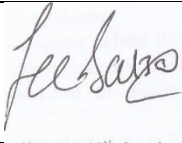




## Complaints Policy (including Managing Serial and Unreasonable Complaints)

Policy Owner	EFST Operations Manager
Senior Policy Owner	EFST CEO
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Ratified by the Board of Trustees on	14th December 2021
Signed by the Chair of Trustees	
This Policy will be reviewed by the Trust every two years. Next review date:	September 2023

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## **1. Introduction**

Epping Forest Schools Partnership Trust (the Trust) encourages 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 of the relevant school or the CEO of the Trust. 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. The Trust takes informal concerns seriously and makes 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**

This policy applies to the Trust and all of its schools.

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.

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

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

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

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

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

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. Timescales will fall within school working days. For the purpose of this Complaints Policy a school day is a weekday during term time when the school is open to pupils; a school day excludes weekends and bank holidays. Details of term dates can be found on each school's website. Although every effort will be made to comply with the timescales detailed in this policy, it may not always be possible to meet these timescales for example due to the complexity of the complaint, the unavailability of the complainant if a meeting is felt relevant or other reasons. In circumstances where the timescale detailed in the Complaints Policy cannot be met, a letter will be written by the person identified as responsible for carrying out the investigation detailing the reasons for the delay and setting out a new timescale that will apply.

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**

If you have a complaint 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 below 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.

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 Trust/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 Trust/school will record your concern and ensure that the appropriate person (if it is not the person whom you have raised the concern with) is in contact with you as soon as possible.
- 5.1.3 The Trust/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 Trust/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 Trust/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 Trust/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 the 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 has established the relevant facts you will be sent a written response to your complaint **within 30 school working days wherever practical**. For further guidance on timescales, please see section 4.2. The written response 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**. Your request for a hearing with a Local Governing Body Appeals Panel should be submitted **within 10 school working days of the date of the written response to Stage 2**. Requests received outside of this timeframe will be considered only if the circumstances are exceptional.
- 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. In the interests of impartiality, at least one member of the panel will be independent of the management and running of the school and this will normally be a member of a LGB of another school in the Trust / or a Governor from another local MAT who has no prior knowledge or involvement in the complaint. 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.**

## 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. (See Appendix E for Managing Serial and Unreasonable Complaints.)
- 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. Curriculum**

Complaints against the content of the national curriculum should be sent to the Department for Education.

In regard to the schools' delivery of the curriculum, schools should resolve this through their own complaints process within this policy.

