



# Complaints Policy & Procedure

Author: CELT Executive  
Adopted by (body): CELT Trustees

ORGANISATION  
 OBJECTIVITY  
 SELFLESSNESS  
 GOVERNANCE  
 LEADERSHIP  
 STRENGTHEN IMPROVE  
 VALUES  
 INTEGRITY MANAGEMENT  
 OVERSIGHT

- Collaborate** Ability to work effectively as a team
- Empower** Ability to take initiative and problem solve in order to improve performance
- Lead** To lead by example and achieve shared goals
- Transformation** Ability to recognise a need for change and adapt accordingly



## CELT Vision

---

**Our vision is for our trust to be a learning organisation in the truest sense.**

At the heart of our vision for education is a self-improving school-led system which has the best evidence-led practice and in which every child fulfils their potential. This is a learning community in which:

- Our leaders are driven by moral purpose. They are outwards focused and not afraid to take risks to achieve system transformation. The focus of policy is on continually improving the quality of teaching.
- Our teachers strive to be outstanding. They work across organisational boundaries to promote a collective sharing of knowledge, skills, expertise and experience in order to deepen pupil learning.
- The individual talents and strengths of our pupils are recognised and nurtured. A passion and curiosity for learning is sustained in every child from the moment they join us. A CELT pupil leaves our family of academies with a purpose, and the confidence to fulfil that purpose.
- Our parents are engaged in our learning community and actively work in partnership with us to raise the level of attainment and aspiration of every child.

## CELT Mission

---

**“Learning together to help every child achieve more.”**

We believe there is no limit to what every child can achieve, and that every child deserves the chance to fulfil their potential.

As a learning community we are on an ambitious journey. We want to deliver a model for education in the 21st century which instils curiosity and a love for learning in every child so that they develop into young adults who contribute to humanity, follow their passions, and think for themselves.

By learning and improving together – as part of a global learning community – we create much richer and more sustainable opportunities for rigorous transformation than can be provided by any one of our academies alone.

**COLLABORATE  
EMPOWER  
LEAD  
TRANSFORM**

Should you require further information, please contact  
The Governance Officer.  
Cornwall Education Learning Trust (CELT), Atlantic Centre,  
Trenance Leisure Park, Newquay, Cornwall TR7 2LZ

Telephone: 01637 800293  
[www.celtrust.org](http://www.celtrust.org)

Email: [ccarter@gov.celtrust.org](mailto:ccarter@gov.celtrust.org)

# Contents

---

|   |    |
|---|----|
| Aims of this Policy                                     | 5  |
| Introduction  | 6  |
| What is a complaint?                                    | 15 |
| Managing Complaints                                     | 18 |
| Complaints against members of staff                     | 19 |
| Safeguarding of pupils                                  | 19 |
| Time-limits   | 19 |
| Pupils as Witnesses                                     | 20 |
| Audio or video evidence                                 | 20 |
| Complaint form  | 20 |
| Anonymous complaints                                    | 21 |
| Monitoring complaints                                   | 21 |
| Outline of the procedure for a complaints panel hearing | 22 |
| Meeting Request Form (Stage 1)                          | 23 |
| Complaints Form (Stage 2)                               | 24 |
| Complaint Review Request Form (Stage 3)                 | 25 |
| History of Changes                                      | 26 |

# Summary Complaints Procedure

|                  | COMPLAINANTS ACTIONS  | SCHOOL'S ACTIONS  |
|------------------|---|---|
| INFORMAL STAGE 1 | <p>Complainant brings concern to attention of member of staff</p> <p>Use Meeting Request Form - stage 1 or email us to request a meeting to discuss a concern</p> <p>Issue to be resolved within 15 school days</p> <p>Where no satisfactory solution has been found since the complaint was raised, or more than 15 days, complainant to be advised that they could proceed to Stage 2</p>   | <p>Consider who should deal with the matter</p> <p>Invite complainant informal discussion and explain procedure</p> <p>Listen, discuss, offer resolution and record concern</p>   |
| FORMAL STAGE 2   | <p>Complainant to put concern in writing (within 10 days )</p> <p>Use Complaints Form Stage 2 or tell us the actions that you would like the Academy to take to resolve your concern.</p> <p>If the complainant is not satisfied with the decision at Stage 2 or unsatisfied with the manner in which the process has been followed, then proceed to Stage 3</p>  | <p>Complaint to be acknowledged within 5 school days and explain procedure</p> <p>Investigate</p> <p>(Optional) Meeting with complainant within 10 school days</p> <p>Listen, discuss and offer resolution</p> <p>Confirm outcome in writing within 15 school days</p>  |
| FORMAL STAGE 3   | <p>Parent to request hearing within 10 school days of receiving notice of the outcome of Stage 2</p> <p>Use Complaints Form Stage 3 or Tell us why you are dissatisfied by the procedure that has been followed.</p> <p>Hearing to take place if possible within 20 school days of receipt of request</p> <p>Complainant to submit evidence in support of their case to Clerk at least 7 school days before the hearing</p> <p>Complaints Committee decision sent not more than 5 school days after the hearing</p> | <p>Clerk will acknowledged request within 5 school days and set up meeting within 20 school days</p> <p>Confirmation of date, time and place of the hearing and details of the panel members present sent at least 5 school days before the hearing</p> <p>Academy to submit evidence in support of their case to Clerk at least 7 school days before the hearing</p> <p>Panel considers verbal and written submissions</p> <p>Decision communicated within 5 school days</p> |

