

# Exmouth Community College



## Complaints Policy

<b>Policy Details</b>	<b>Date</b>
Policy Written by	Browne Jacobson
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# Complaints Procedure

## Introduction

The College has adopted this procedure to allow parents/carers of students attending the College to raise a concern or complaint relating to the College. We will also usually follow this procedure when dealing with complaints from others but reserve the right to substitute this procedure for an alternative process where it is appropriate to do so.

This procedure does not apply to concerns and complaints relating to the following, which are dealt with under separate policies:

- exclusions;
- admissions;
- appeals relating to internal assessment decisions for external qualifications;
- complaints about statements of SEN/ EHC Plans;
- grievances or disciplinary issues relating to members of staff; or
- issues related to child protection.

The College is dedicated to providing the best possible education and support for all its students. This means having a clear, fair, and efficient procedure for dealing with any complaints to or against the College, so that any issues that arise can be dealt with as swiftly and effectively as possible.

The College welcomes feedback on the services it provides. Should anyone be unhappy with any aspect of the College, it is important that the College learns about this.

All College staff will be made aware of the College's complaints procedures and are expected to review this policy regularly in order that they are familiar with our process of dealing with complaints and can be of assistance when an issue is brought to their attention.

## Understanding this procedure

In order to investigate your complaint as fully as possible, we have implemented a staged approach. We anticipate that almost all complaints that arise will be resolved at Stage 1 or Stage 2 below.

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 2 will only be used on very rare occasions to deal with unreasonably persistent complainants or unreasonable complainant behaviour.

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

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

If it becomes necessary to alter the time limits and deadlines set out within this procedure, you will be advised accordingly and given an explanation as to why this has been the case and provided with revised timescales.

In this procedure:

- 'School days' excludes weekends and school holidays;
- 'Parent' means a parent, carer or anyone with legal responsibility for a child.

## **PART 1: Complaints Procedure**

### **Stage 1: Informal concerns**

- 1.1 Many enquiries and concerns can be dealt with satisfactorily by the class teacher, the head of year or other members of staff without the need to resort to the formal procedure. The College values informal meetings and discussions and encourages parents to approach staff with any concerns they may have, and aims to resolve all issues with open dialogue and mutual understanding.
- 1.2 It is always helpful if you can fully explain the nature of the concern and identify the outcome you are looking for. You may be invited to an informal meeting with the member of staff most appropriate for dealing with that concern. The member of staff dealing with the concern will make sure that you are clear on what action (if any) has been agreed. This may be put in writing if appropriate.
- 1.3 If the matter is brought to the attention of the Principal he may decide to deal with your concerns directly at this stage. If the concerns are about the Principal these should be referred directly to the Chair of Governors under Stage 2.
- 1.4 There is no suggested timescale for resolution at this stage given the importance of dialogue through informal discussion, although it would be expected that most issues will be resolved within 15 school days. Where no satisfactory solution has been found, you will be advised that if you wish your concerns to be considered further you should write to the Principal under Stage 2.

### **Stage 2: Formal Written Complaints**

- 2.1 If your concerns are not resolved under 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 Principal.
- 2.2 Your written complaint should include details which might assist the investigation, such as the nature of the complaint, details of how the matter has been dealt with so far, the names of potential witnesses, dates and times of events and copies of all relevant documents. It is very important that you include a clear statement of the actions that you would like the College to take to resolve your complaint. Please use the Complaint Form provided in Annex 1.
- 2.3 Your complaint will normally be acknowledged in writing within 5 school days of receipt. The acknowledgement will give a brief explanation of the College's complaints procedure and a target date for providing a response to the complaint. This will normally be within 15 school days of receipt.
- 2.4 The Principal (or someone appointed by the Principal) will usually invite you to a meeting to clarify your complaints and to explore possible resolutions. If you accept that invitation, you may be accompanied by one other person, such as a friend, relative, advocate or interpreter, to assist you. Where possible, this meeting will take place within 15 school days of receipt of the written complaint.
- 2.5 If necessary, witnesses will be interviewed and statements taken from those involved. If the complaint centres on a student, the student should also be interviewed. Students should normally be interviewed with their parent present, but if this would seriously delay the investigation of a serious or urgent complaint or if the student has specifically said that s/he would prefer that their parents were not involved, another member of staff with whom the student feels comfortable should be present. If a member of staff is complained against, they must have the opportunity to present their case.

