



# COMPLAINTS POLICY & PROCEDURE

**The Complaints Policy has been created to deal with any complaint against a member of staff, the school as a whole, or the Trust, relating to aspects of the school, the Trust or the provision of facilities or services.**

**This procedure follows the model policy set out by the Education and Skill Funding Agency**

Committee Responsible	Policy Approval Committee
Lead Member	CEO
Approved by	Chairs Action
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## Updates since last editions

19. Subject Access Complaints	SAR has been received
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### 1. Introduction

- 1.1. The aim of this policy is to resolve complaints or concerns about The Chelmsford Learning Partnership (the “Trust”), any academy within the Trust or any individual connected with the Trust, in a fair, thorough and transparent way. The Trust takes complaints seriously and views them as a chance to learn and improve for the future.
- 1.2. Anyone can make a complaint, but a different process applies depending on whether the person raising the complaint is a parent/carer<sup>1</sup> of a current pupil at an Academy within the Trust. Please refer to Part A below if you are a parent of a current pupil, otherwise please see Part B.
- 1.3. Please note that complaints about matters where an alternative complaints/appeal process exists will not be generally dealt with under this policy. These are set out below in Part C.
- 1.4. Requests for reasonable adjustments to the process set out below will be considered to ensure that Complainants can access and complete the process.
- 1.5. The complaint procedures set out in this policy do not apply to and are not intended for use by pupils.

### **Part A – Complaints procedure for parents/carers of current pupils<sup>2</sup>**

#### **2. Stage 1 – Informal resolution**

- 2.1. Any matter of concern or complaint should be raised, and attempted to be resolved, on an informal basis. Generally, it is expected that, where the matter relates to a pupil, it will have been raised with the pupil's teacher, or an appropriate member of support staff, before a request is made to deal with it under the formal stages of this policy.
- 2.2. The concern or complaint should be raised with the Academy or Trust within **3 months** of the incident or, where a series of associated incidents have

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<sup>1</sup> References to ‘parents’ in this policy include carers.

<sup>2</sup> Where the complaints process has been started (but not completed) whilst parents/carers have children at the Academy, but the children have since left, the procedure for current parents should continue to be used.

occurred, within **3 months** of the last of these incidents. Complaints made outside of this time frame may not be considered unless exceptional circumstances apply.

2.3. The Academy will seek to resolve matters at the informal stage within **15** school days<sup>3</sup> of the issue being raised by the parent.

2.4. Where the matter is not resolved at the informal stage, it may be elevated to the formal stage as set out below.

### **3. Stage 2 – Formal resolution: investigation by a nominated individual**

3.1. Stage 2 complaints must be set out in writing, using the form available at **Appendix 1**, within 10 school days of the Stage 1 response and addressed to the Headteacher of the Academy (unless the complaint relates to the Headteacher, in which case please refer to Section 6, headed ‘Complaints against specific role-holders’). The complaint should set out briefly the grounds of the complaint, stating what it is that the parent considers should have been done or where the Academy or Trust has not met reasonable expectations and confirming the outcome sought.

3.2. An investigation will be carried out by a nominated individual identified by the Headteacher or Chair of the Local Governing Body as appropriate, who will acknowledge the complaint within 5 school days and may offer the parent a meeting. The investigator will speak to others involved. Whenever reasonably possible, any meeting with the parent will take place within 15 school days of the written complaint being received.

3.3. The investigator will put their findings in writing and will indicate what, if any, steps should be taken to resolve the matter. Whenever reasonably possible, this will be done within 15 school days of any meeting with the parent; if no meeting is arranged it will be within 25 school days of the written complaint being received.

3.4. Where the parent remains dissatisfied, he or she may request that the complaint be escalated to Stage 3.

### **4. Stage 3 – Formal resolution: Complaints Panel Meeting**

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<sup>3</sup> School days in this policy refers to days when the Academy is open to pupils for teaching, and does not include INSET days.

