

# Complaints Policy

## Document Control

This document is issued, controlled and impact assessed by the Senior Leadership Team.

The latest version of the procedure will be maintained on the School Website

## Scope

Endeavour Academy is keen to offer the best possible service to all students, parents, employers, visitors and members of the community. We encourage open discussion and feedback but if any member of the school's community has a concern or complaint, then we will adopt a restorative approach to resolve the issue.

## Purpose

- To allow complaints to be aired.
- To ensure that complaints are resolved as quickly and fairly as possible.
- To foster and maintain good relationships between all parties concerned.

## Policy Statement

### Phase 1: Dealing with Informal Concerns

It is recognised that many concerns and issues will be raised informally, and, hopefully, promptly and can be reported to Learning Mentor who may be able to resolve the issue immediately. If this is not possible, however, the member of staff will assist the person who expresses a concern (the complainant) by completing a form to register the concern.

Endeavour Academy aim to resolve informal issues and concerns quickly and effectively, with the aim of reaching a satisfactory solution for all involved. If this cannot be achieved at this first level, the complainant has the right to take the concern to the next level and discuss the issue with the Learning Coach. If resolution is still not achieved, the matter will be investigated by the deputy Head of School. Informal discussions can usually result in a satisfactory outcome and we always aim to deal with concerns within a one week turn around, however, if the concern can't be resolved informally, it may need to be escalated to a formal level.

It should be understood that these Complaints Procedures are not competent to deal with issues that should be resolved within the framework of Grievance / Disciplinary Procedures.

### Lodging a Complaint

If an individual remains dissatisfied after exhausting Phase 1, a complaints form should be completed. This is available on the school website or on request from the Head of Administration. Once completed this form should be submitted to the Head of Administration.

Note: If the formal complaint is against the Head of School, the form may be submitted to the Clerk to the Trustees and the phase 3 procedure invoked immediately.

## Phase 2: Making a Formal Complaint

To pursue the concern further, a formal complaint form needs to be completed.

Definition: Endeavour Academy has defined a formal complaint as 'any expression of dissatisfaction that requires a response, which has not yet been satisfactorily resolved'. This definition will apply consistently across all curriculum and functional areas.

Note: Complaints concerning assessment and accreditation are dealt with through appeals procedures set up with Awarding / Validating Bodies. Complaints from contractors will be dealt with as appropriate under the relevant contract terms.

- 1.1 The Head of School should acknowledge your complaint in writing, within 5 days of receipt. In some cases the Head of School will have already been involved in looking at the matter; in others it will be her first involvement.
- 1.2 The complainant may select a person of their choice to complain on their behalf (e.g. a friend, parent or carer) and they may bring along a friend to any discussion (*NB this is not to be a legal representative*). Complainants are advised to retain their own records, copies of their complaint forms and any documents which they feel substantiate their complaint.
- 1.3 The Head of School may arrange a meeting to discuss your complaint further and gather any additional information. The complainant may bring a friend to this discussion.
- 1.4 If the complaint is against a member of staff the Head of School should ask a member of the Leadership Team if there is a prima facie case for the disciplinary investigation, and if there is, this should take place and the complaints process be suspended, if not, the Head of School should talk to the staff member against whom the complaint has been made.
- 1.5 If necessary, the Head of School should interview witnesses and take statements from those involved.
- 1.6 The Head of School should keep reasonable written records of meetings, telephone conversations and other documentation.
- 1.7 Once all the relevant facts have been established, the Head of School should produce a written response to you. The Head of School may wish to meet with you to discuss / resolve the matter before confirming the outcome in writing.
- 1.8 The written response should include a full explanation of the decision and the reasons for it. Where appropriate, it should include what action the school will take to resolve the complaint.
- 1.9 You should also be advised that if you are not satisfied with the response and wish to take the matter further, you can do so, by writing to the Clerk of the Trustees within 5 school days of receiving the outcome letter. (Phase 3).

- 1.10 Phase 2 should be completed in ten school days. However, it is recognised that this timetable is likely to prove impossible for complaints which are complex. In such cases, the Head of School should write to you giving a revised target date.
- 1.11 Schools will not pay financial compensation as a response to complaints, though may spend money on a relevant educational purpose (e.g. paying a fee for a repeat examination).

