





Complaints Procedure

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CEO:	

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Introduction

This complaints procedure has been adopted by the Directing Board of the Eynsham Partnership Academy (EPA) for use in its schools and the central team. It meets the requirements for academies set out in part 7 of the schedule to the Education (Independent School Standards) Regulations 2014 and follows guidance published by the Education and Skills Funding Agency (ESFA) and the Department of Education (DfE). It also addresses duties relating to complaints set out in the Statutory framework for the early years foundation stage.

This procedure covers all complaints about any provision of community facilities or services by the school, other than complaints that are dealt with under other procedures, these include: admissions, statutory assessments of Special Educational Needs, child protection and safeguarding matters, exclusions, whistle-blowing, staff grievances and staff disciplinary matters.

Complaints about services provided by other providers who may use school premises or facilities should be directed to the provider who should have their own complaints procedure to deal with any complaints. Please contact them direct.

Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to the school about any provision of facilities or services that we provide. Unless complaints are dealt with under separate procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure. However, complaints from people who are not parents or carers will not have an automatic right to proceed to a panel hearing.

Stages in the procedure

The complaints procedure has three stages which are described in detail on the following pages, in summary they are:

Stage 1 – Informal – it is in everyone’s interests that concerns and complaints are resolved through informal discussions at the earliest possible opportunity; many issues can be resolved informally.

Stage 2 – Formal complaint – if a complaint cannot be resolved informally, it can be raised as a formal complaint.

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Stage 3 – Panel hearing – if a complainant is dissatisfied with the outcome of stage 2 they can request that their complaint is considered by a panel which must include at least one member who is independent of the management and running of the school.

The difference between a concern and a complaint

A concern may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'.

A complaint may be defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally (Stage 1), without the need to use the formal stages of the complaints procedure (Stages 2 and 3). We take concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the headteacher will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the headteacher will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, the School will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

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How to raise a concern or make a complaint

1. A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.
2. Concerns should first be raised informally with the member of staff most closely involved, for example the class teacher or headteacher. If the issue remains unresolved, the next step is to make a formal complaint.
3. Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 3 of the procedure.

Complaints about the school

4. Complaints about school staff (except the headteacher) should be made in the first instance, to the Headteacher via the school office.
5. Complaints that involve or are about the headteacher should be addressed to the Chair of the Local Governing Body (LGB), via the clerk to the LGB.
6. Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to the Clerk to the Local Governing Body via the school office.
7. In all cases, please mark complaints Private and Confidential.

Complaints about the EPA

8. This procedure should also be used to raise complaints about the EPA. Complaints should be addressed as described below.
9. Complaints about the EPA Central Team should be addressed to the Chief Executive Officer of the EPA, CEO@epatrust.org .
10. Complaints that involve the EPA CEO should be addressed to the Chair of the Directing Board chair@epatrust.org .
11. Complaints about the Chair of the Directing Board, any individual director or the whole directing body should be addressed to the Clerk to the Directing Board via the Central Team office at Bartholomew School.
12. In all cases, please mark complaints Private and Confidential.

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13. **NOTE:** To avoid unnecessary repetition in the rest of this procedure if a complaint is about the EPA the following substitutions should be made: 'EPA' to replace 'school'; 'Chief Executive Officer (CEO)' to replace 'Headteacher'; 'Chair of the Directing Board' to replace 'Chair of the Local Governing Body', 'director' to replace 'governor' and so on.

All complaints

14. A complaint form is included at the end of this procedure (Annex D). It will help us to deal promptly with your complaint if you use this to set out the details of your complaint. If you require help in completing the form, please contact the school office. You can also ask third party organisations like the Citizens Advice to help you.
15. In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

Anonymous complaints

16. We will not normally investigate anonymous complaints. However, the Headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

Time scales

17. You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame only if exceptional circumstances apply.

Complaints received outside of term time

18. We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

Persistent or serial complaints

19. There may be occasions when, despite all stages of the complaints procedure having been followed, the complainant remains dissatisfied. If a complainant tries to re-open the same issue, they will be informed in writing that the procedure has been completed and that the matter is now closed.

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20. If the complainant writes again on the same issue, the correspondence may be recognised as 'serial' or 'persistent' and we may choose not to respond. Should the complainant raise a new, separate complaint it will be responded to in accordance with the complaints procedure. The application of a 'serial or persistent' marking is against the subject or complaint itself rather than the complainant.

However, the Board of Directors reserves the right to regard a complainant as vexatious, if they meet at least two of the three of the criteria below and are;

- a) making more than two complaints that an independent person(s) appointed by the Board regards as having little or no substance
- b) putting members of staff under significant stress
- c) pursuing complaints (verbally or in writing) in a manner or tone which is aggressive, rude, disrespectful or questioning staff professionalism without evidence to support this assertion

EPA will then deal with the matter outside of the approach as set out in this policy. These complaints will still be acknowledged and logged formally as complaints but will be dealt with a person or persons appointed by the Board of Directors.

