



# COMPLAINTS AND RESOLUTIONS POLICY

<b>Reviewed by:</b>	Full Trust Board
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### 1. Aims

The purpose of this policy is to ensure all statutory obligations are met when we respond to complaints from parents and others.

When responding to complaints, we aim to:

- Put the interests of the child above all other issues
- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect and courtesy
- Ensure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement and evaluation processes

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The school/trust will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will ensure we publicise the existence of this procedure and make it available on all school websites and the trust website.

Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

## 2. Legislation and guidance

This document meets the requirements set out in part 7 of the schedule to [the Education \(Independent School Standards\) Regulations 2014](#), which states that we must have and make available a written procedure to deal with complaints from parents of children at trust schools.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on [creating a complaints procedure that complies with the above regulations](#), and refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE).

This policy complies with our funding agreement and articles of association.

In addition, it addresses duties set out in the [Early Years Foundation Stage statutory framework](#) with regards to dealing with complaints about trust schools' fulfilment of Early Years Foundation Stage requirements.

## 3. Definitions and scope

### 3.1 Definitions

The DfE guidance explains the difference between a concern and a complaint:

- A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”. Schools will resolve concerns through day-to-day communication as far as possible
- A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”

### 3.2 Scope

Complaints should be resolved informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does **not** cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

Please see Appendix 2, our separate policies and the relevant legislation for procedures relating to these types of complaint.

Arrangements for handling complaints from parents of children with special educational needs or disability (SEND) about a school's support are within the scope of this policy. Such complaints should first be made to the special educational needs co-ordinator (SENDCO). Complainants will then be referred to this complaints policy. A school's SEND policy and information report includes information about the rights of parents of children with disabilities who believe that a school has discriminated against their child.

Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

## **4. Roles and responsibilities**

### **4.1 The complainant**

The complainant will get a more effective and timely response to their complaint if they:

- Follow these procedures
- Co-operate with the school/CET throughout the process, and respond to deadlines and communication promptly
- Ask for assistance as needed
- Treat all those involved with respect
- Not publish details about the complaint on social media

### **4.2 The investigator**

An individual will be appointed to look into the complaint and establish the facts. They will:

- Interview all relevant parties, keeping notes
- Consider records and any written evidence and keep these securely
- Prepare a comprehensive report to the headteacher, local governing board or trustee board, as appropriate, which includes the facts and potential solutions

### **4.3 The complaints coordinator**

The complaints coordinator can be:

- The headteacher or CEO of the trust (the CEO may delegate this to a member of the Executive Team)
- The designated complaints governor
- Any other staff member providing administrative support

The complaints coordinator will:

- Keep the complainant up to date at each stage in the procedure
- Make sure the process runs smoothly by liaising with staff members, the headteacher, chair of governors, clerk, CEO of the trust and chair of trustees
- Be aware of issues relating to:
  - Sharing third party information
  - Additional support needed by complainants, for example interpretation support or where the complainant is a child or young person
- Keep records

### **4.4 Clerk to the governing board**

The clerk will:

- Be the contact point for the complainant and the complaints committee, including circulating the relevant papers and evidence before complaints committee meetings
- Arrange the complaints hearing
- Record and circulate the minutes and outcome of the hearing

### **4.5 Committee chair**

The committee chair will:

- Chair the meeting, ensuring that everyone is treated with respect throughout

- Make sure all parties see the relevant information, understand the purpose of the committee, and are allowed to present their case

## 5. Principles for investigation

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

### 5.1 Time scales

The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.

We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

When complaints are made out of term time, we will consider them to have been received on the next working school day.

If at any point we cannot meet the time scales we have set out in this policy, we will:

- Set new time limits with the complainant
- Send the complainant details of the new deadline and explain the delay

### 5.2 Complaints about our fulfilment of early years requirements

We will investigate all written complaints relating to a school's fulfilment of the Early Years Foundation Stage requirements and notify the complainant of the outcome within 28 days of receiving the complaint. The school will keep a record of the complaint (see section 10) and make this available to Ofsted on request.

Parents and carers can notify Ofsted if they believe that a school is not meeting Early Years Foundation Stage requirements, by calling 0300 123 4234 or 0300 123 4666, or by emailing [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk). An online contact form is also available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>.

