

Complaints Policy

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Complaints Policy

The purpose of this policy is to ensure that all complaints made against EBP South will be handled in a timely manner.

All complaints will be dealt with in a consistent fashion and will be handled sensitively and according to our standard procedures.

Every effort will be made to respond to complaints from our customers and our partners to ensure that we continue to improve the quality of our work and meet their needs.

As part of our ongoing commitment to quality, we will ensure that the following are in place:

- Will hold the appropriate Quality Standards for our work and organisation, which is nationally recognised and reflects the range of our activities. These will be regularly reviewed as part of our business planning process.
- Will evaluate and monitor all our activities using qualitative and quantitative data inline with our evaluation toolkit. We actively seek customer feedback through 'customer satisfaction surveys', responses to programmes, individual and group discussion. The EBP South service provisions to schools and colleges will be reviewed as part of the SLA renewal process or if a concern is raised.
- Undertake long- term evaluation to measure the impact of our work through selected projects and programmes.

Complaints Statement of intent

EBP South aims to resolve complaints at the earliest possible stage and, where possible, informally, and is dedicated to continuing to provide the highest quality of service possible in all of its business dealings and interactions.

This policy has been created to handle complaints relating to any aspects of the provision of facilities or services by EBP South including:

- Any member of staff.
- Individual trustees or the board of trustees.
- The organisation as a whole.
- The delivery of services by the organisation.

This policy is designed to ensure that the EBP South complaints procedure is straightforward, impartial, non-adversarial, allows a full and fair investigation, respects confidentiality, and delivers an effective response and appropriate redress.

This policy outlines the procedure that the complainant, the trustees and the EBP South organisation will follow. Once a complaint has been made, it can be resolved or withdrawn at any stage. A procedure for resolving disagreements is written into our Service Level Agreement with schools.

The CEO and/or Trustees of EBP South will delegate an appropriate person to be the first point of contact during the complaint's procedure. All complaints will be recorded and monitored. All complaints are responded to and acted upon promptly.

Legal Framework

This policy has due regard to all relevant legislation and guidance including, but not limited to, the following:

- Freedom of Information Act 2000
- Education Act 2002
- Equality Act 2010
- UK General Data Protection Regulation (UK GDPR)
- Data Protection Act 2018

This policy operates in conjunction with the following EBP South policies:

- Safeguarding Policy
- Safeguarding code of conduct
- Disciplinary and Grievance Policy
- Whistleblowing Policy
- Data Protection Policy

Definitions

For the purpose of this policy, a “**complaint**” is defined as ‘an expression of dissatisfaction’ towards the actions taken or a perceived lack of action. Complaints can be resolved formally or informally.

A “**concern**” is defined as ‘an expression of worry or doubt’ where reassurance is required. For the purpose of this policy, concerns will be classed and addressed as complaints.

Any complaint or concern will be taken seriously, whether raised formally or informally, and the appropriate procedures will be implemented.

The definition of “**unreasonable complaints**” is outlined in the ‘Managing unreasonable complaints’ section of this policy.

Roles and responsibilities

The complainant is responsible for:

- Cooperating with EBP South in seeking a solution to the complaint.
- Expressing the complaint and their concerns in full at the earliest opportunity.
- Promptly responding to any requests for information and meetings.
- Asking for assistance as needed.
- Treating anyone involved in the complaint with respect.

The role of the investigator will differ depending on the nature of the complaint and who it is directed at. This means that:

- For complaints against staff, the investigator will be a member of SMT.
- For complaints against SMT or the CEO, the investigator will be a member of the trustees.
- For complaints against trustees, the investigator will be the Chair of the Board.

- For complaints against the Chair of the Board, an appropriate person would be selected to be the investigator.

Where appropriate the investigator of the complaint is responsible for:

- Providing a sensitive and thorough interviewing process of the complainant to establish what has happened and who is involved.
- Considering all records, evidence and relevant information provided.
- Interviewing all parties that are involved in the complaint, including staff and pupils.
- Analysing all information in a comprehensive and fair manner.
- Liaising with the complainant and clarifying an appropriate resolution to the problem.
- Identifying and recommending solutions and courses of action to take.
- Being mindful of timescales and ensuring all parties involved are aware of these timescales.
- Responding to the complainant in a clear and understandable manner.