- 2.6 Once all the relevant facts have been established as far as possible, you will be provided with a written response to the complaint, including a full explanation of the decision and the reasons for it. This will include what action the College will take to resolve the complaint (if any). You will be advised that if you are dissatisfied with the outcome of the complaint, you may request that your complaint be heard by the Complaints Committee.
- 2.7 If in the early stages of the investigation, the Principal considers that the complaint is best dealt with immediately at Stage 3, it will be passed to the Chair of Governors and you will be informed of this action without delay.

#### What if the complaint is about the Principal?

If the complaint is about the Principal, or if the Principal has been closely involved at Stage 1, your complaint should be sent to the Chair of Governors who will carry out all the Stage 2 procedures.

#### What if the complaint is about a Governor?

You should contact the Chair of Governors who will investigate the concerns in accordance with Stage 2. If the complaint is about the Chair of Governors you should contact the Vice Chair.

### **Stage 3: Referral to the Complaints Committee**

- 3.1 If you are dissatisfied with the decision under Stage 2, you may request that a Complaints Committee be convened to consider your complaint. Your request will only be considered if you have completed the relevant procedures at Stages 1 and 2.
- 3.2 To request a hearing before the Complaints Committee, you should write to the Clerk to the Governors at the College address within 10 school days of receiving notice of the outcome of Stage 2. You should ensure that you provide copies of all relevant documents and state all the grounds for your complaint and the outcome that you are looking for.
- 3.3 Your written request will be acknowledged within 5 school days of receipt.
- 3.4 The Clerk will arrange for a Complaints Committee to be convened, made up of two governors of the College with no prior involvement in the matter and one person who is independent of the management and running of the College. The Clerk shall appoint one of these members to be the Chair of the Committee.
- 3.5 Every effort will be made to enable the hearing to take place within 20 school days of the receipt of your request. As soon as reasonably practicable and in any event at least 5 school days before the hearing, you will be sent written notification of the date, time and place of the hearing, together with brief details of the committee members who will be present. Fair consideration will be given to any bona fide objection to a particular member of the committee. The notification will also inform you of your right to be accompanied to the meeting by a friend, relative, advocate or interpreter and explain how the meeting will be conducted. You should notify the Clerk in advance if you intend to bring anyone to the hearing. Legal representation will not be permitted.

A copy of the complaint and any other documents provided by you in support of your complaint or by the College in defence of the complaint will be provided to the Complaints Committee as soon as practicable upon receipt. Copies of these documents shall also be provided to you or the Principal (as applicable) at least 3 school days before the hearing. The Complaints Committee reserves the right not to consider any documentation presented by either you or the College less than 3 school days prior to the hearing. The Complaints Committee is under no obligation to hear oral evidence from witnesses but may do so and/or may take written statements into account.

- 3.6 The hearing will be conducted in such a way as to ensure that each party has the opportunity to address the Complaints Committee. The procedure to be followed during the hearing will be set out to the parties by letter in advance of the hearing. Unless otherwise stated, each party will be permitted to address the panel in turn without the presence of the other party and the Complaints Committee will then retire to consider their decision. The Clerk will ensure that sufficient notes are taken to record an accurate reflection of the points considered and any decisions taken or actions agreed.
- 3.7 After the hearing, the Complaints Committee will consider their decision and inform the complainant, the Principal and, where relevant, the person complained about of their decision in writing within 10 school days. The letter will set out the decision of the committee together with the reasons underpinning that decision. The committee can (by a majority if necessary):
- uphold the complaint in full or in part and recommend reasonable remedial action in line with the Academy's constitution and the powers of directors;
  - reject the complaint in full;
  - adjourn the hearing to conduct further investigation or to consider the matter further, in which case the Clerk shall re-convene the hearing as soon as reasonably appropriate, usually within two school weeks.