## Aims of this Policy

The aims of the procedure are to

- deal with any complaint against CELT or to the individual school or any individual connected with CELT by following the correct procedure to deal with all complaints thoroughly and in a timely manner and by being open, honest and fair when dealing with the complainant.
- assist Headteachers, members, trustees, governors, staff and parents to strengthen their home-school links and to reaffirm the partnership between headteachers, members, directors, governors, staff and parents as they work together for the good of the pupils in the school.

It is not intended that the complaints procedure replaces the normal discussion on day-to-day problems and concerns which take place in any school within Cornwall Education Learning Trust (The Trust) as they arise. It is only where a complainant remains dissatisfied with the outcome of such discussions that further steps may need to be taken. CELT and each of our schools will usually follow this procedure when dealing with complaints from others but reserves the right to substitute this procedure for an alternative process where it is appropriate to do so.

Complainants will be informed about the procedure that will be used to consider their complaint as soon as possible after their complaint is received by CELT or an individual school.

This procedure does not apply to concerns and complaints relating to the following, which are dealt with under separate policies:

- staff grievances or disciplinary procedures
- admissions
- exclusions
- issues related to child protection
- SEND statements and EHC Plans

(See matters not covered by this policy at section 3)

All staff will be made aware of this complaints procedure and are expected to be familiar with our process of dealing with complaints and can be of assistance when an issue is brought to their attention.

## Introduction

In order to investigate a complaint as fully as possible, we have implemented a staged approach. We anticipate that almost all complaints that arise will be resolved at Stage 1 or Stage 2). To enable a proper investigation, concerns or complaints should be brought to the attention of CELT or to the individual school, as soon as possible. In general, any matter raised more than 3 months after the event being complained of will not be considered. However, the Trust may make exceptions to this.

Each stage in the complaints procedure should usually be completed before moving to the next stage. In very exceptional circumstances the Headteacher, usually in consultation with the Trust Leads, may decide to omit a stage. The complaints procedure is formed of three stages:

**Stage 1 – Informal**

**Stage 2 – Formal - written complaint to Headteacher/Senior leader**

**Stage 3 – Formal – complaint heard by a Complaints Panel**

**Further right of appeal – to the ESFA or Ofsted (see section further in this section )**

### **Stage 1: Informal**

As soon as possible after the incident (within 3 months) about which a complainant has concerns, they should ask to meet with the appropriate member of staff to discuss the matter.

Many concerns can be resolved by simple clarification or the provision of information. Where a complaint is about your child or a child attending the school, it is normally appropriate to communicate directly with the child's class teacher. Where the complaint is about a member of staff, it is normally appropriate to communicate directly with them in the first instance. This may be by letter, by telephone or in person by appointment, requested via the school office. If you wish to hold a meeting to discuss your concern or complaint, it is helpful if you can explain the nature of your concern or the complaint in advance. You may wish to use the Meeting Request Form (Appendix B) provided.

It is anticipated that most complaints will be resolved by this informal stage within 15 working days of being notified of the complaint. In the case of serious concerns, it may be appropriate to address them directly to the Headteacher (or to the Trust Deputy Lead, (if the informal complaint is about the Headteacher). If you are uncertain about who to contact, please seek advice from the School Office.

There is no requirement for an **informal complaint** to be put in writing by the complainant but you may find it helpful to put in a meeting request form. All complaints will be reviewed through an informal process in the first instance. This includes as a minimum an investigation of the informal complaint which will be recorded and a response given to the complainant within **15 school days** in writing and if agreed also face to face.

