



Concerns and Complaints Policy

It is the responsibility of all Cathedral Schools Trust employees and volunteers to familiarise themselves with the contents of all Trust policies and any amendments hereafter.

Changes

Version	Date	Amended by	Recipients	Purpose
1	19 September 2018	CST Trustees	Members of CST, every Trustee, each Local Governor, all Cathedral Schools Trust employees and volunteers and others at the discretion of the Chairman of the Trustees of CST. CST Website updated.	Annual review - updated persistent complaints
2	22 January 2019	CST Trustees		To include St Katherine's
3				

Alterations

This Policy may be altered, added to or repealed by a majority resolution of the Trustees of CST in a general meeting.

Approvals (Annual)

Version	Date	Approved by
1	31 October 2017	CST Trustees
2	19 September 2018	CST Trustees
3	22 January 2019	CST Trustees

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1 THE BACKGROUND FRAMEWORK TO THE POLICY

This policy has been designed to comply with the Education (Independent Schools Standards) (England) Regulations 2014 Schedule 1, Part 7 updated 27th January 2015.

2 AVAILABILITY OF THE POLICY

The policy is in writing and is available to parents/carers of pupils on the Cathedral Schools Trust website and is also held in written form within CST Academies/free schools. A written copy of the policy will be sent to parents/carers after either verbal or written request.

3 AIM OF THE POLICY

It is the aim of this policy that should cause for a complaint arise it will be handled sympathetically, efficiently and resolved as quickly as possible. We recognised that dealing effectively with complaints is good for relationships and is sound educational and business practice.

We aim to put right anything that may have gone wrong and if necessary review our systems and procedures in the light of the circumstances regarding the complaint. Here are some ways we can put things right:

- provide written apology
- review a decision
- change a process
- put in place a procedure that was missing
- comply with another process

4 DEFINITIONS

- This policy differentiates between concerns that can be resolved informally and a formal complaint that will require further investigation.
- Parents/Carers/You - are current parents, carers, legal guardian or education guardian of pupils at a CST Academy/free school or may at the Executive Principal's discretion include any of the above whose child has left within the last 6 months.
- Timescales – We aim to resolve any complaints in a timely manner. Timescales for each stage are set out below in the relevant paragraphs. When we refer to working days, we mean Monday to Friday when the Academy/free school is open during term time. The dates of terms are published on the relevant Academy /free school's website.
- Unacceptable behaviour – CST will always attempt to resolve issues fairly, openly and amicably, however, it will not tolerate abusive or aggressive behaviour from any complainant and will terminate any meeting where this occurs.

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- The senior staff asked to investigate a complaint at stage 2 are considered to be suitably equipped to do so by the principal/head teacher due to their experience, impartiality and seniority and where they have had no prior involvement in the matter.
- Senior members of the trust are our Trustees and Executive Principal - please see the 'Governance' section of our website for up to date names and job titles of these people.

5 MANAGEMENT OF COMPLAINTS

CST's complaints procedure has three stages:

Stage 1: informal raising of a concern or difficulty with a member of staff orally or in writing - further details of this procedure are set out in Section 7.

Stage 2: a formal complaint in writing to the principal/head teacher - further details of how to make a formal complaint and the relevant procedures are set out in Section 8 and 9 and the contact details for each school are in Section 12.

Stage 3: a reference to the Complaints Panel - further details of how to request a Panel Hearing and the procedures to be followed are set out in Section 10.

Notes:

- If the complaint at stages 1 to 3 is against the principal/head teacher or the Chair of Governors they will be excluded from the procedures. In the case of the principal/head teacher, the vice principal/head teacher will be the senior member of staff responsible for managing the complaint and in the case of the Chair of Governors the Vice Chair will be responsible for managing the complaint.
- If the complaint is against senior member(s) of the Trust, a Trustee or senior member of staff will be appointed to determine the complaint. The complaint will be handled in accordance with Stages 2 and 3 of this policy. Complaints against senior members of the trust should be made via the enquiries@cathedralschoolstrust.org email account.
- Separate procedures apply in the event of a child protection issue, an issue regarding admissions or if the principal/head teacher excludes a pupil from the school/free school.

6 CONFIDENTIALITY

- A written record will be kept of all complaints, and of whether they were resolved at Stage 1, Stage 2, or proceeded to a Panel hearing. The number of formal complaints registered during the preceding school year will be supplied to parents on request.
- Correspondence, statements and records relating to individual complaints will be kept confidential except where access is requested by the Secretary of State, Ofsted or where disclosure is required in the course of a school/free school's inspection or under other legal authority.
- In accordance with data protection principles, details of individual complaints will be kept only for as long as is considered to be reasonably necessary in the circumstances.

7 Stage 1: Dealing With Concerns And Difficulties Informally

Informal resolution of a concern

We expect that most concerns can be resolved informally. For example, dissatisfaction about some aspect of teaching or pastoral care or a billing error should be able to be resolved by the relevant member of staff. Complaints of discrimination, harassment or victimisation are taken very seriously and may need to be dealt with at Stage 2 without action at Stage 1.