Where complaints are escalated to a panel hearing, all complaints panel members will be aware that:

- The review panel hearing is independent and impartial.
- No individual with prior involvement in the complaint, or the circumstances surrounding it, is permitted to sit on the panel.
- The aim of the panel is to achieve a reasonable resolution and, ultimately, attain reconciliation between the parties involved.
- Reconciliation between EBP South and the complainant is not always achievable, and that it may only be possible to establish facts and make recommendations to reassure the complainant that their case has been taken seriously.
- The panel can:
 - Dismiss or uphold the complaint, in whole or in part.
 - Decide on appropriate action to be taken.
 - Recommend changes that EBP South can make to prevent the recurrence of the problem.
- Complainants may feel nervous or inhibited in a formal setting and, therefore, the proceedings should be as welcoming as possible.
- Ensure a young person has been offered the opportunity to be accompanied by an appropriate adult to any panel hearing.
- When a young person is present at the hearing, extra care needs to be taken to ensure that the young person does not feel intimidated, as well as ensuring the young person's view is represented equally.
- If the complaint is against an employee, the employee should be given the opportunity to have an appropriate representative present at any panel hearing.

The panel chair will:

- Ensure that minutes of the hearings are taken on every occasion.
- Explain the remit of the panel to the complainant.
- Ensure that all issues are addressed and that outcomes are reached based on facts and evidence.
- Help to put at ease and console individuals involved who are not used to speaking at such hearings, particularly any young person's involved.
- Conduct the hearing in a manner that ensures everyone is treated with respect and courtesy.
- Ensure that the room's layout and setting is non-adversarial yet still sets the appropriate tone.
- Confirm that no member of the panel has previously been involved in the earlier stages of the procedure or has an external interest in the outcome of the proceedings.
- Give both the complainant and EBP South the opportunity to state their case and seek clarity without undue interruption.
- Provide copies of any written material or evidence to everyone in attendance of the meeting, ensuring that everyone has seen the necessary material.
- Organise a short adjournment if deemed necessary.
- Continuously liaise with all parties to ensure the procedure runs smoothly.
- Help to provide the support necessary when the complainant is a young person.

Complaints Procedure

This policy is implemented across the EBP South organisation. The organisation will ensure that the complaints procedure is:

- Easily accessible and publicised on its website.
- Simple to understand and put into practice.
- Impartial and fair to all parties involved.
- Respectful of confidentiality duties.
- Continuously under improvement, using the internal evaluation toolkit.
- Fairly investigated, by an independent person where necessary.
- Used to address all issues to provide appropriate and effective responses where necessary.
- **Informal** – which will usually come in the form of a call, written communication or meeting between a representative of EBP South and the complainant.
- **Formal** – where the complaint is put in writing to EBP South.
- **Panel hearing** – where the panel includes at least two people who were not directly involved in the matters detailed in the complaint and one person who is independent of the management and running of EBP South.

At each stage, complainants will be informed of their options for escalation if they are unsatisfied with the outcome of their complaint. The appropriate person will communicate the details of the next stage of the process when delivering the outcome of the current stage, where applicable.

To prevent later challenge or disagreement over what was said in any in-person meetings or telephone conversations at any stage of the procedure, records will be kept, and a copy of any written response will be added to the record of the complaint. Notes and paper copies of any complaints and/or responses are kept securely on the EBP South secure IT system.

Making a complaint

Any person, including a member of the public, can make a complaint about the provision of facilities or services that the EBP South provides. Complaints may also be made by a third party on behalf of a complainant, contingent on appropriate consent having been obtained to do so. All complaints made will be handled via the procedures outlined in this policy.

EBP South will not normally investigate anonymous complaints.

Individuals making complaints about issues relating to separate statutory procedures will be referred as follows:

- **Child protection** – referred to safeguarding procedures outlined in the Safeguarding Policy and Safeguarding Code of Conduct.
- **Whistleblowing** – referred to the internal whistleblowing procedures outlined in the Whistleblowing Policy.
- **Staff grievances** – referred to the internal grievance procedures outlined in the Disciplinary and Grievance Policy
- **Staff conduct** – referred to the internal disciplinary procedures outlined in the Disciplinary and Grievance Policy
- **School Service Level Agreement disagreement** – refer to the relevant school's signed service level agreement.

All other complaints will be directed towards the procedures laid out in this policy.

Informal complaint - when an issue or concern first arises

Complainants may make complaints in person, in writing or by telephone.

Any concerns or complaints about the level or quality of service should firstly be made to the employee of EBP South providing the service. All employees will acknowledge any complaint within one working day and immediately when possible.

All employees must assess the concern/complaint and if this cannot be resolved via an initial conversation/email then the complaint **MUST** be reported to their manager who will offer advice.

If the complaint is raised to the appropriate manager a record of the complaint and action to be taken must be made at this point (see Complaints form). In the majority of cases, it is anticipated that concerns/complaints will be resolved via the initial conversation/email.

