



# Complaints Policy

## Document Control

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Approved by	Board of Directors

## **INTRODUCTION**

1. This policy applies to all complaints made against the Education Partnership Trust (EPT) and its academies about any provision of facilities or services provided with the following exceptions, for which there are separate (statutory) procedures:
  1. Admissions to schools;
  2. Statutory assessments of Special Educational Needs (SEN);
  3. School re-organisation proposals; and
  4. Matters likely to require a Child Protection Investigation.

## **AIMS**

2. To provide a fair complaints procedure which is clear and easy to use for anyone wishing to make a complaint.
3. To publicise the existence of our complaints procedure so that people know how to contact us to make a complaint.
4. To ensure all complaints are investigated fairly and in a timely way.
5. To ensure that complaints are, wherever possible, resolved and that relationships are repaired.
6. To gather information which helps us to improve what we do.
7. To support the mission, vision and values of the Trust and its establishments.

## **WHO IS RESPONSIBLE FOR THIS POLICY?**

8. The Trust has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory or Trust framework. The Trust has delegated day-to-day responsibility for operating the policy to EPT Central office, the Local Governing Body and the Headteacher/Principal of each academy.
9. The Local Governing Body and Senior Leadership Team at each academy has a specific responsibility to ensure the fair application of this policy and all members of staff are responsible for supporting colleagues and ensuring its success.

## **STAGE ONE – INFORMAL RESOLUTION**

10. The Trust expects that before seeking to use formal procedures, the complainant:
  - o will have raised the issue with the relevant staff member within the academy; and
  - o will have made reasonable attempts to seek an informal resolution.
11. Where a minor problem arises at source, or where a minor complaint is made directly and verbally, this should be dealt with at source with explanation and mediation being the key forms of resolution.

## **STAGE TWO – FORMAL PROCEDURE**

12. A Headteacher/Principal\* shall have a discretion, which will be exercised reasonably, not to allow a written complaint to be pursued where an Informal Resolution has not been sought.
13. The Complainant must put the complaint in writing using the Trust's Complaints Form (Appendix 1) unless the complainant has a disability which prevents this, in

which case the complainant may contact the academy for assistance. The complaint should be addressed to the Headteacher or Chair of Governors if the focus of the complaint is the Headteacher.

14. The Headteacher will acknowledge receipt of the complaint by letter and pass the complaint to a nominated senior member of staff as appropriate for investigation.
15. An investigation of the complaint will be carried out by the nominated senior member of staff who will report to the Headteacher.
16. The investigation should aim to be concluded within 15 working days (in the case of a school, this will be 15 school days) of the complaint being received. An extension of this deadline should only be considered where there is a genuine delay in the availability of information required to consider the investigation and clear attempts to obtain the information in a timely manner can be demonstrated. If an extension to the investigation is required, this should be communicated along with the revised deadline, in writing, to the complainant.
17. The Headteacher will discuss the findings of the investigation with the complainant. This may be during a meeting or over the telephone. Whenever reasonably possible, such discussion will take place within 20 working days (in the case of a school, this will be 20 school days) of the complaint being received. If there has been a delay in the investigation, this should be within 5 days of the revised deadline that was communicated to the complainant.
18. The Headteacher will then put their findings in writing and indicate what steps, if any, should be taken in order to resolve the matter. Whenever reasonably possible, this will be done within 10 working days (in the case of a school, this will be 10 school days) of the discussion with the complainant at paragraph 17 above.
19. Where a complaint relates directly to the Headteacher, a member of the Local Governing Body will take over this role. Otherwise, the procedure for the Stage Two will remain the same.

### **STAGE THREE – APPEAL PANEL HEARING**

20. If the complainant is not satisfied with the outcome of the first and second stage, the complainant may request that the complaint be considered by the Complaint Appeals Panel of the Local Governing Body which will comprise of at least three members of the Governing Body who have not previously been involved in the complaint. One panel member will be independent of the management and running of the school.
21. A request to use the third stage must be in writing, addressed to the Headteacher within 10 working days (in the case of a school, this will be 10 school days) of the Stage Two response being sent to the complainant and must set out clearly the reasons why the complainant is dissatisfied with the response.
22. The Headteacher will put in writing its response to the complainant's reasons for requesting the Appeal. This will be completed within 15 working days (in the case of a school, this will be 15 school days).
23. At the end of that 15-day period (whether or not the academy has responded to the complainant's reasons for requesting the Appeal) the Clerk to the Governing Body will convene a hearing of the Complaint Appeals Panel. That hearing will be held as quickly as practicable given the need to find a date that is reasonably convenient for the complainant, the academy and the members of the Panel. Whenever possible, the hearing will be held within 15 working days (in the case of a school, this will be 15 school days) of the end of the Establishment's response time.

