

Complaints Policy and Procedure

Create Learning Trust



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1. Scope of this Procedure

The Trust and all schools within Create Learning Trust take concerns and complaints seriously and are keen that they are resolved at the earliest possible stage. The Trust is fully committed towards working in partnership with the school community. The Department for Education (DfE) describes concerns and complaints in this way:

- 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.'*

This complaints procedure is not limited to parents or carers of children that are registered at Create Learning Trust schools. Any person, including members of the public, may make a complaint about any facilities or services that the Trust or school provides. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), the Trust and schools will use this complaints procedure. Any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes of this will be confidential and will not be shared with the complainant. The scope of this complaints procedure is covered in more detail in Appendix A.

This policy complies with requirements about handling complaints. These are contained in The Education (Independent School Standards) (England) Regulations 2014 (Schedule 1, Part 7).

2. Timescales

Complaints must be raised within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. The Trust or school will consider complaints made outside of this time frame, only if the, Chair of the Local Academy Board, Chair of the Trust and Headteacher, having taken advice, are of the view that exceptional circumstances apply.

All timescales in this procedure refer to school working days, for this school and Trust, excluding school holidays, In Service Training (INSET) days and bank holidays.

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

3. Anonymous Complaints

Anonymous complaints will not normally be investigated. However, the Chair of the Local Academy Board, Chair of the Trust and Headteacher, if appropriate, will determine whether the complaint warrants an investigation.

4. Serial or Unreasonable Complaints

Where the Trust or school judges a complaint to be unreasonable or where a complainant is making serial complaints or raising issues again that have previously been addressed under the final formal stage of the school's complaints procedure, the procedure outlined at Appendix D may be invoked.

5. How to Raise a Complaint

A concern / informal complaint can be made initially in person, in writing or by telephone. It may also be made by a third party acting on someone else's behalf, as long as they have appropriate consent to do so.

In the first instance parental concerns should normally be raised with the class teacher or, if the concern is about the class teacher, with a member of the senior leadership team or the Headteacher. In the case of concerns about the Trust, contact operation@createlearning.co.uk. If the issue remains unresolved, the next step is to make a formal complaint under Formal Stage 1 of this procedure.

Complainants should not approach individual governors to raise concerns or complaints. Governors have no power to act on an individual basis and this may also prevent them from considering a complaint if it reaches Stage 2 of this procedure.

A formal complaint against a member of school staff (except the Headteacher) should be made in the first instance to the Headteacher via the school office and should be marked as private and confidential.

A formal complaint that involves or is about the Headteacher should be addressed to the specific schools Chair of the Local Academy Board, via the school office, and should be marked as private and confidential.

A formal complaint about the Chair of the Local Academy Board, any individual governor or any member of the Local Academy Board should be addressed to the clerk to the governing committee via the school office and should be marked as private and confidential. The clerk to the governing committee will also inform the Trust Operations Director. Complaints about the Chief Executive Officer (CEO) or a trustee of the Trust, should be addressed to the Chair of Trustees, via the trust office. Please mark them as Private and Confidential.

For ease of use, a template complaint form is included at the end of this procedure (Appendix B). Help in completing the form can be accessed via the school or Trust office.

In accordance with equalities law, the school will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. This may include providing information in alternative formats, assisting individuals in raising a formal complaint or holding meetings in accessible locations.

6. Resolving Complaints

At each stage in the procedure, the Trust or school will hope to be able to resolve the complaint. If appropriate, it will be acknowledged that the complaint is upheld in whole or in part. In addition, one or more of the following may be offered:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that the Trust or school 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 Trust or school policies in light of the complaint
- an apology

7. Withdrawal of a Complaint

If a complainant wishes to withdraw their complaint, they will be asked to confirm this in writing. Once a complaint has been withdrawn the same issue cannot be raised again. If written confirmation of withdrawal is not received by the school within seven school days, then the matter will be considered closed. The complainant will be informed by letter or email.

8. Informal Complaints

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved without the need to use the formal stages of the complaint's procedure. The Trust and school aims to take all concerns seriously and will make every effort to resolve issues raised as quickly as possible.

