school days of receiving it. The letter should explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received within 5 school days of the date of the hearing to allow adequate time for the documents to be circulated.
17. The CEO will aim to find a mutually convenient date for all at the panel stage but if, despite best efforts, it is not possible to find a mutually convenient date and time for a hearing within a reasonable timeframe, the CEO may determine that the hearing proceeds on the basis of written submissions from both parties.
18. No person involved on the panel should have previous involvement in the complaint.

19. The LGB appeal hearing is the last Academy-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions.
20. Individual complaints would not be heard by the whole Governing Body at any stage, as this could compromise the impartiality of any hearing set up for disciplinary purposes against a member of staff following a serious complaint.
21. The LGB may nominate a number of members with delegated powers to hear complaints at that stage, and set out its terms of reference. These include:
  - a. drawing up its procedures;
  - b. hearing individual appeals;
  - c. making recommendations on policy as a result of complaints.
22. The Chair will typically chair the Complaints Panel, but in their absence the panel can be drawn from the nominated members and may consist of three Governors. In this case the panel may choose their own Chair. One member of the panel will be independent of the management and running of the academy trust. If it is not possible to recruit three governors, then the academy will ask members of the Trust Board to sit on the panel.

### **The Remit of the Complaints Appeal Panel**

23. The panel can:
  - a. dismiss the complaint in whole or in part;
  - b. uphold the complaint in whole or in part;
  - c. decide on the appropriate action to be taken to resolve the complaint;
  - d. recommend changes to the Academy's systems or procedures to ensure that problems of a similar nature do not recur.
24. There are several points which any governor sitting on a complaints panel needs to remember:
  - a. It is important that the hearing is independent and impartial. No Governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
  - b. The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the Academy and the complainant. However, it has to be recognised 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.
  - c. An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel Chair will ensure that the proceedings are as welcoming as possible.
25. The Academy will write and inform the complainant and any witnesses, the panel etc. of the date and location of the meeting 5 school days in advance. The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a friend/ interpreter. The letter should explain how the meeting will be conducted

and the complainant's right to submit further written evidence to the panel. The Head has the right to bring representation if so desired.

26. Intervention of parallel investigations relevant to the complaint by the Police or social services may cause variation to these time scales. Any such variation will be notified to the complainant.

### **Hearing the Complaint at the Meeting**

The aim of the meeting will be to resolve the complaint and achieve reconciliation between the Academy and the complainant.

In the interest of natural justice, the introduction of previously undisclosed evidence or witnesses would be a reason to adjourn the meeting so that the other side has time to consider and respond to the new evidence.

The recommended conduct of the meeting is as follows:

- a. The Chair of the panel will welcome the complainant, introduce the panel members and explain the procedure.
- b. The Chair of the panel will invite the complainant to explain the complaint.
- c. The Committee members may question the complainant about the complaint and the reasons why it has been made.
- d. The Head will be invited by the Chair of the panel to question the complainant about the complaint and why it has been made.
- e. The Chair of the panel will invite the Head to make a statement in response to the complaint. At the discretion of the Chair of the panel the Head may invite members of staff directly involved in the complaint to supplement his/her response.
- f. The Committee members may question the Head and/or members of staff about the response to the complaint.
- g. The Chair of the panel will allow the complainant to question the Head and/or members of staff about the response to the complaint.
- h. Any party has the right to call witnesses, subject to the approval of the Chair of the Committee.
- i. The Committee, the Head and the complainant have the right to question any such witness.
- j. The Head will be invited by the Chair of the panel to make a final statement.
- k. The complainant will be invited by the Chair of the panel to make a final statement.
- l. The Chair of the panel will explain to the complainant and the Head that the decision of the panel will now be considered and a written decision will be sent to both parties within 15 school days. The Chair of the panel will then ask all parties to leave except for members of the Committee.
- m. The Committee will then consider the complaint and all the evidence presented and;
  - i. Reach a decision on the complaint and the reasons for it.
  - ii. Decide upon the appropriate action to be taken to resolve the complaint.
- n. The Governors sitting on the panel need to be aware of the complaints procedure before the meeting.

If the complainant remains unsatisfied, they may then take their complaint to the Education and Skills Funding Agency (ESFA).

At stage 3 a copy of all findings and recommendations will be (i) provided to the complainant and, where relevant, the person complained about; and (ii) available for inspection on the school premises by the proprietor and the Head.

