

# Complaints Policy

<b>Policy</b>	Complaints Policy
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<b>Considered by Committee</b>	Board of Trustees
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## Introduction

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We value the very positive relations we enjoy with parents and our community. These good relations are based on mutual respect and a willingness to listen to other points of view. It is in the best interests of all parties that any concern is expressed and resolved quickly and at the earliest possible stage.

We will always deal with complaints in a courteous and reasonable manner. We ask that those with comments and complaints present them in a similarly reasonable manner.

Under Section 29, Part 1, of the Education Act 2002 all schools are required to have a procedure for handling general complaints from parents and other stakeholders. From 1 September 2003, Governing Bodies of all maintained schools were required to have in place a procedure to deal with complaints relating to the school and to any community facilities or services that the school provides. As an academy, Eggbuckland Community College / School Academy Trust (ECCAT) is also required to ensure that our complaints policy meets the standards set out in the Education (Independent School Standards (England)) Regulations 2014, Schedule 1, Part 7. The law also requires the procedure to be publicised. This policy complies with these regulations and the guidance from the Department of Education (2014) and subsequent guidance (2015).

An effective complaints procedure:

- Encourages resolution of problems by informal means wherever possible
- Is fair to all parties
- Is non-adversarial
- Is simple to understand and operate
- Is known and understood by all users
- Is accessible to all users
- Ensures that all users have faith in the procedure
- Allows swift handling with established time limits for action and keeping people informed of progress
- Respects people's desire for confidentiality
- Addresses all the points at issue and provides an effective response and appropriate redress, where necessary
- Provides information to the College / School's Leadership Team so that services can be improved.

This policy applies to complaints from parents and carers of attending students / pupils and to complaints from people who are not parents and carers of attending students / pupils. Third parties that use College / School premises for any purpose are encouraged to have their own complaints procedure in place.

The Trustees will periodically review, with the Students / pupils, how the complaints procedure is working and the methods by which complainants are made aware of it. Wherever possible complaints should be resolved informally by the Principal (ECC) / Headteacher (AFA) and other staff without having to be referred to the Trustees. Should any Trustee be contacted directly by a complainant they should refer the matter to the College / School to be dealt with according to this policy. If the complaint is about the Principal (ECC) / Headteacher (AFA), the Chair of Trustees will act in their place; if the complaint is about the Chair of Trustees, the Vice Chair will act in their place.

Staff are reminded that complaints often amount to no more than a request for information or clarification. Taking such informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

At each stage in the procedure the College / School will keep in mind ways in which a complaint could be resolved and should encourage complainants to state what actions they feel might resolve the problem. Should the complaint be justified 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 College / School policies in light of the complaint

The nominated Complaints Co-ordinator for the College / School is Rachel Towers, Assistant Principal (ECC) / Headteacher (AFA)

Complaints that have been fully investigated and have been found to be unjustified may deflect the time and energies of Staff and Trustees from more constructive activities. If a complainant tries to reopen the same, unjustified issue, the Chair of the Trustees will inform them in writing that the procedure has been exhausted and that the matter is now closed.

## Procedure

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- Stage 1 - Informal discussion with an appropriate and relevant member of staff
- Stage 2 - Formal written complaint to Principal (ECC) / Headteacher (AFA)
- Stage 3 - Formal complaint heard by Chair of Trustees
- Stage 4 - Formal appeal to Board of Trustees' Complaints Appeal Panel

If this Procedure has been exhausted and the complaint remains unresolved, the complainant may submit a complaint to the Education Skills and Funding Agency (ESFA), which acts on behalf of the Secretary of State, via the schools complaint form.

The College / School will record the action taken as a result of complaints. This will apply regardless of the whether a complaint was upheld or not.

A written record will be kept of all complaints and the stages of the Complaints Procedure that were invoked. All correspondence, statements and records relating to individual formal complaints (Stages 2,3 and 4 of the Procedure) will 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.

At any meeting, at any stage of the Procedure, the complainant may be accompanied by a friend and /or interpreter and the Principal (ECC) / Headteacher (AFA) or any other member of staff may be accompanied by a fellow employee or professional representative.