#### **Stage 4: Referral of complaint to Education & Skills Funding Agency (ESFA)**

If you are dissatisfied with the decision of the Complaints Committee, you are entitled to refer your complaint to the Education Funding Agency (ESFA), who has limited powers to review the handling of the complaint in accordance with ESFA's 'Procedure for dealing with complaints about Academies'.

At the time of writing this procedure, the ESFA procedure and the ESFA school complaints form are available at:

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

#### **Records of complaints**

A written record will be kept of all Stage 2 and Stage 3 complaints.

The panel make findings and recommendations and stipulate that a copy of those findings and recommendations is

- available for inspection on the school premises by the proprietor and the Principal;

A written record will be kept of all complaints that are made in accordance with

- whether they are resolved following a formal procedure, or proceed to a panel hearing; and
- action taken by the College as a result of those complaints (regardless of whether they are upheld;

The College is mindful of its obligations under GDPR. Correspondence, statements and records relating to individual complaints will only be shared with those staff and governors involved in the complaint. Details of individual 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. Data relating to complaints will be retained [for [6] years from the date of resolution **OR** in accordance with the College's data retention policy].

Anonymised data of all complaints will be made available to the full Governing Board including:

- whether the complaint has been resolved following a formal procedure or proceeds to a panel hearing;  
and

- action taken by the College as a result of those complaints (regardless of whether they are upheld);  
to assist with the collection of management information and regular reporting.

## **PART 2: Unreasonably persistent complainants and unreasonable complainant behaviour**

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

- Where the complainant's behaviour towards staff or governors is unacceptable, for example, is abusive, offensive or threatening;
- Where, because of the frequency of their contact with the College, the complainant is hindering the consideration of their or other people's complaints and/or the proper running of the College;
- Where the complainant's complaint is clearly vexatious and/or has patently insufficient grounds;
- 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 by the College.

In these circumstances, the College 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 College 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 College's premises;
- 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 the College 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.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of staff or governors, 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.

**Complaints Form**

<b>Your name:</b>
<b>Student's name:</b>
<b>Your relationship to student:</b>
<b>Your address and postcode:</b>
<b>Your daytime telephone number:</b>
<b>Your evening telephone number:</b>
<b>Your email address:</b>
<b>Your complaint is...</b>
<b>What action have you already taken to try and resolve your complaint?</b> (Who did you speak to and what was the response?)
<b>What would you like as an outcome from your complaint?</b>

Are you attaching any paperwork? If so, give details here:

Your signature..... Date .....

All functions of the complaints procedure must adhere to the requirements of the Data Protection Act 1998 and the Freedom of Information Act 2000.

Please complete and return to the College office in a sealed envelope addressed to the Principal, Chair of Governors or Clerk to Governors (as appropriate).

*Office use*

Date received .....

Date acknowledgement sent .....

Responsible member of staff .....



## Annex 2

### Summary of Complaints Procedure

<b>Stage 1: Informal concerns</b>	Parent brings complaint to attention of member of staff
	Issue to be resolved within 15 school days
	Where no satisfactory solution has been found, parent to be advised that they should proceed to Stage 2
<b>Stage 2: Formal Written Complaint</b>	Parent to put complaint in writing using Complaint Form
	Complaint to be acknowledged within 5 school days
	(Optional) Meeting with parents within 15 school days
	Response to the complaint sent within 15 school days
<b>Stage 3: Referral to Complaints Committee</b>	Parent to request hearing within 10 school days of receiving notice of the outcome of Stage 2
	Request to be acknowledged within 5 school days
	Hearing to take place within 20 school days of receipt of request
	Notification of date, time and place of the hearing and details of the committee members present sent at least 5 school days before the hearing
	College and parents to submit evidence in support of their case to Clerk at least 3 school days before the hearing
	Complaints Committee decision sent not more than 10 school days after the hearing