



COMPLAINTS POLICY

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WHO CAN MAKE A COMPLAINT?

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to our school about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

THE DIFFERENCE BETWEEN A CONCERN AND A COMPLAINT

A concern may be defined as ‘an expression of worry or doubt over an issue considered to be important for which reassurances are sought’.

A complaint may be defined as ‘an expression of dissatisfaction however made, about actions taken or a lack of action’.

It is in everyone’s interest that concerns, and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of this procedure. We take concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Headteacher will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, we will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

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

HOW TO RAISE A CONCERN OR MAKE A COMPLAINT

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so. We encourage parents and carers to make those concerns known to the relevant member of staff so that they can be addressed in partnership with the school. Almost invariably, the sooner such concerns are raised, the easier it is for an appropriate resolution to be found.

Following an informal complaint, formal complaints against the school or its staff (except the Headteacher) should be made in the first instance to the Headteacher via the school office either by telephone, email or letter. Please mark any emails or letters as Private and Confidential. The Headteacher will assume the role of Complaints Coordinator.

Complaints that directly involve or are about the Headteacher should be addressed to the Chair of Governors in the first instance, via the school office. Please mark them as Private and Confidential.

Complaints about the Chair of Governors, any individual governor or the whole Local Academy Board should be addressed to the Trust Governance and Compliance Professional via the school office. Please mark them as Private and Confidential.

Complaints about the Chief Executive Officer (CEO) or a trustee of the Trust should be addressed to Janet Milne, Chair of Trustees, via the Trust Governance and Compliance Professional at 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. If you require help in completing the form, please contact the school office. You can also ask a third-party organisation for example like the Citizens Advice to help you. <https://www.citizensadvice.org.uk/>

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

ANONYMOUS COMPLAINTS

We will not normally investigate anonymous complaints. However, the Headteacher, Chair of Governors or CEO, if appropriate, will determine whether the complaint warrants an investigation.

TIMESCALES

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will only consider complaints made outside of this time frame if exceptional circumstances apply.

COMPLAINTS RECEIVED OUTSIDE OF TERM TIME

We will consider complaints made outside of term time to have been received on the first school day after the holiday period. Inset Days are not counted as school days.

SCOPE OF THIS COMPLAINTS PROCEDURE

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

EXCEPTIONS	WHO TO CONTACT
ADMISSIONS TO SCHOOLS	Concerns about admissions should be handled through a separate process – either through the appeals process or via Office of the Schools Adjudicator (OSA)
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. This includes allegations that any person working in a school may have: - Behaved in a way that has harmed a child or may have harmed a child, - Possibly committed a criminal offence against or relating to a child, - Behaved towards a child or children in a way that indicates they may pose a risk of harm to children - Behaved or may have behaved in a way that indicated they may not be suitable to work with children www.wakefieldscp.org.uk/worried-about-a-child www.kirkleessafeguardingchildren.co.uk www.multiagencysafeguardinghub.com/barnsley-mash
EXCLUSION OF CHILDREN FROM SCHOOL	Further information about raising concerns about exclusions can be found at: www.gov.uk/school-discipline-exclusions/exclusions .
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.
SEND	Statutory assessments of Special Educational Needs and Disabilities (SEND), where the complaint relates to a Local Authority's decision not to issue an Educational, Health and Care (EHC) Plan or a Local Authority has failed to meet statutory timescales when carrying

	out an EHC Needs assessment. In these circumstances, the complaint should be made directly to the Local Authority undertaking the statutory assessment. For all other SEND related concerns/complaints this policy applies.
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If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations. If this happens, we will inform you of a proposed new timescale.

If a complainant commences legal action against the school in relation to their complaint, prior to the complaint procedure being completed, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

At **CAPA College** (post 16), complaints may be made directly by learners. The Trust will:

- respect learner autonomy and consent
- involve parents/carers only where appropriate or authorised
- provide support or advocacy where learners have additional needs

RESOLVING COMPLAINTS

At each stage in the procedure, we want to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

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

WITHDRAWAL OF A COMPLAINT

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

REPETITIVE OR VEXATIOUS COMPLAINTS

On occasion, all settings can be subject to repetitive or vexatious complaints.

The characteristics of a 'frivolous' or 'vexatious' complaint are:

- complaints which are obsessive, persistent, harassing, prolific, repetitious
- insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason
- insistence upon pursuing meritorious complaints in an unreasonable manner
- complaints which are designed to cause disruption or annoyance
- demands for redress that lack any serious purpose or value

Where a complainant's behaviour becomes persistent, unreasonable or vexatious at any stage (or outside the formal complaints process), the Trust will apply the Vexatious Complaints Policy. This policy sets out:

- how such behaviour is identified
- decision-making responsibilities
- possible restrictions on contact
- governance oversight and review arrangements

Before applying restrictions, the Trust will normally:

- issue a warning where appropriate
- provide an opportunity for behaviour to change

Where a complainant has already completed the complaints process but continues to raise it, the school will advise that the process has been completed and any complaints regarding the way the complaints process was carried out should be referred to the Department for Education as per the Complaints Policy. Before applying restrictions, the Trust will normally: issue a warning where appropriate and provide an opportunity for behaviour to change

STAGE 1: INFORMAL COMPLAINTS

We recognise that parents and carers will, from time to time, have reasonable and legitimate concerns about the progress, achievement, behaviour or welfare of their child, or about other matters connected with the school. We encourage parents and carers to make those concerns known to the relevant member of staff so that they can be addressed in partnership with the school. Almost invariably, the sooner such concerns are raised, the easier it is for an appropriate resolution to be found.

It is to be hoped that most concerns can be expressed and resolved quickly on an informal basis through discussion with the class teacher. If the issue is not resolved through this initial contact, or if the complaint concerns the class teacher, then it may be raised informally with the Headteacher. The Headteacher is likely to delegate review of this complaint to another appropriate leader in school, for example an Assistant or Deputy Headteacher (unless the complaint is about this staff member.)

Complainants should not approach individual governors, including the Chair of Governors, to raise concerns or complaints. They have no power to act on an individual basis, and it may also prevent them from considering complaints at Stage 3 of the procedure.

The school will aim to resolve a concern or difficulty within **10** school days of the date that it was raised. Where a concern or difficulty has not been resolved by informal means within this stated time the complainant has the right to submit the matters raised as a formal complaint under Stage 2 of this Complaints Policy.

STAGE 2: FORMAL COMPLAINTS

A concern or difficulty raised under Stage 1 of this Complaints Policy which remains unresolved after **10** school days, or a serious matter which requires formal investigation from the outset, should be set out in writing and sent to the relevant person. For ease of use, a template complaint form is included at the end of this procedure.

Formal complaints must be made to the Headteacher (unless they are directly about the Headteacher), via the school office. This must be done by completing the attached complaint form unless the complainant has a sufficient reason to request a reasonable adjustment be made to amend this. Complaints directly about the Headteacher or member of the Local Academy Board must be made to the Chair of Governors, via the school office.

The Headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within **5** school days.

Within this acknowledgement, the Headteacher will ensure clarity with regard to the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Headteacher is likely to determine that a face-to-face meeting would be the most appropriate way of doing this.

During the investigation, the Headteacher (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the Headteacher will provide a formal written response within **15** school days. Where the nature of the investigation is such that the complaint cannot be resolved within these timescales, a response will be sent giving an anticipated date on which a response will be made and keep the complainant informed.

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 we will take to resolve the complaint, provide an acknowledgement that the situation could have been handled differently or better and offer an apology, should this be required.

The Headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

If the complaint is directly about the behaviour or actions of the Headteacher, or a member of the Local Academy Board (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the above actions at Stage 2 and provide a written response.

If the complaint is jointly about the Chair and Vice Chair; the entire Local Academy Board; or the majority of the Local Academy Board, Stage 2 will be escalated to the CEO of the Trust who will determine the most suitable person to investigate.

STAGE 3: PANEL HEARING

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3 – a panel hearing (meeting) consisting of at least three people who were not directly involved in the matters detailed in the complaint. Where possible, one panel member will be independent of the management and running of the school. This is the final stage of the complaints procedure.