**Stage 1 - Concern raised, usually as an informal discussion, with an appropriate and relevant member of staff (informal)**

Where a concern is brought to the College / School’s attention it can often be resolved with a single conversation. Sometimes the issue is more complex and will take more than one discussion to resolve.

In the first instance, complainants should telephone to make an appointment with the appropriate member of staff in order to discuss their concerns. Such telephone calls should be returned within 2 College / School days. Appendix 1 gives guidance on which member of staff is likely to be most appropriate. The College / School will ensure that an appointment will be offered to take place within 5 College / School days, this period may be extended to 10 working days at the request of the complainant.

The College / School will respect the views of a complainant who indicates that they would have difficulty discussing a complaint with a particular member of staff. Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the Complaints Co-ordinator may consider referring the complainant to another staff member. The ability to consider the complaint objectively and impartially is crucial.

Occasionally, despite the best efforts of those concerned, these discussions do not resolve the issue, which then may become a formal complaint. Formal complaints need to be made in writing within 15 College / School Days of the informal meeting. Complainants may wish to seek advice and guidance about an issue prior to making a formal complaint and the following may be of assistance:

Dealing with:	Further information available from:
School Admissions	School Admissions Team Telephone: 01752 668000 Email: schooladmissions@plymouth.gov.uk
Parent Partnership Service, offering a range of advice for parents	Plymouth Parent Partnership Telephone: 01752 258933/0800 9531131 Email: parentpartnership@plymouth.gov.uk
Support for children and young people at risk of exclusion	Telephone: 01752 307471 LAFS@plymouth.gov.uk
Support for young people with Special Educational Needs or Disabilities	SEND Statutory Assessment Team Telephone: 01752 307409 Email: senadmin@plymouth.gov.uk
Child Protection (to report an issue to a social worker)	Telephone: 01752 308600 (office hours) 01752 346984 (out of hours) Email: pscb@plymouth.gov.uk

Any services provided by Plymouth City Council	Use the search box to enter your enquiry <a href="http://www.plymouth.gov.uk">www.plymouth.gov.uk</a>
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### **Stage 2 - Complaint made to the Principal (ECC) / Headteacher (AFA) in writing (formal)**

The complainant will be asked to confirm the complaint in writing to the Principal (ECC) / Headteacher (AFA) and it will be acknowledged in writing within 5 College / School days of receipt, confirming that the investigation will be completed within 12 College / School days (not including Training Days, when the College / School is closed to students / pupils). However, the thorough investigation of a complaint may involve a number of members of staff; progress will depend on their availability and timescales are likely to be extended during College / School holidays. Complainants will be advised of the reason for any delay beyond 12 days.

We would advise using the College / School Complaint Form (See Appendix 2 of this document) to ensure that all relevant information is included.

The Principal (ECC) / Headteacher (AFA) should notify the Chair of Trustees that a formal complaint has been received, the nature of that complaint and proposed action. The Principal (ECC) / Headteacher (AFA) should make a full investigation and on completion of the investigation the Principal (ECC) / Headteacher (AFA) should arrange a meeting with the complainant to discuss the results.

Within 2 College / School days of the meeting a letter will be sent to the complainant (copied to the Chair of Trustees) outlining the results of the investigation and meeting and, if appropriate, detailing the proposed course of action. The complainant's right to refer the decision to the Chair of Trustees should also be included in the letter.

If the complainant is not satisfied with the response from the Principal (ECC) / Headteacher (AFA), they may refer the matter in writing, within 15 College / School days, to the Chair of the Trustees.

