



**Cabot**  
Learning  
Federation

# Complaints Policy

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October 2019

**History of most recent Policy changes**

Version	Date	Page	Change	Origin of Change e.g. TU request, Change in legislation
V1.0	November 2012	Whole document	Adoption by the Cabot Learning Federation & Implementation	Following consultation and development of a harmonised Employee Hand Book
V2.0	June 2015	Whole document	Annual review of full document.	Annual review including feedback received from Academies
V2.1	October 2015	4 and 5	Minor changes to clarify the stage 1 process	Request for clarity from Academies
V2.2	September 2016	Whole document	Amended to reflect policy covers parents/carers and members of the public	Following review
V3.0	September 2017	Whole document	Change of process	Following legal advice
V4.0	<b>October 2019</b>	<b>Whole document</b>	<b>Full review</b>	<b>Bi-annual review</b>

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## 1 Policy Statement

### 1.1 Aim

1.1.1 This policy outlines the process for complaints from parents, carers and members of the public. The aim of this policy is to ensure that any complaint, including a complaint against a member of staff, is handled by the Cabot Learning Federation (the Federation) sympathetically, efficiently and at the appropriate level, and resolved as soon as possible. Doing so is:

- Good for relationships.
- Good education practice.
- Good business practice.

### 1.2 Statement

1.2.1 The Federation needs to know as soon as possible if there is any cause for dissatisfaction. Parents, carers and members of the public should never feel - or be made to feel - that a complaint, made in a reasonable and appropriate way, will be taken amiss or will reflect adversely on any student or his/her opportunities at any Academy within the Federation. We will investigate and try to resolve every complaint in a positive manner and will treat every complaint as an opportunity:

- To put right any matter which may have gone wrong.
- To review our systems and procedures in the light of the relevant circumstances.

1.2.2 We recognise that a complaint which is not resolved quickly and fairly can soon become a cause of resentment, damaging to relationships and also to our internal culture.

1.2.3 This policy can be made available in larger print or more accessible format if required.

1.2.4 The Head of Compliance is the nominated Complaints Officer of the Federation and has responsibility for the operation and management of the Federation complaints procedure.

### 1.3 Who this policy applies to

1.3.1 Parents or carers of students at any Academy within the Federation and members of the general public. This policy is available on the Federation's website and can also be made available upon request.

## 2 Procedures

2.1 The Federation is clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

## 2.2 Informal Stage – Initial complaints and Minor Concerns

2.2.1 CLF is keen to resolve as many concerns and complaints quickly and informally. In most cases an individual member of Federation staff will receive the first approach. It is helpful when staff are able to resolve issues on the spot, including apologising where necessary and appropriate.

Concerns relating to individual academies should be raised with the Academy directly, with reference to the Academy Complaints Procedure. Academies are encouraged to take the opportunity to discuss the concern or complaint in person or by telephone in order to fully understand it and resolve it as soon as possible.

2.2.2 Should the matter not be resolved informally within 10 school days or as soon as reasonably practicable during school holidays, or where parents, carers and members of the public are not satisfied with the response to the complaint raised informally, they may proceed with Stage 1 of this Procedure.

## 2.3 Stage 1

2.3.1 Whilst it is the CLF's aspiration to resolve concerns informally, there will be parents, carers and members of the public that choose to invoke Stage 1 when initial attempts to resolve the issue at the Informal Stage are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

2.3.2 The Academy Principal of each Academy will nominate a named Academy Complaints Coordinator for their Academy. This information can be found in the local Academy Complaints Procedure.

2.3.3 A complaint can be made in writing to the Academy Complaints Coordinator who will consider, and where appropriate, investigate (or delegate the investigation to another senior member of staff) and offer a written resolution to the issue. For complaints about Federation issues not specific to an Academy, the complaint should be made in writing to the CLF Complaints Officer, details of whom can be found at Annex 1. A process map for receipt of complaints is shown at Annex 2.