## Complaints against the Head of School

If the complaint is wholly or mainly about the Head of School, the Trustees should consider the complaint in accordance with Phase 3 of the procedure described below. However, before Phase 3 is instigated the Chair of the Trustees will invite the Head of School to respond to the complaint in writing within ten school days. The Chair will send a copy of the Head of School's response to the complainant and they will be asked to indicate within five school days of receipt of the response whether they are satisfied with the response. If the complainant is not satisfied with the response Phase 3 should commence as described below.

## Phase 3: Consideration by the Trustees

- 2.1 If the complainant decides to take the matter further, he or she should write to the Clerk of the Trustees enclosing a copy of the formal complaint form and the Head of School's response, and specifying what further action or outcome is desired. The Head of Administration will acknowledge receipt of the complaint and should write to the complainant to acknowledge the complaint within two school days of receipt of the complaint. A copy of the acknowledgement and the complaints form should be sent to the Head of School and the Clerk to the Trustees
- 2.2 Investigating the complaint.
  - 2.2.1 If the complaint has been investigated at Phase 2 the result of the investigation must be made available to the Clerk / Chair by the Head of School. However:

Where the complaint is against the Head of School, the Clerk of the Trustees must decide, in consultation with the Chair of the Trustees (see 2.3 below) whether and how the complaint should be investigated. If the outcome desired is within the power of the Trustees to procure, having regards to the authority of the Head of School. If it is not, the Secretary shall so inform the complainant, with an explanation of what further avenues of appeal are open by statute.

If the Clerk is of the view that the outcome desired is within the power of the Trustees to procure if it deems fit so to do, he will so inform the Chair of the Trustees and the Head of School and convene a hearing before an Appeals Panel. All Trustees are eligible to serve on the panel **except** Trustees employed by Endeavour Academy, and any person who has a personal interest or previous involvement in the matter. One member of the Panel shall be unconnected with Endeavour Academy. The composition of the Panel and its Chair will be determined by the Chair of the Trustees.

2.2.2 Where the complaint is other than against the Head of School, the Clerk, in consultation with the Head of School and Chair of the Trustees must decide if the desired outcome is within the power of the Trustees to procure, having regard to the authority of the Head of School.

If the Clerk is of the view that the outcome desired is within the power of the Trustees to procure if it deems fit so to do, they will so inform the Chair of the Trustees and the Head of School and convene a hearing before an Appeals Panel. All Trustees are eligible to serve on the panel except Trustees employed by Endeavour Academy, and any Trustee who has a personal interest or previous involvement in the matter. One member of the Panel shall be unconnected with Endeavour Academy. The composition of the Panel and its Chair will be determined by the Chair of the Trustees.

The Panel will comprise three members.

The Panel should consider the complaint initially on the basis of the written evidence and normally set up a hearing and hear both parties.

The Panel will not normally take upon themselves the role of substituting their judgement for those of the Head of School on any matter which is clearly with the Head of School's role to determine.

The role of the appeals panel therefore should be to satisfy itself that the person making the decision:

- Informed himself or herself correctly about the rules which governed his or her decision;
- Called to his own attention all those matters he or she was bound to consider;
- Excluded from his or her own attention any matter that was irrelevant;
- Made a decision on the competent facts that was within the compass of decisions that a properly informed authority might take (i.e. was not wholly unreasonable or perverse);
- And that there was no allegation or evidence of malice or any other breach of the rules of natural justice.

Only if, at the first hearing, there is a doubt about any of the above, then the original decision should be set aside and a full "de novo" hearing take place, after which the same judgement as the original judgement or a different judgement may be handed down.

If they decide to set up a hearing, the Committee should follow the procedure set out in paragraph 2.3 to 2.18 below.

2.3 The Clerk to the Trustees shall Clerk the Panel

2.4 The Clerk will write to the complainant to explain how the review will be conducted. The letter should be copied to the Head of School.

