

# Complaints Policy

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<b>Date to be reviewed</b>	<b>Every 3 years</b>

## **Endeavour MAT**

### **Complaints Policy**

#### **General Principles**

The Trustees, Governors and staff of this school are committed to providing the best possible educational experience and outcomes for students within the Trust. However, from time to time, something can happen to cause concern.

Concerns are always best addressed informally and quickly. The DfE defines a concern as ‘an expression of worry or doubt over an issue considered to be important, for which reassurances are sought’

In the first instance, you should raise your concern with your child’s form tutor or subject teacher. This may be by letter, email, telephone or in person by appointment, requested via the school office. If you are not satisfied with the outcome, you can refer the matter, still informally, to a more senior member of staff: This would be the Head of Department if it relates to a particular subject or to a member of the Senior Leadership team. It is helpful at this stage to put your concern in writing with a summary of what has been done so far and by whom. We would expect to resolve your concern within 5 school days by such means as:

- Investigating the matter more fully
- Providing further information or explanation
- Holding a meeting to discuss and resolve the concern.

A written record will be maintained in your child’s file (if it relates to schooling) or in a separate central complaints file for all other complaints and concerns. The Local Governing Body has a duty to monitor concerns and complaints and how they are handled.

#### Formal Complaints

A formal complaint is defined by the DfE as ‘an expression of dissatisfaction, however made, about actions taken or lack of action’

#### **Formal procedure**

Formal procedures will need to be invoked when initial attempts to resolve the issue have been unsuccessful and the person raising the concern remains dissatisfied and wishes to take the concern further.

This procedure is intended to allow you to raise a complaint relating to your child’s education, the actions or omissions of the school, or to the services that it provides. This procedure does not cover:

- Complaints from members of staff (refer to separate Grievance procedure)
- Complaints against members of the governing body (contact the Chair of Governors)
- Complaints relating to the curriculum or collective worship. These are handled under different legislation. Please contact the Headteacher directly.

An anonymous concern or complaint will not be investigated under this procedure, unless there are exceptional circumstances.

To enable a proper investigation, concerns or complaints should be brought to the attention of the school as soon as possible. In general, any matter raised more than 3 months after the event being complained of will not be considered.

Put your complaint in writing, preferably using the Complaint Form we provide to assist you (Annex 1). You should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents.

2). It is very helpful if you include a clear statement of the outcome or actions you think will resolve your complaint.

**Please place your complaint in a sealed envelope addressed to**

**The Clerk to the Trustees,  
Wilmington Grammar School for Boys  
Common Lane,  
Wilmington  
DA2 7DA**

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

The Clerk to the Trustees will share the information with the Headteacher. The Headteacher will be responsible for ensuring that it is investigated appropriately. However, if the complaint is about the Headteacher, your complaint will be investigated by the CEO of Endeavour MAT.

### **Stage 1**

The Head teacher will nominate an impartial member of staff to initially gather all relevant information. This person will be called the investigator and will also act as Complaints Coordinator (see appendix for clarification of roles and remits). The Coordinator may invite you to a meeting to clarify your concerns and to explore the possibility of an informal resolution. If you accept that invitation, you may, if you wish, be accompanied by a friend or relative to assist you in explaining the nature of your concerns.

The Complaints Coordinator will attempt to establish the facts by interviewing both parties. The interview with the complainant will seek to clarify how the complainant feels the matter could be amicably resolved.

The Complaints coordinator will respond in writing within 5 school days of the school receiving your formal complaint and will set out how the school intends to proceed. This notification should include an indication of the anticipated timescale. Any investigation will begin as soon as possible and when it has been concluded, you will be informed in writing of its conclusion.

### **Stage 2**

If you are not satisfied with the way the school has handled your complaint, you may request that the Headteacher reviews the procedure followed. Any such request must be made in writing to the Clerk to the Trustees within 10 school days of receiving notice of the initial outcome. Include a statement of how, in your view, the school has failed to follow up your complaint appropriately. A Review Request Form (Annex 2) is provided to help you.

### **Stage 3**

If the complainant remains dissatisfied following the two previous stages, or if the complaint relates to the Headteacher or a member of the governing body, the complaint will be referred to the CEO. At this stage a separate investigation into the circumstances of the complaint may be initiated. This will usually take place within 10 school days of receipt of your request and will be arranged in consultation with you by the Clerk to the Trustees.

## Stage 4

If still dissatisfied after Stage 3, the complainant will have the right to make a formal complaint to the Chair of the Local Board of Governors, who will convene a Governing Body Complaints Appeal Panel. The letter to the Chair of Governors should set out details of the complaint, together with the reasons for the complainant's continued dissatisfaction.

Upon receipt of a formal complaint, the Chair of Governors, or a nominated Governor, will arrange for all information on the complaint to be collated and will convene a Governing Body Complaints Panel within 20 working days. None of the members of the Complaints Panel will have been directly involved in any previous consideration of the complaint. One of the members of the Complaints Panel will be independent of the management and running of the Academy.

The appeal hearing by the Governors' Complaints Panel is the last School based stage of the complaints process and will review the earlier stages of the process, together with any additional information that is available.