2.3.4 Where an investigation is appropriate the Academy Complaints Coordinator will ensure that the investigation:

- Reviews the informal complaint and how it was handled (if applicable);
- Establishes what has happened so far and who has been involved;
- Clarifies the nature of the complaint and what remains unresolved;
- Meets with the complainant or contacts them to clarify information if necessary;
- Clarifies what the complainant feels would put things right;
- Formally meet with persons involved in the matter (allowing them to be accompanied if they wish);
- Keep detailed written records of their investigation;

2.3.5 When he/she is satisfied that, so far as is reasonably practicable, that they have all the necessary information, give a decision in writing. The complainant will be informed of this decision together with written reasons for the decision in accordance with the timeframe identified below. The staff member should inform the CLF Complaints Officer of a summary of the complaint and its resolution.

2.3.6 Early Years Foundation Stage – In accordance with the Early Years Foundation Stage Framework, persons making a complaint about a Foundation Academy will be notified of the outcome of an investigation within 28 working days of having received the complaint.

2.3.7 The following timeframes will be adhered to for complaints heard by Academy staff under stage 1:

- A formal complaint in writing will be acknowledged as soon as possible in writing and within a maximum of three school days or as soon as reasonably practicable during school holidays.
- The Academy will endeavour to respond as soon as possible and wherever practicable within a maximum of 30 school days of receipt of the written complaint. If it is not possible to respond to the complainant within this timeframe, a letter explaining the reasons for this and an expected full response date will be issued.

2.4 Stage 2 - Complaint Heard by Panel

2.4.1 If the complainant remains dissatisfied with the response, or wishes to escalate the complaint, they should write to the Clerk to the Academy Council giving full details of the complaint enclosing all relevant supporting documentation within 15 school days of receipt of the decision under Stage 1. A request for a panel hearing will usually only be considered if the complainant has invoked the informal stage and Stage 1. Academies must have a process in place to ensure that any mail for the Clerk or Chair of Council is passed to them without delay.

2.4.2 The Chair or nominated Councillor from the academy concerned will, once in receipt of the complaint, schedule a hearing to take place as soon as practicable and normally within 20 school days or as soon as reasonably practicable during school holidays.

2.4.3 The Chair or nominated Councillor will convene a Complaints Panel of three people who have not been involved in previous consideration of the complaint. The Complaints Panel must comprise of:

- The Chair or nominated Councillor from the relevant academy;
- A member of the CLF Board of Directors;
- A person that is independent of the management and running of both the academy and the federation.

The Complaints Panel will be appointed by the Chair or nominated Councillor. The Chair should liaise with the Clerk to Council who will administer this process.

2.4.4 If the Complaints Panel deems it necessary, the Chair will arrange for the complaint to be further investigated. The complainant may be accompanied to the hearing if they wish. This may be a relative, teacher or friend. Legal representation will not normally be necessary.

2.4.5 The agenda for the panel will be determined by the nature of the complaint and may include time to speak with the complainant or academy individually if appropriate.

2.4.6 The aim of the hearing is for the panel will review the decision reached at Stage 1 with the aim of resolving the complaint and to achieve reconciliation between the Academy and the complainant. The panel will not consider any new complaints that have not been raised as part of the initial complaint. After due consideration of all facts the panel considers relevant, the

panel will reach a decision on the balance of probabilities as to whether or not the complaint is upheld.

The panel can:

- 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 systems or procedures to ensure that problems of a similar nature do not recur.

2.4.7 It is recognised that the complainant may not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which satisfy the complainant that his or her complaint has been taken seriously.

2.4.8 The Chair of the Complaints Panel will write to the complainant informing them of the panel's decision and the reasons for this decision. The panel's findings and, if any, recommendations will be sent by electronic mail or otherwise confirmed in writing to the complainant (where applicable), the Principal and Executive Principal of the Academy, the Academy Council and, where relevant, the person complained of.

2.4.9 The following timeframes will be adhered to for complaints heard by a panel under stage 2:

- A formal complaint in writing will be acknowledged as soon as possible in writing and within a maximum of three school days or as soon as reasonably practicable during school holidays.
- A panel will be convened as soon as possible and normally within 20 school days (or as soon as practicable within the school holidays).
- Formal response will be provided within 30 school days of receipt of the complaint escalation wherever practicable. If it is not possible to respond to the complainant within this timeframe, a letter explaining the reasons for this and an expected full response date will be issued. The formal response must state that the panel's decision is final and that there is no further avenue for appeal within the Federation's internal complaints procedure.

### **3 Resolving Complaints**

3.1 At each stage in the procedure the Federation will keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- An apology.
- An explanation.
- An admission that the situation could have been handled differently or better.
- An explanation of what steps have been taken to ensure that the situation will not recur.
- An undertaking to review policies in light of the complaint.