Investigation by other bodies

21. If other bodies are investigating aspects of the complaint, for example the police, local authority safeguarding team or a Tribunal, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.
22. If a complainant commences legal action against the school in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

Resolving complaints

23. At each stage in the procedure, our aim is to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part.
24. In addition, we may offer one or more of the following:
- an explanation
 - an admission that the situation could have been handled differently or better
 - an assurance that we will try to ensure the event complained of will not recur

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- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology.

Mediation

25. Mediation is an effective way of resolving disputes and helps avoid matters escalating to formal procedures.
26. Mediators do not make judgments or determine outcomes – they ask questions that help uncover underlying problems, assist the parties to understand each other’s point of view and help them look at options for resolving their dispute.
27. If at any time the complainant or the headteacher feel that mediation would help resolve the complaint, this can be arranged.

Withdrawal of a complaint

28. If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

Stage 1 – informal

29. Our aim is to resolve the majority of issues through informal discussion and to respond as quickly as possible, usually within 10 school days.
30. Concerns should first be raised with the member of staff most closely involved, for example the class teacher.
31. If the initial discussion does not provide a satisfactory outcome an informal complaint can be made to the headteacher.
32. If the headteacher considers that they can do no more to resolve the complaint they should state this and advise the complainant that if they are not satisfied they can make a formal complaint to the Chair of Governors.

Stage 2 – formal complaint

33. Formal complaints must be made to the Headteacher (unless they are about the headteacher), via the school office. This may be done in person, in writing (preferably on the Complaint Form in Annex D), or by telephone.

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34. The headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.
35. The headteacher will seek to clarify the nature of the complaint if necessary, ask what remains unresolved and what outcome the complainant would like to see. The headteacher will consider whether a face to face meeting is the most appropriate way of doing this.
36. The headteacher may appoint an investigator to investigate the complaint on their behalf, however, they may not delegate the decision to the investigator.
37. During the investigation, the headteacher (or investigator) will:
 - as necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
 - keep a written record of any meetings/interviews in relation to their investigation.
38. At the conclusion of their investigation, the headteacher will provide a formal written response within 10 school days of acknowledgment of receipt of the complaint.
39. If the headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.
40. The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the school will take to resolve the complaint.
41. The headteacher will advise the complainant how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.
42. If the complaint is about the headteacher, or a member of the governing body (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 2.
43. Complaints about the headteacher or member of the governing body must be made to the Clerk, via the school office.
44. If the complaint is:
 - a) jointly about the Chair and/or Vice Chair or
 - b) the majority of the governing body or
 - c) the entire governing body

Stage 2 will be considered by an independent investigator appointed by the Directing Board for 44 (b) & (c) and may be for 44 (a), to be decided by the Chair of the Directing Board. At the conclusion of their investigation, the independent investigator will

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provide a formal written response to the Governing Body and/or Directing Board as appropriate.

Stage 3 – governor panel hearing

45. If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3 – a meeting with members of the local governing body’s complaints committee, which will be formed of three, impartial members, one of whom must be independent of the management and running of the school. This is the final stage of the complaints procedure.
46. A request to escalate to Stage 3 must be made to the Clerk, via the school office, within 10 school days of receipt of the Stage 2 response.
47. The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.
48. Requests received outside of this time frame will only be considered if exceptional circumstances apply.
49. The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 15 school days of acknowledgement of receipt of the Stage 3 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.
50. 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.
51. The complaints committee will consist of at least three members with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee. If sufficient governors from the school are not available, the Clerk will (through the EPA Lead Governance Professional) source any additional, independent governors through other local schools, in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 3.
52. The committee will invite the complainant and a representative of the school, normally the headteacher, to the meeting, they will also have the opportunity to make written representations.
53. When the complainant is invited to attend the meeting, they will be informed that they may be accompanied by a relative or friend to provide them with support. Generally, we do not encourage either party to bring legal representatives to the committee meeting.

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54. Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.
55. Representatives from the media are not permitted to attend the meeting.
56. At least 5 school days before the meeting, the Clerk will:
 - confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, the dates are convenient to all parties and that the venue and proceedings are accessible;
 - request copies of any further written material to be submitted to the committee in time for it to be circulated before the meeting.
57. Any written material will be circulated to all parties before the date of the meeting.
58. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.
59. The committee will not review any new complaints at this stage or consider evidence unrelated to the initial complaint. New complaints must be dealt with from Stage 2 of the procedure.
60. The meeting will be held in private. A format for the meeting is included in Annex B
61. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.
62. 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.
63. 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.

