

Complaints policy

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Approved by	Board of Trustees
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Change Record

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10.7.25	JPT	No change
15/07/26	JPT	Terminology changes.

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Essex and Thames Education committed to providing a happy, caring and safe learning environment for all within a values led context, where everyone feels valued and grows in confidence and competency.

A complaint is defined as; “an expression of dissatisfaction by one or more individuals about the SCITT’s action or lack of action, or about the standard of service provided by or on behalf of the SCITT.”*

** Group complaints can be submitted, but a group representative must be identified with whom the SCITT will correspond and who will be responsible for liaising with the other Complainants. In such cases, references in this procedure to the ‘Complainant’ shall be construed as referring to more than one person. The SCITT may separate group complaints where it considers that the issues raised impact Complainants differently or where Complainants are seeking different remedies.*

Examples of complaints might include, but is not limited to:

1. Misleading or incorrect information in prospectuses or promotional materials
2. Unprofessional conduct by members of SCITT staff
3. Poor quality of facilities, learning resources or services provided directly by the SCITT
4. Complaints involving other organisations or contractors providing a service on behalf of the

SCITT.

At the SCITT's discretion, some issues may more appropriately be considered under another organisation's procedures or alternative processes of the SCITT, rather than under this complaints procedure.

Complaints about Essex and Thames Education staff

Complaints about staff can be difficult to handle as there may be a conflict of interest for the staff investigating the complaint. When complaints are raised against staff, it is essential that the investigation is conducted by an individual who is independent of the situation. The charity will ensure that there are robust governance arrangements in place that set out clear procedures for handling such complaints.

Timescales

Since it is difficult to investigate complaints after a lapse of time, the procedures require that the complainant must raise the matter within a given period of time, varying according to the type of complaint but not normally exceeding 90 days. These time limits are intended to allow a sufficient period for matters to be resolved informally wherever possible. A formal complaint must be brought within one month of the failure of an attempt to resolve the matter informally. These timescales may be waived at the organization's discretion if there is good reason, supported by evidence, for late submission of a complaint, for example if not to hear a complaint meant that the organization would not be meeting its obligations under the Equality Act

Timescale summary

Response by the organization to an initial concern or complaint raised	2 working days
Offer of an informal meeting	5 working days from receipt of complaint
Following an informal meeting: Time for the CEO or complaint manager to write to the Complainant with the outcome if a resolution is reached.	2 working days
Following an informal meeting: Time for the Complainant to write to the CEO or complaint manager requesting a formal complaint be raised.	10 working days from receipt of letter from the CEO or complaint manager
Time for the commencement of an investigation following the move to a formal complaint	10 working days from receipt of request for investigation
Time between the completion of an investigation and a panel being convened.	10 working days from receipt of the report
Time for the Chair of the panel or complaint manager to write to the Complainant with an outcome	2 working days
Time for SCITT to Issue a COP letter from the outcome decision if the complaint is upheld	10 working days

Time for the Complainant to submit a request for a review	10 working days from receipt of letter from the CEO or complaint manager
Time for completion of a review	15 working days, unless strong reasons such as witness unavailability pertain in which case a progress report and explanation for delay will be issued within the 15 working day time limit
Time for the Chair of the panel or complaint manager to write to the Complainant with an outcome	5 working days
Time for SCITT to issue a COP letter from the outcome decision	10 working days
Time for Complainant to submit a request for a review to the OIA	Within 12 months, or later at the sole discretion of the OIA
Time for graduates to raise a complaint after graduation	1 month

