

**Cabot**  
Learning  
Federation

## Complaints Policy

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December 2021

### 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	October 2019	Whole document	Full review	Bi-annual review
V5.0	October 2021	Whole document	Full review	Bi-annual review
V5.2	October 2021	Whole document	Amendments implemented following EQIA	
V5.3	December 2021	Stage 2 panels	Detail added about the composition of panels	

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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. The Federation / Academy 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 systems and procedures in light of the relevant circumstances.

1.2.2 The Federation recognises that a complaint which is not resolved quickly and fairly can soon become a cause of resentment, damaging to relationships and also to the Federation's internal culture.

1.2.3 This policy can be made available in larger print or more accessible format if required. Support will be given in translating this policy where required by contacting the Academy Complaints Co-ordinator named in Annex 1 of this document.

1.2.4 The Director of Corporate Services 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 Roles and Responsibilities**

- 2.1 The board are responsible for the approval of this policy.
- 2.2 The Academy Council are responsible for monitoring the implementation and application of this policy.
- 2.3 The Principal is responsible for the implementation and application of this policy.

## **3 Legislation**

- 3.1 This policy is written in accordance with The Independent Schools Standards April 2019 (part 7).

## **4 Data Protection**

- 4.1 The academy will keep records of complaints in line with the Records Retention Policy. Complaints will be shared with Ofsted on request. Anonymised data will be shared with the central team, Academy Council and board.

## **5 Equalities Impact Assessment**

- 5.1 An Equalities Impact Assessment has been completed and can be obtained from the Corporate Services Team.

## **6 Procedures**

- 6.1 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.
- 6.2 A flow chart is included at Appendix 2.
- 6.3 Informal Stage – Initial complaints and Minor Concerns
  - 6.3.1 The Federation is keen to resolve concerns and complaints quickly and informally. In most cases an individual member of Academy or central team 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.
  - 6.3.2 Concerns relating to individual academies should be raised with the Academy directly. Academies will discuss the concern or complaint in person or by telephone wherever possible in order to fully understand it and resolve it as soon as possible.
  - 6.3.3 Should the matter not be resolved informally within a reasonable time period (taking into account 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.

#### 6.4 Stage 1

6.4.1 The Principal of each Academy will nominate a named Academy Complaints Coordinator for their Academy. This information can be found at Appendix 1.

6.4.2 Whilst it is the Federation'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. The Federation reserves the right to redirect concerns to be dealt with under the informal procedure where appropriate and where this has not already taken place.

6.4.3 A Stage 1 complaint should 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. Support is available to anyone who requires help in setting out their complaint in writing by contacting the Academy Complaints Coordinator. 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 Appendix 1. If the complaint is about the Principal, in whole or in part, the Academy Complaints Co-ordinator will liaise with the CLF Complaints Officer to ensure it is dealt with appropriately. Where an investigation is appropriate the Academy Complaints Coordinator or CLF Complaints Co-ordinator 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.

6.4.4 When they are satisfied that, so far as is reasonably practicable, 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 Academy Complaints Co-ordinator should inform the Corporate Services Assistant of a summary of the complaint as soon as it is received and its resolution when complete.

The complaint at Stage 1 can be:

- Dismissed in whole or in part;
- Upheld in whole or in part;
- Not substantiated (where there is insufficient evidence to prove one way or the other).

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

6.4.6 The following timeframes will be adhered to for complaints at 1:

- A formal complaint in writing will be acknowledged as soon as possible in writing and within a maximum of 3 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 stage 1 complaint. The maximum time should only be necessary for particularly complex complaints, or, where there are other exceptional circumstances that cause unavoidable delays. 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.

6.5 Stage 2 - Complaint Heard by Panel

6.5.1 If the complainant remains dissatisfied with the response and 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 only be considered if the complainant has invoked Stage 1 of the complaints process.