## **PART TWO**

### **Concerns or Complaints from persons other than parents/carers of current registered pupils**

Part 1 of this complaints procedure applies solely to complaints made by parents or carers of current registered pupils of academies within the trust. The trust wishes to work closely with other members of the local community and will deal with concerns and complaints as follows:

1. A concern regarding an academy or its operations may be made to any member of staff. That member of staff will attempt to resolve the matter immediately or may, if appropriate, refer the matter to their line manager or member of the senior leadership team (SLT) who is best placed to deal with the concern. It is expected that most concerns will be responded to orally or in writing within 5 school days. If a longer period is required, you will be kept informed of the progress of the investigation.
2. Where a concern is not resolved at stage 1, or you wish your concerns to be dealt with immediately as a formal complaint, you should put your complaint in writing and send this to the Head of the relevant academy to investigate. The Head may delegate the task of investigation and/or responding to the complaint to a member of SLT or may escalate the complaint straight to stage 3 where this is directly about the Head or where the complaint is significantly complex. A formal response to the complaint will usually be provided within 10 school days of receipt of the letter of complaint although if a longer period is required to respond, you will be kept updated.
3. If you are not satisfied with the response at stage 2, you may request a review by writing to the Chief Executive Officer of the academy trust. You should write within 10 school days of receipt of the letter at stage 2. Requests received outside of this time frame will only be considered if exceptional circumstances apply. The Chief Executive Officer will arrange for a governor to consider the complaint alone or may convene a complaints committee on the same terms as set out in Part 1 of this complaints policy. The decision at this stage will usually be sent to you within 20 school days of receipt of the request for a review. The decision at stage 3 exhausts the academy's complaints procedure.

Concerns or complaints regarding the Chief Executive Officer or the trust as a whole should be referred direct to the Chair of Trustees, c/o Endeavour Academies Trust, Stockton Road, Middlesbrough, TS5 who will arrange for the stages above to be considered by an appropriate person.

## PART THREE

### **Unreasonably persistent complainants and unreasonable complainant behaviour**

There are rare circumstances where we will deviate from the Complaints Procedure set out in Part 1. These include, but are not necessarily limited to:

- where the complainant's behaviour or language towards staff, members of the LGB or trustees is abusive, offensive, discriminatory or threatening;
- where the complaint's behaviour is hindering our consideration of complaints and/or the proper running of the academy because of the frequency or nature of the complainant's contact, 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
  - seeks an unrealistic outcome, such as the inappropriate dismissal of staff
  - 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
  - knowingly provides falsified information
  - publishes unacceptable information on social media or other public forums
- where the complainant's complaint is clearly frivolous, vexatious and/or has patently insufficient grounds. The Office of the Independent Adjudicator defines the characteristics of a 'frivolous' or 'vexatious' complaint as:
  - complaints which are obsessive, persistent, harassing, prolific, repetitious
  - insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason
  - insistence upon pursuing meritorious complaints in an unreasonable manner
  - complaints which are designed to cause disruption or annoyance
  - demands for redress that lack any serious purpose or value
- where the complainant's complaint is the same, similar to or based on the same facts of a complaint which has already been considered in full.

In these circumstances, we may:

- inform the complainant that their behaviour is unacceptable or unreasonably persistent and ask them to change it;
- restrict the complainant's access to the academy e.g. requesting contact in a particular form (for example, letters only), requiring contact to take place with a named person only, restricting telephone calls to specified days and times or banning the complainant from the academy's premises. This will be reviewed after six months;
- conduct the Complaints Committee on the papers only i.e. not hold a hearing;

- refuse to consider the complaint and refer the complainant directly to Stage 4.

In all cases we will write to tell the complainant why we believe his or her behaviour is unacceptable or unreasonably persistent, what action we are taking and the duration of that action.

We may take the decision not to respond to any further correspondence where:

- we have taken every reasonable step to address the complainant's concerns
- the complainant has been given a clear statement of our position and their options and
- the complainant contacts us repeatedly, making substantially the same points each time

The case for ceasing further correspondence is stronger where:

- letters, emails, or telephone calls are often or always abusive or aggressive or make insulting personal comments about or threats towards staff
- we have reason to believe the complainant is contacting us with the intention of causing disruption or inconvenience

Where the behaviour is so extreme that it threatens the immediate safety and welfare of staff, members of the LGB or trustees, we will consider other options, for example reporting the matter to the police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

**APPENDIX 1**

While we will consider formal written complaints outside of this format, parents/carers may find this template useful.

**Complaint Form**

Your name:
Pupil's name:
Your relationship to the Pupil:
Address:  Postcode:  Daytime telephone number: Evening telephone number:
Please give details of your complaint:
What action, if any, have you already taken to resolve your complaint. (Who did you speak to and what was the response)?

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:



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