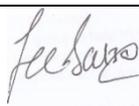


# Epping Forest Schools Partnership Trust

*Unlocking the Potential of Collaboration*

## Complaints Policy

This policy was approved by the Board of Trustees in:	February 2019
Signed by the Chair of Trustees:	
This Policy will be reviewed by the Trust every two years. Next review date:	February 2021

## Table of Contents

1. Introduction .....	3
2. Difference between a Concern and a Complaint .....	3
3. Scope of Complaints Policy .....	3
4. Principles for investigation .....	4
5. Procedure for making a Complaint.....	4
7. Reporting and Learning from Complaints.....	7
8. Publishing the Procedure .....	8
9. Other Sources of Information and Advice .....	8
10. The Role of Education and Skills Funding Agency .....	8
11. Review .....	8
Appendix B - LEGISLATION .....	10
Appendix C – COMPLAINTS FORM .....	11
Appendix D - Complaints Appeal Panel Procedure for Local Governing Body.....	12

## **1. Introduction**

At (enter school name here), part of the Epping Forest Schools Partnership Trust, we encourage all parents and pupils to approach any member of staff in the first instance if they have a concern or complaint.

In the event that these initial approaches fail to resolve a complaint, this policy lays out the procedures that should be followed to allay any concerns about a particular issue.

If you do not understand any part of this policy, please do not hesitate to contact the Headteacher. Your complaint will then be investigated fully, ensuring all relevant facts are taken into consideration.

For further information about current government legislation please see Appendix B.

## **2. Difference between a Concern and a Complaint**

A 'concern' is 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'. A complaint is defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

We believe in trying to resolve complaints at the earliest possible stage. Many issues can be resolved informally, without the need to invoke formal procedures. At (enter school name here) we take informal concerns seriously and make every effort to resolve the matter as quickly as possible.

There are occasions when complainants would like to raise their concerns formally. In those cases, the formal procedure set out in this policy should be invoked.

## **3. Scope of Complaints Policy**

3.1 This policy applies to complaints received from within the school/Trust community namely Parents / Carers/ Pupils and also to complaints received from the wider community e.g. Residents, Local Businesses, Local Council, MP Etc.

3.2 Please be aware that although this policy covers complaints about the arrangements for in school support for SEND pupils, the statutory assessments of special educational needs (SEN) is not covered by this policy. Please refer to Section 9 'Other Sources of Information and Advice' on page 9 in this policy.

In addition this policy does not cover complaints procedures relating to:

Admissions

Safeguarding matters

Exclusion

Whistle-blowing

Staff grievances

Staff discipline

This issue: February 2019

Last issue:

EFSPSPT Complaints Policy

Page 3 of 12

Please refer to our website to see our separate policies for procedures relating to these types of complaint.

3.3 Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

#### **4. Principles for investigation**

4.1 When investigating a complaint we will try to clarify the basis of the concern and what the complainant believes would put things right.

4.2 We will address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage by the Headteacher / Chair of Governors / Trust Board etc and agreed with the complainant. Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

4.3 The school expects that complaints will be made as soon as possible after an incident arises and no later than 3 months afterwards. We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

#### **5. Procedure for making a Complaint**

There are a number of stages to our Complaints Policy which are summarised below:

##### **5.1 Stage 1 – Informal**

At this stage the aim is to resolve the concern through informal contact at an appropriate level within the school.

5.1.1 Initially we would ask that a parent or pupil discusses the complaint with the relevant member of staff, usually the class teacher. However, if you have difficulty with discussing the issue with that member of staff, the complaint can be referred to another member of staff. Similarly, if the member of staff directly involved felt unable to deal with the complaint then another member of staff can be allocated to deal with the complaint in the first instance.

5.1.2 The school will record your concern and ensure that appropriate person (if it not the person whom you have raised the concern with) is in contact with you as soon as possible.

5.1.3 The school will investigate your concern and keep you informed.

5.1.4 If you are not happy with how a concern has been resolved, you may raise a formal complaint at stage 2.

5.1.5 If Local Governing Body members or Trust Staff are approached about a complaint at an early stage they must be mindful of the procedure to be followed and not act unilaterally outside the formal procedure and allow the school to investigate the complaint according to this procedure.

## **5.2 Stage 2 - Formal**

This is the formal complaint stage at which written complaints (either by letter or by completing Appendix C) are considered by the Headteacher or, where applicable, a designated Governor.