# 2

At the end of the investigation it will be made clear to the complainant what action, if any, will be taken, the timescale within which it will take place and how they will be notified of any outcome. In exceptional circumstances, a response may be given outside the stated 15 days but in that case the reasons for the delay and an achievable response time will be advised to the complainant.

## Stage 2 – Formal – Headteacher/Senior Leader level

If the complaint cannot be resolved informally or the complainant is unhappy with the response to their informal complaint, the following procedure will apply:

**Within 10 school days** of being notified of the outcome of the informal complaint - the complainant **must** put their complaint in writing  
A Complaint Form is provided to assist you (Appendix C).

You should include details, which might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents.

**It is very important that you include a clear statement of the actions that you would like the Academy to take to resolve your concern. Without this, it is much more difficult to proceed.** and send this to the Headteacher who will be responsible for ensuring that it is investigated appropriately.

| If your complaint is about:              | Refer to   | How to contact  |
|--|--|---|
| A Headteacher                            | Deputy Trust Lead  | CCarter@gov.celtrust.org<br>or Cornwall Education Learning Trust Atlantic Centre, Trenance Leisure Park, Newquay, Cornwall, TR7 2LZ |
| The Deputy Trust Lead Officer (DCEO)     | The Trust Lead   |   |
| The Trust Lead                           | Board of Trustees via Clerk to the Board of Trustees                         |   |
| A Trustee or Local Governing Body Member | Chair of Trustees or the Chair of the LGB via Clerk to the Board of Trustees |   |

If the complaint is about a member of the CELT Central Team then the complaint will be referred to their line manager and references above to the Headteacher will be taken to refer to the line manager.

An extension to being notified in writing of the formal complaint will only be made in exceptional circumstances. If a formal complaint is not made within 10 days the school will assume that no further action is required.

**On receipt of the Complaint form or email - CELT** will acknowledge the complaint (within 5 school days) and invite the complainant to a meeting with the Headteacher or appropriate senior leader to discuss the issue.

The meeting will take place within 10 school days of the complaint form being received. If the meeting cannot take place within 10 school days for any reason, then the complainant will be advised of the reasons why, and when the meeting will take place instead.

Where you decline the invitation to a meeting or the complaint cannot be resolved through a meeting, arrangements will be made for the matter to be formally investigated.

Once all the relevant facts have been established, as far as possible, you will be provided with a written response to the complaint, including a full explanation of the decision and the reasons for it. This will include what action the trust / school will take to resolve the complaint (if any). You will be advised that if you are dissatisfied with the outcome of the complaint, you may request that your complaint be heard by the Review Panel.

Following investigation, the Headteacher or appropriate senior leader will notify you in writing of their decision and the reasons for it. Where possible, this will be within 15 school days of receipt of the complaint.

### **3. Stage 3: Formal –Review panel**

If the complainant is not satisfied with the decision at Stage 2 or if you are not satisfied with the manner in which the process has been followed, then the following will apply:

- **Within 10 school days** of receiving the response from the Stage 2 complaint the complainant must submit a written request for further review of the complaint to the Trust Leads or Governance Officer of the Trust at [CCarter@gov.celtrust.org](mailto:CCarter@gov.celtrust.org) You may wish to use the Complaint Review Request Form (**Appendix D**) provided to assist you, and include a statement specifying any perceived failures to follow the procedure. A Review Request Form is provided for your convenience. The Clerk will acknowledge your request in writing within 5 school days of receipt.
- Within 20 school days of receipt of the notification in writing the Governance Officer of the Trust will set up a meeting of the complaints panel which the complainant will be invited to attend. 10 school days' notice of the meeting will be given to those attending the meeting who will also receive the following:
  - An invitation to attend the meeting including details of date, time, place of meeting;



- A request for copies of any written papers which the school or complainant may wish to be considered to be supplied at least 7 school days before the meeting so that they can be distributed to members of the complaints panel and the complainant;
  - An enquiry as to whether, or not any reasonable adjustments to the procedure should be considered to support the complainant attending the meeting;
  - Confirmation that the complainant may have someone accompany them at the meeting. This person will not normally speak on behalf of the complainant at the meeting but will be there for support. Generally, we do not encourage either party to bring legal representative to the panel meeting. However, there may be occasions when legal representation is appropriate. Representatives from the media are not permitted to attend.
- The procedure for the meeting is in **Appendix A**.

The panel will consist of three people appointed by the Board of Trustees and will include at least one independent person who has not previously been involved in the process.