- 2.5 The Clerk will inform members of the Panel of the date of the meeting. The complainant and Head of School should be invited to attend the meeting. The date and time of the meeting should be convenient to the complainant and the Head of School, within reason. The notification should inform the complainant of his / her right to be accompanied to the meeting by a friend/representative. It should also explain how the meeting will be conducted and of the complainant's right to submit further written evidence to the Panel.
- 2.6 The Head of School should also be invited to prepare a written report for the Panel in response to the complaint.
- 2.7 The Clerk will ensure that all relevant correspondence regarding the complaint is circulated to the panel members, the complainant and the Head of School in advance of the meeting.
- 2.8 If the Head of School and / or the complainant wish to call witnesses, the agreement of the Chair of the Panel should be obtained in advance of the meeting.
- 2.9 It is the responsibility of the Chair to ensure that the meeting is properly conducted, however the proceedings should be as informal as possible.
- 2.10 The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. At the end of the meeting the Panel will decide what action to take or recommend.
- 2.11 If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interest of natural justice to adjourn the meeting so that the other side has time to respond to the new evidence. Late evidence of witnesses should not be accepted unless there is a good reason for the lateness.
- 2.12 The meeting should allow for:
- The complainant to explain his or her complaint and the Head of School to explain the reasons for his or her decision;
  - The Head of School to question the complainant about the complaint and the complainant to question the Head of School;
  - Panel members to have an opportunity to question both the complainant and the Head of School; Any party to have the right to bring witnesses (subject to the approval of the Chair) and all parties having the right to question all the witnesses.
  - Final statement by the Head of School and complainant.
- 2.13 The Chair of the Panel should explain to the complainant and the Head of School that the Panel will consider its decision, and a written response will be sent to both parties as soon as possible. The complainant, Head of School and any witnesses will then leave.
- 2.14 The Panel will consider the complaint and all the evidence presented and reach a unanimous, or at least a majority, decision on the complaint. Where appropriate the Panel can decide on the action to be taken to resolve the complaint and/or suggest recommended changes to the school's system or procedures to ensure that problems of a

similar nature do not happen again.

- 2.15 As in Section 1.10 above, Trustees will not pay financial compensation as a response to a complaint, though may spend money on an appropriate educational purpose.
- 2.16 The Clerk / Chair will send a written statement outlining the decision with reasons to both the complainant and the Head of School.
- 2.17 The complainant should be advised that if they are dissatisfied with the response they have the right to take the matter further by complaining to the Secretary of State for Education and Skills.
- 2.18 Phase 3 should be completed in 15 school days. However, it is recognised that this timetable is likely to prove impossible for complaints which are complex. In such cases the Clerk of the Panel should write to the complainant giving a revised target date.

## Confidentiality

Except in exceptional circumstances, every attempt will be made to ensure that both the complainant and Endeavour Academy observe the confidential nature of issues. However, the circumstances giving rise to the complaint may be such that it might not be possible to maintain confidentiality and each complaint will be judged on its own merit. Should this be the case, the situation will be explained to the complainant and/or their representative. In the case of students raising a complaint who are aged below 18, the School may be obliged to inform their parent / guardian.

## Monitoring and Reporting

An annual report will be produced to record complaints raised. The Trustees will monitor the handling of complaints in accordance with the School's procedures.

Endeavour Academy will review the complaints procedure annually and will seek to consult with representatives of students, staff and employers. Endeavour Academy will measure the extent to which it is meeting its commitments through its review of complaints and outcomes of opinion surveys etc.

All complaints will be recorded, indicating whether resolved at primary stage or whether they proceeded to panel hearing.

## Final Complaint outside of the Endeavour Academy

Following the action taken above, if the complainant still feels that the matter has not been resolved to their satisfaction and, after having exhausted Phases 2 and 3 of the School's complaints procedure, they will be advised to take their complaint to the Department for Education, or any other specific regulatory body.

## Informal Concern Guidance

### Endeavour Academy Guidance on raising an informal concern

<p>Raising a concern: If I have a concern, what can I do?</p>	<p>Talk to my Learning Mentor and, if necessary complete a 'concern form'</p>	<p>Concern dealt with? Yes</p>
<p><b>If not.....</b></p>		
<p>Discussing the concern further: If I need more help with my concern, what can I do?</p>	<p>Talk to the Deputy Head of School and discuss the concern form.</p>	<p>Concern dealt with? Yes</p>
<p><b>If not.....</b></p>		
<p>Taking it further: If I need more help with my complaint, what do I need to do?</p>	<p>Fill in a complaints form and send to the Head of Administration.</p>	<p>Concern dealt with? Yes</p>
<p><b>Remember .....</b></p> <p><b>If you want to make a complaint, try to sort it out straight away before things get any worse.</b></p>		