We will notify parents and carers if we become aware that a school is to be inspected by Ofsted. We will also supply a copy of the inspection report to parents and carers of children attending the setting on a regular basis.

## 6. Stages of complaint (not complaints against the headteacher, governors, trust director or trustees)

### 6.1 Stage 1: informal

The school/trust will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The complainant should raise the complaint as soon as possible with the relevant member of staff, the headteacher, or the trust either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the school office or trust office, as appropriate. Details of how to contact the relevant school office can be found on that school's website. Details of how to contact the trust office can be found on the trust website.

The trust or school, as appropriate, will acknowledge informal complaints within 5 school days, and investigate and provide a response within 15 school days.

It is not appropriate to publicise any concerns on social networking sites. Concerns or complaints should not be raised with individual governors or trustees as they have no power to act on an individual basis and it may prevent them from considering a formal complaint in the future.

The informal stage will involve a meeting between the complainant and the headteacher or deputy head, governor or trustee and/or the subject of the complaint, as appropriate.

If the complaint is not resolved informally, it will be escalated to a formal complaint.

## **6.2 Stage 2: formal**

Formal complaints must be raised in writing, either by letter or email enclosing the form in Appendix 1 duly completed.

The complainant should provide details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents, and what they feel would resolve the complaint.

If complainants need assistance raising a formal complaint, they can contact the school office or trust office as appropriate.

The headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email).

The headteacher (or designated member of the senior leadership team), governor or trustee (in case of a complaint against the trust) will call a meeting to clarify concerns and seek a resolution. The complainant may be accompanied to this meeting and should inform the school or trust as appropriate of the identity of their companion in advance.

In certain circumstances, the school or trust may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the school or trust will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.

The headteacher (or other person appointed by the headteacher for this purpose), governor or trustee, as appropriate, will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 15 school days.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the clerk to the local governing board or clerk to the trust board, as appropriate, within five school days of receiving the written conclusion. Requests received outside of this time frame will be considered in exceptional circumstances.

### **How to escalate a complaint to a review panel**

Complaints can be escalated by contacting the clerk to the governing board or trust board as appropriate, in writing by letter or email.

The clerk will need the details of the complaint as set out above, as well as details from the complainant on how they feel the previous stage of the procedure has not addressed their complaint sufficiently, and what they feel would resolve the complaint.

The clerk will acknowledge receipt of the request within 5 school days.

## **6.3 Stage 3: submit the complaint to the review panel**

### **Convening the panel**

Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at the second, formal, stage.

#### **School:**

In case of complaints involving a school, the review panel consists of **3 governors**: two available members of the school's local governing board and one member of the local governing board of another trust school, all of whom do not have direct knowledge of the complaint or a close personal relationship with the complainant. The third panel member will be entirely independent of the management and running of the

school. These individuals will have access to the existing record of the complaint's progress (see section 10). The governors will select a panel chair from amongst themselves.

If not enough impartial governors are available at the school, we will seek panel members from other schools in the trust. We will make sure the governors we source are suitably skilled and can demonstrate that they are independent and impartial.

#### **Trust:**

In case of complaints involving the trust, the review panel consists of **3 trustees**: two available members of the trustee board and one member from another academy trust board, all of whom do not have direct knowledge of the complaint or a close personal relationship with the complainant. These individuals will have access to the existing record of the complaint's progress (see section 10). The trustees will select a panel chair from amongst themselves.

If not enough impartial trustees are available, we will seek panel members from another trust board. We will make sure the trustees we source are suitably skilled and can demonstrate that they are independent and impartial.

The panel in each case will decide whether to deal with the complaint by inviting all parties to a meeting or through written representations but in making their decision the panel will be sensitive to the complainant's needs.

If a review panel meeting is to be held, the complainant will be invited and may be accompanied at the meeting (see "At the meeting" below). The complainant must have reasonable notice of the date of the review panel; however, the review panel reserves the right to convene at their convenience rather than that of the complainant. The clerk will aim to find a date within 15 school days of the request, where possible.

If the complainant rejects the offer of 3 proposed dates without good reason, the clerk will set a date. The hearing will go ahead using written submissions from both parties.

Any written material will be circulated to all parties at least 5 school days before the date of the meeting.

