



*Creative  
Education  
Trust*

## **COMPLAINTS POLICY**

### **1. Introduction**

- 1.1 Academies must have a complaints procedure for parents and carers to access should they have concerns. This must meet the standards set out in the [Education \(Independent School Standards \(England\)\) Regulations 2014](#) Schedule 1, Part 7<sup>1</sup>.
- 1.2 This policy seeks to distinguish between a 'concern' and a 'complaint.' A 'concern' is defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought.' A complaint is defined as 'an expression or statement of dissatisfaction about actions taken or lack of action.'

### **2. Aim**

- 2.1 This policy aims to resolve any problems swiftly and at the earliest stage possible. The school will investigate and try to resolve every complaint in a positive manner and will treat every complaint as an opportunity to improve the services the school provides to pupils.
- 2.2 The procedure is devised with the intention that it will:
- Usually be possible to resolve problems by informal means;
  - Be simple to use and understand;
  - Be non-adversarial;
  - Treat complaints confidentially;
  - Allow problems to be handled swiftly;
  - Address all points at issue;
  - Inform future practice so that the problem is unlikely to recur;
  - Reaffirm the partnership between parents, school employees and governors as they work together for the good of the pupils in the school;
  - Ensure that the school's attitude to a pupil would never be affected by a parental complaint;
  - Actively encourage strong home-school links;
  - Ensure that any person complained about is treated fairly and with respect;

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<sup>1</sup> <http://www.legislation.gov.uk/uksi/2014/3283/schedule/made>



- Effectively monitor concerns and complaints received from parents.

### 3. Scope

3.1 There are separate and established procedures already in existence for some complaints. This procedure should not be used for complaints relating to:

- Child protection issues and allegations of abuse;
- Issues with the content of an EHC Plan, or a decision not to carry out a statutory assessment or to issue an EHC Plan, which should be challenged by way of a SEND appeal against the relevant local authority in the First Tier Tribunal. Other complaints relating to the school's SEND provision are within the scope of this policy. These should be directed to the Principal (in this document, the term "Principal" refers to principals of secondary academies and headteachers of primary academies), in the first instance.
- Admissions;
- Exclusions;
- Staff grievances, discipline and capability;
- Whistleblowing;
- Complaints about the Creative Education Trust's Head Office employees, including the Chief Executive Officer;
- Complaints about the Creative Education Trust's non-executive directors ('trustees')
- General concerns about Creative Education Trust's policies, procedures or priorities

3.2 A complainant raising any issues relating to the above areas should be directed to the appropriate policy. In the case of concerns regarding Head Office employees this should be lodged in writing with the Director of Human Resources of Creative Education Trust in the first instance.

3.3 In the case of a concern against a member of the local governing body (Academy Council) then this should be lodged in writing with their Chair.

3.4 In the case of a concern against the Chair of the governing body, or against the entire governing body (Academy Council), then this should be lodged in writing with the clerk, who will determine the most appropriate course of action in arranging for the complaint to be heard.

3.5 In the case of a complaint against a Creative Education Trust non-executive director (trustee) this should be lodged in writing with the Chair of the Board of Trustees, who can be contacted by email via [chair@creativeeducationtrust.org.uk](mailto:chair@creativeeducationtrust.org.uk)

3.6 If the complaint relates to an external service provider, this should be raised with the Principal in the first instance, but it might be that the provider's own complaints policy may need to be followed thereafter.



3.7 If the complaint is not about a specific act or acts (or a failure to act) on the part of an individual employed by or otherwise directly associated with Creative Education Trust but instead constitutes a concern about a policy, procedure or priority of Creative Education Trust as an organisation, rather than that of an individual academy, then this concern should be directed to the Chief Executive Officer via [CEO@creativeeducationtrust.org.uk](mailto:CEO@creativeeducationtrust.org.uk)

3.8 In respect of complaints related to individuals as specified in 3.2-3.5 above, reasonable attempts should be made to resolve the issues on an informal basis, in line with the procedure set out in section 9 of this policy. If the complaint cannot be resolved informally, the person dealing with the complaint will follow the formal stages in line with the procedure set out in section 10 of this policy.