1. Complaints will normally be completed within 90 calendar days of the start of the formal stage.
2. At whatever stage of the Complaints Procedures the complainant lodges the complaint, they must declare themselves not satisfied within 10 working days of the date of the written response and request that the complaint be taken forward to the next stage. The absence of a response will be deemed to confirm the complainant has been satisfied.
3. The organization will respond to complaints and, if substantiated, will take appropriate action to remedy the complaint.
4. Where it is deemed an individual is abusing the procedures through making repetitive or vexatious complaints which are insubstantial or unsupported by a sufficient level of evidence, the complaint will be rejected at the earliest possible time with reasons given.
5. It is an expectation that the complaints process is treated with respect by all parties. Where apparently false and/or malicious complaints are made, the CEO may instigate the necessary investigations to pursue action against the complainant.
6. The CEO will log all formal complaints, and make an annual return to the Board of Trustees
7. The complaints process is designed so that it is accessible, clear, proportionate, timely, fair, impartial and confidential
8. **Accessibility** The process:
 - Is open to anyone who has a genuine complaint about the services supplied by Essex and Thames Education or the conduct of its employees.

- Aspires to give complainants clear information about how to access advice and support.
- Is responsive to the needs of individuals.

9. **Clarity** The process:
- Is easy to understand and gives clear information about time limits.
 - Includes clear definitions of what constitutes a complaint.
 - Includes effective record keeping.
10. **Proportionality** The process:
- Is flexible where issues which fall under more than one process.
 - Expects all parties to treat the processes with respect and act reasonably and fairly towards each other.
 - Allows for the complaint to be resolved informally and as early as possible, including by mediation or conciliation where possible and appropriate.
 - Consists of three stages:
 - Early resolution at the informal stage
 - Formal stage
 - Review stage.
11. **Timeliness** The process:
- Includes time limits within which complainants are normally expected to submit complaints or the organization is expected to respond.
 - Allows for the identification of complaints which require particularly swift action.
 - Will normally be completed within 90 calendar days of the start of the formal stage.
12. **Fairness** The process:
- Ensures that decision-making staff are properly trained, resourced and supported, and able to approach each decision afresh.
 - Allows each party an equal opportunity to present their case.
 - Requires clear reasons to be given for decisions reached.
 - Ensures that the complainant is not disadvantaged as a result of bringing a complaint, regardless of the outcome.
13. **Impartial** The process:
- Ensures that decisions are taken by people without actual or perceived conflicts of interest at all stages of the process.

14. **Confidentiality** The process:

Ensures an appropriate level of confidentiality without disadvantage.

OUTLINE OF THE COMPLAINTS PROCESS

Making a complaint

- 1.1. Complainants are expected to follow the procedures as set out. However, discretion will be exercised, as appropriate, to ensure that complaints are not automatically discounted because of minor procedural deficiencies in the application.
- 1.2. Complainants must submit a complaint by e-mail or in hard copy in which they must:
 - 1.2.1. Set out their concerns clearly and succinctly
 - 1.2.2. Provide evidence to substantiate the issues raised where possible*.
- 1.3. Complainants should indicate if they wish elements of their complaint to remain confidential.**
- 1.4. Indicate the outcome sought. However, Complainants should note that the outcome may be different from the one sought.

**This may include but is not limited to; independent medical evidence, reports by professionals, financial information, original communications or verifiable copies of communications, or witness statements.*

*** All complaints and academic appeals will be managed in a confidential and sensitive way. However, it may be necessary to ask staff involved in the complaint to comment on or respond to the statements made.*

- 1.5. On receipt of a formal complaint the organization will undertake an initial evaluation to check that the complaint is submitted under the correct procedures, within any deadline, and in the required format. This might result in:
 - the complainant being referred to a different procedure
 - the complaint being rejected, for example because it is submitted late
 - the complaint proceeding to formal consideration
 - referral to conciliation or mediation, with a trained facilitator, as part of the Informal Resolution Stage.
- 1.6. If the complaint is accepted for consideration, the organization will allocate it for management to a member of staff who has had no previous involvement in the matter.