- 3.2 It is useful if complainants are able to state what actions they feel might resolve the problem at any stage. An admission that the situation could have been handled better is not an admission of negligence.

#### **4 Early Years Foundation Stage**

- 4.1 In respect of children within the Early Years Foundation Stage of the Foundation's Academies:
- records of complaints will be kept for at least three years; and
  - parents or carers may make a complaint to Ofsted: Piccadilly Gate, Store Street, Manchester M1 2WD; general helpline 0300 123 1231; textphone number 0161 618 8524 and/or ISI (on 020 7600 0100) if they wish.
- 4.2 The School will provide Ofsted, upon request, with a written record of all complaints made during any specified period and the action taken and conclusion reached.

#### **5 Vexatious complaints**

- 5.1 We are fully committed to dealing with all complaints fairly and impartially, in a friendly, respectful and professional way. We ask complainants to understand the need to behave in a similar way as it is in everyone's best interest to help ensure the matter can be resolved as quickly and informally as possible. However the Cabot Learning Federation does not expect its staff, Members of the Board or Academy Councillors to tolerate behaviour by complainants which is unacceptable, for example, which is abusive, offensive or threatening, and they will take action to protect staff, Members of the Board or Academy Councillors from any such behaviour if it occurs. Also, there may be complainants who, because of the frequency of their contact with the Academy, hinder our consideration of their or other people's, complaints and potentially the running of the academy.
- 5.2 We anticipate that such behaviour will be a very rare occurrence, but if we consider a complainant's behaviour is unacceptable or unreasonably persistent, we will tell them why and ask them to change it. If the behaviour continues, we may take action to restrict the complainant's contact with the academy.
- 5.3 The decision to restrict access to the academy will be taken by the Principal and Chair of the Academy Council. Any restrictions imposed will be appropriate and proportionate. They may include:
- requesting contact in a particular form (for example, emails only);
  - requiring contact to take place only with a named member of staff or Member of the Academy Council ;
  - restricting telephone calls, meetings or emails to specified days and times;
  - asking the complainant to enter into an agreement about their conduct.
- 5.4 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. We will also tell them how they can challenge the decision if they disagree with it.



- 5.5 Where a complainant continues to behave in a way which is unacceptable or unreasonably persistent, we may decide to terminate contact with that complainant and discontinue any investigation into their complaint. If we decide to carry on treating someone as an unreasonably persistent complainant and we are still investigating their complaint six months later, we will carry out a review and decide if restrictions will continue.
- 5.6 Where the behaviour is so extreme that it threatens the immediate safety and welfare of staff, members of the Board or Academy Councillors, we will consider other options, for example reporting the matter to the police and/or taking legal action. In such cases, we may not give the complainant prior warning of that action.
- 5.7 Where a complainant whose case is closed persists in communicating with us about it, we may decide to terminate contact with that complainant. In such cases, we will read all correspondence from that complainant, but unless there is fresh evidence which affects our decision on the complaint we will simply acknowledge it or place it on the file with no acknowledgement.
- 5.8 New complaints from people who have come under the unreasonably persistent complainant's policy will be treated on the merit of that new complaint.

## **6 Managing and Recording Complaints**

- 6.1 The Federation and its Academies will keep a written record of all formal complaints (including whether resolved at stage 1 or proceeded to a stage 2 panel hearing), the date on which they were received, all paperwork relating to any investigation carried out and their final outcome. Written records will be kept for at least three years. Brief notes of meetings and telephone calls should be kept and a copy of any written response added to the record.
- 6.2 The Academy Complaints Coordinator is responsible for records and their safe storage. All correspondence, and statements and records of complaint must be kept confidential but must be shown to HMI when requested.
- 6.3 The Academy Councils and Federation Board should monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure.

## **7 Data Protection**

- 7.1 The General Data Protection Regulation (GDPR) introduced in May 2018 provided individuals with the legal Right to complain to a Supervisory Authority (i.e. the Information Commissioner (ICO)) if they "consider that the processing of personal information relating to him / her infringes . . ." GDPR. The ICO expects organisations to resolve complaints directly with individuals without the need for individuals to engage them.
- 7.3 Any complaints received which relate to the processing of personal information processed by CLF, or third party 'processors' acting on our behalf, should be referred to the CLF Data Protection Officer (DPO) for advice and guidance.