#### **4. Timing**

4.1 Complaints need to be considered, and resolved, as quickly and efficiently as possible and within the timescales laid out in this procedure. However, where further investigations are necessary, or where external parties such as the police are involved, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

#### **5. Confidentiality**

5.1 All complaints will be kept as confidential as possible. Usually, only those involved in investigating and making a decision will be made aware of the full details of the complaint.

5.2 The person who is being complained about will also be entitled to know the substance of the complaint against them. The school has discretion to withhold information when there is sufficient reason, such as:

- Where there is a need to protect a source;
- Where there is a legal reason why the information should not be released;
- To meet data protection requirements.

#### **6. Unreasonable, persistent or vexatious complainants**

6.1 We define unreasonable, persistent or vexatious complainants as those complainants who, because of the nature or the frequency of their contacts, hinder our consideration of their complaints, particularly if these appear to be pursued in a manner intended to cause alarm or distress rather than to seek a resolution.



- 6.2 It is not appropriate to make personal accusations or attacks on members of school staff, or to raise matters that are not about education or a child's well-being. It is also not appropriate to make unsubstantiated allegations against the school, or to behave unreasonably by not engaging with the school to attempt a joint resolution. We will not tolerate any form of unacceptable behaviour. In response to it, we may take any or all of the following steps; informing the complainant that their behaviour is considered to be unreasonable and requesting a different approach; restricting contact to certain methods, such as in writing; require any personal contact to take place in the presence of a witness; not to acknowledge or reply to further contact on the specific subject of the complaint; ban the individual from the school site; report the matter to the police; initiate legal action. Any such action or restriction upon conduct will be reasonable, proportionate and time-limited. Principals will seek the guidance of the Director of Education, outside of an emergency. In any case, legitimate new complaints will be considered on their merits.
- 6.2 This procedure should limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, then the Principal may inform the complainant in writing that the procedure has been exhausted and that the matter is now closed.

## **7. Anonymous Complaints**

- 7.1 There is no duty for the Principal to pursue anonymous complaints because there is no named complainant to respond to, and on this basis anonymous complaints will not be addressed under the terms of this policy.
- 7.2 In exceptional circumstances, if such complaints allege or imply a serious matter that may be to the detriment of the school, then it will be at the Principal's, or where the complaint concerns the Principal, the Chief Executive of the Creative Education Trust's, discretion to consider whether a fact-finding exercise should take place to determine if the matter requires further investigation.

## **8. Complaints Campaigns**

- 8.1 Should a large volume of complaints be received, all of which are about the same subject, the Principal may decide, further to an investigation, to send a template response to all complainants or to publish a single response on the school's website. If complainants are not satisfied with the school's response, the normal procedures will apply.

## **9. Addressing concerns informally**

- 9.1 It is expected that the majority of concerns may be resolved informally with no need to progress to the formal stages of this procedure.



- 9.2 The complainant should be given an opportunity to discuss their concern with an appropriate member of staff. In the case of a complaint relating to a specific individual, this is likely to be the individual concerned or alternatively their line manager. The member of staff will ask the complainant what they think might resolve the issue.
- 9.3 The member of staff dealing with the concern should make sure that the complainant is clear what action (if any) or monitoring of the situation has been agreed.
- 9.4 This stage should be completed speedily and concluded in writing with appropriate detail. A copy will be securely kept by the Principal in a complaints file.
- 9.5 The complainant should be given a copy of this policy and informed that if they are not satisfied with the process, then they may consider making a formal complaint in writing.

## **10. Formal complaints procedure**

- 10.1 A formal complaint must be:
- In writing, using the complaints form (appendix 1) unless the complainant needs to use an alternative means of communication because they have a disability, have learning difficulties, or difficulties using English. In such instances, complainants may give their complaint orally, in person or by telephone, or via a third party acting on behalf of the complainant.
  - Made within three months of the event. Complaints after this period will not usually be considered;
  - Lodged with the Principal, unless the Principal is the subject of the complaint, in which case, this complaint should be lodged with the Chief Executive of Creative Education Trust.
- 10.2 There are two stages to the formal complaints procedure:
- Stage one: Initial hearing of complaint;
  - Stage two: Complaint heard by the Complaints Appeal Panel.
- 10.3 At each stage, the person(s) hearing the complaint will:
- Speak with the complainant;
  - Establish the facts of the complaint and who has been involved;
  - Clarify the nature of the complaint and what remains unresolved;
  - Clarify what the complainant feels would put things right;



- If required, meet with those involved in the matter and/or those complained about;
- Ensure appropriate written records are kept, including minutes of meetings;
- Endeavour to reach a resolution.