### **Stage 3 - Complaint heard by Chair of Trustees (formal)**

A complaint may only be made to the Chair of Trustees if it relates to the Principal (ECC) / Headteacher (AFA) or if the complainant has:

- already exhausted Stages 1 and 2
- allowed 12 College / School days (excluding Training Days) for the Principal (ECC) / Headteacher (AFA) to complete the investigation at Stage 2
- accepted any reasonable offer by the College / School to discuss the findings of the investigation
- taken part in any process of mediation offered by the College / School; such mediation should be undertaken by an independent person who has not been involved or knows about the nature of the complaint

On receipt of a written complaint the Chair of Trustees may either:

- Refer the matter back to the Principal (ECC) / Headteacher (AFA) for further consideration under the informal or formal stages of this Procedure, or
- Arrange a meeting between the complainant, Principal (ECC) / Headteacher (AFA) and Chair of Trustees or nominated Trustee (any Trustee taking part in this meeting would not be able to take

any further part in the Procedure including Trustees Complaint Panel). This meeting should take place within 15 College / School days of the receipt of the written complaint made to the Chair of Trustees.

- The Chair or nominated Trustee will then write to the complainant, within 5 College / School Days of any meeting, detailing the outcome of any meeting and any response to the complaint and advising the complainant of their right to take the matter to the Complaints Appeal Panel. The complainant should make this request in writing within 15 College / School Days of receiving the letter from the Chair or nominated Trustee.

#### **Stage 4 - Complaint heard by the Board of Trustees' Complaints Appeal Panel (formal)**

If the complainant has requested in writing to the Chair of Trustees that their complaint be heard by the Board of Trustees' Complaints Appeal Panel, the Trustees will set up a panel to deal with any appeals on complaints relating to the College / School. This will take place as soon as a mutually convenient time is found for all parties and within 15 days of the receipt of the complainant's letter requesting this stage of the Procedure. In requesting a meeting of the Appeal Panel, a complainant should provide a copy of the complaint, all supporting evidence and specifying which matters remain unresolved. No new complaints may be included. The panel's responsibility is to hear and consider complaints about formal complaints that have not been resolved at the earlier stages. The Board of Trustees' Complaints Appeal Panel is the last College / School-based stage of the complaints process.

The panel will consist of at least two Trustees who have not previously been involved in dealing with the complaint. It is important that the appeal hearing is independent and impartial and that it is seen to be so. In deciding the make-up of the panel, Trustees should try to ensure that it is a cross-section of the categories of Trustee and sensitive to the issues of race, gender and religious affiliation. In addition there should be at least one member of the panel who is independent of the management and running of the College / School and it is for the College / School to identify suitably independent individuals who can fulfil the role and responsibility of being an independent member of the panel. The Principal (ECC) / Headteacher (AFA) and Staff Trustees will not be members of the Committee. A complaint may give rise to subsequent disciplinary proceedings against a staff member and the procedure for dealing with a complaint should therefore be kept separate from any application of the College / School's staff discipline procedure.

The Clerk to the Trustees will arrange all matters relating to the meeting, which should be no later than 15 College / School days (excluding Training Days) from receipt of the request for a complaint to be heard by the Trustee Complaints Appeal Panel, ensuring as far as possible that it is held at a time that suits all parties. The Clerk will copy the complaint to the Principal (ECC) / Headteacher (AFA), who should respond in writing within 5 College / School days to the members of the panel, via the Clerk.

All documents from either the complainant or the Principal (ECC) / Headteacher (AFA) to be considered by the Committee, and the names of any witnesses or friends who might attend, must be received by the Clerk at least 7 College / School days before the meeting. Copies of the agenda and all documents will be posted to the panel members, Principal (ECC) / Headteacher (AFA), complainant and Chair of Trustees at least 5 College / School days before the meeting date. The Principal (ECC) / Headteacher (AFA) will copy relevant papers to any member of staff named in the complaint, whether or not they are to attend the hearing.

**The complainant may bring a friend, interpreter or advocate to the meeting.**

**The Principal (ECC) / Headteacher (AFA) may bring a professional representative to the meeting.**

**Any members of staff attending may bring a friend or professional representative.**

Witnesses are only required to attend for the part of the hearing in which they give their evidence. The Principal (ECC) / Headteacher (AFA) may question both the complainant and his/her witnesses after each has spoken and the complainant may likewise question the Principal (ECC) / Headteacher (AFA) and his/her witnesses. The panel may ask questions at any time. The complainant having summed up the complaint, and the Principal (ECC) / Headteacher (AFA) having summed up the College / School's response, the complainant and Principal (ECC) / Headteacher (AFA) will leave while the panel decides on the issues.