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64. The Chair of the Committee will provide the complainant and the headteacher with a full explanation of their decision and the reason(s) for it, in writing, within 5 school days.
65. The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by the School.
66. A copy of the minutes of the meeting will be made available to the complainant and the headteacher within 10 school days.
67. If the complaint is:
 - jointly about the Chair and Vice Chair or
 - the entire governing body or
 - the majority of the governing body

Stage 3 will be heard by an independent committee appointed by the Directing Board.

Next steps

68. If the complainant believes the school 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 Education and Skills Funding Agency (ESFA) after they have completed Stage 3 but only after they have contacted the CEO of the EPA Trust who will decide whether further investigation or other mediation would be useful in terms of this particular complaint.
69. Complaints about academies are dealt with by the ESFA. The ESFA will not overturn a school's decision about a complaint. However, it will look into:
 - Whether there was undue delay, or the school did not comply with its own complaints procedure
 - Whether the school was in breach of its funding agreement with the secretary of state
 - Whether the school has failed to comply with any other legal obligation
70. If the school did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the school's complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly.
71. For more information or to refer a complaint, see the following webpage:
<https://www.gov.uk/complain-about-school>

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72. For more information about how complaints are handled, see the following webpage:
<https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy>

Record keeping

73. The school will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.
74. This material will be treated as confidential and held centrally within the school or the EPA as appropriate, and will be viewed only by those involved in investigating the complaint or on the governor panel.
75. This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a school inspection.
76. Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and record retention schedule.
77. The details of the complaint, including the names of individuals involved, will not be shared with the whole governing board in case a governor panel needs to be organised at a later point.

