



Exmouth  
Community  
College  
Academy Trust

# COMPLAINTS POLICY

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## **Complaints procedure**

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.

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.

### **Who can make a complaint?**

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to Exmouth Community College about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

### **The difference between a concern and a complaint**

A concern may be defined as '*an expression of worry or doubt over an issue considered to be important for which reassurances are sought*'.

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

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. Exmouth Community College takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Principal, will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Principal will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, Exmouth Community College will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

### **How to raise a concern or make a complaint**

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.

Concerns should be raised with either the class teacher or Principal. If the issue remains unresolved, the next step is to make a formal complaint.

Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 2 of the procedure.

Complaints against school staff (except the Principal) should be made in the first instance, to Mr Andrew Davis (the Principal) via the school office. Please mark them as Private and Confidential.

Complaints that involve or are about the Principal should be addressed to Mrs Margaret Turgoose (the Chair of Governors), and sent in via the Clerk to the Governors. Please mark them as Private and Confidential.

Complaints about the Chair of Governors, any individual governor or the whole governing board should be addressed to Michaela Savage (the Clerk to the Governing Board) via the Gipsy Lane site. Please mark them as Private and Confidential.

For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the school office. You can also ask third party organisations like the Citizens Advice to help you.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

### **Anonymous complaints**

We will not normally investigate anonymous complaints. However, the Principal or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

### **Time scales**

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

### **Complaints received outside of term time**

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

### **Scope of this Complaints Procedure**

This procedure covers all complaints about any provision of community facilities or services by Exmouth Community College, other than complaints that are dealt with under other statutory procedures, including those listed below.

<b>Exceptions</b>	<b>Who to contact</b>
<ul style="list-style-type: none"><li>• Admissions to schools</li><li>• Statutory assessments of Special Educational Needs</li><li>• School re-organisation proposals</li></ul>	Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Devon County Council

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>Matters likely to require a Child Protection Investigation</li> </ul>	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. Please contact our Designated Safeguarding Lead Ms H Miles on 01395 255650 or email <a href="mailto:henrietta.miles@exmouthcollege.devon.sch.uk">henrietta.miles@exmouthcollege.devon.sch.uk</a></p> <p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO), telephone 01392 384964 who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH) on 0345 155 1071 or email <a href="mailto:mashsecure@devon.gcsx.gov.uk">mashsecure@devon.gcsx.gov.uk</a></p>
<ul style="list-style-type: none"> <li>Exclusion of children from school*</li> </ul>	<p>Further information about raising concerns about exclusion can be raised in the first instance with Exmouth Community College or further guidance can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>.</p> <p><i>*complaints about the application of the behaviour policy can be made through the College's complaints procedure.</i></p>
<ul style="list-style-type: none"> <li>Whistleblowing</li> </ul>	<p>We have an internal whistleblowing policy which sets out the procedure for all our employees, including temporary staff and contractors to follow. This policy is on ECC's website <a href="http://www.exmouthcollege.devon.sch.uk">www.exmouthcollege.devon.sch.uk</a></p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p>
<ul style="list-style-type: none"> <li>Staff grievances</li> </ul>	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>
<ul style="list-style-type: none"> <li>Staff conduct</li> </ul>	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
<ul style="list-style-type: none"> <li>Complaints about services provided by other providers who may use school premises or facilities</li> </ul>	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.</p>

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>National Curriculum - content</li> </ul>	<p>In the first instance please contact Mr G Allen, Deputy Principal on 01395 255613 or email <a href="mailto:graham.allen@exmouthcollege.devon.sch.uk">graham.allen@exmouthcollege.devon.sch.uk</a></p> <p>Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a></p>

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against Exmouth Community College in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

### Resolving complaints

At each stage in the procedure, Exmouth Community College wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology.

### Withdrawal of a Complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

### 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 1 Formal Concerns.

## Stage 1 – Formal Concerns

Formal complaints must be made to the Principal (unless they are about the Principal), via the school office. This may be done in person, in writing (preferably on the Complaint Form), or by telephone.

The Principal will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days of receipt.

Within this response, the Principal will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Principal can consider whether a face to face meeting is the most appropriate way of doing this.