The panel will consider the complaint on the basis of the documents they receive and what is said at the meeting.

The panel may:

- Dismiss the complaint in whole or part
- Uphold the complaint in whole or part
- Decide on appropriate action to be taken to resolve the complaint
- Recommend changes to the College / School's systems or procedures to ensure that problems of a similar nature do not recur

Within 5 College / School days of the meeting the Clerk will write to the complainant, Principal (ECC) / Headteacher (AFA) and Chair of Trustees outlining the outcome of the meeting and stating that the panel is acting on behalf of the Trustees and no further appeal to the Trustees is possible. This letter should also explain any rights to further appeals and, if so to whom they need to be addressed.

Findings and recommendations of the Panel will be available for inspection on the College / School premises by the proprietor and Principal (ECC) / Headteacher (AFA).

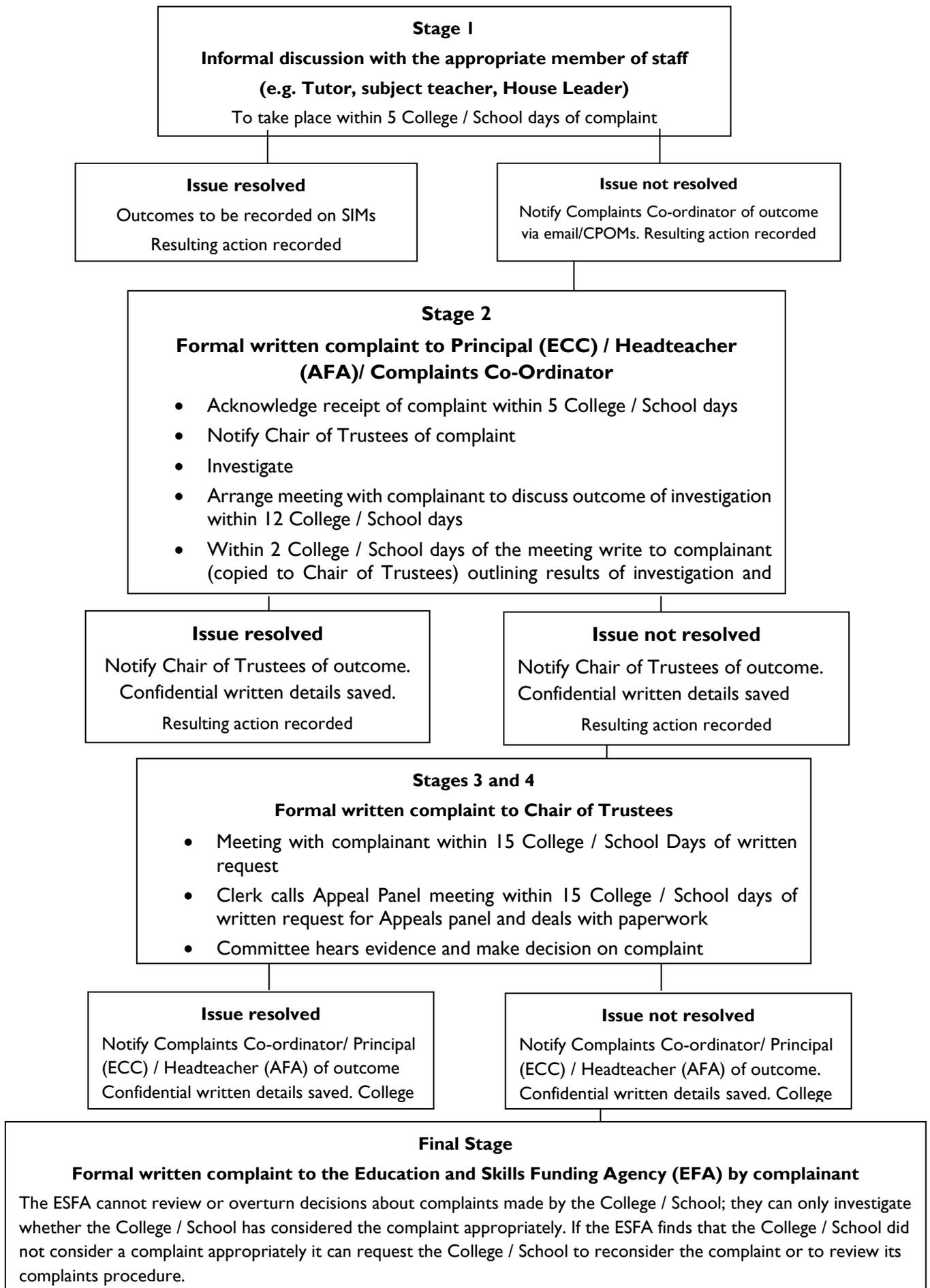
### **Complaints to the Education, Skills and Funding Agency (ESFA)**