The composition of the panel will include:

- The Trust Lead or nominated representative;
- A governor from the School being complained about;
- A trustee or a governor from one other Cornwall Education Learning Trust School, who is independent of the management and running of the school being complained about and who has no conflict of interest or prior knowledge of the complaint.

**Within 5 school days after the meeting**, the decision, findings and recommendations of the complaints panel will be sent to all parties including the complainant and where relevant the person complained about.

The Panel can:

- o Request further information from you and/or the school to assist them in making their decision
  - o Dismiss the complaint in whole or in part
  - o Uphold the complaint in whole or in part
  - o Decide on the appropriate action to be taken to resolve the complaint
  - o Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not reoccur
- The decision of the panel is final.
  - The findings and recommendations of the panel will be available for inspection on the school premises by the Headteacher.

- A written record will be kept of all complaints made in accordance with this policy whether they are resolved following a formal procedure or proceed to a panel hearing. In addition, written records will be kept of the action taken by the school as a result of those complaints (regardless of whether they are upheld).
- That correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or body conducting an inspection under section 109 of the 2008 act requests access to them.

**Further Rights of Appeal**

If you are dissatisfied with the decision of the Review Panel, you are entitled to refer your complaint to the Education Skills Funding Agency who have limited powers to review the Trust's handling of the complaint in accordance with the ESFA's 'Procedure for dealing with complaints about Academies'. At the time of writing this procedure, the ESFA procedure and the ESFA Academy complaints form are available at:

[www.education.gov.uk/schools/leadership/schoolperformance/b00212240/makingcomplaint-school](http://www.education.gov.uk/schools/leadership/schoolperformance/b00212240/makingcomplaint-school)

Parents may also complain to OFSTED. OFSTED will not normally investigate complaints concerning individual pupils. If there are any child protection concerns parents may pass these to social services, or the police.

### **Persistent or Vexatious Complaints or Harassment**

The majority of complaints are handled in an informal manner and are resolved quickly, sensitively and to the satisfaction of the complainant. However, there are occasions when complainants behave in an unreasonable manner when raising and/or pursuing concerns. The consequences are that the actions of the complainants begin to impact negatively on the day-to-day running of CELT's schools and directly or indirectly the overall well-being of the children or staff in the school. In these exceptional circumstances the school may take action in accordance with this section of the complaints policy.

There are rare circumstances where we will deviate from the Complaints Procedure set out in Part One:

These include, but are not necessarily limited to:

- where the complainant's behaviour towards staff, members of the Governors or Trustees is unacceptable, for example, is abusive, offensive or threatening;
- where, because of the frequency of their contact with the Trust/school, the complainant is hindering the consideration of their or other people's complaints and/or the proper running of the Trust/school;
- where the complainant's complaint is vexatious and/or has patently insufficient grounds;
- where the complainant's complaint is the same, similar to or based on the same facts of a complaint which has already been considered in full by the Trust/school.

In these circumstances, we may:

- inform the complainant that their behaviour is unacceptable or unreasonably persistent and ask them to change it;
- restrict the complainant's access to the Trust/school e.g. requesting contact in a particular form (for example, letters only), requiring contact to take place with a named person only, restricting telephone calls to specified days and times or banning the complainant from the academy's premises;
- conduct the Review Panel on the papers only i.e. not hold a hearing;
- refuse to consider the complaint and refer the complainant directly to Stage 4.

In all cases we will write to tell the complainant why we believe his or her behaviour is unacceptable or unreasonably persistent, what action we are taking and the duration of that action.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of staff, members of the Governors or Trustees, we will consider other options, for example reporting the matter to the Police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

## Persistent Complainants

### Who is a persistent complainant?

For the purpose of this policy, a persistent complainant is a parent/carer or member of the public who complains about issues, either formally or informally, or frequently raises issues that the complainant considers to be within the remit of the school, and whose behaviour is unreasonable. Such behaviour may be characterised by:

- i. Actions which are obsessive, persistent, harassing, prolific, repetitious.
- ii. Prolific correspondence or excessive e-mail or telephone contact about a concern or complaint.
- iii. Uses Freedom of Information requests excessively or unreasonably.
- iv. An insistence upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes.
- v. An insistence upon pursuing complaints in an unreasonable manner.
- vi. An insistence on only dealing with the Headteacher on all occasions irrespective of the issue and the level of delegation in the school to deal with such matters.
- vii. An insistence upon repeatedly pursuing a complaint when the outcome is not satisfactory to the complainant but cannot be changed, for example, if the desired outcome is beyond the remit of CELT because it is unlawful.