10.4 Throughout the procedure it is important for all parties to consider the ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- An explanation;
- An admission that the situation could have been handled differently or better;
- An assurance that the event complained of will not recur;
- An explanation of the steps that have been taken to ensure that it will not happen again;
- An apology (an apology is not an admission of negligence or acceptance of liability);
- An undertaking to review school policies or processes in light of the complaint.

### **10.5 Stage one: Initial hearing of complaint**

10.5.1 If the complainant is dissatisfied with the way the complaint was handled informally, they may lodge a formal complaint. A member of the Senior Leadership Team (SLT) will usually hear the complaint, unless the complaint is:

- About a member of the SLT in which case the Principal will usually hear the complaint;

10.5.2 The individual hearing the complaint will ensure that a written acknowledgement is provided to the complainant within five working days of receiving a complaint. The acknowledgement will include a copy of this policy and a target date for providing a response to the complaint, normally within 10 working days.

10.5.3 If the target cannot be met a letter should be written within the 10 working days' original timescale, explaining the reason for the delay and providing a revised target date.

10.5.4 Once the complaint has been investigated the individual who has completed the investigation will write to the complainant (and the member of staff concerned if appropriate). The written response will contain an outline of the complaint, and a summary of the response to the complaint, including the decision reached and the reasons for it. Where appropriate this should also include what response the school will take to resolve the complaint.



- 10.5.5 This letter or report must be endorsed by the Principal if it is written by a member of the SLT. It should also inform the complainant that if they are unsatisfied with the outcome of stage one, then they may progress to stage two of the procedure. To progress to stage two, the complainant will be required to lodge a written request to the school Principal who will share this with the Chief Executive of Creative Education Trust, within 10 working days of receiving the response to stage one. If the complaint is about the Principal, or a member of the Academy Council, the complainant will be required to lodge a written request to the Chief Executive of Creative Education Trust, within the same timescale, via [CEO@creativeeducationtrust.org.uk](mailto:CEO@creativeeducationtrust.org.uk)
- 10.5.6 If no further communication is received from the complainant within 10 working days it will be deemed that the complaint has been resolved and no further action is required.
- 10.6 Stage two: Complaint heard by the Complaints Appeal Panel**
- 10.6.1 The stage two complaint will be acknowledged in writing within five working days. The hearing will usually take place within 20 working days of receipt of the stage two complaint.
- 10.6.2 The invitation letter to the hearing will detail the date, time and venue of the meeting, and state that the complainant may bring a companion (but not legal representation) to accompany them. The complainant will also be informed that they may also provide further documents relevant to the complaint, provided that these are received by the school at least five working days prior to the date of the hearing, to allow adequate time for the documents to be circulated. No documentation should be shared at the meeting. The complainant will be asked to provide details of any witnesses they believe should attend the hearing in that same timeframe.
- 10.6.3 The Complaints Appeal Panel will consist of at least three people who were not directly involved in the matters detailed in the complaint. The panel will usually consist of a member of the Academy Council and an Executive Director of Creative Education Trust, plus an individual who is independent of the management and running of the school. This individual may be an Academy Council member of a different school within Creative Education Trust, provided that they are not also a member of the Board of Trustees or an Executive Director.
- 10.6.4 All parties will attend the meeting in the same room. As well as the panel, the meeting will include the parent/carer and the individual accompanying them should they wish to be accompanied; the Principal and other decision maker at stage one; and any advisors as appropriate; and any other employees/witnesses who will be invited to make representations concerning the complaint. A minute taker will be present to take a note of proceedings. The panel will proceed irrespective of whether the complainant attends. If the complainant does not attend, the panel will proceed in their absence and the process will continue to its conclusion. Any further attempt to re-open the matter will be considered as falling under the vexatious/persistent complaint definition within this policy.



10.6.5 It is acknowledged that these types of meetings can be difficult for all parties, and so the conduct of the meeting should be as informal as possible in the circumstances, to ensure that all parties feel at ease and able to contribute fully. Whilst it will be for the Chair of the panel to decide exactly how the meeting will proceed, the meeting will allow:

- The parent/carer to explain their complaint;
- The Principal to explain the school's response;
- The panel to have an opportunity to question all parties;
  
- All parties and the panel to have an opportunity to question the witnesses.