Individual complaints are not heard by the whole Governing Body at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

The complainant will be invited to the appeal hearing of the Governors' Complaints Panel and will be given at least seven days' notice in writing of the time and venue of the hearing. Complainants will also be advised that, if they wish, an appropriate friend or adviser may accompany them to the appeal hearing.

**The Remit of the Complaints Appeal Panel** The Governors' Complaints 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 Academy's systems or procedures to ensure that similar problems do not recur.

Governors or any independent members of the Appeals 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 may sit on the Complaints Panel if they have had a prior involvement with the complaint in question or in the circumstances surrounding it. Members of the Complaints Panel who feel that their independence might be compromised in this or any other way must draw this to the attention of the Chair of Governors. In deciding the makeup of the panel, Governors must try to ensure that it represents a cross-section of the categories of Governor and that it is sensitive to issues of race, gender and religious affiliation;
- b. The aim of the hearing, which will be held in private, will always be to resolve the complaint and to achieve reconciliation between the School and the complainant. However, it is recognised the complainant might not be satisfied with the outcome if the 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 or 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 is the

complainant, the panel will provide the parent with an opportunity to discuss which parts of the hearing, if any, it might be helpful for the student to attend;

- d. The Governors sitting on the Complaints Panel must be fully aware of this complaints procedure.

When the panel has collected sufficient information, it will form an opinion and then inform you, the Headteacher, the person complained about (if relevant), the Governing Body and Trustees of the outcome, in writing. The correspondence and records relating to individual complaints will be kept confidential.

Consideration of the complaint by the governing body and the school, save for any actions that are agreed, will end at this point.

### **Step 6**

In the unlikely event that you still are not satisfied that your complaint has been resolved, you have the right to pursue the complaint with the Secretary of State for Education. Guidance can be found on the Department for Education website at

<http://www.education.gov.uk/schools/leadership/schoolperformance/b00212240/making-complaint-school/who-can-complain>

Please complete this form and return it, via the school office if preferred, addressed to The Clerk to the Trustees who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name:	School:
Relationship with school (e.g. parent of a pupil on the school roll):	
Pupil's name (if relevant to your complaint):	
Your address:	
Telephone numbers Daytime: <span style="margin-left: 200px;">Evening:</span>	
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:	

**Endeavour MAT Complaint Review Request Form (Annex 2)**

Please complete this form and return it to the Clerk to the Trustees, who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name:	
Your address:	
Telephone numbers Daytime:	Evening:
e-mail address:	
Dear Sir/Madam	
I submitted a formal complaint to the school on ..... and am dissatisfied by the procedure that has been followed.	
My complaint was submitted to ..... and I received a response from ..... on .....	
I have attached copies of my formal complaint and of the response(s) from the school. I am dissatisfied with the way in which the procedure was carried out, because:	
What actions do you feel might resolve the problem at this stage?	
You may continue on separate paper, or attach additional documents, if you wish. Number of additional pages attached:	

Signed ..... Date .....

School use			
Date form received:		Received by:	
Date acknowledgement sent:		Acknowledgement sent by:	
Complaint referred to:		Date:	

## **Appendix – Roles and Responsibilities**

### **The Complainant**

The complainant or person who makes the complaint will receive a more effective response to the complaint if he/she:-

- co-operates with the school in seeking a solution 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 Co-ordinator**

The complaints co-ordinator should:-

- ensure that the complainant is fully updated at each stage of the procedure;
- ensure that all people involved in the complaint procedure will be aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000;
- liaise with staff members, headteacher, Chair of Governors and Clerk to ensure the smooth running of the complaints procedure;
- keep records;
- be aware of issues regarding:-
  - o sharing third party information;
  - o additional support - this may be needed by complainants when making a complaint including interpretation support.

### **The Investigator**

The Investigator is the person involved in Stages 1 and 2 of the procedure. The

Investigator's role can include:-

- providing a comprehensive, open, transparent and fair consideration of the complaint through:-
  - o sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved;
  - o consideration of records and other relevant information;
  - o interviewing staff and children/young people and other people relevant to the complaint;
  - o analysing information;
- effectively liaising with the complainant and the complaints co-ordinator 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 Governors or the Complaints Coordinator)**

The Clerk is the contact point for the complainant for the panel meeting 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;



- notify all parties of the panel's decision;
- liaise with the complaints co-ordinator.

### **The Panel Chair**

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

- the meeting is minuted;
- the remit of the 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 panel is open-minded and acts independently;
- no member of the 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 co-ordinator.

### **Panel Member**

Panellists will need to be aware that:-

- it is important that the review panel hearing is independent and impartial, and that it is seen to be so;

No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.

- the aim of the 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.
- many complainants will feel nervous and inhibited in a formal setting; Parents/carers often feel emotional when discussing an issue that affects their child.

The panel chair 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 is the complainant, the panel should give the parent the opportunity to say which parts of the hearing, if any, the child/young person needs to attend.

The parent should be advised however that agreement might not always be possible if the parent 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.

## **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 co-ordinator/ headteacher/ Chair of Governors 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.