Complaints Policy

(including Managing Serial and Unreasonable Complaints)

Policy Owner	EFSPT Head of Governance
Senior Policy Owner	EFSPT CEO
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Signed by the Chair of Trustees	
This Policy will be reviewed by the Trust every two years. Next review date:	March 2028

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1. Introduction

This Complaints Policy procedure is not limited to parents or carers of children that are registered at our schools. Any person, including members of the public, may make a complaint to the Epping Forest Schools Partnership Trust about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

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.

It covers 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

The Trust has separate policies for procedures relating to these types of complaints.

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 complaint 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.

a) 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.

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

c) The Trust/school will investigate your concern and keep you informed.

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

e) 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.

a) 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.

b) 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**.

c) 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.

d) The Headteacher or Chair of the Local Governing Body may also be accompanied by a suitable person.

e) Following the meeting, the Headteacher/Chair of the Local Governing Body will investigate as required. This may involve talking to witnesses and taking statements.

f) If the complaint is against a member of staff, it will be dealt with under our internal confidential procedures as required by law.

g) The Headteacher or Chair of the Local Governing Body will keep written, signed and dated records of all meetings, telephone conversations and related documentation.

h) 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**. 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.

i) You may be invited to a follow-up meeting to discuss this letter.

j) If you are not satisfied with the outcome to your complaint, 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.

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

b) 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.

c) 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.

d) 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.

e) 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.

a) 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.

b) 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.

c) 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**.

d) If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

e) The Complainant will be asked whether they wish to submit any further information or witness statements in support of their Appeal. They will also be asked if they wish to be accompanied by someone to this meeting (subject to the terms laid down in Stage 2 of this procedure) who may provide them with support.

f) The Headteacher and any school-based staff directly involved with the complaint may be asked to prepare a report. The Clerk will then collate any written material, that should have been submitted **7 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.

g) 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.

h) 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.

i) 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.

j) 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.

k) The committee will consider the complaint and all the evidence presented. The committee can:
- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

l) If the complaint is upheld in whole or in part, the committee will:
- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

m) The chair of the panel needs to ensure that the complainant is notified in writing with a full explanation of the panel's decision and the reasons for it; **this is usually within 10 school working days of the hearing.**

6. Resolving Complaints

a) The school will always work with the complainant to seek a resolution, at the earliest possible stage.

b) 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.)

c) Therefore, in cases where a school is contacted repeatedly by an individual making the same protracted points, the Trust/school may need to close the complaint.

d) However, the school must not mark a complaint as 'serial' before the complainant has completed the procedure.

e) '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 school's response, or wish to pursue the complaint further, the normal procedures will apply.

7. Reporting and Learning from Complaints

a) 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.

b) 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.

c) 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.

d) 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 Policy to be published. Each school will include this information on their 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 the Department of Education

If the complainant believes the school / Trust did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the DFE after they have completed Stage 3.

The complainant can refer their complaint using their online enquiry form and tick the box that says 'complaint'. or to:
Department for Education
School complaints compliance unit
Piccadilly Gate
Store Street

Manchester
M1 2WD

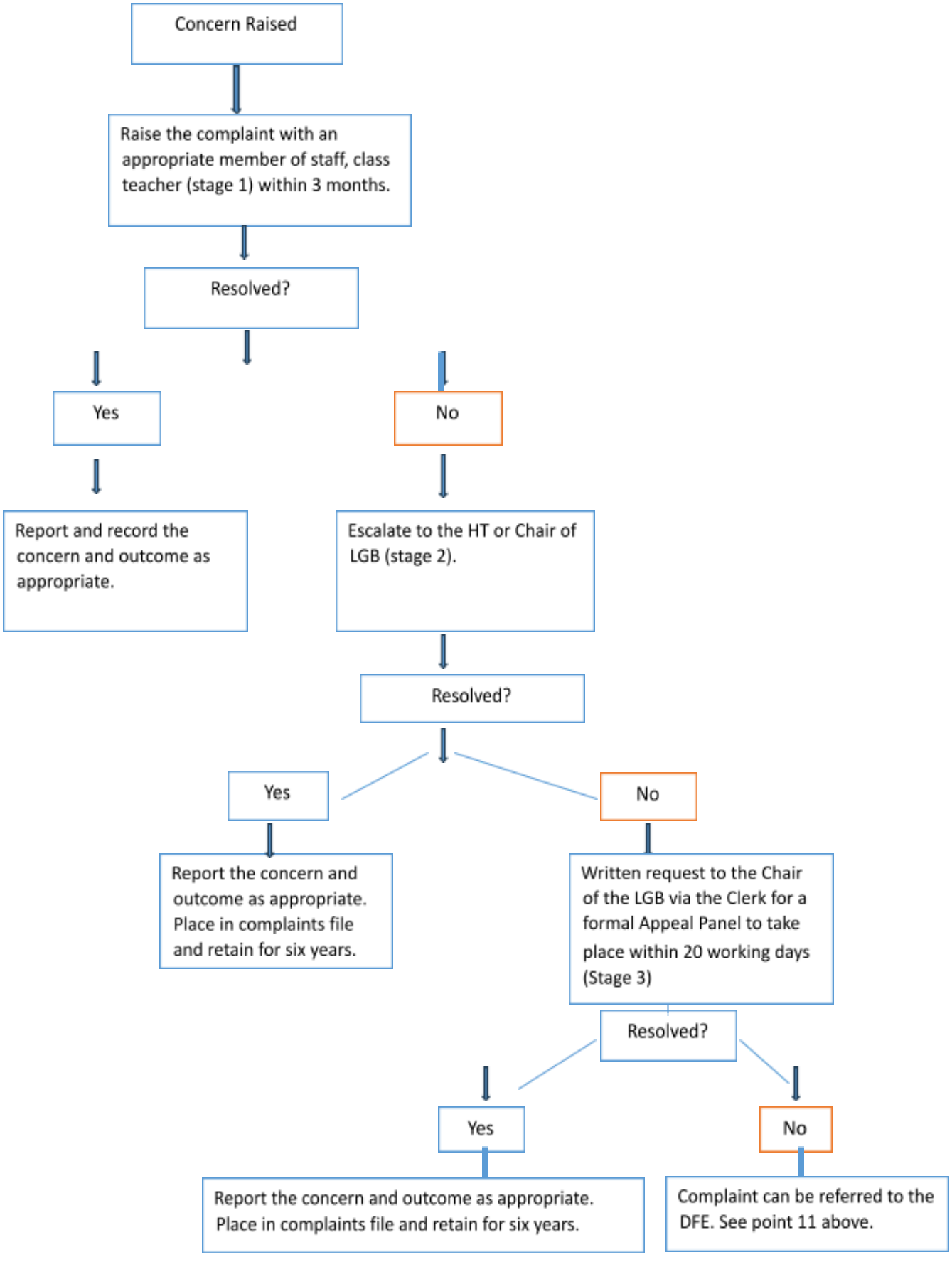
The DFE's role in handling your complaint is to consider whether the academy followed the correct process. They will not investigate the substance of the complaint or the academy's decision.

The DFE will not normally consider complaints received over 12 months after a decision or the academy's last action.
The DFE reserve the right not to consider complaints that:

- are, or have been, subject to legal action
- are malicious (that is, they are without sufficient grounds and serve only to cause annoyance)
- use obscene, racist or homophobic language
- threaten or contain personally offensive remarks about members of our staff
- are repeatedly submitted with only minor differences after we have fully addressed the complaint

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), including whether you have spoken to anybody at the school about it:

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 **7 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.