10.6.6 The panel may:

- Dismiss the complaint in whole or in part;
- Uphold the complaint in whole or in part;
- Decide on the appropriate action to be taken to resolve the complaint;
- Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

10.6.7 The Chair of the panel will explain to the parent/carer and the Principal that the panel will consider its decision based on the information and evidence presented to them, and a written response will be sent to both parties as quickly as possible, usually within five working days. Copies of the minutes will be issued to both parties, subject to any necessary redactions under the Data Protection Act 2018 and GDPR. The Complaints Appeal Panel's decision will be final.

10.6.8 If the complainant believes after completion of Stage 2 that the Complaint Appeal Panel did not handle their complaint in accordance with the published complaint procedures or they acted unlawfully or unreasonably in the exercise of their duty under education law they can contact the ESFA. The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by the school or trust. They will consider whether the school/trust 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) or by telephone on: 0370 000 2288

## **11. Recording, reporting and Monitoring Complaints**

11.1 All complaints will be recorded by the school on a complaints log. This will include the date upon which the initial and any subsequent complaints were received, the nature of the complaint, what stage the complaint went to, whether the complaint was resolved and any key actions that occurred as a





result of the complaint. This is done to identify any trends arising and can inform us of the need for general or targeted training.

- 11.2 Any findings and recommendations through the stage one and stage two process will be communicated to the complainant, and, where relevant, to the person complained about, as outlined in paragraphs 10.5.4 and 10.5.5 and a copy securely held by the school, to be made available for inspection on the school premises by the proprietor and the Principal.
- 11.3 Any correspondence, statements and records relating to individual complaints are to be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them. All colleagues involved in managing complaints must remember that individuals have a right to access personal information held about them, including complaints information, unless one of the narrow legal exemptions apply. Therefore, personal information held in relation to complaints should be factual, accurate and necessary for the purpose of investigating and responding to the complaint.
- 11.4 Termly reports outlining the number, subject of complaint, what stage the complaint was resolved (i.e. informally, stage one or stage two) and any action taken by the school (regardless of whether the complaint is upheld) will be produced for the local governing body. This report will be compiled by the Principal or other persons designated by the Principal. A copy of these reports will also be sent to the Director of Education of Creative Education Trust.
- 11.5 The relevant Academy Council will use the reports to consider the number and subject of complaints, to identify any trends or areas of concern and make recommendations for action.

## 12 Other routes of complaint

- 12.1 Should the parent/carer be unsatisfied with the outcome of this policy or wish to complain about an issue that we are unable to investigate, the following organisations can be contacted:

Complaint	Who to contact
Examination results or curriculum content	Ofqual and the awarding body
Undue delay / not complying with the complaints policy when considering complaint, where there is a breach in the academies funding agreement, or it fails to comply with any other legal obligation	Education Skills and Funding Agency (ESFA)
Safeguarding or child protection matters	Local Safeguarding Children's Board
Discrimination	Equality Advisory and Support Service



A child or young person's Statement of Special Education Need	SEN and Disability Tribunal
Employment matters	Employment Tribunal
Data protection or freedom of information	Information Commissioner's Office
For complaints that affect the whole academy (i.e. problems with the quality of education or poor management)	Ofsted

## Appendix 1 - Formal Complaint Form



Name of school:

Your name:

Your address:

Day time telephone number:

Evening telephone number:

Please give details of your complaint:

In setting out your complaint, provide the facts as clearly as you can. In particular give as much detail as you can about:

- a) Date(s), time(s), and locations. If you cannot remember the date(s) of the incident complained of, you should say so;
- b) The incident itself, or if there was more than one, each of them. If the incident(s) occurred over a period of time, you should say when the period ended or when the latest incident occurred;
- c) Details of anyone who witnesses the incident(s);
- d) The effect that the incident(s) had on you or whoever was the wronged person; and
- e) Any attempt you have made to resolve the matter (including who you spoke to and what was the response).

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

Are you attaching any paperwork? If so, please give details



Signature:

Date:

For School use only:

Date received:

Date acknowledgement sent:

By whom:

Complaint referred to:

Date: