



St. Mary's C of E Primary Academy  
COLLABORATIVE LEARNING TRUST



# COMPLAINTS POLICY

**St Mary's C of E Primary Academy  
(part of the Collaborative Learning Trust)**

Approved:	Feb 2022
Date from:	Feb 2022
Review Period:	Annually
Review Date:	Feb 2022

All schools in the Collaborative Learning Trust value good home/school relations and staff will, therefore, do everything they can to establish and maintain them. This includes seeking to resolve any concerns or complaints promptly, and to the satisfaction of all concerned. We welcome feedback on what parents feel we do well, or not so well. We will consider carefully all feedback, whether positive or negative, and will review our policies and practices accordingly. We will treat all concerns and complaints seriously and courteously and will advise parents and others of the school's procedures for dealing with their concerns. In return, we expect parents and other complainants to behave respectfully towards all members of the school community. In particular, any disagreement with the school should not be expressed inappropriately (e.g. through social media) or in front of students. Whilst we will seek to resolve concerns and complaints to the satisfaction of all parties, it may not be possible to achieve this in every case. We will, therefore, use our option to close a complaint before all the stages of the school's procedures have been exhausted if this appears to be appropriate.

## **Who can make a complaint?**

This complaints policy is primarily aimed at parents and carers of children that are registered at the school. However, any person (including members of the public) may make a complaint to the school about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will usually use this complaints policy and 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. The school 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 Head Teacher, will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Head Teacher will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

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

## **How to raise a concern or make a complaint**

A concern or complaint can initially 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. The majority of concerns or complaints will be raised and resolved informally, via communication at the appropriate level in school.

Complaints that involve or are about the Head Teacher should be in writing and addressed to the Chair of Governors, via the school's email or postal address. Please mark them as Private and Confidential.

Complaints about the Chair of the Local Governing Committee, any individual governor or the whole Local Governing Committee should be in writing, addressed to the Clerk to the Local Governing Committee, via the school's email or postal address. Please mark them as Private and Confidential.

Complaints about the Chief Executive Officer (CEO) or a trustee of the Trust, should be in writing, addressed to the Chair of Trustees, Collaborative Learning Trust, c/o Prince Henry's Grammar School, Farnley Lane, Otley, LS21 2BB. Please mark them as Private and Confidential.

If you require help putting your complaint in writing, please contact the school office for support. You can also ask a third-party organisation, for example, 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

We will not normally investigate anonymous complaints. However, the Head Teacher or Chair of Governors, 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 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.

## Complaints received outside of term time

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

## Scope of this complaints procedure

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

Exceptions	Procedure for dealing with the complaint
<ul style="list-style-type: none"><li>Admissions to schools</li></ul>	Concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority.
<ul style="list-style-type: none"><li>Matters likely to require a Child Protection Investigation</li></ul>	Complaints about child protection matters are handled under our Child Protection and Safeguarding Policy and in accordance with relevant statutory guidance.

<ul style="list-style-type: none"> <li>• Exclusion of children from school*</li> </ul>	<p>Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>.</p> <p><i>*Complaints about the application of the school's Behaviour Policy can be made through the school's complaints procedure.</i></p>
<ul style="list-style-type: none"> <li>• Staff conduct</li> </ul>	<p>Where appropriate, complaints about staff conduct will be dealt with under the school's internal disciplinary procedures.</p> <p>If this is the case, 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, 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 the school or the Trust in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

## Procedures

The procedures are divided into three stages;

- a) **Stage 1** is the **informal stage** which aims to resolve the concern through informal contact at the appropriate level in school.
- b) **Stage 2** is the first formal stage at which written complaints are considered by the Headteacher or an Investigating Officer
- c) **Stage 3** is the next stage once stage 2 has been worked through. It involves a Panel Hearing, and it is the last stage of the complaints procedure

The **Next Step** is referral to the Education and Skills Funding Agency (ESFA) if the complainant believes the school / trust did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably. This step can only be taken after Stage 3 has been completed.

## Stage 1 – Informal complaints

It is to be hoped that most concerns can be expressed and resolved on an informal basis when you make them known to us and will be acknowledged by school **within 3 school days**.

Concerns should be raised with either the relevant class teacher. Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 3 of the procedure.

At the conclusion of their investigation, the appropriate person investigating the complaint will provide response (via telephone, email or a meeting) **within 15 school days** of the date of receipt of the complaint.

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

## Stage 2 – Formal complaints

Formal complaints must be made to the head teacher (unless they are about the head teacher) via the school's email or postal address. This should be done in writing, but if this is not difficult then help can be provided - please contact the school office for support.

The head teacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or electronic mail) **within 3 school days**.

***Note: The head teacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.***

During the investigation, the head teacher (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 head teacher will provide a formal written response **within 15 school days** of the date of receipt of the complaint.

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

If the complaint is about the head teacher, or a member of the governing body (including the Chair or Vice-Chair), a suitably skilled governor or nominated person will be appointed to complete all the actions at Stage 2.

Complaints about the head teacher or member of the governing body must be made to the Chair of Governor or the Clerk of the Governing Body via the school's email or postal address.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 2 will be escalated to the CEO of the Trust.

## 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 (usually members of the Local Governing Committee) with one panel member who is independent of the management and running of the school. This is the final stage of the complaints procedure.

A request to escalate to Stage 3 must be made to the Clerk to the Local Governing Committee, via the school email or postal address, **within 10 working days** of receipt of the Stage 2 response.