If an individual has difficulty discussing a concern with a particular member of staff, the Trust or school will respect this. In this case the complainant will be referred to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the complainant will be referred 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.

The Trust or school would hope and expect to be able to deal with most concerns raised on an informal basis within 10 school days, and a complainant should not raise a formal complaint before discussing their concerns informally with an appropriate member of staff. It is understood, however, that there are occasions when people remain dissatisfied and would like to raise their concerns formally. In this case every attempt will be made to resolve the issue through formal stage 1 outlined within this complaints procedure.

9. Formal Complaints – Stage 1

Formal complaints must be in writing, preferably on the complaints form provided at Appendix B, to operations@createlearning.co.uk or to the specific school Headteacher, other than in the circumstances referred for formal complaints in section 5.

The Trust or Headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within five school days.

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

The Headteacher may delegate any investigation to another member of the school's senior leadership team but will not delegate the decision about the merits of the complaint.

During an investigation, the Headteacher (or designated member of staff) will, if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish, and will keep a written record of any meetings/interviews in relation to the investigation. Staff members may be accompanied at these meetings by a colleague or trade union representative if they wish.

At the conclusion of the investigation, the Headteacher will provide a formal written response, within twenty school days of the date of receipt of the complaint.

If the Headteacher is unable to meet this deadline, s/he 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 the Trust or school will take to resolve the complaint.

The Trust or Headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Formal Stage 1.

If the complaint is about the CEO or Headteacher, or a member or members of the Local Academy Board or Trust (including the chair and/or vice-chair), a suitably skilled governor or Trustee will be appointed to complete all the actions at Formal Stage 1.

Complaints about the Headteacher or member(s) of the Local Academy Board must be made to the clerk to the governing committee, via the school office.

If the complaint is about the entire Local Academy Board or Trust Board Formal Stage 1 will be considered by an independent investigator appointed by the Chair of Trust or Local Academy Board. At the conclusion of their investigation, the independent investigator will provide a formal written response.

10. Formal Complaints – Stage 2 (Panel Hearing)

If the complainant is dissatisfied with the outcome at Formal Stage 1 and wishes to take the matter further, they can escalate the complaint to Formal - Stage 2, a meeting with a panel comprising of three members, two impartial governors with no prior connection to the complaint and at least one member which is independent of the management of the school in which the complaint sits, will be convened for this purpose. (A governor from another MAT school, who has no conflict of interest or prior knowledge of the complaint, is considered independent). This is the final stage of the complaint's procedure.

A request to escalate to Formal - Stage 2 must be made to the clerk to the Local Academy Board and Trust, via the school or Trust office, within ten school days of receipt of the Formal - Stage 1 response. Requests received outside of this time frame will only be considered if the clerk, having taken appropriate advice, considers that exceptional circumstances apply.

The clerk will record the date the request to escalate the complaint is received, and acknowledge receipt in writing (either by letter or email) within five school days.

The clerk will aim to convene a meeting of the governors' complaints panel which is within twenty school days of receipt of the Formal - Stage 2 request. If this is not possible, the clerk will provide an anticipated date and keep the complainant informed. If the governors' panel appoints someone other than the clerk to minute the governors' complaints hearing, this individual may make the arrangements for the meeting.

The complaints panel will comprise at least two impartial governors with no prior involvement with the complaint and a member that is independent of the management of the school. The complainant will be informed in advance of the meeting of the membership of the panel and asked whether they wish to raise any objections to individual members. If objections are raised the panel will give them reasonable consideration. If the ability of a panel member to give the case a fair hearing is called into question the reasons given will be considered and that panel member may be replaced.

If there are fewer than three governors from this school available, the clerk to the governing committee, or the minute clerk for the hearing, will seek to source additional, independent governors through another Create Learning Trust school or through the Cheshire West and Chester Governor and Advisory Support Team, in order to make up the panel. Alternatively, an entirely independent panel may be convened to hear the complaint at Formal - Stage 2.