6.5.2 The Chair or a 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.

6.5.3 The Chair or a nominated Councillor (supported by the Clerk) will convene a Complaints Panel of three people who have not been involved in previous consideration of the complaint. The

composition of the Complaints Panel will depend on the nature and level of the complaint. For complaints about:

- the Principal (in whole or part);
- a member of the Executive Team;
- more than one academy;
- the federation; or
- governance;

the panel will comprise of:

- The Chair or nominated Councillor from the relevant academy (or another academy within the CLF);
- 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.

For any other complaint the panel will comprise of:

- The Chair or nominated Councillor from the relevant academy;
- A Chair or Academy Councillor from another academy in the cluster;
- A Chair or Academy Councillor from an academy outside of the relevant cluster.

Where there are exceptional circumstances, the Federation Complaints Officer will determine the make up of the panel (for example, where a complaint is made about the Academy Council or another aspect of governance).

The Chair should liaise with the Clerk to Academy Council who will facilitate this process.

6.5.4 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. All access needs will be supported wherever possible, including the provision of a translator if required.

6.5.5 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.

6.5.6 The aim of the hearing is for the panel to review the process followed at stage 1 of the process and the decision reached 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. If the Complaints Panel deems it necessary, the Chair will arrange for the complaint to be further investigated. If such further investigation is required, the panel will be suspended and will reconvene at the conclusion of those investigations. 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 the complaint is not substantiated (where there is insufficient evidence to prove one way or the other);
- 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.

6.5.7 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.

6.5.8 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 Director of Corporate Services and, where relevant, the person complained of.

6.5.9 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 3 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. If a complainant remains unsatisfied they may seek advice from the following government webpage: [How ESFA handles complaints about academies - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/topics/academies).

## 7 Resolving Complaints

6.1 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.

- 6.2 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.

## **8 Early Years Foundation Stage (EYFS)**

- 7.1 In respect of children within the Early Years Foundation Stage of academies with EYFS:
- records of complaints will be kept for at least three years; and
  - parents or carers may make a complaint to Ofsted online at <https://contact.ofsted.gov.uk/online-complaints-schools> or by phoning 0300 123 4666

## **9 Vexatious complaints**

- 8.1 The CLF are fully committed to dealing with all complaints fairly and impartially, in a friendly, respectful and professional way. Complainants are asked 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 CLF 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.
- 8.2 It is anticipated that such behaviour will be a very rare occurrence, but if it is considered that a complainant's behaviour is unacceptable or unreasonably persistent, they will be told why and ask them to change it. If the behaviour continues, action may be taken to restrict the complainant's contact with the academy.
- 8.3 The decision to restrict access to the academy will be taken by the Principal, Executive Principal or Director of Corporate Services. 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;
  - restricting telephone calls, meetings or emails to specified days and times;
  - asking the complainant to enter into an agreement about their conduct.
- 8.4 In all cases the complainant will be told why it is believed his or her behaviour is unacceptable or unreasonably persistent, what action will be taken, the duration of that action and how they can challenge the decision if they disagree with it.
- 8.5 Where a complainant continues to behave in a way which is unacceptable or unreasonably persistent, the academy (or CLF) may decide to terminate contact with that complainant and discontinue any investigation into their complaint. If the academy (or CLF) decides to carry on treating someone as an unreasonably persistent complainant and the investigations are still ongoing six months later, a review will be carried out to determine if restrictions will continue.

- 8.6 Where the behaviour is so extreme that it threatens the immediate safety and welfare of staff, members of the Board or Academy Councillors, the academy (or CLF) will consider other options, for example banning the person/s from site, reporting the matter to the police and/or taking legal action. In such cases, the complainant may not be given prior warning of that action.
- 8.7 Where a complainant whose case is closed persists in communicating with the Academy or CLF about it, the academy (or CLF) may decide to terminate contact with that complainant. In such cases, the academy (or CLF) will read all correspondence from that complainant, but unless there is fresh evidence which affects the decision on the complaint it will simply be acknowledged or placed on file with no acknowledgement.
- 8.8 New complaints from people who have come under the unreasonably persistent complainant's policy will be treated on the merit of that new complaint.