If a complaint has been considered in accordance with this Procedure, but this has failed to resolve the matter, then the complainant can make a complaint to the Education, Skills and Funding Agency (ESFA).

The ESFA will normally only consider a complaint after this Procedure has been exhausted. The ESFA cannot review or overturn decisions about complaints made by the College / School; they can only investigate whether the College / School has considered the complaint appropriately. If the ESFA finds that the College / School did not consider a complaint appropriately it can request the College / School to reconsider the complaint or to review its complaints procedure.

If a complainant wishes to refer their complaint to the ESFA they can do so via the schools complaint form available thorough <https://www.gov.uk/government/organisations/education-and-skills-funding-agency/about/complaints-procedure>

## Flowchart of College / School Actions to be taken by Staff



## Appendix 1: Raising an Informal Concern or Informal Complaint

We recognise that a concern or informal complaint can often be resolved with a single conversation with the right person, although sometimes the issue is complex and will take more than one discussion to resolve. Concerns or informal complaints may be raised by letter, email, telephone or in person (please contact the College / School to make an appointment).

ISSUE	CONTACT
Problems with academic work or in lessons	Class teacher in the first instance, however we understand that in some circumstances you may feel uncomfortable with this and would prefer to contact the Curriculum Team Leader (CTL) for that subject (details on website or phone the College / School on 01752 779061)
Emotional well-being at College / School (bullying or relationship issues)	Tutor in the first instance, however we understand that in some circumstances you may feel uncomfortable with this and would prefer to contact the Head of House
Family, social or health issues which may impact on a student at College / School	Tutor in the first instance, however we understand that in some circumstances you may feel uncomfortable with this and would prefer to contact the Head of House Our Family Support Advisor, Kelly Palmer, may also be of assistance. Telephone: 07595 087667
Issues related to our Activate Programme which runs at evenings and weekends	Activate Co-ordinator, Lisa Sobey, at <a href="mailto:lsobey@eggbuckland.com">lsobey@eggbuckland.com</a>
Behaviour of our students / pupils in the community	Contact College / School reception by telephone (01752 779061) or email ( <a href="mailto:mailbox@eggbuckland.com">mailbox@eggbuckland.com</a> ) - your concern will be directed to the most appropriate member of staff

## **APPENDIX 2: Formal Complaint**

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Copies of this form are also available from College / School Reception

### **FORMAL COMPLAINT**

Please complete and return to Mrs Rachel Towers, Assistant Principal (ECC) / Headteacher (AFA) (Complaints Co-ordinator) or Mr Matthew Corrigan, Principal (ECC) / Headteacher (AFA). Your written complaint will be acknowledged within 5 College / School days of receipt and it will be explained to you what action will be taken.

All correspondence, statements and records relating to individual formal complaints will 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.

<b>Your name:</b>
<b>Student's name (if relevant):</b>
<b>Address:</b>
<b>Postcode:</b>
<b>Daytime telephone number:</b>
<b>Evening telephone number:</b>
<b>Please give details of your complaint</b>

**What action, if any, have you already taken to try and resolve your complaint (who did you speak to and what was their response)?**

**What actions do you feel might resolve the problem at this stage?**

**Are you attaching any paperwork? If so give details.**

**Signature:**

**Date:**

**OFFICIAL USE**

**Date acknowledgement sent:**

**By who:**

**Complaint referred to :**

**Date:**