## Formal Complaint Guidance

How are complaints received / made?	Persons wishing to complain should complete a Complaint Form or write to / speak to the Head of Administration.	The Complaints Procedure is open to all people served by the school, including students, complainants, employers, visitors, Trustees and friends.
Who supervises the investigation into the complaint?	The school will record and investigate details of the complaint.	School employees should discuss any concerns with the relevant line manager, rather than use the School complaints procedure.
How is a complaint investigated?	The Head of School, with the assistant of impartial aid, conducts the investigation, ensuring that evidence, statement etc., are obtained from all parties to the complaint, and produces a Report and a Draft Reply.	All formal complaints to be systematically channelled to the Head of Administration.
Who replies to the complainant?	The Head of School is responsible for responding to the complainant on progress, normally within 10 working days after complaint has been acknowledged.	Complaints Form are available online, and from the Head of Administration.
What if complainant is still dissatisfied?	If the complainant disagrees with the outcome he / she should provide written details of his / her appeal to the Head of Administration, who will forward papers to the Trust.	The person wishing to complain may well choose to use a third party (complainant, guardian, friend, etc) to represent them
How is an Appeal handled?	The Trustees consider the nature of the complaint and carry out further investigation, write to the complainant with the outcomes or meet with the complainant.	The investigation will be conducted in strict accordance with all tenets of natural justice (i.e. fair and consistent). The aim is to complete the process within 15 days of Governor receipt of the appeal.
What if the complainant is still not satisfied?	If the complainant is not satisfied he /she may refer the complaint to the DfE.	Complainants may refer any complaint which has reached no satisfactory resolution with the Trustees to the DfE.

## Phase 1: Concerns Record

### Endeavour Academy Informal Concern Record (copy)

The Endeavour Academy aims to offer the best possible service to all students, visitors and members of the community. If you are dissatisfied with our performance please let us know by either raising the issue with the Head of Administration, who will log the concerns, or complete the on-line form to register the concern, or by visiting [www.endeavouracademy.co.uk/complaints](http://www.endeavouracademy.co.uk/complaints).

We aim to deal with concerns as quickly as possible, and if your concern is not satisfactorily resolved you should complete the complaints form quoting the reference number for this concern.

<b>Your Details:</b>		
Full Name		
Address		
Telephone Number 1		
Telephone Number 2		
Email Address		
<b>Are you a:</b>		
Student Potential Student Other (please state)	Visitor Employer	Parent
<b>ISSUE OF CONCERN: (please circle one or more of the categories below)</b>		
<b>Is your concern about:</b>		
School course Policy or procedure Other (please state)	Facility or service Member of staff	Equality & Diversity Freedom of Information
<b>Please give details of your concern below, continuing on another sheet of paper if necessary:</b>		

## Phase 2: Formal Complaint Record

### Endeavour Academy Formal Complaint Record (copy)

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We aim to deal with concerns as quickly as possible, and if your concern is not satisfactorily resolved you should complete the complaints form quoting the reference number for this concern.

<b>Your Details:</b>		
Full Name		
Address		
Telephone Number 1		
Telephone Number 2		
Email Address		
<b>Are you a:</b>		
Student Potential Student Other (please state)	Visitor Employer	Parent
<b>ISSUE OF CONCERN: (please circle one or more of the categories below)</b>		
<b>Is your concern about:</b>		
School course Policy or procedure Other (please state)	Facility or service Member of staff	Equality & Diversity Freedom of Information
<b>Please give details of your concern below, continuing on another sheet of paper if necessary:</b>		
<b>Details of actions taken to resolve the initial concern (use additional sheets of paper if necessary):</b>		

# Complaints Policy

**Endeavour Academy is committed to equality of opportunity for all. Please confirm details about yourself by ticking all appropriate boxes below: this information is for monitoring purposes only and will not be disclosed to the person dealing with the complaint.**

<b>Gender</b>	
Female	Male
<b>Age</b>	
25 or under 26-35 36-45 46-55 56-65 Over 65	
<b>How would you describe your ethnic origin?</b>	
Asian/Asian British – Bangladeshi Mixed Race – White & Asian Asian/Asian British – Indian Mixed Race – White & Black African Asian/Asian British – Pakistani Mixed Race – White & Black Caribbean	Asian/Asian British – Other Asian Background Mixed Race – any other mixed background Black/Black British - African White - British Black/Black British - Caribbean White - Irish Black/Black British – Other Black Background White – any other white background