



**Education  
Partnership  
Trust**

Creating outstanding schools  
which transform learning, lives  
and communities

# COMPLAINTS POLICY



### Document Control

<b>This document has been approved for operation within:</b>	All Trust Establishments
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## 1.0 INTRODUCTION

- 1.1 This policy applies to all complaints made against the Education Partnership Trust (EPT) and its establishments about any provision of facilities or services provided with the following exceptions, for which there are separate (statutory) procedures:
- Admissions to schools
  - Suspensions and permanent exclusions from school
  - Statutory assessments of Special Educational Needs (SEN)
  - School re-organisation proposals
  - Matters likely to require a Child Protection Investigation
  - Employee grievances
  - Whistleblowing matters
  - External examination results
- 1.2 A 'concern' is defined as an 'expression of worry or doubt over an issue considered to be important for which reassurances are sought'. A complaint may be generally defined as an expression of dissatisfaction however made, about actions taken or lack of action.
- 1.3 To enable a proper investigation, concerns or complaints should be brought to the attention of the establishment or Trust as soon as possible. This should be no later than one month after the event (or latest event, in the case of a series of incidents) to which the concern or complaint relates.
- 1.4 The Trust will consider exceptions to this timeframe 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.
- 1.5 Complaints should not be raised with members of the Local Governing Body who may be required to have a formal role if a complaint reaches an Independent Panel Hearing.
- 1.6 Anonymous complaints will not be investigated under this policy unless there are exceptional circumstances. Any anonymous complaint received will be considered to decide what action, if any, will be taken.
- 1.7 Although every effort will be made to comply with the timescales within each stage of this policy, this may not always be possible; for example, due to the complexity of the investigation required or the unavailability of a witness to attend a meeting. Where a timescale cannot be complied with, the complainant will be written to within the specified timescale to inform them of the reasons for the delay and the new timescale that will apply.
- 1.8 Where the policy refers to 'school days', this references term time and does not include school holidays or inset days.
- 1.9 If other bodies are investigating aspects of the complaint, for example the police, local authority safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or results in the procedure being suspended until those public bodies have completed their investigations.

## 2.0 AIMS

- To provide a fair complaints procedure which is clear and easy to use for anyone wishing to make a complaint.
- To publicise the existence of our complaints procedure so that people know how to contact us to make a complaint.
- To ensure all concerns and complaints are managed in an impartial and non-adversarial manner.
- To ensure all complaints are investigated fairly and in a timely manner.
- To ensure that complaints are, wherever possible, resolved and that relationships are repaired.
- To gather information which helps us to improve what we do.
- To support the mission, vision and values of the Trust and its establishments.

## 3.0 WHO IS RESPONSIBLE FOR THIS POLICY

3.1 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 Team, the Local Governing Body and the Headteacher of each establishment.

3.2 The Local Governing Body and Senior Leadership Team at each establishment have 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.

## 4.0 STAGE ONE – INFORMAL RESOLUTION

4.1 The Trust expects that before seeking to use formal procedures, the complainant:

- will have raised the issue with the relevant staff member within the school; and
- will have made reasonable attempts to seek an informal resolution.

4.2 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.

4.3 If the complaint is not resolved informally, it will be escalated to a formal complaint.

## 5.0 STAGE TWO – FORMAL PROCEDURE

5.1 A Headteacher shall have a discretion, which will be exercised reasonably, not to allow a formal complaint to be pursued where an informal resolution has not been sought.

5.2 The Complainant must put the complaint in writing unless the complainant has a disability, learning difficulty or difficulties with the English language which prevents this, in which case, the complainant may contact the school for assistance. The complaint should be addressed to the Headteacher.

- 5.3 The Headteacher will acknowledge receipt of the complaint within 5 school days and pass the complaint to a nominated senior member of staff, as appropriate, for investigation.
- 5.4 An investigation of the complaint will be carried out by the nominated senior member of staff who will report to the Headteacher. The Headteacher will ensure that the staff member involved in handling the complaint is suitably trained to do so.
- 5.5 The investigation should aim to be concluded within 15 school days of the complaint being received.
- 5.6 The Headteacher will 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 school days.
- 5.7 Complaints involving the Headteacher, or a member of the Local Governing Body should be directed to the Trust at the following address: Education Partnership Trust, Pleckgate Road, Blackburn, BB1 8QA.