- 5.2.1 Your written complaint should be addressed to the Headteacher. However, if your complaint concerns the Headteacher personally your complaint should be sent, via the school, to the Chair of the Local Governing Body. If your complaint concerns the Local Governing Body then the complaint letter or form should be sent to the Epping Forest Schools Partnership Trust office, for the attention of the CEO.
- 5.2.2 The school/ Trust office will acknowledge your complaint as soon as possible after it has been received. **This will usually be within 3 school working days.**
- 5.2.3. As part of our consideration of your complaint the school will normally want to meet with you to discuss the complaint and fill in any details. If you wish, you can ask someone to accompany you to provide you with support. You should inform the school of the identity of your companion in advance of the meeting. In certain circumstances, the school may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the school will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.
- 5.2.4 The Headteacher or Chair of the Local Governing Body may also be accompanied by a suitable person.
- 5.2.5 Following the meeting the Headteacher/Chair of Local Governing Body will investigate as required. This may involve talking to witnesses and taking statements.
- 5.2.6 If the complaint is against a member of staff, it will be dealt with under our internal confidential procedures as required by law.
- 5.2.7 The Headteacher or Chair of the Local Governing Body will keep written, signed and dated, records of all meetings, telephone conversations and related documentation.
- 5.2.8 Once the school have established the relevant facts you will be sent a written response to your complaint. This will give a full explanation of the decisions and the reasons. If follow up action is needed the school will indicate what they are proposing.
- 5.2.9 You may be invited to a follow up meeting to discuss this letter.
- 5.2.10 If you are not satisfied with the outcome to your complainant you may progress to stage 3 of the procedure.

## **5.3 Stage 3 – Local Governing Body Complaints Appeal Panel**

This stage involves a formal hearing by the Local Governing Body Complaints Appeal Panel and may be enacted once stage 2 has been worked through.

- 5.3.1 If your complaint has been through stages 1 and 2 and you are not happy with the outcome, following a written request, a complaints appeal panel will be established **within 20 school working days.**

- 5.3.2 The purpose of this arrangement is to give your complaint a hearing in front of a panel of Governors who have no prior knowledge of the details of the complaint and who can, therefore, consider it without prejudice.
- 5.3.3 The aim of a Complaints Appeal Panel is to resolve the complaint and to achieve reconciliation between the school and the parent/carer. We recognise, however, that it may sometimes only be possible to establish facts and make recommendations which will reassure you that we have taken your complaint seriously.
- 5.3.4 The process for this is set out in the section 'Local Governing Body Complaints Appeal Panel Guidance' below.

#### **5.4 Local Governing Body Complaints Appeal Panel Guidance**

The Chair of the Local Governing Body (LGB) will convene a Complaints Appeal Panel

- 5.4.1 If necessary, the Chair of the LGB will convene a Complaints Appeal Panel (Appendix D) consisting of a minimum of three members who should not have been involved in the early stages of the complaint. At **least one member of the panel will be independent of the management and running of the school** and this will be a Trustee of the Epping Forest Schools Partnership Trust (EFSPT) **who is not an employee of the Trust**. The panel will elect their own chair. A Clerk will be appointed to the panel and will set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible. They will aim to arrange for the panel meeting to take place **within 20 school working days**. You will be asked whether you wish to submit any further information or witness statements in support of your Appeal. You will also be asked if you wish to be accompanied by someone to this meeting (subject to the terms laid down in Stage 2 of this procedure) who may provide you with support or speak on your behalf. The headteacher and any school based staff directly involved with your complaint may be asked to prepare a report. The clerk will then collate any written material, that should have been submitted **10 working days** in advance of the meeting and send it to the parties **5 school days** in advance of the Appeal, meet and welcome the parties as they arrive at the hearing, record the proceedings and ensure all parties are notified of the panel's decision.
- 5.4.2 This Complaints Appeal Panel is the last school based stage of the complaints process. Individual complaints will not be heard by the whole LGB as this would compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.
- 5.4.3 It is important that the appeal hearing is independent and impartial and that it is seen to be so. No governor / Trustee may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, governors need to try and ensure that it is a cross-section of the categories of governors and sensitive to the issues of race, gender and religious affiliation
- 5.4.4 The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. The panel chair will ensure that the proceedings are as welcoming as possible. Extra

care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.

- 5.4.5 The chair of the panel needs to ensure that the complainant is notified in writing of the panel's decision, with the panel's response; **this is usually within 10 school working days of the hearing.**

### **5.5 Complaints involving Central Trust Staff**

If you have a complaint that that relates to the employees or work of the Central Trust Office then you should send your written complaint to the CEO at the Epping Forest Schools Partnership Trust Office. If your complaint involves the CEO personally then your complaint should be addressed to the Chair of Trustees at the Epping Forest Schools Partnership Trust. If a complaint is received the above procedures will be followed with the CEO taking on the role outlined for the Headteacher and a Trust Board panel being convened to hear any Appeal. If the complaint relates to the CEO then a designated Trustee will manage the Formal Stage of the complainant with the Trust Board hearing any Appeal.