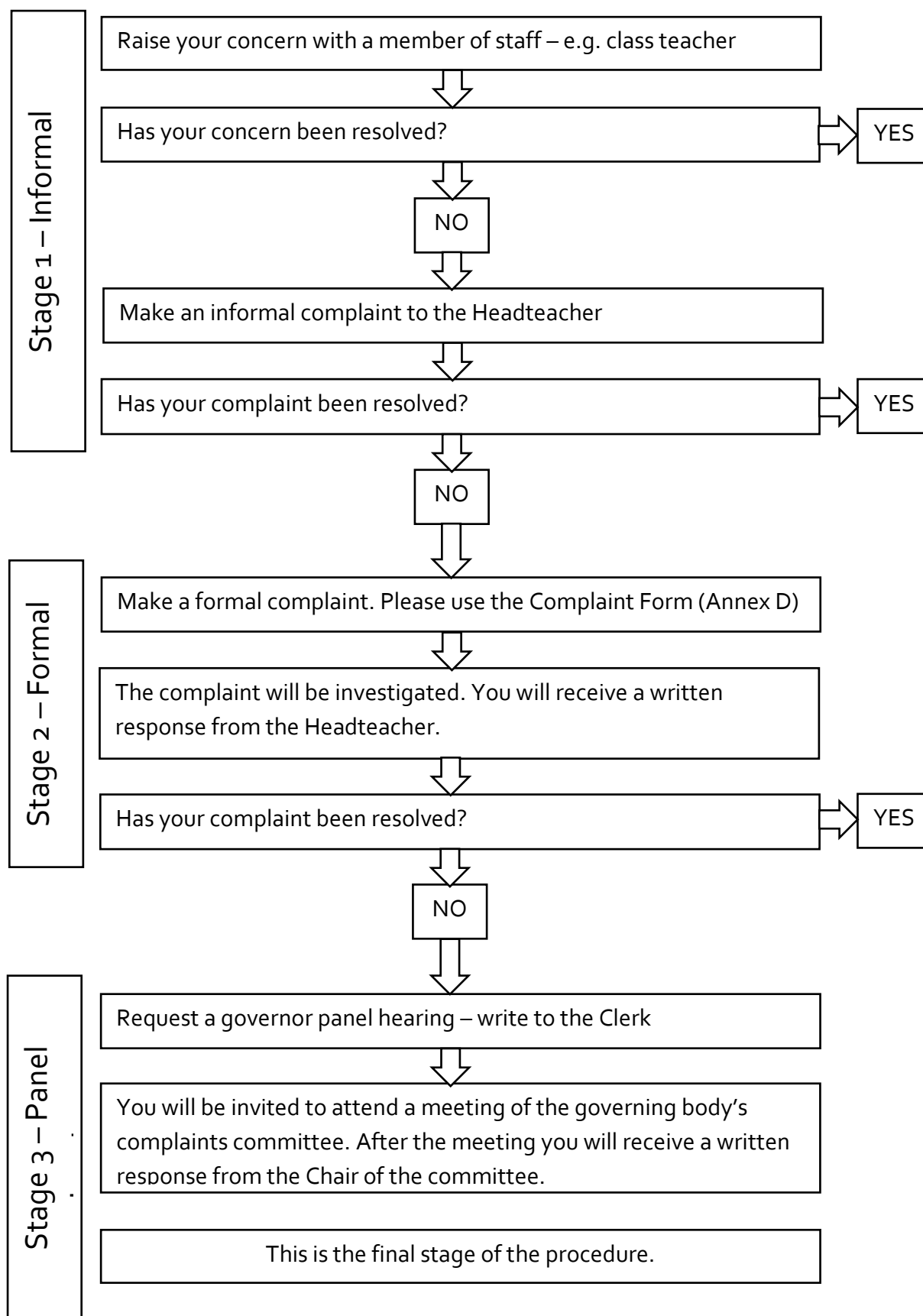
Monitoring arrangements

78. The governing body will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The governing body will track the number and nature of complaints, and review underlying issues with the headteacher where appropriate, and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future. EPA Trust will monitor complaints across all schools.
79. This procedure will be reviewed every three years.

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Annex A – How to raise a concern or make a complaint



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Annex B – Format of a panel hearing

1. The complainant and headteacher will enter the room where the hearing is taking place together.
2. The chair will introduce the panel members and the clerk and outline the process.
3. The complainant is invited to explain the complaint.
4. The headteacher may question the complainant.
5. The panel will question the complainant.
6. The headteacher is then invited to explain the school's actions.
7. The complainant may question the headteacher.
8. The panel will question the headteacher.
9. The complainant is then invited to sum up their complaint.
10. The headteacher is then invited to sum up the school's actions and response to the complaint.
11. The chair explains that both parties will hear from the panel within five school days.
12. The chair checks that both parties have said all they wanted to say and that they feel they have had a fair hearing. If either party says 'no' the chair should attempt to rectify that before the hearing ends.
13. Both parties leave together while the panel decides on the issues. The clerk will remain with the panel.

Notes

- The hearing should be made as unthreatening as possible to all parties.
- Members of the panel may ask questions at any point if an immediate question will help to clarify a point.
- The headteacher must have no contact with members of the governors' complaints panel except when the complainant is present. This means that the complainant and the headteacher enter and leave the room where the hearing is held together.

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- The Chair of the panel should discourage the introduction of fresh documentary evidence at the hearing – there should be every encouragement to produce any evidence in advance so that both sides have time to study it. However, if new and relevant evidence is accepted by the chair, the chair will adjourn the hearing for a few minutes to allow everyone to read the document. Both parties must leave the hearing room during the adjournment.

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Annex C – Roles and Responsibilities

Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

Investigator

The investigator's role is to establish the facts relevant to the complaint by providing a comprehensive, open, transparent and fair consideration of the complaint through:

- sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
- interviewing staff and children/young people and other people relevant to the complaint
- consideration of records and other relevant information
- analysing information
- liaising with the complainant as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to take notes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal

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- be mindful of the timescales to respond
- prepare a comprehensive report for the headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The headteacher or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

Complaints Co-ordinator

This could be the headteacher / designated complaints governor or other staff member providing administrative support

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, headteacher, Chair of Governors, and Clerk (as appropriate) to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
 - sharing third party information
 - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.

Clerk to the Governing Body

The Clerk is the contact point for the complainant and the committee and should:

- ensure that all people involved in the complaints procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example; stage 2 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale

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- record minutes of the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision.

Committee Chair

The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.
- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk (and complaints co-ordinator, if the school has one).

Committee Member

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so

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- no governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant
- we recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- complainants may feel nervous and inhibited in a formal setting
- Parents/carers often feel emotional when discussing an issue that affects their child.
- The complainant may be a pupil at the school. Good schools encourage pupils to raise concerns and would expect to resolve them before it becomes a formal complaint. However, if a pupil is the complainant, panel members will wish to ensure that the same process is followed but special consideration given to ensuring that the child is supported and does not feel intimidated. The panel needs to give the views of the child equal consideration to those of adults.
- Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, they wish the child/young person to attend. However, the parent should be advised that agreement might not always be possible if the committee considers is not in the child/young person's best interests.
- The welfare of the child/young person is paramount.

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Annex D – Complaint Form

It will help us to deal promptly with your complaint if you use this form to set out the details of your complaint. If you require help in completing the form, please contact the school office. You can also ask third party organisations like the Citizens Advice to help you.

Please complete and return to the Headteacher or the Chair of the Local Governing Body at the School as appropriate. They will acknowledge receipt and explain what action will be taken.

Your name:	
Pupil's name (if relevant):	Your relationship to the pupil (if relevant):
Your relationship to the school (if not a parent/carer of a pupil):	
Address:	
Day time telephone number:	Evening telephone number:
Email:	
Please give details of your complaint, including whether you have spoken to anybody at the school about it.	
What actions do you feel might resolve the problem at this stage?	

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

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Signature:

Date:

Official use	
Date acknowledgement sent:	
By who:	
Complaint referred to:	
Date:	

Author	EPA	Committee	Directing Board
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