### Harrassment

For the purpose of this policy, harassment is the unreasonable pursuit of such actions above ( i - vii) in such a way that they:

- appear to be targeted over a significant period of time on one or more members of school staff and/or
- cause ongoing distress to individual member(s) of school staff and/or
- have a significant adverse effect on the whole/parts of the school community and/or
- are pursued in a manner which can be perceived as intimidating and oppressive by the recipient. This could include situations where persistent demands and criticisms, whilst not particularly taxing or serious when viewed in isolation, have a cumulative effect over time of undermining confidence, well-being and health.
- Breach CELT's Unacceptable Behaviour on School Premises Policy

### **Actions in cases of persistent or vexatious complaints or harassment**

CELT will inform the complainant that his / her behaviour is considered to be becoming unreasonable / unacceptable and, if it is not modified, action may be taken in accordance with this policy. This will be confirmed in writing.

If the behaviour is not modified CELT will take some or all of the following actions as necessary, having regard to the nature of the complainant's behaviour and the effect of this on the academy community:

- inform the complainant in writing that his/her behaviour is now considered by the school to be unreasonable/unacceptable and, therefore, to fall under the terms of this policy;
- inform the complainant that all meetings with a member of staff will be conducted with a second person present and that notes of meetings may be taken in the interests of all parties ;
- inform the complainant that, except in emergencies, all routine communication with the complainant to the school should be by letter only;
- (in the case of physical, or verbal aggression) CELT will follow Unacceptable Behaviour On School Premises Policy consider pursuing a case under Anti-Harassment legislation;
- put in place a specific procedure for dealing with complaints from the complainant, i.e. the complainant will not be able to deal directly with the Headteacher but only with a third person to be identified by CELT, who will investigate, determine whether or not the concern / complaint is reasonable or vexatious and then advise the Headteacher accordingly.
- legitimate new complaints may still be considered even if the person making them is, or has been, subject to the Policy for Dealing with Persistent or Vexatious Complaints and/or Harassment. However, the school will be advised by its Legal Services.
- If a complainant's persistent complaining/harassing behaviour is modified and is then resumed at a later date within a reasonable period of time, the school may resume the process identified above as appropriate

### **Complaint campaigns**

If a CELT school or the trust become the focus of a complaint campaign and receives large volumes of complaints:

- all based on the same subject
- from complainants unconnected with the school

CELT may make the decision to:

- send a template response to all complainants
- publishing a single response on the school's website

# 3

## What is 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'.

From time to time parents will raise legitimate concerns about their child's education; these are dealt with as a matter of routine, without formal procedures, normally by the class teacher and are not generally regarded as 'complaints' in the formal sense. Taking concerns seriously and dealing with them quickly can reduce the number of formal complaints. Occasionally a parent's concern may become more serious and develop into a complaint and be a clear statement of dissatisfaction. This may relate to a variety of issues including:

- The way in which an initial concern was handled;
- The conduct or actions of pupils;
- The action or lack of action of members of staff;
- Inappropriate discipline;
- Lack of information.

Pupils too may wish to express a concern where they feel they have been treated unfairly. They should be encouraged to speak to an appropriate adult who should investigate the concern and seek to resolve the matter informally. Should the investigation raise serious issues, these should be dealt with through the appropriate channels.

Visitors to the school or those in the wider community may make verbal complaints or allegations or written complaints. These should be investigated as with parental complaints and the complainant responded to, while maintaining confidentiality.

If a member, trustee, governor, or member of staff, receives a written complaint it must be forwarded to the Headteacher, or the Chair of the school's Local Governing Body (LGB). If the complaint is about the Headteacher or Chair of the LGB, it must be forwarded to the Trust Leads. If it is about the Trust Leads it should be forwarded to the Chair of the Trust Board.

## 6 Matters that are not covered by this policy

The following concerns and complaints cannot be considered under this policy. There are separate agencies, policies and procedures that deal with them.

|   |  |
|---|--|
| <ul style="list-style-type: none"> <li>• Admissions to schools</li> <li>• Statutory assessments of Special Educational Needs</li> <li>• School re-organisation proposals</li> </ul> | <p>Concerns about admissions, statutory assessments of Special Educational Needs (SEND statements and EHCP) , or school re-organisation proposals should be raised with Cornwall Council <a href="http://cornwall.gov.uk">cornwall.gov.uk</a></p>  |
| <ul style="list-style-type: none"> <li>• Matters likely to require a Child Protection Investigation</li> </ul>  | <p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the CIOS Safeguarding Children Partnership. <a href="mailto:lado@cornwall.gov.uk">lado@cornwall.gov.uk</a>. <a href="mailto:ciosscp@cornwall.gov.uk">ciosscp@cornwall.gov.uk</a>.</p>  |
| <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>*complaints about the application of the behaviour policy can be made through the school's complaints procedure. &lt;<a href="#">link to school behaviour policy</a>&gt;.</p>  |
| <ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>  | <p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>Volunteer staff who have concerns about any of our schools should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p> |
| <ul style="list-style-type: none"> <li>• Staff grievances</li> </ul>  | <p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>  |
| <ul style="list-style-type: none"> <li>• Matters likely to involve HR procedures / staff management</li> </ul>  | <p>Matters dealt with under CELT'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.</p>   |
| <ul style="list-style-type: none"> <li>• Complaints about services provided by other providers who may use school premises or facilities</li> </ul>                                 | <p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.</p>   |
| <ul style="list-style-type: none"> <li>• National Curriculum - content</li> </ul>   | <p>Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a></p>  |

If the complaint falls outside the remit of this policy the complainant will be advised of this in writing within 10 school days following receipt of the complaint with an explanation as to why. In some circumstances, it may be decided that the concern(s) fall within the remit of another policy or procedure.



# 4

## Managing Complaints

**What you can expect from us** Parents/carers/members of the public who raise either informal concerns or formal complaints with CELT or an individual CELT school can expect:

- We will communicate to you in writing
- We will respond to you within a reasonable time.
- We will be available for consultation within reasonable time limits bearing in mind the needs of the pupils within the school and the nature of the complaint.
- We will respond with courtesy and respect.
- We will attempt to resolve problems using reasonable means in line with the trust's complaints procedure, other policies and practice and in line with advice from external advisors and will keep you informed of progress towards a resolution of the issues raised.

### **What we expect from you**

CELT would expect parents/carers/members of the public who wish to raise a complaint with the academy to:

- Treat all staff with courtesy and respect
- Respect the needs and well-being of pupils and staff in the school
- Avoid any use or threatened use of violence to people or property
- Avoid any aggression or verbal abuse
- Recognise the time constraints under which members of staff in schools work and allow the academy a reasonable time to respond.
- Recognise that resolving a specific problem can sometimes take some time.
- Follow the complaints procedure.

### **4.1 Principles** This Policy will:

- Encourage resolution of problems by informal means wherever possible;
- Be easily accessible, well publicised and easy to understand and use;
- Allow the individual being complained against equal rights with the person making the complaint;
- Be non-adversarial;
- Ensure that a full and fair investigation takes place as appropriate;
- Allow for speedy handling of the complaint, with established time limits for each stage of the procedure;
- Respect confidentiality at all times;
- Provide clear assurances that there will never be any victimisation of pupils as the result of a parental complaint;
- Allow for meetings with complainants to be minuted, if possible, by a third party;
- Ensure all parties are kept informed of progress;
- Address all the points raised in the complaint and, where applicable, provide appropriate redress and/or information about any positive changes which have resulted from discussion of the complaint, e.g., change in policy/procedures
- Ensure consistency of action by all handling complaints
- Ensure that formal complaints are monitored by governors to ensure that the procedure is working effectively.

# 5

## Complaints against members of staff

If members of staff are complained against, they should be fully informed of the content of the complaint. Members of staff should always be given an opportunity to explain their actions and be advised that they may have a work colleague, or union representative, present during any part of the process. The member of staff should provide a written statement in response to the complaint.

# 6

## Safeguarding of pupils

Cornwall Education Learning Trust (CELT) takes the safeguarding of its pupils very seriously and we recognise that it is extremely important that any allegation made against a member of staff, supply staff, contractors or volunteer is managed quickly and effectively. It is also important that low safeguarding concerns are recognised and reported so behaviours can be appropriately managed. In responding to safeguarding allegations, CELT will follow its Managing allegations and low level concerns policy.

# 7

## Time-limits

Complaints will be dealt with as quickly as possible. Realistic time-limits should be set for each stage of the process and these may differ according to the complexity of the issue concerned. The time-limits provided in this policy are not a statutory requirement. If the Headteacher, Chair of the LGB or Trust Leads feels that it would be better to allocate shorter or longer periods at various stages, they are free to do so, but must inform both parties of any change and the reasons for it. Complainants are urged to raise any concerns as soon as possible.

# 8

## Pupils as Witnesses

Only in exceptional circumstances should pupils be interviewed, i.e. where there are no adult witnesses and the matter is sufficiently serious to warrant it. This will be down to the discretion of the Headteacher, and/or Trust Leads depending on the nature of the complaint and who is investigating. The investigator is advised to seek parental consent before any interview with a child where they are being asked to clarify facts concerning a parental complaint. Children should be accompanied by a responsible adult where the parent has given permission for the interview but is not present and ensure that pupils do not participate in any discussion where they might witness confrontation between adults or where there may be a child protection issue see point 6.

# 9

## Audio or video evidence

Complainants should make sure they obtain informed consent from all parties present before recording conversations or meetings. We do not normally accept electronic recordings as evidence when we are asked to consider a complaint. However, we may accept independently notarised transcriptions of recordings. We may also ask for the written consent of all recorded parties. Unless exceptional circumstances apply, we will refuse to accept, as evidence, recordings of conversations that were obtained covertly and without informed consent of all parties being recorded.

# 10

## Complaint form

Cornwall Education Learning Trust has a complaint form which can be used by those wishing to make a complaint. (See Appendix B) This may be helpful for complainants who might find it difficult to frame a letter and enables each school and CELT to be more systematic in the way it handles and monitors complaints. However, CELT will accept an email or letter of complaint and process accordingly. In some circumstances, and at the Headteacher, or Trust Leads discretion, it may be acceptable for a formal complaint to be made verbally.

# 11

## Anonymous complaints

Anonymous complaints may come from parents, pupils or members of the public; they should be considered as they may relate to something serious. The handling of such complaints will be left to the Headteacher, or Trust Leads to decide whether the gravity of an anonymous complaint justifies investigation. If the Headteacher, or Trust Leads believes there could be any substance to the complaint they will investigate the matter and record the results of the investigation on file.

# 12

## Monitoring complaints

The Trust Leads and Board of Trustees will monitor complaints to ensure that the procedure is effective in dealing with concerns. Some of the areas relating to complaints monitored are:

- the number and nature of the complaints;
- whether the complaints were dealt with within agreed time limits;
- the stage at which complaints were ended satisfactorily.

Under The Education (Independent School Standards) (England) Regulations 2014, Schools are required to log the number of complaints lodged under their formal procedures each year and whether they are resolved at the preliminary stage, or proceed to a panel hearing.

## Outline of the procedure for a complaints panel hearing

### 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.

### The Panel members should be aware of the following:

- CELT's complaints procedure;
- The appeal hearing is independent and impartial and must be seen to be so;
- No governor may sit on the panel if they have had a prior involvement in the complaint, or the circumstances surrounding it;
- Panel members should be drawn from a cross-section of CELT;
- The hearing is held in private;
- The aim of the hearing is to resolve the complaint and achieve conciliation between the school and the complainant;
- It may not be possible to resolve matters to the complainant's satisfaction, it may only be possible to establish facts and satisfy the complaint that the matter has been taken seriously;
- Some parents may feel nervous: the panel chair will make efforts to ensure proceedings are as informal as possible.

### The chair of the panel:

- Welcomes those present and introduces each person by name;
- Stresses that the meeting is strictly confidential to those present;
- Outlines the procedure to be followed;
- Ensures that key findings of fact are made and the issues addressed;
- Ensures that each party is able to state their case and ask questions without undue interruption;
- Ensures that all written material is seen by all parties;
- Conducts the hearing in an informal manner and ensures each party treats the other with respect and courtesy.

### Order of hearing:

The complainant is invited to present their case and explain their desired outcome and any possibilities of redress.

- The head teacher or other nominated member of staff representing the school may ask questions of the complainant.
- Panel members may ask questions of the complainant

The head teacher or other nominated member of staff representing the school/ CELT is invited to explain the School's actions.

- The complainant may ask questions of the head teacher member of staff representing the school/ CELT.
- Panel members may ask questions of the head teacher member of staff representing the school/ CELT.
- Both parties are invited to summarise their point of view.

After the parties have withdrawn, the Panel decides on its recommendations, including any redress. The decision and recommendations of the Complaints Panel are sent within 5 school days to all parties.

The Panel's decision is final.