2. The Informal Resolution Stage

- 2.1. Wherever possible, the organization seeks to resolve complaints **informally**, with complaints procedures operating, in the first instance, at the level at which the matter arose.
- 2.2. The informal stage is designed to address straightforward concerns swiftly, before a complainant escalates them into a formal complaint. This might include, for

example, face to face discussion with the complainant, or asking an appropriate member of staff, or mediator or conciliator, to lead in finding a resolution to the matter.

- 2.3 Minutes will be taken and circulated at all meetings
- 2.4 Complainants may be accompanied at meetings during this stage by a representative; this may not be legal representation.
- 2.5 If the complainant withdraws a complaint at this stage, the CEO will write to the complainant to formally close the process.
- 2.9 If the complaint is resolved at this stage, the CEO will write to the complainant setting out the outcome.
- 2.10 If the complaint is not resolved at this stage, the CEO will write to the complainant, referring them to the appropriate documentation should they wish to escalate their complaint.
- 2.11 If the complainant wishes to escalate the complaint to the next stage they must write to the CEO with this request within twenty working days of the date of the CEO's written response.

3. The Formal Stage

- 3.1 The formal stage is adopted where a complainant is dissatisfied with the outcome of an attempt at early resolution, or where informal resolution is not possible or suitable due to the character, complexity or seriousness of the case.
- 3.2 The formal stage should always be dealt with by people who have not been involved previously.
- 3.3 The formal complaints process is triggered when:
 - ❖ The complainant declines to engage with early resolution and initiates the formal process from the outset, in line with the organization's procedures
 - ❖ Early resolution was attempted through the informal process, but the complainant remains dissatisfied and initiates the formal process in line with the organization's procedures
 - ❖ The issues raised are complex and will require detailed investigation, for example where a complaint relates to the conduct of staff members or covers a number of different incidents.
- 3.4 On receipt of a formal complaint, or request for escalation to the formal complaint stage, the organization will undertake an initial evaluation to check basic facts. At the discretion of the organization, this might result in:
 - ❖ the complainant being referred to a different procedure
 - ❖ the complaint being rejected, for example because it is submitted late

- ❖ the complaint proceeding to formal consideration
- ❖ referral to conciliation or mediation.

3.5 If the complaint is accepted for consideration, the organization will allocate it to a member of staff who have had no previous involvement in the matter. It will not normally be appropriate to keep the name of the staff member investigating the complaint confidential as this might confound the requirement for transparency and may undermine the complainant's confidence in the Process.

3.6 The manager of the complaint will communicate to the complainant and others involved in the investigation exactly what is being investigated to ensure that both the staff members, complainant and other stakeholders understand the purpose and scope of the investigation.

3.7 The investigator should consider meeting with the complainant (with or without their representative) to support the investigator's understanding of what needs to be investigated. If the complainant's expectations appear to go beyond what the organization can reasonably deliver or what is in its power to deliver, the manager of the complaint should be alerted and they should explain this to the complainant (or their representative) as soon as possible, in writing, in order to manage expectations about possible outcomes.

3.8 The procedures followed should be proportionate to the nature of the complaint and the complexity of the issues raised. The member of staff investigating the complaint may talk to key staff, Trainees, Apprentices and Practitioners or stakeholders and consider documents and other evidence.

3.9 The investigator will produce a report, based solely on his or her investigations, outlining the process followed, the information gathered, the conclusions drawn and any recommendations.

3.10 The complainant (or their representative) should receive copies of the information considered and a copy of the investigation report. The investigator will also consider whether mediation or conciliation might be effective at this stage (i.e. after the investigation report has been circulated to all parties).

3.11 The Investigator will refer their report to a more senior member of organization's staff for the recommendations to be agreed, or to the manager of the complaint who will either;

- A. Seek a second opinion internally before making a recommendation that the complaint has been upheld
- or
- B. Refer the report on to a Complaint Panel, nominated by the senior member of staff, for a complaint hearing to be convened.