#### **6.0 STAGE THREE – TRUST REVIEW**

- 6.1 If the complainant is not satisfied with the outcome of the school's investigation into their complaint at Stage Two, the complainant should contact the Trust Central Team in writing clearly stating their reasons for requesting a review of their complaint within 5 school days of the date of the Headteacher's written response from Stage Two.
- 6.2 The Trust will carry out an independent review of the complaint. They may contact the complainant if they need any clarification or further information to assist with their review. The Trust may instruct the establishment to carry out further investigation into areas of the complaint and will make recommendations regarding suitable resolution if they find that issues have been overlooked or not appropriately addressed at Stage Two.
- 6.3 The review will aim to be concluded within 20 working days of receipt of the complainant's request for a Trust review. This timeframe includes the complainant and establishment receiving a written response confirming the outcome of the review.

#### **7.0 STAGE FOUR – APPEAL PANEL HEARING**

- 7.1 If the complainant is not satisfied with the outcome of the previous applicable stages, the complainant may request that the complaint be considered at Stage Four.
- 7.2 A request to use this stage must be in writing and addressed to the Trust within 10 school days of the previous stage response being sent to the complainant. The request must set out clearly the reasons why the complainant is dissatisfied with the response and may include any evidence to support their reasons.
- 7.3 New allegations that have not been raised at Stage Two may not be brought before the panel.

- 7.4 New evidence which was not provided before the completion of the Stage Two investigation will not normally be considered, however, the Chair will have absolute discretion to permit evidence if it is relevant to the matters to be considered as part of the appeal.
- 7.5 Complaints from parents/legal guardians of pupils within one of our establishments, under this stage will have an independent panel hearing of the establishment which will comprise of two members of the establishment's governing body who have no prior knowledge of the complaint, and one person independent of the management and running of the establishment. The selection of the independent member will be supported by the Trust Central Team.
- 7.6 The role of the panel is not to conduct a further investigation of the complaint. The panel's role is to consider the procedural fairness of the investigation undertaken at Stage Two and the determinations made.
- 7.7 The Clerk to the Governing Body will convene the Independent Panel Hearing. The Hearing will be held as quickly as practicable given the need to find a date that is reasonably convenient for the complainant, the establishment and members of the panel. Whenever possible, the hearing will be held within 30 working days from receipt of the Hearing request.
- 7.8 The complainant must engage with the Clerk in providing details of convenient days for attendance.
- 7.9 All parties will be provided with a minimum of 8 working days' notice of the date of the Hearing.
- 7.10 The following are entitled to attend the Panel hearing, submit written representations and address the Panel:
- the complainant/s and/or one representative
  - the Headteacher and/or one representative
  - the Trust's Central Team representative to address any procedural questions which may arise
  - 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
- 7.11 Any written representations/relevant documentation for consideration by the Panel and the names of any representatives attending the hearing, should be sent to the Clerk at least 6 days prior to the hearing. Any submissions or documents not submitted in accordance with this timescale will not be considered unless the Chair, in their absolute discretion, believes it is just to accept them.
- 7.12 All parties will be issued with papers 5 working days prior to the hearing.
- 7.13 Each individual will have the opportunity to give statements and present their evidence, and witnesses may be called, as appropriate, to present their evidence.

- 7.14 The Panel, the complainant and the school representative(s) will be given the chance to ask and reply to questions. Once the complainant and school representative(s) have presented their cases, they will be asked to leave and evidence will then be considered by the panel.
- 7.15 The Panel can:
- Uphold the complaint, in whole or in part
  - Dismiss the complaint, in whole or in part
- If the complaint is upheld, the panel will:
- Decide the appropriate action to resolve the complaint
  - Where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.
- 7.16 The Panel will formulate its response as quickly as reasonably possible, aiming to do so within 10 school days, and the Clerk to the Governing Body will notify all parties of the findings and recommendations. They will also be sent, where relevant, to the person complained about; and be available for inspection on the school premises.
- 7.17 A written record will be kept of all Stage Two and above complaints by the school and by the Trust. The Trust will record the action taken as a result of complaints (regardless of whether they are upheld).

