



APPEALS, CONCERNS & COMPLAINTS PROCEDURE POLICY

Effective for employees, learners, Directors and volunteers on or after 1 September 2023

Review Date: June 2023

Date of next Review: June 2026

Please Note: A formal, full review of this document will take place on a 3-yearly basis. However, in the interim, the document will be updated as necessary to remain current with any statutory legislation and/or significant Government guidance updates on the subject.

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APPEALS, CONCERNS & COMPLAINTS PROCEDURE

1. Purpose

To detail ESS Education & Support Services (ESS) processes for resolving complaints. ESS Education & Support Services uses complaints to inform and enhance its practices and procedures.

2. Scope

The complaints procedure is designed to deal with, but is not limited to:

- 2.1. Complaints raised by learners, parents, guardians, employers, customers or the general public in relation to college activities, staff or any service provided by the College.
- 2.2. Complaints relating to sexual, racial, disability or any other form of discrimination.
- 2.3. Appeals raised by learners, staff and others, in relation to ESS Education & Support Services' processes
- 2.4 Equipment and facilities.

3. Process

At each stage, the person investigating a concern, complaint or appeal will make sure that they:

- Establish what has happened so far, and who has been involved
- Clarify the nature of the complaint and what remains unresolved
- Meet with the complainant or contact them, if necessary
- Clarify what the complainant feels would put things right
- Interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- Conduct the interview with an open mind and be prepared to persist in the questioning. Keep notes of the interview

a. Who can make a complaint?

This complaints procedure is not limited to parents or carers of children and young people registered with ESS Education & Support Services. Any person, including members of staff or the public, may make a complaint to ESS Education & Support Services 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.

b. The difference between an appeal, a concern and, a complaint

An appeal may be defined as *'an application to a higher authority for a reversal of the decision of a lower authority.'*

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 appeals, concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaint's procedure. ESS Education & Support Services takes 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, we will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, we 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, ESS Education & Support Services will attempt to resolve the issue internally, through the stages outlined within this complaint's procedure.

c. How to raise a concern, make a complaint or raise an appeal

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 of a complainant, as long as they have appropriate consent to do so.

Complaints against training staff (except the management team) should be made in the first instance, to Fran Deeley, Chief Executive Officer, fran.deeley@myess.co.uk. Please Mark them as Private and Confidential.

Complaints that involve or are about the management team should be addressed to Ali Sharif (Chair of Trustees) via info@myess.co.uk. Please mark them as Private and Confidential.

For Appeals, these should always be made in writing and should be addressed to the Chief Executive Officer.

For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the ESS Education & Support Services office. You can also ask a third-party organisation, for example the Citizens Advice, to help you.

In accordance with equality law, we will consider making reasonable adjustments, if required, to enable complainants to access and complete this complaint's procedure. For instance, providing information in

alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

d. Anonymous complaints

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

e. Time scales

For a Concern or Complaint, you must raise the concern or 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 if exceptional circumstances apply.

For an Appeal, you must raise the appeal within 10 working days from the date of the letter notifying you of ESS Education & Support Services' decisions of the investigation to which the appeal is relating.

f. Complaints received outside of term time

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

g. Scope of this complaint procedure

This procedure covers all complaints about any provision of community facilities or services by ESS Education & Support Services, including those about ESS Education & Support Services' processes other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
<ul style="list-style-type: none"> Matters likely to require a Child Protection Investigation 	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).</p>
<ul style="list-style-type: none"> Whistleblowing 	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus.</p>
<ul style="list-style-type: none"> Staff grievances 	<p>Complaints from staff will be dealt with under the company's internal grievance procedures.</p>

Exceptions	Who to contact
<ul style="list-style-type: none"> Staff conduct 	<p>Complaints about staff will be dealt with under the company's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>

If other bodies are investigating aspects of the complaint or appeal, for example the police, local authority (LA) safeguarding teams or Tribunals, 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. If this happens, we will inform you of a proposed new timescale.

If a complainant commences legal action against ESS Education & Support Services in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

h. Resolving complaints

At each stage in the procedure, ESS Education & Support Services wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. 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
- 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.

i. Withdrawal of a complaint

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

4. Stage 1 – Informal complaints

It is to be hoped that most concerns can be expressed and resolved on an informal basis.

Concerns should be raised with either the class Teaching Learning Mentor, Curriculum & Development Manager, Chief Operations Officer or Chief Executive Officer.

At the conclusion of their investigation, the appropriate person investigating the complaint will provide an informal written response within 14 working days of the date of receipt of the complaint.

If the issue remains unresolved, the next step is to make a formal complaint.

5. Stage 2 – Formal complaints

Formal complaints must be made to the CEO (unless they are about the CEO), via head office. This may be done in person or in writing (preferably on the Complaint Form).

The CEO will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 7 working days.

Within this response, the CEO will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The CEO can consider whether a face-to-face meeting is the most appropriate way of doing this.

Note: The CEO may delegate the investigation to another member of the company's senior leadership team but not the decision to be taken.

During the investigation, the CEO (or investigator) will:

- if 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.

At the conclusion of their investigation, the CEO will provide a formal written response within 28 working days of the date of receipt of the complaint.

If the CEO is unable to meet this deadline, they will provide the complainant with an update and revised response date.

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 ESS Education & Support Services will take to resolve the complaint.

The CEO will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

If the complaint is about the CEO, a suitably skilled manager will be appointed to complete all the actions at Stage 2.

Complaints about the CEO must be made to the Board of Trustees,

via head office.