#### **At the meeting**

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 will be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

At the review panel meeting, the complainant and representatives from the school or trust, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to be accompanied by a suitable companion if they wish. We do not encourage either party to bring legal representation but will consider it on a case-by-case basis. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by their union.

Representatives from the media are not permitted to attend.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called as appropriate to present their evidence.

The panel, the complainant and the school or trust representatives will be given the chance to ask and reply to questions. Once the complainant and the school or trust representatives have completed presenting their cases, they will be asked to leave and evidence will then be considered.

The panel will then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the subject of the complaint, and make a copy of the findings and recommendations available for inspection by the headteacher, governor or trustee.

#### **The outcome**

The committee can:

- Uphold the complaint, in whole or in part
- Dismiss the complaint, in whole or in part

If the complaint is upheld, the committee will:

- Decide the appropriate action to resolve the complaint
- Where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future

The school or trust, as appropriate, will inform those involved of the decision in writing within 5 school days.

## **7. Complaints against the headteacher, a governor, the local governing board, a trust officer, a trustee or the trust board**

### **7.1 Stage 1: informal**

Complaints made against a headteacher or any member of a local governing board should be directed to the clerk to the local governing board in the first instance. Complaints made against trust officers or any member of the trust board should be directed to the clerk to the trust board in the first instance.

If the complaint is about the headteacher or one member of the governing board (including the chair or vice-chair), a suitably skilled and impartial governor will carry out the steps at stage 1 (set out in section 6 above). If the complaint is about a trust officer or one member of the trust board (including the chair or vice-chair), a suitably skilled and impartial trustee will carry out the steps at stage 1 (set out in section 6 above).

### **7.2 Stage 2: formal**

If the complaint is jointly about the chair and vice-chair of a local governing board, the entire local governing board or the majority of the governing board, or the chair or vice-chair of the trust board, the entire trust board or the majority of the trust board, an independent investigator will carry out the steps in stage 2 (set out in section 6 above). They will be appointed by the local governing board or trust board as appropriate and will write a formal response at the end of their investigation.

### **7.3 Stage 3: review panel**

#### **School:**

If the complaint is jointly about the chair and vice-chair of a local governing board, the entire local governing board or the majority of the local governing board, a committee of independent governors will hear the complaint. They will be sourced from schools beyond the trust and will carry out the steps at stage 3 (set out in section 6 above).

#### **Trust:**

If the complaint is jointly about the chair and the vice-chair of the trust board, the entire trust board or the majority of the trust board, a committee of independent trustees will hear the complaint. They will be sourced from another trust and will carry out the steps at stage 3 (set out in section 6 above).

## **8. Referring complaints on completion of the school's procedure**

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the Education and Skills Funding Agency (ESFA). The ESFA will check whether the complaint has been dealt with properly by the school or trust as appropriate. The ESFA will not overturn a school's or the trust's decision about a complaint. but will intervene if a school or trust has:

- Breached a clause in its funding agreement
- Failed to act in line with its duties under education law
- Acted (or is proposing to act) unreasonably when exercising its functions



If the school or trust did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the trust's complaints procedure is found to not meet regulations, the trust will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

We will include this information in the outcome letter to complainants.

## **9. Persistent complaints**

### **9.1 Unreasonably persistent complaints**

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- Has made the same complaint before, and it has already been resolved by following the trust's complaints procedure
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure, beyond all reason
- Pursues a valid complaint, but in an unreasonable manner e.g., refuses to articulate the complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance, refuses to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the time frames it sets out
- Changes the basis of the complaint as the investigation proceeds
- Makes a complaint designed to cause disruption, annoyance or excessive demands on school or trust time
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value
- Refuses to accept that certain issues are not within the scope of the complaints procedure
- Introduces trivial or irrelevant information and insists on it being taken into account and commented on
- Makes unjustified complaints about staff who are trying to deal with the issues
- Refuses to accept the findings of the investigation into that complaint where the trust's complaint procedure has been adhered to
- Uses threats to intimidate
- Uses abusive, offensive or discriminatory language or violence
- Publishes unacceptable information on social media or other public forums

#### **Steps we will take**

We will take every reasonable step to address the complainant's concerns and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

If the complainant continues to contact the school or trust in a disruptive way, we may put communications strategies in place. We may:

- Give the complainant a single point of contact via an email address
- Limit the number of times the complainant can make contact, such as a fixed number per term
- Ask the complainant to engage a third party to act on their behalf, such as [Citizens Advice](#)
- Put any other strategy in place as necessary

## Stopping responding

We may stop responding to the complainant when all of these factors are met:

- We believe we have taken all reasonable steps to help address their concerns
- We have provided a clear statement of our position and their options
- The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from our school site.