- 4.1. Stage 3 complaints must be set out in writing, using the form available at **Appendix 2**, stating where the parent remains dissatisfied and the outcome sought, and lodged with the Director of Governance within 10 school days of the Stage 2 response.
- 4.2. The Director of Governance will acknowledge the Stage 3 complaint within **5** school days and will convene a Complaints Panel.
- 4.3. The Complaints Panel must comprise at least three people, which will include one person who is independent of the management and running of the Academy.
- 4.4. The Complaints Panel may include, but is not limited to, one or more persons from the following categories:
  - (i) a member of the Local Governing Body of the Academy where the complaint emanated from;
  - (ii) a member of a Local Governing Body from another Academy within the Trust;
  - (iii) a member of the Board of Trustees from the Trust;
  - (iv) a member of a Local Governing Body or Trustee of another Academy Trust
- 4.5. None of the members of the Complaints Panel will have been directly involved in the matters detailed in the complaint.
- 4.6. The Director of Governance will invite the Academy to put in writing its response to the Stage 3 complaint within **15** school days of receiving the request. Whether or not the Academy has responded, the Director of Governance will convene a meeting of the Complaints Panel. That meeting will be held on Academy premises as quickly as practicable given the need to find a date that is reasonably convenient for the parent, the Academy and the members of the Complaints Panel. Whenever possible, the meeting will be held within **15** school days of the end of the Academy's response time. The meeting date, time and location will be confirmed to all parties at least **10** school days in advance.
- 4.7. The meeting is not a court case, it will be held in private, and will be as informal as circumstances allow. For this reason, electronic recordings of meetings or conversations are not permitted unless a parent's disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before the recording of the meeting takes place. Consent will be recorded in any minutes taken. The parent will have the opportunity to put forward her/his reasons for dissatisfaction and to enlarge on them, but may not introduce

reasons that were not previously put in writing. The Complaints 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 parent and the Academy/Trust will have the opportunity to put forward their respective version and views of events and each side, and the Complaints Panel members will be able to ask questions. The parent will have the opportunity to make final comments to the Complaints Panel.

4.8. The Complaints Panel may make findings and recommendations, and a copy of those findings and recommendations will be sent by electronic mail or otherwise provided in writing to the parent and, where relevant, the Academy or person complained about.

4.9. The Complaints Panel will formulate its response as quickly as reasonably possible, aiming to do so within **10** school days, and the Director of Governance will notify all concerned.

4.10. At any meeting, the parent will be entitled to bring a companion along to provide support. Legal representation will only be permitted in exceptional circumstances.

4.11. If the parent fails to attend the Complaints Panel Meeting on the day without compelling reasons, the Complaints Panel will still proceed in their absence and the process will continue to its conclusion. Any further attempt to re-open the matter will be considered as falling under the “Serial or persistent Complainants” section as set out below.

## **5. Department for Education**

5.1. Once the complaints process is concluded (or a complaint has been terminated due to undue delay or failure to lodge a request for a Stage 3 Complaints Panel Meeting within the time stated in the policy) the matter is closed. If the Complainant is still not satisfied, then they may contact the Department for Education (DfE). There is an online procedure at:

<https://www.gov.uk/complain-to-dfe>

5.2. The Complainant may also write to the DfE at:

Ministerial and Public Communication Division

Department for Education

2nd Floor, Piccadilly Gate

Manchester M1 2WD

## 6. Complaints against specific role-holders

### 6.1. Complaints against the Headteacher

Any complaint relating to the Headteacher of the Academy must be raised in the first instance with the Chair of the Local Governing Body who will, if an informal resolution cannot be reached, designate a member of the Local Governing Body to investigate the complaint as per **Stage 2**.

### 6.2. Complaints against the Local Governing Body

Where a complaint is brought against a member of the Local Governing Body, it should be raised with the Chair of the Local Governing Body, who will investigate the complaint (or appoint another member of the Local Governing Body to do so) in the same way as in the first stage of the formal process at **Stage 2**.

If the complaint is against the Chair of the Local Governing Body, then the Vice Chair of the Local Governing Body will investigate the complaint (or appoint another member of the Local Governing Body to do so) in the same way as in the first stage of the formal process at **Stage 2**.

In exceptional circumstances the Chair of Trustees may at his or her absolute discretion determine that a complaint against a member of the Local Governing Body should be dealt with at Trust Board level and, if so determined, the Chair of Trustees will oversee **Stage 2**.

### 6.3. Complaints against individual Trustees/the Board of Trustees

If the complaint is against a Trustee, then it should be raised with the Chair of Trustees by writing to the Director of Governance. In the case of a complaint against either the Chair or the Board of Trustees as a whole, then it should be put in writing to the Director of Governance who will refer it to the Members.

In such cases, the Chair of Trustees/the Members will investigate the complaint or appoint an appropriate person to do so in the same way as in the first stage of the formal process at **Stage 2**.

Where the complaint moves to **Stage 3**, the Chair of Trustees/the Members will determine how the Complaint Panel is to be constituted, but will ensure that at least one person is independent of the management and running of the Academy.