3.12 The organization will arrange for the Complaint Panel to receive appropriate HR advice. The Complaint Panel will comprise:

- ❖ A head teacher from schools who are not involved with the complaint
- ❖ A Trustee
- ❖ A member of the senior leadership team from another provider, or similarly qualified and experienced external person

3.13. The complaint hearing will be held within 10 working days of the complaint manager receiving the Investigator's report

3.14 The complaint manager will send the complainant a letter detailing:

- ❖ the date of the complaint hearing
- ❖ An explanation of what the complainant needs to do if they cannot attend on that date, or does not wish to do so, or wishes to be represented at the complaint hearing in their absence
- ❖ the names of the panel members and their job titles
- ❖ the names of anyone else attending the complaint hearing and what their role will be
- ❖ that the complainant may bring a friend (sometimes called a McKenzie Friend) to support them
- ❖ an outline of how the meeting will proceed
- ❖ copies of relevant documents.

3.15 The complaint hearing will be minuted and the minutes circulated to all attendees.

3.16 Following the complaint hearing, the chair of the panel will write to the complainant (the Decision Letter) setting out the outcome of the formal stage, including any decision to reject the complaint at initial evaluation, giving a clear explanation of and outlining the reasons for each decision in straightforward language.

3.17 The decision letter will also give information about:

- ❖ the complainant's right to take the complaint to the review stage
- ❖ the grounds on which they can do so, and any limitations or exclusions that apply
- ❖ the time limit for escalating to the review stage (10 working days)
- ❖ the appropriate procedure
- ❖ where and how to access support.

3.18 If the complaint has been rejected, for example because it has been submitted late, the organization will issue a Completion of Procedures letter.

3.19 If the complainant does not take the complaint to the review stage within the time limit for doing so, the organization will close the matter and notify the complainant in writing. The organization may also issue a Completion of Procedures letter at this stage, if the complainant asks them to do so. The letter will explain that the complainant has not completed the organization's internal processes, which might affect whether the complainant can apply to the OIA for resolution of their complaint.

3.20 When a complaint is upheld, the organization will explain in writing how and when it will implement any remedy, whether that includes an apology, and what the complainant is able to do if they remain dissatisfied.

3.21 The organization will keep records of all formal complaints and their outcomes.

4. The Review Stage

4.1 A request for a review may be made on the following grounds:

- ❖ a review of the procedures followed at the formal stage
- ❖ a consideration of whether the outcome was reasonable
- ❖ new material evidence which the complainant was unable, for valid reasons, to provide earlier in the process.

4.2 The review stage will not consider the issues afresh or involve a further investigation. A complaint must have been considered at the formal stage before it can be escalated to the review stage.

4.3 The complainant must submit a request for a review in writing or by email.

4.4 The organization will allocate the request for review to a senior member of staff not involved at any previous stage.

4.5 The organization will write to the complainant to clarify exactly what is being reviewed, and to ensure that both the reviewer and the complainant understand the purpose and scope of the review. If the complainant's expectations appear to exceed the scope of the review stage, a member of staff will explain this to the complainant as soon as possible, in writing, in order to manage expectations about possible outcomes.

4.6 The reviewer cannot overturn the outcome of the formal stage, but may refer it back for reconsideration.

4.7 Key questions explored by the reviewer are likely to include:

- ❖ Were the relevant procedures followed during the formal stage?
- ❖ Was the outcome reasonable in all the circumstances?
- ❖ Has the complainant received clear reasons why the complaint was rejected at the formal stage?
- ❖ If new material evidence has been provided, has the complainant given valid reasons for not supplying this earlier?

4.8 If the complaint is not upheld, the outcome of the review stage will be communicated to the complainant, in writing, by the organization issuing a Completion of Procedures letter as soon as possible, and within 20 working days of the decision not to uphold the complaint.

4.9 Communication with the complainant will include a clear explanation and outline the reasons for the decision in straightforward language.