A request to escalate to Stage 3 must be made to the Trust Governance and Compliance Professional, via the school office, within **5** school days of receipt of the Stage 2 response.

The Trust Governance and Compliance Professional will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within **5** school days. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Trust Governance and Compliance Professional will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within **20** school days of receipt of the Stage 3 request. If this is not possible, the Trust Governance and Compliance Professional will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Trust Governance and Compliance Professional will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

If the complaint is jointly about the Chair and Vice Chair of the Local Academy Board; the entire Local Academy Board; or the majority of the Local Academy Board, Stage 3 will be heard by the Trustees and an independent panel member.

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

Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under (Human Resources) staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

Representatives from the media are not permitted to attend.

At least **10** school days before the meeting, the Trust Governance and Compliance Professional will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the committee at least **7** school days before the meeting.

Any written material will be circulated to all parties at least **5** school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of this procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The committee will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues.

The Chair of the Committee will provide the complainant and the school with a full explanation of their decision and the reason(s) for it, in writing, within **10** school days.

The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled by the school.

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

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the school premises by the proprietor and the Headteacher.

A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.

All correspondence statements and records relating to individual complaints will be kept confidential with regard to General Data Protection Regulations, except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

COMPLAINTS ESCALATED TO / ABOUT THE TRUST, CEO OR TRUSTEE

If a complaint is escalated to Enhance Academy Trust "the trust" for the reasons identified above, or if a complainant wishes to complain directly about the trust, then the complaint should be sent to the CEO to be investigated.

The CEO will write to the complainant acknowledging the complaint within **5** school days of the date that the written request was received. The acknowledgement will confirm that the complaint will now be investigated under Stage 2 of this Complaints Policy and will confirm the date for providing a response to the complainant.

Following the investigation, the CEO will write to the complainant confirming the outcome within **15** school days of the date that the letter was received. Where the nature of the investigation is such that the complaint cannot be resolved within these timescales, a response will be sent by the CEO giving an anticipated date on which a response will be made and keep the complainant informed.

If the complaint concerns the CEO or a Trustee, the complaint should be investigated by the Chair of the Trust Board. If a formal complaint form is received about the Chair, the complaint will be referred to the Vice Chair for investigation. Where the Chair of the Trust Board has investigated the complaint, they will write the letter of outcome to the Complainant and provide a copy to the CEO.

If the complainant is not satisfied with the Stage 2, the complainant should write to the Trust Governance and Compliance Professional asking for the complaint to be heard before a Complaint Panel, within **5** school days of receipt of the outcome letter.

The Trust Governance and Compliance Professional will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within **5** school days.

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

The Trust Governance and Compliance Professional will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within **20** school days of receipt of the Stage 3 request. If this is not possible, the Trust Governance and Compliance Professional will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Trust Governance and Compliance Professional will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

If the complaint is jointly about the Chair and Vice Chair of the Trust; the entire Trust Board; or the majority of the Trust Board, Stage 3 will be heard by a completely independent committee panel.

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

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

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

Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

Representatives from the media are not permitted to attend.

At least **10** school days before the meeting, the Trust Governance and Compliance Professional will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the committee at least **7** school days before the meeting.

Any written material will be circulated to all parties at least **5** school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The committee will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

The Chair of the panel will provide the complainant and Enhance Academy Trust with a full explanation of their decision and the reason(s) for it, in writing, within **10** school days.

The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled by Enhance Academy Trust.

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

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the school premises by the proprietor and the Headteacher.

A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.

All correspondence statements and records relating to individual complaints will 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.

NEXT STEPS

If the complainant believes the school / trust did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 3.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by Enhance Academy Trust. They will consider whether the school has adhered to education legislation and any statutory policies

connected with the complaint and whether they have followed Part 7 of the Education (Independent School Standards) Regulations 2014.

The complainant can refer their complaint to the DfE online at: www.gov.uk/complain-to-dfe



STAGE 2 FORMAL COMPLAINT FORM

Please complete and return to the Headteacher who will acknowledge receipt and explain what action will be taken. If the complaint is directly about the Headteacher, the form should be sent to the Chair of Governors via the school office.

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