## 9.2 Duplicate complaints

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we had not previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and the local process is complete
- Direct them to the DfE if they are dissatisfied with our original handling of the complaint

If there are new aspects, we will follow this procedure again.

## 9.3 Complaint campaigns

Where a school or the trust receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the relevant school or trust, the trust may respond to these complaints by:

- Publishing a single response on the trust and/or school website
- Sending a template response to all of the complainants

If complainants are not satisfied with the trust's response, or wish to pursue the complaint further, the normal procedures will apply.

## 10. Record keeping

The school or trust, as appropriate, will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential, held centrally and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of data protection law, or where the material must be made available during a school or trust inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and record retention schedule.

The details of the complaint, including the names of individuals involved, will not be shared with the whole local governing board or trust board in case a review panel or independent trustee needs to be organised at a later point.

Where the local governing board is aware of the substance of the complaint before the review panel stage, the school will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Where the trust board is aware of the substance of the complaint before the informal stage, the trust will (where reasonably practicable) arrange for an independent trustee to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the local governing board or trust board depending on the nature of the complaint, who will not unreasonably withhold consent.

## **11. Learning Lessons**

The local governing board or trustee board, as appropriate, will review any underlying issues raised by complaints with the headteacher where appropriate, and respecting confidentiality, to determine whether there are any improvements that the school or trust can make to its procedures or practice to help prevent similar events in the future.

## **12. Monitoring arrangements**

Local governing boards and the trust board will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. Local governing boards and the trust board will track the number and nature of complaints, and review underlying issues as stated in section 11.

The complaints records in respect of trust schools are logged and managed by the school administrator of each school under the direction of the Trust Administrator / PA to the CEO and in respect of the trust are logged and managed by the trust chief executive officer.

This policy will be reviewed by the trust chief executive officer every year.

At each review, the policy will be approved by the trust board

## **13. Links with other policies**

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Exclusions policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEN policy and information report
- Privacy notices



## Appendix 1 – Complaint Form

### Complaints and Resolutions Policy

*Please complete and return to the relevant school or CET office, for the attention of  
(Headteacher, Chair of Governors, CEO of CET or Chair of Trustees)  
who will acknowledge receipt and explain what action will be taken*

Your Name:			
Pupil's Name (if relevant):			
Your relationship to the pupil (if relevant):			
Address: (including postcode)			
Telephone number(s):			
Please give concise details of your complaint, including any relevant dates, names of witnesses etc, to allow the matter to be fully investigated			
What action, if any, have you already taken to try and resolve your complaint. (Who did you speak to/write to and what was the response)?			
What actions do you feel might resolve the problem at this stage?			
Are you attaching any paperwork? If so, please give details.			
Signature:		Date:	

Official Use			
Date acknowledgement sent:		By whom:	
Complaint referred to:		Date:	



## Appendix 2 - Areas Not Covered by This Policy

	Who to contact
<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>	Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with the Local Authority
<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 the 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 Multi-Agency Safeguarding Hub (MASH).</p>
<ul style="list-style-type: none"> <li>• Exclusion of children from school</li> </ul>	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> .
<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 our school 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>	Complaints from staff will be dealt with under the CET grievance procedures.
<ul style="list-style-type: none"> <li>• Staff conduct</li> </ul>	<p>Complaints about staff will be dealt with under the CET disciplinary procedures, if appropriate.</p> <p>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>	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
<ul style="list-style-type: none"> <li>• National Curriculum - content</li> </ul>	Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>
<ul style="list-style-type: none"> <li>• Collective Worship</li> </ul>	<p>Complaints about the content of the daily act of collective worship should be signposted to:</p> <p>The Local Authority The local Standing Advisory Council on Religious Education</p>