## **6. Resolving Complaints**

- 6.1 The school will always work with the complainant to seek a resolution, at the earliest possible stage.
- 6.2 There will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. If a complainant tries to re-open the same issue, the Chair of the Local Governing Body can inform them that the procedure has been completed and that the matter is now closed. If the complainant contacts the school again on the same issue, then the correspondence may be viewed as 'serial' or 'persistent' and the school may choose not to respond.
- 6.3 Therefore, in cases where a school is contacted repeatedly by an individual making the same protracted points we may need to close the complaint.
- 6.4 However, the school must not mark a complaint as 'serial' before the complainant has completed the procedure.
- 6.5 'Complaint campaigns' – Where the school receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school may respond to these complaints either by publishing a single response on the school website or sending a template response to all complainants. If the Complainants are not satisfied with the schools response, or wish to pursue the complaint further, the normal procedures will apply.

## **7. Reporting and Learning from Complaints**

7.1 The LGB / Trust Board will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure, identify any learning and make recommendations for improvement. The Headteacher will report any official

complaints in the Headteacher's Report to the LGB. This will be done on a confidential basis and the names of the Complainants and any personal details will not be disclosed to the whole Governing Body or/ Trust Board.

7.2 As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to school improvement. When individual complaints are heard the Local Governing Body may identify underlying issues that need to be addressed. The monitoring and review of complaints by the school, the Local Governing Body and the Board of Trustees will be a useful tool in evaluating the school's performance.

7.3 In line with our Data Retention Policy, records relating to a complaint will be stored confidentially for 6 years.

## **8. Publishing the Procedure**

There is a legal requirement for this Complaints Procedures to be publicised. Each school will include this information on the school website.

## **9. Other Sources of Information and Advice**

If your concern is about an aspect of special educational needs and disability provision, which might include information about relevant voluntary organisations and support groups in Essex, you might like to talk to the SEND Information, Advice and Support service, the helpline number is 0333 013 8913 or complete the SENDIASS Parent/Carers Contact Form via the Essex County Council website.

## **10. The Role of Education and Skills Funding Agency**

10.1.1 If a complaint comes to the ESFA they will check whether the complaint has been dealt with properly by the school. The ESFA will consider complaints about schools that fall into any of the following three areas:

- I. Where there is undue delay or the school did not comply with its own complaints procedure when considering a complaint.
- II. Where the school is in breach of its funding agreement with the Secretary of State.
- III. Where a school has failed to comply with any other legal obligation.

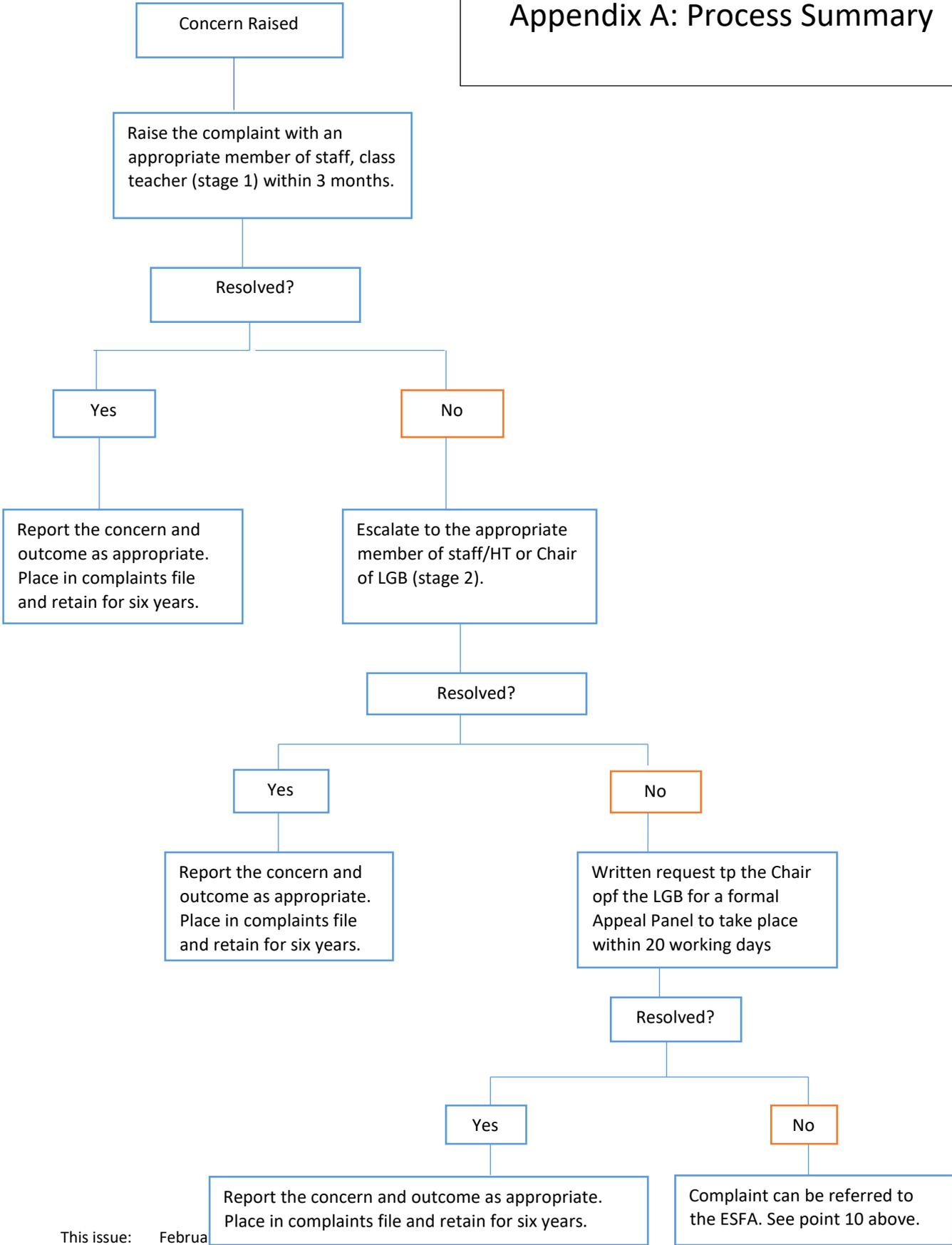
10.1.2 The ESFA will not overturn a school's decision about a complaint. However, if they find a school did not deal with a complaint properly they will request the complaint is looked at again and procedures meet the requirements set out in the Regulations.

