



Complaints Procedure

Date agreed with Directors:

6th March 2025

Review date:

March 2026

DIRECTOR LEAD:

Sam Thompson

WHO CAN MAKE A COMPLAINT?

This complaints procedure is not limited to eCAPH members or associated stakeholders across Cheshire East. Any person, including members of the public, may make a complaint to eCAPH about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures, we will use this complaints procedure.

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, without the need to use the formal stages of the complaints procedure. eCAPH 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, the eCAPH Co-Chairs will refer you to another organisation member or deal with it themselves. A member of staff dealing with a concern may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

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

HOW TO RAISE A CONCERN OR MAKE A COMPLAINT

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.

Any concerns should be raised with Co-Chairs initially with the aim of resolving such concerns informally. If the issue remains unresolved, the next step is to make a formal complaint.

Complainants should not approach individual Directors 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 2 of the procedure.

Complaints against eCAPH staff or eCAPH Directors/Executives should be made in the first instance, to the Co-Chairs via the Business Manager – businessmanager@ecaph.org. Please mark any correspondence as Private and Confidential.

Complaints that involve or are about the Co-Chair/s should be addressed to the Business Manager via email. Please again mark this as Private and Confidential.

Complaints about a Director or the eCAPH Executive should be addressed to the Business Manager. Please mark them as Private and Confidential.

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 Co-Chairs You can also ask third party organisations like 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 complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

ANONYMOUS COMPLAINTS

eCAPH will not normally investigate anonymous complaints. However, the Co-Chairs in association with the Directors if appropriate, will determine whether the complaint warrants an investigation.

TIME-SCALES

You must raise the complaint within three months of the incident or, where there is 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.

SCOPE OF THIS COMPLAINTS PROCEDURE

This procedure covers all complaints about any provision or services by eCAPH, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
Whistleblowing	eCAPH have a separate whistleblowing procedure for our employees, including possible temporary staff and contractors. Volunteer staff who have concerns about eCAPH should complain through the complaints procedure.
Staff grievances	Complaints from staff will be dealt with under the eCAPH internal grievance procedures.
Staff conduct	Complaints about staff will be dealt with under the eCAPH internal disciplinary procedures, if appropriate. 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.
Complaints about services provided by other providers	Providers should have their own complaints procedure to deal with complaints about service.

If other bodies are investigating aspects of the complaint, for example the local authority (LA), sponsors, service providers etc, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those organisations have completed their investigations.

If a complainant commences legal action against eCAPH 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

At each stage in the procedure, eCAPH will want to resolve the complaint. If appropriate, eCAPH 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.

WITHDRAWAL OF A COMPLAINT

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

STAGE 1

Formal complaints must be made to the Co-Chairs (unless they are about the Chair/s), via email to the Business Manager in the first instance. This should be done in writing (preferably on the Complaint Form), or by telephone.

The Co-Chairs will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 10 working days.

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

During the investigation, the Co-Chairs (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 Co-Chairs will provide a formal written response within 10 working days.

If the Co-Chairs are 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 eCAPH will take to resolve the complaint. The Co-Chairs will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

If the complaint is about one/both Co-Chairs, a Director will be identified to carry out the investigation or a suitably skilled professional will be appointed to complete all the actions at Stage 1.

Complaints about the Co-Chairs or a Director must be made to the Business Manager, via email to businessmanager@ecaph.org

If the complaint is:

- jointly about the Co-Chairs or
- the entire set of Directors or
- the majority of the set of Directors

Stage 1 will be considered by an independent investigator appointed by the Directors. At the conclusion of their investigation, the independent investigator will provide a formal written response.

STAGE 2

If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2 – a meeting with members of the eCAPH Executive, which will be formed of the first three, impartial, Directors available. This is the final stage of the complaints' procedure.

A request to escalate to Stage 2 must be made to the Business Manager, via email, within 10 working days of receipt of the Stage 1 response.

The Business Manager will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 10 working days.

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

The Business Manager will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 10 working days of receipt of the Stage 2 request. If this is not possible, the Business Manager will provide an anticipated date and keep the complainant informed.

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

The Complaints Committee will consist of three Directors 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 there are fewer than three Directors from eCAPH available, the Business Manager will source any additional, independent professionals, in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 2.

The Complaints Committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.

If the complainant is invited to attend the meeting, they may bring someone along 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 school 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 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.

Representatives from the media are not permitted to attend.

At least 5 working days before the meeting, the Business Manager 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 3 working days before the meeting.

Any written material will be circulated to all parties at least 3 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 eCAPH with a full explanation of their decision and the reason(s) for it, in writing, within 10 working days.

If the complaint is:

- jointly about the Chairs or
- the entire Directors group or
- the majority of the Directors Group

Stage 2 will be heard by a committee of independent Directors

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 eCAPH will take to resolve the complaint.

The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

NEXT STEPS

If the complainant believes that eCAPH 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 seek their own legal advice.

Review date: March 2027.

APPENDIX – STANDARD COMPLAINT FORM

NAME OF COMPLAINANT: _____

DATE OF COMPLAINT: _____

COMPLAINANT CONTACT INFORMATION: _____

NATURE OF COMPLAINT.

Please include specific date/s, location/s, name/s of people involved, what happened and why the complaint is being raised:

NAMES OF WITNESSES:

Please include names and contact information

NAME: _____ CONTACT DETAILS: _____

NAME: _____ CONTACT DETAILS: _____

NAME: _____ CONTACT DETAILS: _____

ANY ADDITIONAL INFORMATION:

eCAPH Use Only:

Date complaint received: _____

Acknowledgement date (10 w/days): _____

Lead complaint investigator: _____

Resolution date: _____