## **10 Managing and Recording Complaints**

- 9.1 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. Brief notes of meetings and telephone calls should be kept and a copy of any written response added to the record. Written records will be kept for at least three years.
- 9.2 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 Ofsted when requested.
- 9.3 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.

## **10 Data Protection**

- 10.1 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.
- 10.3 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.
- 10.4 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.
- 10.5 All colleagues involved in managing complaints must remember that individuals have a 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.

## **11 Publicising the Procedure**

- 11.1 There is a legal requirement for the Complaints Procedure to be published. The Complaints Policy will be published on the CLF website and that of all CLF academies.

## **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: John Cabot Academy

Academy Complaints Coordinator: Jane Day

Contact details for Academy Complaints Coordinator: 0117 976 3000

### **CLF Details**

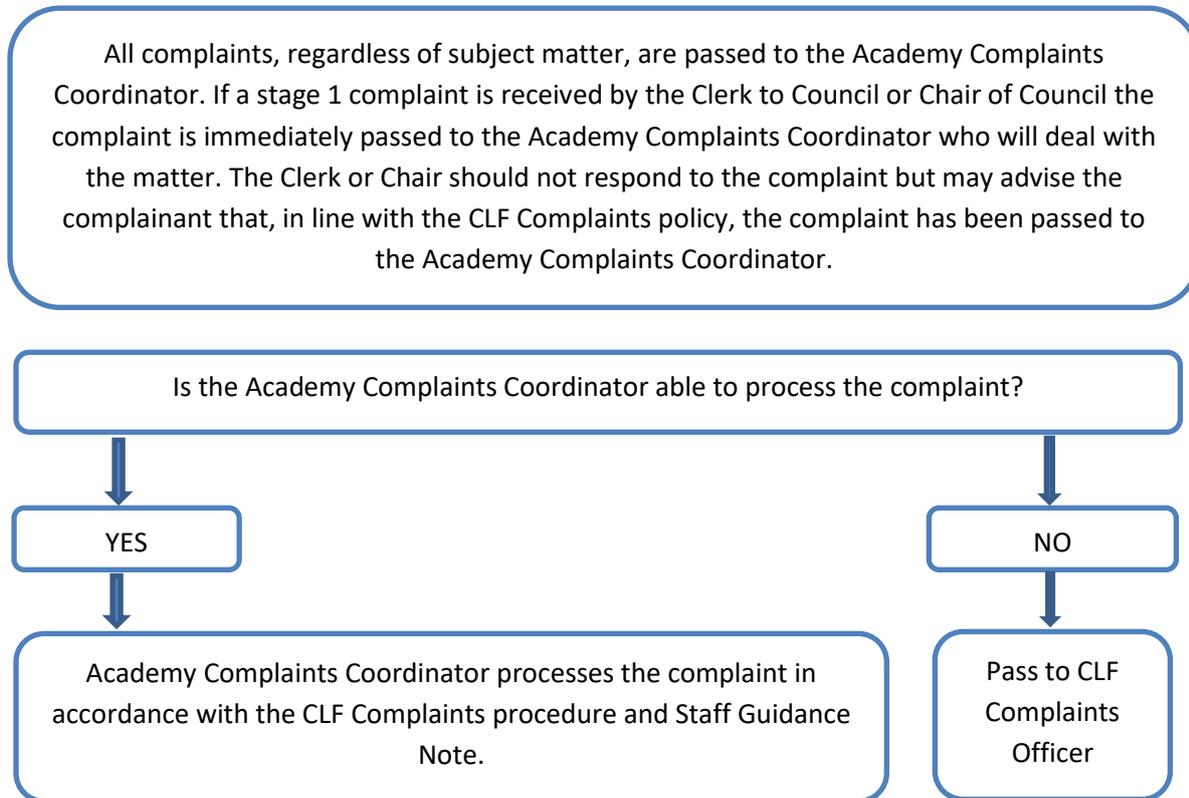
The Director of Corporate Services is the nominated Complaints Officer of the Federation and has responsibility for the operation and management of the Federation complaints procedure.

Director of Corporate Services: 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