## **8.0 RIGHT TO BE ACCOMPANIED**

- 8.1 The complainant has the right to be accompanied by a friend, relative or other third party to any meetings or hearings held under the formal stages of the Complaints Policy (Stage Two onwards).
- 8.2 These meetings or hearings are not legal proceedings and so legal representation is not usually necessary. However, if a complainant does wish to be accompanied by someone who is legally qualified this needs to be specifically mentioned, and they must notify the Headteacher or Trust as appropriate at least 5 school days prior to the meeting.
- 8.3 Any member of staff interviewed as part of the investigation process into a complaint has a right to be accompanied to the meeting, which includes representation by a recognised trade union.
- 8.4 Any pupil interviewed as part of the investigation process must be accompanied to the meeting/hearing either by a teacher who they are comfortable with or a parent/carer.

## **9.0 CONFIDENTIALITY AND DATA PROTECTION**

- 9.1 All complaints will be handled in the strictest confidence by the Trust and its establishments and Data Protection principles will be applied in line with the Trust Data Protection Policy.
- 9.2 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 2008 Act requests access to them or where the Trust is otherwise required by law to disclose them.



- 9.3 It is expected that complainants will also keep their complaint private and confidential. In particular, complainants are not expected to discuss publicly via any form of social media or with third parties. The posting of any defamatory, offensive or derogatory comments by parents/carers on social media will be addressed as appropriate.
- 9.4 Electronic recordings of meetings must not be made by either the Trust/establishment or complainant. A meeting to discuss a complaint may not go ahead if the complainant is insistent on recording the meeting. The Trust/establishment will take notes of any meetings to discuss a complaint which may be shared afterwards, and complainants may do likewise.
- 9.5 Due to privacy rights under data protection legislation, information disclosed relating to an outcome if it relates to a third party individual, i.e disciplinary action of a member of staff or another pupil, may sometimes be limited.

## **10.0 PERSISTENT OR VEXATIOUS COMPLAINTS**

- 10.1 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.
- 10.2 A complaint may become unreasonable if the complainant:
- Has made the same complaint before, and it's already been resolved by following this complaints procedure
  - Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
  - Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure, beyond all reason
  - Pursues a valid complaint, but in an unreasonable manner, e.g. refuses to articulate the complaint, refuses to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the timeframes it sets out
  - Makes a complaint designed to cause disruption, annoyance or excessive demands on school time
  - Seeks unrealistic outcomes, or a solution that lack any serious purpose or value
- 10.3 The Headteacher 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.
- 10.4 If a complainant is found to be unreasonably persistent and/or vexatious the EPT 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 the EPT Governance Team who will consider whether it raises any substantive new issue(s).
- 10.5 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).

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

### **11.0 COMPLAINTS TO ESFA/OIA**

- 11.1 If the complainant is not satisfied with the way their complaint has been handled, they may escalate their complaint to the Education Skills Funding Agency (ESFA) in the case of schools or the Office of the Independent Adjudicator (OIA) in the case of SCITT provision. Both agencies will expect the complainant to have first exhausted the Trust Complaints Policy.
- 11.2 ESFA will not overturn a Trust decision regarding a complaint. However if they find that a Trust did not comply with its own Complaints Policy when considering a complaint, they will request that the complaint is looked at again. ESFA can be contacted via the Department for Education's online Schools complaint form (<https://www.gov.uk/government/publications/complain-about-an-academy>) or in writing to the following address: Ministerial and Public Communications Division, Department for Education, Piccadilly Gate, Store Street, Manchester, M1 2WD.
- 11.3 Complaints to the OIA should be submitted via the OIA complaint form, which can be found on their website – [www.oiahe.org.uk/students/how-to-complain-to-us/](http://www.oiahe.org.uk/students/how-to-complain-to-us/).

### **12.0 ACCOUNTABILITY**

- 12.1 The Headteacher holds delegated responsibility for discharging the sound application of all establishment policies.
- 12.2 The Headteacher should inform the Trust 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.