If the complaint is:

- jointly about the CEO

Stage 2 will be considered by an independent investigator appointed by the governing body. At the conclusion of their investigation, the independent investigator will provide a formal written response.

6. Stage 3 – Panel Hearing

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 panel hearing consisting of at least three people who were not directly involved in the matters detailed in the complaint with one panel member who is independent of the management and running of the company. This is the final stage of the complaint procedure.

A request to escalate to Stage 3 must be made to the CEO, within 14 working days of receipt of the Stage 2 response.

THE CEO will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 14 working days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The CEO will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 28 working days of receipt of the Stage 2 request. If this is not possible, Ali Sharif will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the CEO 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.

If the complaint is:

- about the CEO

Stage 3 will be heard by a committee of independent personnel.

A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.

For instance, if a company employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

Note: Complaints about staff conduct will not generally be handled under this complaint procedure. Complainants will be advised that any staff conduct complaints will be considered under (Human Resources) staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

Representatives from the media are not permitted to attend.

At least 7 working days before the meeting, the Head of HR will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, 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 at least 4 working days before the meeting.

Any written material will be circulated to all parties at least 2 working days before the date of the meeting. 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.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

The meeting will be held in private. 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.

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.

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.

The Chair of the Committee will provide the complainant and ESS Education & Support Services with a full explanation of their decision and the reason(s) for it, in writing, within 28 working days.

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 ESS Education & Support Services will take to resolve the complaint.

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the school premises by the proprietor and the Chief Executive Officer.

A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing.

7. Next Steps

If the complainant believes the company 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 ESFA after they have completed Stage 3.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by ESS Education & Support Services. They will consider whether ESS Education & Support Services has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed [Part 7 of the Education \(Independent School Standards\) Regulations 2014](#).

The complainant can refer their complaint to the ESFA online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Academy Complaints and Customer Insight Unit
Education and Skills Funding Agency
Cheylesmore House
5 Quinton Road
Coventry
CV1 2WT

8. Complaint Form

Please complete and return to The Chief Executive Officer who will acknowledge receipt and explain what action will be taken.

Your name:
Learner's name (if relevant):
Your relationship to the learner (if relevant):
Address:
Postcode:
Day time telephone number:
Evening telephone number:
Email address:

Please give details of your complaint, including whether you have spoken to anybody at the company about it.



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What actions do you feel might resolve the problem at this stage?

S E R V I C E S



Are you attaching any paperwork? If so, please give details.
Signature:
Date:
OFFICE USE
Date acknowledgement sent:
By who:
Complaint referred to:
Action taken:
Date:

9. Roles and Responsibilities

a. 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 ESS Education & Support Services 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.

b. 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 and the Chief Operations Officer 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 record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the Chief Executive Officer or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.
- The Chief Executive Officer 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.

c. Chief Operations Officer

(this could be the Chief Executive Officer / designated complaints or other staff member providing administrative support)

The Chief Operations Officer should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, Chief Executive Officer or others as appropriate to ensure the smooth running of the complaint 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.

d. Committee Chair

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

- both parties are asked (via the learner support manager) 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, if all parties are invited to attend, 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.

If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting

- 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 learner support manager (and complaints co-ordinator, if the company has one).

e. Committee Member

Committee members should be aware that:

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

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 ESS Education & Support Services 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.

- many complainants will feel nervous and inhibited in a formal setting

Parents/carers often feel emotional when discussing an issue that affects their child/the young person in their care.

- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting

Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.

The committee should respect the views of the child/young person and give them equal consideration to those of adults.

If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. 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, the child/young person needs to attend.

However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that 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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S E R V I C E S

10. Students Feedback

6.1. ESS actively engages with its students through the elected student representatives and various feedback surveys and is very keen to learn about and act on any concern's students have regarding their experience with ESS Education and Support Services.

6.2. The Chief Executive Officer will share outcomes of complaints with the relevant bodies and team where there are lessons to learn and enhancements to provision can be made as a result of the complaint.

6.3. Records of complaints will be considered as part of the enhancement strategy.

11. Vexatious complaints

7.1. In a minority of cases, people pursue their complaints in a way which can either impede the

investigation of their complaint or can have significant resource issues for ESS Education & Support Services.

7.2. ESS Education & Support Services does not expect staff to tolerate behavior which is abusive, offensive or unreasonably persistent. If a complainant behaves in a way that is unreasonably persistent or vexatious, we will take action to protect staff from such behavior. E.g.

- A complaint which is primarily to antagonize or bring distress or suffering to other parties.
- A complaint which forms a series of complaints by the same complainant.
- Where previous complaints have already been investigated and completed.
- Using abusive or foul language on the telephone, in writing or face to face.
- High volumes of emails, multiple telephone calls or multiple voicemails.

7.3. Raising legitimate queries or criticisms of the complaints procedure, or wishing to challenge the complaint outcome should not necessarily cause the complainant's actions to be labelled vexatious or unreasonably persistent.

7.4. Complaints that appear vexatious will be referred to a senior manager who will decide whether the complaint is vexatious and if any actions are needed. Actions may include, but are not limited to:

- ESS Education & Support Services applying contact restrictions.
- Ceasing investigation of the complaint.
- The Student Disciplinary process being invoked.

The complainant will be advised accordingly of any actions taken. The complainant may appeal against the decision by writing to the Chief Executive Officer.

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SERVICES

12. Key Contacts

For:	Role	Contact email
Complaints and Concerns	Chief Strategy Officer	info@myess.co.uk
Complaints and concerns re: Senior Team Members	Chief Executive Officer	info@myess.co.uk