24. All parties will be provided with a minimum of 5 working days' notice of the date of the Complaints Appeals Panel (in the case of a school, this will be 5 school days).

25. The following are entitled to attend the Panel hearing, submit written representations and address the Panel:

- a) the complainant/s and/or one representative;
- b) the Headteacher and/or one representative; and
- c) any other interested person whom the Complaint Appeals Panel considers having a reasonable and just interest in the appeal and whose contribution would assist the Panel in their decision-making.

26. The Panel will formulate its response as quickly as reasonably possible, aiming to do so within 10 working days (in the case of a school, this will be 10 school days), and the Clerk to the Governing Body will notify all concerned.

27. The Panel findings and recommendations will be:

- a) sent in writing to the complainant
- b) sent, where relevant, to the person complained about; and
- c) available for inspection on the academy's premises.
- d) A written record will be kept of all complaints by the academy along with details of whether they were resolved following a formal procedure, or progression to a panel hearing
- e) The academy will record the action it takes as a result of complaints (regardless of whether they are upheld)

28. Correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the Education Act 2008 requests access to them or where the Trust is otherwise required by law to disclose them.

### **PERSISTANT OR VEXATIOUS COMPLAINTS**

29. We define unreasonably persistent and vexatious complaints as those which, because of the frequency or nature of the complainants' contacts, hinder our consideration of their or other people's complaints. The description 'unreasonably persistent' and 'vexatious' may apply separately or jointly to a particular complaint.

30. The Establishment will ensure that the complaint is being, or has been, investigated in accordance with this Complaints Policy. If there are concerns that a complaint may fall within the category of being unreasonably persistent and/or vexatious the Headteacher will seek guidance and advice from the EPT Central Governance Team.

31. If a complainant is found to be unreasonably persistent and/or vexatious the EPT Central Governance Team will write to the complainant advising them of the decision and the reasons for this. The letter should state that all future correspondence from them with regards to complaints should be directed to them who will consider whether it raises any substantive new issue(s)

32. The complainant will be advised that if no substantive new issue is raised, any future complaints will not receive a response. They will also be advised of their

right to complain about the decision to the Education and Skills Funding Agency (ESFA).

33. There is no internal route of appeal against the decision that a complaint is persistent and/or vexatious.
34. If future complaints do raise substantive new issues, it will be investigated in accordance with the Complaints Policy.

### **ACCOUNTABILITY**

35. The Headteacher holds delegated responsibility for discharging the sound application of all establishment policies.
36. The Headteacher should inform the EPT central team and their Governing Body of all matters relating to serious breaches of this policy including any major incident to be addressed under this policy promptly, preferably prior to action being taken insofar as is reasonably practicable.

### **MONITORING, EVALUATION AND REVIEW**

37. The policy will be promoted and implemented throughout all Trust academies.
38. The Trust will monitor the operation and effectiveness of arrangements referred to in this policy at each Trust academy.
39. The Trust will review this policy every two years in consultation with each Trust academy.

## Appendix 1: Complaint reporting form

### Complaint Reporting Form

Please complete in BLOCK CAPITALS and return to the Headteacher, who will acknowledge receipt and explain what action will be taken.

<b>Your Name</b>	
<b>Pupils Name (if applicable)</b>	
<b>Your relationship to the pupil (if applicable)</b>	
<b>Address incl. Postcode</b>	
<b>Contact telephone number</b>	
<b>Please give details of your complaint</b>	
<b>What action, if any, have you already taken to try and resolve your complaint? To whom did you speak to and what was the response? (An informal resolution should have been sought)</b>	
<b>What actions do you feel might resolve the problem at this stage?</b>	
<b>Are you attaching any paperwork? If so please give details.</b>	
<b>Signature</b>	
<b>Date</b>	
<b>For official use only</b>	
<b>Date acknowledgement sent</b>	
<b>Acknowledgement sent by</b>	