- 7.4 Similarly, any formal complaints received from the ICO (known as Requests for Assessment) must be referred to the CLF DPO immediately because the ICO applies relatively short time limits by which organisations must respond to the points raised with them.
- 7.5 All colleagues involved in managing complaints must remember that individuals have the Right to access personal information we hold about them, including complaints information, unless one of the narrow exemptions available in the law apply. Therefore, personal information held in relation to complaints should be factual, accurate and necessary for the purpose of investigating and responding to the complaint.

## **8 Publicising the Procedure**

- 8.1 There is a legal requirement for the Complaints Procedure to be published.

## **Annex 1 – Local Academy Procedures**

Each CLF Academy will publish their local arrangements (including details of who their complaints coordinator is) within this Annex of the policy published on their Academy website.

### **Academy Details**

Academy Name: Frome Vale Academy

Academy Complaints Coordinator: Lynn Ovens

Contact details for Academy Complaints Coordinator: Frome Vale Academy, Frenchay Road, Downend, Bristol, BS16 2QS

### **CLF Details**

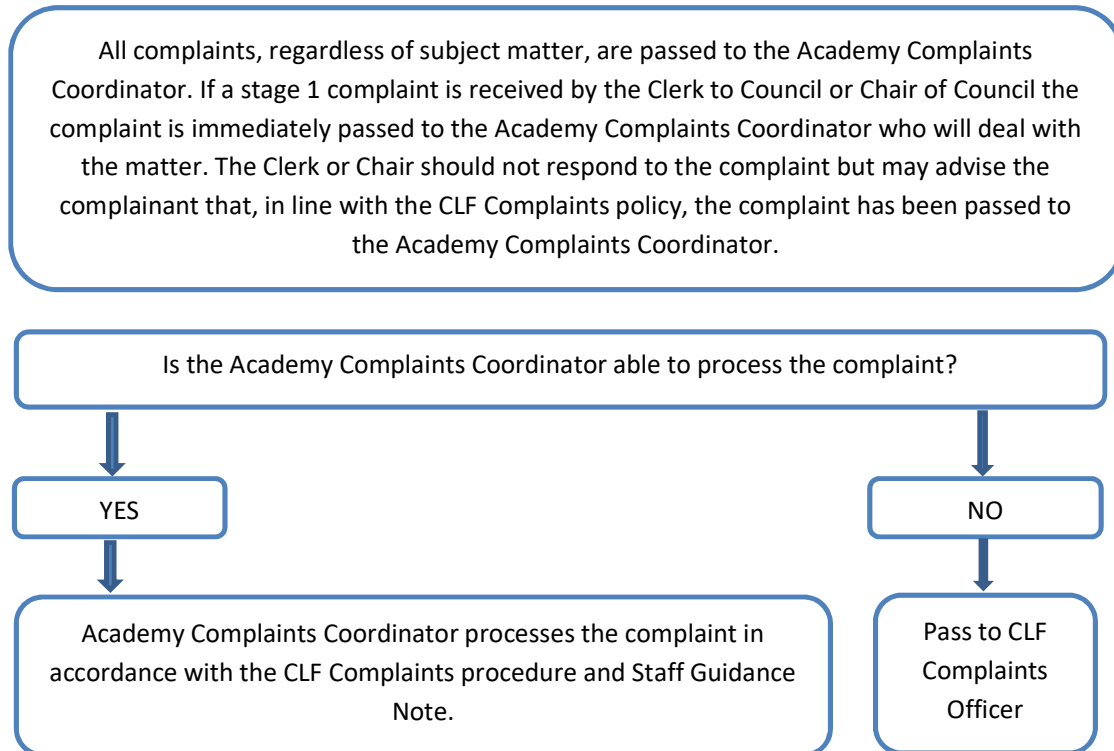
The Head of Compliance is the nominated Complaints Officer of the Federation and has responsibility for the operation and management of the Federation complaints procedure.

Head of Compliance: Bryony Green

Contact details: Cabot Learning Federation, King's Oak Academy, Brook Road, Bristol BS15 4JT

## Annex 2 - Process Map

### Stage 1 – Academy process



### Stage 2 – Panel process