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

The Clerk to the Local Governing Committee will record the date the complaint is received and **acknowledge receipt of the complaint in writing (either by letter or electronic mail) within 3 school days.**

### **Panel Hearing**

The Clerk to the Local Governing Committee (or an appropriate member of the school's administrative team) will write to the complainant to inform them of the date of the panel hearing. The appointed panel will aim to convene a meeting **within 20 school days** of receipt of the Stage 3 request. If this is not possible, an anticipated date will be provided and the complainant will be kept informed.

It will be made clear to the complainant that if the complainant wishes, the complainant may be accompanied to any hearing by a relative or friend and that interpreting facilities will be made available if required. The letter will also explain that the complainant has the right to submit any further documents relevant to the complaint. Any further documents must be received **at least 5 school days** prior to any confirmed hearing date.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk to the Local Governing Committee (or the appropriate member of the school's administrative team dealing with the matter) will decide when to hold the hearing. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing committee or
- the majority of the governing committee

Stage 3 will be heard by the trustees and an independent panel member.

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

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

*Note: Where appropriate, complaints about staff conduct will be handled under (Human Resources) staff disciplinary procedures. Where this is the case, the complainant will be informed, but outcomes will not be shared with them.*

Representatives from the media are not permitted to attend.

At least **5 school days** before the hearing, the Clerk to the Local Governing Committee (or an appropriate member of the administrative team) will:

- confirm and notify the complainant of the date, time and venue of the hearing, 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 panel **at least 4 school days** before the hearing.

Any further written material will be circulated to all parties **at least 2 school days** before the date of the hearing. The panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The panel 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 hearing will be held in private. Electronic recordings of hearings/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 hearings/meetings or conversations take place. Consent will be recorded in any minutes taken.

The panel will consider the complaint and all the evidence presented. The panel 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 panel 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 Panel will provide the complainant and school with a full explanation of their decision and the reason(s) for it, in writing, **within 15 school days**.

The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by the school.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the school will take to resolve the complaint.

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.

## Complaints escalated to / about the Trust, CEO or Trustee

If a complaint is escalated to the Collaborative Learning Trust (“the trust”) or if a complainant wishes to complain directly about the trust, then the complaint should be sent to the CEO to be investigated.

The CEO will write to the complainant acknowledging the complaint **within 3 school days** of the date that the written request was received. The acknowledgement will confirm that the complaint will now be investigated under Stage 2 of this Complaints Policy and will confirm the date for providing a response to the complainant.

Following the investigation, the CEO will write to the complainant confirming the outcome **within 15 school days** of the date that the letter was received. If this time limit cannot be met, the CEO will provide the complainant with an update and revised response date.

If the complaint concerns the CEO or a Trustee, the complaint should be investigated by the Chair of the Trust Board. If a formal complaint form is received about the Chair, the complaint will be referred to the Vice Chair for investigation.

***NB. Where the Chair of the Trust Board has investigated the complaint, they will write the letter of outcome to the Complainant and provide a copy to the CEO.***

If the complainant is not satisfied with the outcome of the previous stage, the complainant should write to the Clerk to the Trust Board, via the Prince Henry’s Grammar School email or postal address, asking for the complaint to be heard before a Complaint Panel. This request to escalate must be made to the Clerk to the Trust Board **within 10 working days** of receipt of the Stage 2 response.

The Clerk to the Trust Board will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or electronic mail) **within 3 school days**.

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

### **Panel Hearing**

The Clerk to the Trust Board (or an appropriate member of the Trust’s administrative team) will write to the complainant to inform them of the date of the meeting. The appointed panel will aim to convene a meeting **within 20 school days** of receipt of the Stage 3 request. If this is not possible, an anticipated date will be provided and the complainant kept informed.

It will be made clear to the complainant that if the complainant wishes, the complainant may be accompanied to any meeting by a relative or friend and that interpreting facilities will be made available if required. The letter will also explain that the complainant has the right to submit any further documents relevant to the complaint. Any further documents must be received **at least 5 school days** prior to any confirmed meeting date.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk to the Trust Board (or the member of the administrative team dealing with the matter) 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:

- jointly about the Chair and Vice Chair or
- the entire trust board or
- the majority of the trust board

Stage 3 will be heard by a completely independent committee panel.

The Complaint Panel will consist of three members. None of the three members of the Complaint Panel will have been involved in the incidents or events which led to the complaint, or have been involved in dealing with the complaint in the previous stages, or have any detailed prior knowledge of the complaint.

Two of the members of the Complaint Panel are likely to be Trustees. One of the Complaint Panel members will be independent of the management and running of the Academy Trust. This means that the independent Complaint Panel member will not be a Trustee or an employee of the Trust.

As referred to above, 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 rare occasions when legal representation is appropriate.

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

*Note: Where appropriate, complaints about staff conduct will be handled under (Human Resources) staff disciplinary procedures. Where this is the case, the complainant will be informed, but outcomes will not be shared with them.*

Representatives from the media are not permitted to attend.

At least **5 school days** before the meeting, the Clerk to the Trust Board (or an appropriate member of the administrative team) 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 school days** before the meeting.

Any written material will be circulated to all parties **at least 2 school 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 trust's systems or procedures to prevent similar issues in the future.

The Chair of the Committee will provide the complainant and the Collaborative Learning Trust with a full explanation of their decision and the reason(s) for it, in writing, **within 15 school days**.

The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by the Collaborative Learning Trust.

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 that the Collaborative Learning Trust 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.

## Next Steps

If the complainant believes the school / trust 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 the Trust. They will consider whether the school 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](http://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