10.1.3 ESFA complaints can be submitted by following the link <https://www.gov.uk/government/organisations/education-funding-agency/about/complaints-procedure>

## **11. Review**

This Policy will be reviewed every 2 years.

# Appendix A: Process Summary



This issue: February  
 Last issue:

## **Appendix B - LEGISLATION**

All academies must have a complaints procedure. This must meet the standards set out in the Education (Independent School Standards England) Regulations 2014 Schedule 1, Part 7.

The Regulations set out how complaints procedures should be drawn up and used effectively to handle complaints from parents of pupils.

**Appendix C – COMPLAINTS FORM**

**(NOTE: COMPLAINTS FORM TO BE PRESENTED ON SCHOOL HEADED PAPER)**

Please complete and return to the Headteacher/Chair of Governors who will acknowledge receipt and explain what action will be taken.

Your name:

Your address:

Postcode:

Your contact details:

Daytime telephone number:

Evening telephone number:

Email address:

Pupil's name:

Your relationship to the pupil:

Please give details of your complaint (continue on a separate sheet if necessary):

What action, if any, have you already taken to try and resolve your complaint.  
(Who did you speak to and what was the response)?

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

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

## **Appendix D - Complaints Appeal Panel Procedure for Local Governing Body**

The complaints panel will consist of a minimum of 3 members. At least one member of the panel will be independent of the management and running of the school and this will be a Trustee of the EFSPT who is not employed by the Trust. This panel will elect their own chair. The panel will have a Clerk who shall play no part in the decision-making process.

The complainant should submit the details of their concerns, in writing including any witness statements and any supporting documentation, to the Clerk. The Clerk will seek similar written responses from the school. These should be received from both parties' **10 school working days before the hearing and shared with both parties 5 school working days before the hearing.**

The complainant (who may be accompanied by a friend if they wish) and representative(s) from the school (who may also be accompanied by workplace colleagues or representatives from their professional associations) will be invited to attend the panel hearing in order to clarify the matter. Complainants and School representatives should inform the Clerk if and by whom they will be accompanied prior to the meeting as per guidance in Section 2.

The panel meeting is intended to be investigatory, rather than adversarial, therefore the persons giving evidence or making representations to the panel will do so separately.

The panel chair makes the introductions and outlines the proceedings. The chair of the panel has the discretion to adjourn the hearing where new information is introduced – or for other reasons.

The complainant is invited to explain the complaint, followed by their witnesses.

The panel may question both the complainant and their witnesses.

The complainant is asked to sum up the complaint.

The Headteacher is then invited to explain the school's action and be followed by any school witnesses.

The panel may question both the Headteacher and the witnesses.

The Headteacher is asked to sum up the school's action and response to the complainant.

The panel may also have access to the records kept of the process followed.

The complainant and the school representative(s) will be informed in writing of the outcome, **usually within 10 school working days** of the panel meeting.

The Local Governing Body complaints panel is the last school-based stage in the complaints process.