### 6.4. Complaints against the Chief Executive Officer or other Trust central services staff

If the complaint is against a member of Trust staff, then it should be raised with the Chief Executive Officer, or, in the case of a complaint against the Chief Executive Officer, the Chair of Trustees, who will investigate the complaint (or appoint another

member of the Board of Trustees to do so) in the same way as the first stage of the formal process at **Stage 2**.

### **Part B – Complaints raised by those who are not parents/carers of current pupils**

7. Complaints made by those who are not parents of current pupils, which includes complaints made by parents of former pupils after they have left the Academy, will be dealt with as follows:
  - 7.1. Complainants should first attempt to address their complaint to the relevant Academy or the Trust (as appropriate) informally by raising the matter with a relevant member of Academy or Trust staff, within **3** months of the incident or, where a series of associated incidents have occurred, within **3** months of the last of these incidents. The Academy/Trust (depending on the nature of the complaint) will seek to resolve the matter informally within **15** school days.
  - 7.2. If it is not possible to resolve the matter informally, the complaint may be submitted in writing, using the form available at **Appendix 1**, to the Chief Executive Officer, or, where the complaint relates to the Chief Executive Officer, to the Chair of Trustees.
  - 7.3. The complaint will be acknowledged within **5** school days and a final written response will be issued within **15** school days.
  - 7.4. The general provisions set out in Part C below apply.

### **Part C – General provisions**

#### **8. Complaints that will not be considered under this policy**

- 8.1. Usually, complaints relating to the matters set out in the table below will not be considered under this policy as they have their own appeal or complaint processes. Where necessary, the Trust will exercise its discretion.
- 8.2. Complaints may be raised under this policy about staff conduct, however, any action taken under the Trust's internal disciplinary procedures is confidential and Complainants will not be provided with information about this.

<b>Matter</b>	<b>Route for raising concern/complaining</b>
<b>Admissions</b>	Admissions Appeal – see Admissions Policy and Statutory Admissions Appeal Code.
<b>Exclusions</b>	Please refer to the school’s Behaviour Policy
<b>Statutory SEN assessments</b>	Concerns about statutory assessments of special educational needs should be raised directly with Essex County Council
<b>Matters likely to require child protection investigation</b>	Complaints about child protection matters are handled under our child protection and safeguarding policies and in accordance with relevant statutory guidance. If you believe that a child is at risk of significant harm you can contact Children’s Social Care on 0345 603 7627.
<b>Staff Grievances and Disciplinary matters<sup>4</sup></b>	Complaints from staff will be dealt with under the school’s internal grievance procedures. 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.
<b>Whistleblowing</b>	We have an internal whistleblowing procedure for all our employees, (including temporary staff), volunteers (including Trustees and Governors) and contractors.
<b>Third party contractors/suppliers</b>	Complainants should follow the external provider's own complaints procedure for those using or hiring the academy facilities.

## **9. Complaints relating to fulfilment of the Early Years Foundation Stage (“EYFS”) requirements**

9.1. In order to comply with the statutory framework, written concerns or complaints relating to the fulfilment of the EYFS requirements will be dealt with in accordance with the following process:

- (i) The written concern/complaint will be acknowledged within 5 school days;
- (ii) The Headteacher will investigate the concern or complaint, which may include meeting with the Complainant and the Head of Early Years. A written response notifying the Complainant of the outcome of the investigation will be sent within 28 school days of the complaint being received.
- (iii) Where the Complainant remains dissatisfied, the Director of Governance will ensure that a formal Complaints Panel will be convened in accordance with Stage 3 of this policy.

9.2. A record of the written complaints and their outcome will be maintained and made available to Ofsted on request.

9.3. Parents are further advised that, where they have concerns regarding the Academy meeting EYFS requirements, they may contact Ofsted on 0300 123 4666.]

## **10. Complaints received outside of term time**

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

## **11. Withdrawal of a complaint**

If a Complainant wants to withdraw their complaint, they will be asked to confirm the withdrawal in writing.

## **12. Record keeping and confidentiality**

12.1 A written record will be kept of all complaints that reach the formal stage, whether they are resolved following Stage 2, or proceed to a Panel hearing (Stage 3), and any action taken by the Academy as a result (regardless of whether they are upheld). Complaint records will be maintained securely and in line with the data protection and retention policy. Correspondence, statements and records relating to individual complaints will be kept confidential, except where the Secretary of State or a body conducting an inspection requests access to them.