If the complainant rejects the offer of three proposed dates, without good reason, the clerk to the committee, or the minute clerk for the hearing, will decide when to hold the meeting, in

consultation with the governor's panel. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

A suitable venue will be provided for the meeting which includes separate waiting areas for the two parties and refreshments for all involved.

At least ten school days before the meeting, the clerk to the governing committee, or the minute clerk for the hearing, will:

- Confirm and notify the complainant of the date, time and venue of the meeting, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible
- Request copies from both parties of any further written material to be submitted to the panel at least five school days before the meeting
- Request that both parties provide names of any witnesses to be called and the nature of the evidence which they will be providing, at least five days in advance of the meeting. The panel has the discretion not to admit a witness if they do not consider their evidence to be relevant to the complaint
- The person representing the school may be accompanied by a member of the Trust team.

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 occasions when legal representation is appropriate. This companion will not have the right to speak on the complainant's behalf.

If a school employee is called as a witness in a complaints meeting, they may wish to be supported by a representative of their trade union. Any such representative will be present in a supportive capacity only and will not be allowed to speak on the member of staff's behalf.

The meeting will be held in private, and proceedings will be treated as confidential. 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. Representatives from the media are not permitted to attend.

Minutes of the meeting will be taken by the clerk to the governing committee, or a minute clerk appointed specifically for the hearing by the governors' panel. A copy of the minutes of the meeting, once approved by the governors' panel, will be shared with all parties. 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 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 Formal - Stage 1 of the procedure.

The meeting will follow the process outlined in Appendix C.

The governors' 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 or Trust's systems or procedures to prevent similar issues in the future.

The chair of the panel will provide the complainant (and where appropriate the person complained about) the Headteacher /Chair of the Local Academy Board / Trustee (depending on who conducted Formal - Stage 1) with a full explanation of the panel's decision, findings and recommendations and the reason(s) for them, in writing, within five school days. The response will also detail any actions taken to investigate the complaint and, where appropriate, will include details of actions the school will take to resolve the complaint.

All written records and data will be kept secure and confidential and made available for inspection, on the school premises, by the Headteacher and the Trust. (If not the subject of the complaint) Written records will note if the complaint was resolved or proceeded to a panel hearing and any actions taken by the school as a result of the complaint. The only exception to this is where the Secretary of State or a committee conducting an inspection under Section 109 of the 2008 Act requests access.

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 or Trust.

11. Next steps

If the complainant believes the Trust or school did not handle their complaint in accordance with this complaints procedure or it acted unlawfully or unreasonably in the exercise of its duties under education law, they can, in the first instance; request a hearing by Trustees, requests should be made through operations@createlearningtrust.co.uk within 3 school weeks of Formal - Stage 2 being concluded. Please note: complaints about the Trust can be raised using the same contact. Complaints can also be made to the Department for Education if there are issues outstanding after they have completed Formal - Stage 2.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by the school. 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, 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 2W

Appendix A: Statutory exceptions to this Complaints Procedure

This procedure covers all complaints other than those that are dealt with under other statutory procedures, including those listed below. As noted below, school employees may not use this procedure to raise concerns relating to their employment.


Exceptions	Who to contact
Admissions to schools	Any applicant refused a place at an academy has a right of appeal to an independent appeal panel established by the admission authority for that school – Cheshire West and Chester. The responsibility for handling complaints in relation to academies is by the DfE. Information about admission appeals can be found on GOV.UK.
Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding safeguardinglado@cheshirewestandchester.gov.uk
Suspension and exclusion of children from school*	Further information about raising concerns about suspension and exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions . *complaints about the application of the behaviour policy can be made through the school's complaints procedure.
Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus . Volunteer staff who have concerns about our school should complain through the school's complaints procedure.
Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures
Staff conduct	Complaints about staff will be dealt with under the school's 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

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 a complainant commences legal action against the school the complaints procedure may be suspended until those legal proceedings have concluded.

Appendix B: Complaints Form

Please complete and return to the school office marked private and confidential for the attention of the Headteacher or Chair of the Local Academy Board or Chair of the Trust who will acknowledge receipt and explain what action will be taken.


Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address:
Postcode:
Day time telephone number:
Evening telephone number:

Please give details of your complaint, including whether you have spoken to anybody at the school about it.

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

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

Signature:

Date:

Official use

Date acknowledgement sent:

By whom:

Complaint referred to:

Date:

Appendix C: Arrangements and Procedure for Governors or Trustees Panel Hearing

The governors' panel will agree a chair from amongst their board.

Although this procedure may appear formal, the hearing should be conducted in as informal as possible, and the chair of the panel should make every effort to make all parties feel comfortable.

The chair of the panel will introduce all the parties present and explain the procedure to be followed, and that every effort will be made to keep the process as informal as possible.

The complainant will outline his/her complaint and explain why s/he is dissatisfied with the school's response at Formal Stage 1. The complainant may call any witnesses in support of his/her complaint who will attend the meeting only for the time that they are providing information, and may be questioned by all parties.

The panel/ investigator will have the opportunity to ask questions of the complainant through the chair.

The Investigator from Stage 1 will explain their involvement in the complaint and the reasons for their decisions at the first formal stage. Any witnesses called in support of his/her statement will attend the meeting only for the time that they are providing information, and may be questioned by all parties.

The complainant and the governors on the panel will have the opportunity to ask questions of the Investigator.

Both parties will be given the opportunity to sum up their statements, ending with the complainant. No new material may be introduced at this stage.

The Panel may decide to adjourn the hearing pending further investigation at any stage, if this seems necessary.

Both parties will leave the meeting and the Panel will consider the information that has been put to them. The clerk will remain for this part of the meeting in order to clarify anything if necessary, but the Panel deliberations will not be minuted.

The Panel must reach a unanimous or majority decision as to whether or not to uphold the complaint wholly or in part, and what action (if any) the school needs to take to resolve the complaint. This may include referring the matter to another formal process, including an offer of a hearing by three independent Trustees, whether in relation to a complaint against a governor or a member of the school staff. Normally the Panel will reach a decision at this point but they may feel the need to take further advice. Where this is the case they should endeavor to reach a decision as soon as possible.

The Panel will communicate their response to both parties in writing, via the Clerk as soon as possible but, in any case, within five working days of reaching their decision.

Appendix D: Policy for Managing Serial and Vexatious Complaints, and for Managing Unreasonable and Persistent Contact

The Trust and its schools are committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with our school or Trust. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Vexatious Complaints

The Trust defines vexatious behaviour as that which hinders consideration of complaints due to the frequency or nature of the complainant's contact with the school or Trust, such as, if the complainant:

- refuses to articulate the nature of their complaint or specify the grounds of their complaint or the outcomes sought, despite offers of assistance
- refuses to co-operate with the Trust's complaints process as set out in the Trust's Complaints Policy
- refuses to accept that certain issues are not within the scope of the Trust's complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the Trust's complaints procedure, as set out in the Trust's Complaints Policy, or with good practice
- introduces trivial or irrelevant information which they expect to be considered and commented on
- raises large numbers of detailed but questions over time, insisting that they are fully answered often immediately and to their own timescales, often which are not necessarily related to the original concern or complaint.
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have those staff replaced or for their child(ren) to work with alternative staff members
- changes the basis or substance 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
- refuses to accept the findings of the investigation into the complaint where the Trust's Complaints Procedure has been fully and properly implemented and completed
- seeks an unrealistic outcome
- makes excessive demands on school and Trust time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone whilst the complaint is being dealt with
- uses threats to intimidate
- uses abusive, offensive, or discriminatory language or violence
- knowingly provides falsified information or makes false/unsubstantiated accusations
- publishes unacceptable information on social media or other public forums
- is known to have secretly recorded meetings or conversations without the consent of the other parties involved
- sets unreasonable response deadlines and fails to accept that these may be unreasonable

Complainants should try to limit their communication with the school or Trust to that which relates to their complaint whilst the complaint is being progressed. It is unhelpful if repeated correspondence is sent (by letter, phone, email, text), as it could delay the outcome of the complaint.