# Meeting Request Form (Stage 1)

[Please complete this form and return it to School / Trust Office

I wish to meet: \_\_\_\_\_

to discuss the following matter:

Brief details of topic to be discussed:

Dates/times when it would be most convenient for a meeting:

Your Name:

Relationship with CELT/ School (e.g. parent or pupil on the school roll):

Pupil's name (if relevant to the matter to be discussed)

Your Address:

Telephone Nos: Daytime:

Evening:

E-mail address:

## Academy/Trust Use

Date form received:

Received by:

Date acknowledgement sent:

Sent by:

Date response sent:

Sent by:

# Complaints Form (Stage 2)

[Please complete this form and return it to School / Trust Office

| If your complaint is about:              | Refer to   | How to contact  |
|--|--|---|
| A Headteacher                            | Deputy Trust Lead  | CCarter@gov.celtrust.org or<br>Cornwall Education Learning Trust Atlantic Centre,<br>Trenance Leisure Park,<br>Newquay, Cornwall, TR7 2LZ |
| The Deputy Trust Lead Officer (DCEO)     | The Trust Lead   |   |
| The Trust Lead                           | Board of Trustees via Clerk to the Board of Trustees                         |   |
| A Trustee or Local Governing Body Member | Chair of Trustees or the Chair of the LGB via Clerk to the Board of Trustees |   |

Please give concise details of your complaint, (including dates, names of witnesses etc...) to allow the matter to be fully investigated:

*You may continue on separate paper, or attach additional documents, if you wish. Number of additional pages attached =*

What action, if any, have you already taken to try to resolve your complaint? (i.e. who have you spoken with or written to and what was the outcome?)

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

### Academy/Trust Use

Date form received:

Received by:

Date acknowledgement sent:

Sent by:

Date response sent:

Sent by:

Request referred to:

Date:

# Complaint Review Request Form (Stage 3)

Please complete this form and return it for the attention of Trust Leads or Governance Officer of the Trust at CCarter@gov.celtrust.org or Cornwall Education Learning Trust Atlantic Centre, Trenance Leisure Park, Newquay, Cornwall, TR7 2LZ

Your Name:

Your Address:

Telephone Nos: Daytime: Evening:

E-mail address:

I submitted a formal complaint on..... and am dissatisfied by the procedure that has been followed.

Please detail the aspects of the procedure you are dissatisfied with:

I received the outcome of the stage 2 of my complaint on .....and am not satisfied with the outcome of this complaint, I am requesting further review of

Please detail which areas of the complaint you are requesting are further reviewed.

*You may continue on separate paper, or attach additional documents, if you wish. Number of additional pages attached =*

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

### Academy/Trust Use

Date form received:

Received by:

Date acknowledgement sent:

Sent by:

Date response sent:

Sent by:



# Appendix E History of Changes

| Version | Date       | Page  | Change  | Origin of Change  |
|---------|------------|---|---|---|
| 1.0     | 27.09.18   |   | Original Draft  | 1.0   |
| 2.0     | 29.03.19   | 10 & 11   | Section 3 - Wording detailing the Panel hearing   | ESFA Advice   |
| 3.0     | 06.09.2019 | 6   | The Education (Independent School Standards) (England) Regulations 2014 updated from 2010   | Education & Skills Funding Agency letter dated 04.09.2019 |
|         | 06.09.2019 | All relevant pages including title, header and footer | Change of name from Peninsula Learning Trust to Cornwall Education Learning Trust PLT to CELT   | Name change as of the 01.08.2019                          |
|         | 06.09.2019 | 11  | Additional paragraph regarding written records of formal complaints   | Education & Skills Funding Agency letter dated            |
|         | 02.03.2020 | 11  | Additional sentence regarding composition of Panel membership for a Formal Complaint hearing  | ESFA email dated 25th February 2020                       |
| 4.0     | 09.02.2021 | 3   | 3.3 Matters that are not covered by this policy paragraph renumbered to 3.4   | 4.0   |
|         | 09.02.2021 | 3 & 4   | 3.3 Layout of Descriptors of complaints, policies & procedures  | 4.0   |
|         | 09.02.2021 | Whole documents                                       | All references to Director changed to read Trustees   | 4.0   |
| 5.0     | 20.04.21   | 10  | Informal stage – There is no requirement ..... Insertion to clarify procedures.   | 5.0   |
| 5.0     | 20.04.21   | 10  | Formal stage – added senior leader to subtitle.<br>Point 1 of stage 2- formal – An extension to being notified.....<br>Point 2 of stage 2- formal – removal of time frame to respond to receipt of complaint. | 5.0   |
| 5.0     | 20.04.22   | 11  | Point 2 of stage 3- formal LGB – removal of time frame to respond to receipt of complaint.  | 5.0   |
| 6.0     | 6.12.2022  |   | Redraft   |   |