Complaints are expected to be made as soon as possible after an incident arises to amend the issue in an appropriate timescale. EBP South upholds a three-month time limit in which a complaint can be lodged regarding an incident. Complaints made outside this time limit will be considered in

exceptional circumstances. In the case of any timescales changing, all parties involved will be informed of the changes in a timely manner.

A complaint can progress to the next stage of the procedure even if it is not viewed as “justified”. All complainants are given the opportunity to fully complete the complaints procedure.

Within 10 working days of notification of the complaint, the complainant and the relevant member of staff should discuss the issue in a respectful and informal manner to seek a mutual resolution.

At this initial communication stage of the complaint, the complainant will be asked for their input as to what they believe may resolve the issue about which the complaint has been made to avoid further escalation where possible.

In line with statutory guidance, complainants should note that any acknowledgement by EBP South that it could have handled the situation better is not an admission of unlawful or negligent action.

If an appropriate resolution cannot be sought at this informal level, or if the complainant is dissatisfied with the outcome following the initial discussions, the person managing the response to the complaint will inform the complainant about the next level of the procedure.

Stage two – formal complaint

Formal complaints must be made in writing.

Stage two of the process will be completed within **15** working days. Where the situation is recognised as complex, and it is deemed to be unable to be resolved within this timescale, the person managing the complaint will contact the complainant to inform them of the revised target date via a written notification.

An appointment with the appropriate person for managing the complaint should be made, as soon as reasonably practical, to avoid any possible worsening of the situation.

If the complaint is against the CEO, the complainant will initially need to write, in confidence, to the Chair of the Board.

The chair will seek to resolve the issue informally, e.g. by arranging a meeting with the complainant within 15 days, before moving directly to stage three of the procedure.

Where the appropriate person has made reasonable attempts to accommodate the complainant with dates for a complaint meeting and they refuse or are unable to attend, the meeting will be convened in their absence and a conclusion will be reached in the interests of drawing the complaint to a close.

In terms of a complaint being made against a member of staff, a member of the management team will discuss the issue with the staff member in question. Where necessary, a member of the management team will conduct interviews with any relevant parties, including witnesses and take statements from those involved. All discussions shall be recorded by the member of the management team, and findings and resolutions will be communicated to the complainant either verbally or in writing.

Once all facts are established, the person handling the complaint shall contact the complainant in writing with an explanation of the decision. The complainant will be advised of any escalation options (e.g. escalation to stage three) and will be provided with details of this process.

The complainant will also be provided with copies of minutes, subject to any necessary redactions under the Data Protection Act 2018 and the UK GDPR. Any further action EBP South plans to take to resolve the issue will be explained to the complainant in writing.

If the complainant is not satisfied with the outcome suggested, the procedure will progress to stage three. A request to escalate to stage three will be made to the Executive Manager who will escalate this to the Board of Trustees within 10 working days of the end of stage two, i.e. communication of an outcome.

Stage three – panel hearing

If an organisation or individual considers they have not received an adequate response, is dissatisfied with the outcome of their complaint, they should write to Chair of the Board within 10 working days of the outcome of Stage 2, explaining your concern and the steps that have resulted in you taking this course of action.

Chair of the Board

EBP South
1000 Lakeside
North Harbour
Western Road
Portsmouth
PO6 3EN

The Chair of the Board will acknowledge receipt of your request within 10 working days.

Where the complaint progresses to stage three, a panel will be constituted to hear the complaint, consisting of at least three individuals who were not directly involved in the matters detailed in the complaint, and at least one independent panel member.

The complaints panel will usually be convened within a further 20 working days of receiving the request for your complaint to be heard by the Board of Trustees' complaints panel. Where it is not possible to find a mutually convenient date within that timescale, all reasonable steps will be taken to agree a time and date mutually convenient to all parties.

5 working days' notice will be given to all parties attending the panel hearing, including the complainant.

The main function of the complaints panel will be to:

- Ensure the complaint has been properly handled by the EBP South team and SMT as appropriate.
- Ensure that a sufficient comprehensive investigation was carried out.
- Ensure that the correct procedure / policies were followed. The panel will also review whether the staff, SMT and CEO acted reasonably.

At the hearing, all participants will be given the opportunity to put their case across and discuss any issues. The meeting will allow for:

- The complainant to be present and accompanied at the hearing if they wish.
- The complainant to explain their complaint and the individual handling the complaint to explain the reasons for their decision.

- The complainant to question the individual handling the complaint, and vice versa, about the complaint.
- Any evidence, including witnesses who have been prior approved by the chair of the panel, to be questioned.
- Members of the panel to question both the complainant and the individual about whom the complaint was made.
- Final statements to be made by both parties involved.