*Note: The Principal may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.*

During the investigation, the Principal (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish.
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the Principal will provide a formal written response within 20 school days of the date of receipt of the complaint.

If the Principal is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Exmouth Community College will take to resolve the complaint.

The Principal will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

If the complaint is about the Principal, or a member of the governing board (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 1.

Complaints about the Principal or member of the governing board must be made to the Clerk, via the school office.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing board or
- the majority of the governing board

Stage 1 will be considered by an independent investigator appointed by the governing board. At the conclusion of their investigation, the independent investigator will provide a formal written response.

## Stage 2

If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2 – a meeting with members of the governing board's complaints

committee, which will be formed of the first two, impartial, governors available and one person who is independent of the management and running of the College. This is the final stage of the complaints procedure.

A request to escalate to Stage 2 must be made to the Clerk, via the school office, within ten school days of receipt of the Stage 1 response.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within five school days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within twenty school days of receipt of the Stage 2 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

The complaints committee will consist of at least two governors of the College with no prior involvement or knowledge of the complaint and one person who is independent of the management and running of the College. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee. The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.

If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative, friend, advocate and / or interpreter and the Clerk should be notified in advance who is attending the meeting. Legal representation will not be permitted.

*Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.*

Representatives from the media are not permitted to attend.

At least five school days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the committee at least three school days before the meeting.

Any written material will be circulated to all parties at least three school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of

all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The committee will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

The Chair of the Committee will provide the complainant and, where relevant, the person complained about, and Exmouth Community College with a full explanation of their decision and the reason(s) for it, in writing, within ten school days.

The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled by Exmouth Community College.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing board or
- the majority of the governing board

Stage 2 will be heard by a committee of two independent governors and one independent person.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Exmouth Community College will take to resolve the complaint.

The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

## **Next Steps**

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 2.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Exmouth Community College. They will consider whether Exmouth Community College has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), by telephone on: 0370 000 2288 or by writing to:

School Complaints Unit  
Department for Education  
2<sup>nd</sup> Floor, Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

National helpline: 0370 000 2288



## Records of complaints

A written record will be kept of all Stage 1 and Stage 2 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.

**Complaint Campaigns** – see page 4 of the Best Practice Guidance which recommends having a separate procedure to handle complaints of this nature.

## Unreasonably persistent complainants and unreasonable complainant behaviour

There are rare circumstances where the College will deviate from the Complaints Procedure set out above. 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.

## Complaint Form

Please complete and return to Mr A Davis, Principal, or Mrs M Savage Clerk to the Governing Board who will acknowledge receipt and explain what action will be taken.

<b>Your name:</b>
<b>Pupil's name (if relevant):</b>
<b>Your relationship to the pupil (if relevant):</b>
<b>Address:</b>
<b>Postcode:</b>
<b>Day time telephone number:</b>
<b>Evening telephone number:</b>
<b>Please give details of your complaint, including whether you have spoken to anybody at the school about it.</b>

**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:**

## Roles and Responsibilities

### Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

### Investigator

The investigator's role is to establish the facts relevant to the complaint by:

- 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
  - interviewing staff and children/young people and other people relevant to the complaint
  - consideration of records and other relevant information
  - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- 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
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the Principal or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.
- The Principal or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

**Complaints Co-ordinator** (this could be the Principal / designated complaints governor or other staff member providing administrative support)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, Principal, Chair of Governors, Clerk and LAs (if appropriate) to ensure the smooth running of the complaints procedure
- be aware of issues regarding:

- sharing third party information
- additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.

### **Clerk to the Governing Board**

The Clerk is the contact point for the complainant and the committee and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example; stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision.

### **Committee Chair**

The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.

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 meeting

- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any

involvement in an earlier stage of the procedure

- the meeting is minuted
- they liaise with the Clerk (and complaints co-ordinator, if the school has one).

## Committee Member

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so

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

- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant

We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.

- many complainants will feel nervous and inhibited in a formal setting

Parents/carers often feel emotional when discussing an issue that affects their child.

- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting

Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.

The committee 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 committee 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 committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.

However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.

- the welfare of the child/young person is paramount.