Wherever possible, the Headteacher or Chair of the Local Governing Board will discuss any concerns with the complainant informally before applying a "vexatious" marking in accordance with this

policy.

Unreasonable or Persistent Contact

The Trust defines unreasonable or persistent contact as contact with the school or Trust which:

- raises large numbers of detailed questions, insisting that they are fully answered often immediately and to their own timescales, often which are not necessarily related to the original concern or complaint.
- makes unjustified comments about staff, and seeks to have those staff replaced or for their child(ren) to work with alternative staff members
- repeatedly asks the same questions/raises the same issues, despite having received a response to those questions/issues on previous occasions
- seeks an unrealistic response to questions or issues raised that school does not have the capacity to provide
- makes excessive demands on school or Trust time by frequent, lengthy and complicated contact with staff in person, in writing, by email and by telephone
- uses threats to intimidate
- uses abusive, offensive, or discriminatory language or violence
- knowingly provides falsified information or makes false or unsubstantiated accusations
- publishes unacceptable or offensive information on social media or other public forums that might relate to individual staff members
- is known to have secretly recorded meetings or conversations without the consent of the other parties involved
- sets unreasonable response deadlines and fails to accept that these may be unreasonable

In the case of a serial and vexatious complaint or of unreasonable or persistent contact, if the behaviour continues, the Chair of the Local Academy Board or Chair of the Trust will write to the complainant/individual explaining that their behaviour is vexatious/unreasonable and ask them to change it. The complainant/individual will be advised that if their behaviour does not change, the Trust will deem the complaint serial or vexatious/their contact persistent or unreasonable, in accordance with this policy, and that a person's right to communicate with the school or Trust will be restricted (Stage 1). The following restrictions will be put in place if the behaviour continues (Stage 2):

- email contact via a specific email address only or communication in writing only
- meetings with two members of staff
- calls to a specific person
- no requirement to acknowledge letters, emails, texts, phone messages etc.

As long as parents/carers still receive necessary information about the child, in accordance with The Education (Pupil Information) (England) Regulations 2005, the other restrictions are within the Trust's discretion. If the communication becomes threatening or harassing, then police involvement/action under the Protection from Harassment Act 1997, would have to be considered.

For complainants/individuals who excessively contact the school or Trust causing a significant level of disruption, the school or Trust may specify methods of communication (as set out above) and limit the number of contacts in a communication plan. This will be reviewed after 6 months.

In response to any serious incident of aggression or violence, the school or Trust will immediately inform the police and communicate the action taken in writing. This may include barring an individual from the school specified.

Contact details

Chief Executive Officer	Susan Walters ceo@createlearning.co.uk 01270 360030
Chair of the Trust	Mark Butcher m butcher@createlearning.co.uk 01270 360030
Chief Finance Officer	Jenni Goodwin cfo@createlearning.co.uk 01270 360030
Director of Operations	Kier Glover operations@createlearning.co.uk 01270 360030
Trust Solicitor	Cook Lawyers www.cooklawyers.co.uk / 01625 725 000
Clerk to governance	John Addison (Second2None)
Chair of Sandiway LAB	Emma Zouhbi ezouhbi@sandiway.cheshire.sch.uk Sandiway Primary School, 84 Weaverham Road, Sandiway CW8 2ND
Headteacher at Sandiway Primary School	Deborah Bertram head@sandiway.cheshire.sch.uk
Chair of Cuddington LAB	Rose Marsden marsden@cuddington.cheshire.sch.uk Cuddington Primary School, Ash Road, Cuddington CW8 2NY
Headteacher at Cuddington Primary School	Suzanne Mills head@cuddington.cheshire.sch.uk
Chair of Little Leigh LAB	Sarah Elliot selliot@littleleighprimary.cheshire.sch.uk Little Leigh Primary School, Shutley Lane, Little Leigh, Northwich CW8 4RN
Headteacher at Little Leigh Primary School	Toni Clarke head@littleleighprimary.cheshire.sch.uk
Create Learning Trust Offices	Little Leigh Primary School, Shutley Lane, Little Leigh, Northwich CW8 4RN