12.2 The Complainant should also keep all correspondence, statements and records relating to their complaint confidential, and should not disclose (by way of electronic communication, social media or otherwise) any information or documents relating to their complaint.

### **13. Anonymous complaints**

Where an anonymous complaint is received, the Academy/Trust will use its reasonable endeavours to consider the complaint as best as it reasonably can. However the Academy/Trust will not be required to consider the complaint pursuant to any specific process and will handle anonymous complaints on a case by case basis.

### **14. Complaint campaigns**

Where the Academy/Trust receives a number of complaints all based on the same subject which, in its reasonable opinion, may be deemed a 'complaint campaign', it will deal with the complaints in the following way: individual responses will not be sent to Complainants in such cases. Instead, either a template response will be sent to all Complainants or a single response will be published on the Academy/Trust's website at the discretion of the [Principal]/Chair of Trustees.

14.2 Where the complaint campaign involves Complainants who are parents, they will be entitled to escalate the complaint to a Panel hearing if they are dissatisfied with the Academy/Trust's response. The Academy/Trust will consider how best to manage Panel hearings in such circumstances.

### **15. Artificial Intelligence**

15.1. In line with Parentkind (a parent guide to school complaints), complainants are urged to exercise caution in the use of Artificial Intelligence (AI) in complaint processes. It can introduce an unnecessary legalistic and contentious approach that is not conducive to resolving the issue in a human way. AI can also introduce inaccurate information, including misstating law, and can make a complaint more complex than necessary.

15.2 Complainants are reminded that publicly available AI platforms and chatbots are not confidential. Complaints, and in particular those containing the personal data of pupils, staff and other individuals therefore should not be uploaded to or processed via platforms such as ChatGPT.

### **16. Serial or persistent Complainants**

If at any level a Complainant or connected party attempts to reopen an issue or a closely related issue that has already been dealt with under this Complaints Policy, the Chair of Trustees may write to the Complainant to inform them that the procedure has

been exhausted, the matter is closed and that the Trust will therefore not respond to any further correspondence on this issue or a closely related issue.

## **17.Vexatious complaints**

17.1. Complaints with the following characteristics may be deemed to be vexatious:

- 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.

17.2. In such cases, the Chair of Trustees may write to the Complainant to inform them that the complaint is deemed to be vexatious and that the Trust will not respond to any further correspondence on this issue or a closely related issue.

17.3. The DfE Best Practice Guidance for Academy Complaints Procedures will be taken into account in reaching any decision to stop responding. Specifically, the following criteria will usually be met:

- the Academy / Trust will have taken every reasonable step to address the complainant's concerns;
  - the complainant will have been given a clear statement of the Academy/Trust's position and their options; and
- 
- the complainant contacts the Academy/Trust repeatedly, making substantially the same points each time.
  - The case to stop responding will be stronger if one or more of the following applies:
  - the complainant's letters, emails, or telephone calls are often or always abusive or aggressive;
  - the complainant makes insulting personal comments about or threats towards staff;
  - the Academy / Trust has reason to believe the individual is contacting them with the intention of causing disruption or inconvenience.

17.4. Complainants are also referred to the Parentkind parent guide to school complaints which emphasises the importance of trying to work with the school to resolve the issue and explains steps that schools may take where complainants act unreasonably including pausing the complaint, issuing a warning and, in cases of persistent or extreme abusive behaviour, banning the complainant from the school site.

### **18. Legal proceedings**

If a Complainant threatens or commences legal action against the Academy/Trust (including the issuing of a letter before claim) in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

### **19. Subject Access Requests and Complaints**

Where a Subject Access Request (SAR) is received during the course of a complaint, the complaints process will be paused until the SAR has been fulfilled, to ensure fairness and compliance with data protection obligations.

## Appendix 1 – Stage 2 CLP Complaints form

This form should be used to raise a formal complaint only after a matter has been raised informally under either Part A or Part B of the Complaints Policy and you are not satisfied with the response. Please refer to the Complaints Policy when completing this form.

<b>Your details</b>	
<b>Name</b>	
<b>Email</b>	
<b>Address</b>	
<b>Name of pupil, year group and your relationship to them (<i>if applicable</i>)</b>	
<b>Complaint details</b>	
<b>Academy name (<i>if complaint relates to a specific Academy</i>)</b>	
<b>Grounds of complaint</b>	

<b>What steps have been taken to resolve the complaint informally</b> <i>(including details of who the matter was raised with, when and what solution was offered)</i>	
<b>Why have the steps taken so far failed to resolve the complaint?</b>  <i>(including what you consider should have been done/where the Academy or Trust has not met reasonable expectations in its response)</i>	
<b>Outcome sought</b>	
<b>What action would you like taken to resolve the matter?</b>	

Signed ..... Date .....