Neither the complainant nor the Board of Trustees will bring legal representation to this hearing, unless in exceptional circumstances, where this will be agreed beforehand.

The purpose of the hearing will be reconciliation and ensuring that things that may have gone wrong are corrected.

The complainant will receive a written response explaining the panel's findings and recommendations within 15 working days.

The panel will make findings and recommendations, and a copy of those findings and recommendations will be made available for inspection at EBP South premises by the board of trustees and the CEO.

Where relevant, the person complained about will receive a summary of the panel's findings and recommendations. They will also receive a copy of the minutes, subject to any necessary redactions under the Data Protection Act 2018 and the UK GDPR.

Withdrawal of a complaint

Where a complainant wishes to withdraw their complaint, EBP South will ask them to confirm this in writing. Despite the complaint having been withdrawn, EBP South will still take the complainant's voice seriously and attempt to avoid causing similar distress to others in the future. EBP South will not under any circumstances ask or pressure an individual to withdraw a complaint.

Record keeping

A written record will be kept of all complaints that are not resolved through the initial conversation/email, regardless of the stage at which they are resolved, including any action taken by EBP South as a result of those complaints, whether they are upheld or not.

All correspondence, statements and records relating to individual complaints will be kept confidential.

EBP South is a data controller and will follow its Data Protection Policy to decide on data retention periods.

Staff Complaints

Staff who have a concern about a colleague or volunteer should refer to the Whistleblowing Policy which is available on the EBP South website. The procedure for dealing with any other staff complaint or employment grievance is set out in the Disciplinary and Grievance Policy.

Managing unreasonable complaints

EBP South is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. EBP South will not normally limit the contact complainants have with themselves; however, EBP South does not expect staff to tolerate unacceptable behaviour

and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

For the purposes of this policy, “**unreasonable complaints**” include:

- Vexatious complaints, which:
 - Are obsessive, persistent, harassing, prolific, or repetitious.
 - Insist upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason.
 - Insist upon pursuing meritorious complaints in an unreasonable manner.
 - Are designed to cause disruption or annoyance.
 - Demand for redress which lacks any serious purpose or value.
- Serial or persistent complaints, which:
 - Are duplicated, sent by the same complainant once the initial complaint has been closed.
 - Are new complaints that are submitted additionally, as part of an existing open complaint, by the same complainant.

A complaint may also be regarded as unreasonable when 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 cooperate with the complaints investigation process while still wishing their complaint to be resolved.
- Refuses to accept that certain issues are not within the scope of a complaint’s procedure.
- Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Introduces trivial or irrelevant information which they expect to be taken into account and commented on or 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.
- Seeks an unrealistic outcome.
- Makes excessive demands on EBP South’s time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the complainant:

- Acts maliciously or aggressively.

- Uses threats, intimidation or violence.
- Uses abusive, offensive or discriminatory language.
- Knows the complaint to be false.
- Uses falsified information.
- Publishes unacceptable information in media such as social media websites and newspapers.

The above applies regardless of the method the complaint is made, e.g. face-to-face, by telephone, in writing or electronically.

Complainants should limit the number of communications with EBP South while a 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.

Whenever possible, the EBP South representative dealing with the complaint will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

Serial or persistent complaints will only be marked as 'serial' once the complainant has completed the complaints procedure. It is the complaint that will be marked as 'serial', meaning the complainant can complain about a separate issue if necessary.

If the behaviour continues, the individual handling the complaint will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact EBP South causing a significant level of disruption, EBP South may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after six months.

A decision to stop responding will only be considered in circumstances where the following statements are true:

- Every reasonable step has been taken to address the complainant's concerns.
- The complainant has been given a clear statement of EBP South's position and their options.
- The complainant contacts EBP South repeatedly, making substantially the same points each time.

If the above criteria are met, in making a decision to stop responding, EBP South will also consider if the complainant is often abusive or aggressive in their communication, makes insulting personal comments about or threats towards staff, or if EBP South believes their intent is to disrupt or inconvenience operation.

EBP South will not stop responding to a complainant on the basis that they are difficult to deal with or they ask complex questions.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed.

Availability

A copy of this policy will be made available on request. It will also be published on EBP South website.

Monitoring and review

The Complaints Policy will be reviewed bi-annually, considering any legislative changes.

Responsibility for reviewing the procedure belongs to the SMT and the Board of Trustees.

Information gathered through reviewing the Complaints Policy will be used to continuously improve and develop the process. Any changes to this policy will be communicated to all relevant stakeholders.

Date of last review: March 2025

Date of next review: March 2027