## **10. 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.



## **11. 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.

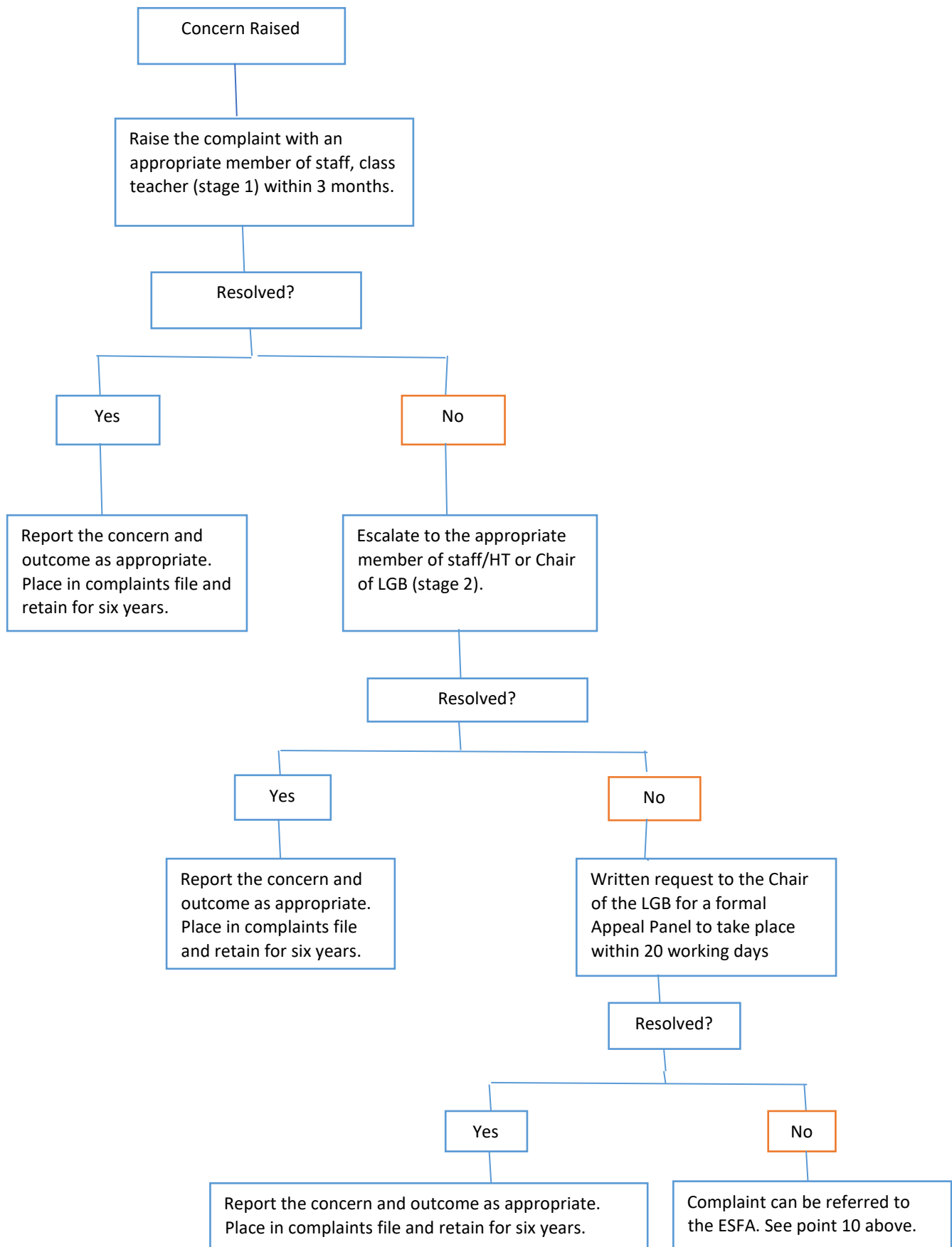
10.1.2 The ESFA will not overturn a school's decision about a complaint. However, if they find a school did not deal with a complaint properly they will request the complaint is looked at again and procedures meet the requirements set out in the Regulations.

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

## **12. Review**

This Policy will be reviewed every 2 years.

## Appendix A – PROCESS SUMMARY



## **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

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. In the interests of impartiality, at least one member of the panel will be independent of the management and running of the school and this will normally be a member of a LGB of another school in the Trust / or a Governor from another local MAT who has no prior knowledge or involvement in the complaint. 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.

## **Appendix E – Managing Serial and Unreasonable Complaints**

The Epping Forest Schools Partnership Trust is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. We will not normally limit the contact complainants have with our schools and the Trust. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

The Trust defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the Trust and its schools, such as, if the complainant:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- refuses to co-operate with the complaints investigation process
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- changes the basis of the complaint as the investigation proceeds
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education
- seeks an unrealistic outcome
- makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums
- fails to respect the confidentiality of the process

Complainants should try to limit their communication with our schools that relates to their complaint, while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.

Before a complaint can be deemed unreasonable, the Headteacher or Chair of Governors should offer to meet with the complainant informally. The purpose of this meeting is to seek a resolution to the complaint and to advise on the appropriate formal processes available to the complainant if an agreement cannot be reached. The complainant should also be advised that continued inappropriate behaviours could result in the complaint being deemed as unreasonable.

If the behaviour continues, the Headteacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact the Trust or its schools causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from our schools.