Please send this completed form to the school office via email or hand in to the school office in a sealed envelope marked for the attention of the Headteacher.

If, however, your complaint relates to those specific role holders as set out in Section 6, please see the table below as to where to send this form:

<b>Complaint against</b>	<b>Where to send completed form</b>
<b>Headteacher</b>	<p>Email school admin@ email address, marked for the attention of the Chair of the Local Governing Body with the subject 'Stage 2 Complaint'.</p> <p>If sending in a paper copy, please hand in to the school office in a sealed envelope marked for the urgent attention of the Chair of the Local Governing Body.</p>
<b>The Local Governing Body</b>	<p>Email school admin@ email address, marked for the attention of the Chair of the Local Governing Body with the subject 'Stage 2 Complaint'.</p> <p>If sending in a paper copy, please hand in to the school office in a sealed envelope marked for the urgent attention of the Chair of the Local Governing Body.</p> <p>If the complaint is about the Chair of the Local Governing Body, please mark this for the attention of the Vice Chair of the LGB.</p>
<b>Trustee</b>	<p>Email <a href="mailto:complaints@clptrust.com">complaints@clptrust.com</a> with the subject 'Stage 2 Complaint'.</p> <p>If sending a paper copy, please post to: Rebecca Doust, The Chelmsford Learning partnership, Unit 78, Waterhouse Business Centre, 2 Cromar Way, Chelmsford CM1 2QE.</p>
<b>Chair of Trustees or the Board as a whole</b>	<p>Email <a href="mailto:complaints@clptrust.com">complaints@clptrust.com</a> with the subject 'Stage 2 Complaint'.</p> <p>If sending a paper copy, please post to: Rebecca Doust, The Chelmsford Learning partnership, Unit 78, Waterhouse Business Centre, 2 Cromar Way, Chelmsford CM1 2QE.</p>
<b>Trust central services staff, (excluding the Chief Executive Officer)</b>	<p>Email <a href="mailto:complaints@clptrust.com">complaints@clptrust.com</a> with the subject 'Stage 2 Complaint'.</p> <p>If sending in a paper copy, please post to: Rebecca Doust, The Chelmsford Learning partnership, Unit 78, Waterhouse Business Centre, 2 Cromar Way, Chelmsford CM1 2QE.</p>
<b>Chief Executive Officer</b>	<p>Email <a href="mailto:complaints@clptrust.com">complaints@clptrust.com</a> with the subject 'Stage 2 Complaint'.</p> <p>If sending in a paper copy, please post to: Rebecca Doust, The Chelmsford Learning partnership, Unit 78, Waterhouse Business Centre, 2 Cromar Way, Chelmsford CM1 2QE.</p>

## Appendix 2 – Stage 3 CLP Complaints form

This form should only be used after a complaint raised at Stage 2 has been concluded and you are not satisfied with the response. Please refer to the Complaints Policy when completing this form. When completing this form, please clearly set out the grounds as to why you are not satisfied with the outcome of the complaint at Stage 2.

Please also be aware of the timeframe by which a Stage 3 response must be sent (Section 4.1)

<b>Your details</b>	
<b>Name</b>	
<b>Email</b>	
<b>Address</b>	
<b>Name of pupil, year group and your relationship to them (if applicable)</b>	
<b>Complaint details</b>	
<b>Name of person who investigated the complaint at Stage 2</b>	
<b>Grounds of complaint- Please give details of the reasons why you are not satisfied with the outcome of the Stage 2 complaint (for example, 'I complained about xxxxxx, but the person investigating did not cover this in their response')</b>	

<b>Outcome sought</b>	
<b>What action would you like taken to resolve the matter?</b>	

Signed ..... Date .....

Once completed, please email this form to Rebecca Doust (Director of Governance):  
[complaints@CLPTrust.com](mailto:complaints@CLPTrust.com)

If sending a paper copy, please post to: Rebecca Doust, The Chelmsford Learning partnership, Unit 78, Waterhouse Business Centre, 2 Cromar Way, Chelmsford CM1 2QE.

If you require assistance completing this form, please contact Rebecca Doust at the email address above.