4.10 The decision will also advise the complainant about:

- ❖ their right to submit a complaint to the OIA for review

- ❖ the time limit for doing so (within 12 months)
- ❖ where and how to access advice and support (<http://www.oiahe.org.uk>).

4.11 Where a complaint is upheld, the organization will explain how and when it will implement any remedy, and whether that includes an apology. A Completion of Procedures letter will be issued if requested by the complainant. If the remedy proposed includes referring the complaint back to the formal stage for reconsideration, the organization will endeavor to ensure that reconsideration is concluded as soon as possible and, where practicable, within 90 calendar days of the decision to refer.

Glossary

(from the OIA, <http://www.oiahe.org.uk>)

Exceptional circumstances	This framework describes the complaints and academic appeals processes that should usually apply in higher education providers. In exceptional circumstances it may be appropriate to follow different procedures, for example, where strict application of the procedures would result in substantial unfairness to tTrainees, Apprentices and Practitioners, or the Trainees, Apprentices and Practitioners are at risk in some way because of health or disability. Such cases will be rare and should each be treated on their merits
Mediation	Mediation is a process that is voluntary and confidential. An impartial third party (the mediator) helps parties with a dispute to try and reach an agreement. The parties with the dispute, not the mediator, decide whether they can resolve their issues, and what the outcome should be. Mediation follows a series of rules or steps that are agreed in advance
Mitigating and extenuating circumstances	Each provider's regulations will allow for mitigating or extenuating circumstances to be taken into account in a Trainee, Apprentice and Practitioners' assessment, if those circumstances are made known to the provider in a timely manner. It is for each provider to determine what mitigating or extenuating circumstances are acceptable
Procedural irregularity	A procedural irregularity is where the procedures and regulations of a provider have not been complied with, giving rise to a complaint or academic appeal
Reasonable adjustments	Under the Equality Act 2010, where a disabled person is at a substantial disadvantage in comparison with people who are not disabled, there is a duty to take reasonable steps to remove that disadvantage by: (i) changing provisions, criteria or practices, (ii) altering, removing or providing a reasonable alternative means of

	avoiding physical features, and (iii) providing auxiliary aids
Complaint	For the purpose of this framework a complaint can be defined as “an expression of dissatisfaction by one or more Trainees, Apprentices and Practitioners about a provider’s action or lack of action, or about the standard of service provided by or on behalf of the provider.” A complaint can also be about the quality of other aspects of Trainees, Apprentices and Practitioners life, for example about accommodation services, facilities or behaviours, whether provided directly by the provider or by a third party on behalf of the provider. Where Trainees, Apprentices and Practitioners wish to have an academic decision overturned this is not normally dealt with as a complaint. In line with the language of the Higher Education Act 2004, all submissions to the OIA are called ‘complaints’ whether they relate to a complaint or an academic appeal.
Completion of Procedures letter (often referred to as a COP letter)	Once Trainees, Apprentices and Practitioners have exhausted the provider’s internal academic appeals or complaints procedures, and there is no further avenue available to Trainees, Apprentices and Practitioners, the provider must promptly send a Completion of Procedures letter to the Trainees, Apprentices and Practitioners. If the provider has upheld the Trainees, Apprentices and Practitioners’ complaint or academic appeal but the Trainee, Apprentice or Practitioner remains dissatisfied, the provider should issue a Completion of Procedures letter if asked to do so. This letter should set out clearly what issues have been considered and the provider’s final decision.
Concerns	In this framework ‘concern’ is used to denote an issue, query or request for clarification that is raised locally by a Trainees, Apprentices and Practitioners.
Conciliation	In conciliation, as in mediation, an independent person (the conciliator) tries to help the people in dispute to resolve their problem. The process is voluntary and confidential. The conciliator should be impartial and should not take sides. The parties in dispute are responsible for deciding how to resolve the dispute, not the conciliator. In some conciliation, the conciliator gives an opinion about what is a reasonable resolution.

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