Who to contact

Where appropriate, concerns should initially be raised as follows:

- Educational issues: if the matter relates to the classroom, the curriculum or special educational needs, please speak or write to the relevant tutor/ educational leader at your Academy/free school.
- Pastoral care: for concerns relating to matters outside the classroom, please speak or write to the tutor/pastoral leader at your Academy/free school.
- Disciplinary matters: a problem over any disciplinary action taken or a sanction imposed should be raised first of all with the member of staff who imposed it

A concern provided in writing should be acknowledged by telephone, email or letter within two working days of receipt during term time and as soon as practicable during the holidays. A matter raised orally will not necessarily be acknowledged in writing.

A concern which has not been resolved by informal means within 15 working days should be notified in writing as a formal complaint using the procedure set out at Stage 2.

8 Stage 2: Formal Complaint

How to make a formal complaint

- If a parent/carers is dissatisfied with the response to the complaint under Stage 1, or the complaint requires investigation or involves dissatisfaction with some aspect of the school/free school's policies or management, the complaint should be made under Stage 2.
- The full details of the complaint should be set out in writing or by completion of the Stage 2 Complaints Form and sent with all relevant documents and full contact details to the principal/head teacher.
- The complaint should be acknowledged by telephone, email or letter within two working days during term time, and as soon as practicable during the holidays, indicating the action that is being taken and the likely time scale.

Investigation

- The principal/head teacher may ask a senior member of staff to act as Investigator and / or may involve one or more Governors. The Investigator(s) may request additional information from you as the complainant and may wish to speak to you personally and to others who have knowledge of the circumstances. Written records will be kept of all meetings and interviews held in relation to the complaint.

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The Investigator(s) will prepare a report on the investigation which will be considered by the principal/head teacher.

Decision

- The principal/head teacher should then notify the complainant in writing by email or letter of his / her decision and the reasons for it within 10 working days from the receipt of the complaint. Where there are exceptional circumstances resulting in a delay, the parents/carers will be notified of this and informed of the new timescales as soon as possible.
- Please note that any complaint received within one month following the end a term or half term is likely to take longer to resolve owing to the school holidays and the unavailability of personnel required for the investigation to be undertaken properly.
- The complainant will be notified of the timetable for dealing with the complaint.

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9 Complaints Form For Stage 2

This form may be used. If requested this form should be made available to any person who wishes to make a complaint at Stage 2. It should be passed to the principal/head teacher.

1. What is the nature of the complaint?

2. Please give us some further about of your complaint, for example the date and time that the issue or incident occurred and the names of any witnesses.

3. How would you like your complaint resolved?

Name:

Contact Details:

Signed:

Date:

Please let us know if there is a good time to contact you and your preferred method of communication:

10 Stage 3: Complaints Panel

What is a Complaints Panel hearing?

A Complaints Panel hearing is a review of the decisions taken by the principal/head teacher. The Panel will not consider any new areas of complaint which have not been previously raised as part of the complaints procedure.

The role of the Panel is to establish the facts surrounding the complaints that have been made by considering:

- the documents provided by both parties; and
- any representations made by the parents/carers and the principal/head teacher;

and to reach a decision, on the balance of probabilities, as to whether each complaint is upheld.

It is not within the powers of the Panel to make any financial award, nor to impose sanctions on staff, pupils or parents/carers. The Panel may make recommendations on these matters or any other issues to the principal/head teacher and / or to the Governing Body, as appropriate.

How to request a Complaints Panel hearing

A request for a hearing before the Complaints Panel must be put in writing to the Clerk to the Governors within five working days of the decision complained of. The request will usually only be considered if the procedures at Stages 1 and 2 have been completed.

The written request should include:

- a copy of all relevant documents and full contact details;
- details of all the grounds of the complaint and the outcome desired;
- a list of the documents which the parents/carers believe to be in the school/free school's possession and wish the Panel to see; and
- whether you propose to be accompanied to the hearing by someone who is legally qualified (*see paragraph below).

If assistance with the request is required, for example because of a disability, please inform the Clerk to the Governors of this and she / he will be happy to make appropriate arrangements.

The Clerk to the Governors should acknowledge the request for a hearing in writing within five working days of receipt during term time and as soon as practicable during the holidays.

Every effort will be made to enable the hearing to take place within 15 working days of receipt of the request. However, note that the Panel will not normally sit during half terms or school holidays.

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Planning the hearing

The Clerk to the Governors should circulate a copy of the bundle of documents to be considered by the Panel to all parties at least three working days prior to the hearing.

As soon as reasonably practicable, and in any event at least ten working days before the hearing, the Clerk to the Governors will send written notification to each party of the date, time and place of the hearing.

You may be accompanied to the hearing by another person, for example a relative, teacher or friend. The Panel hearing is not legal proceedings and so legal representation is not usually necessary. If you do wish to be accompanied by someone who is legally qualified, you should have notified the Clerk to the Governors of this in your initial request for a Panel hearing. If you did not do so and you wish to be accompanied by a legally qualified person, you must inform the Clerk to the Governors of this at least five working days prior to the hearing.

Copies of any additional documents you wish the Panel to consider should be sent to the Clerk to the Governors to be received at least five working days prior to the hearing.

Composition of the Panel

The Panel will comprise three individuals who have no detailed prior knowledge of the circumstances of the complaint, including Governing Body members and at least one independent member who has no connection with the governance, management and running of the school/free school.

The Clerk to the Governors will advise the complainant who has been appointed to sit on the Panel ahead of the hearing.

The Panel members will choose one of themselves to be the Chair of the Panel throughout the proceedings and the complainant will be notified by the Clerk in advance of the hearing.

The Panel hearing

The hearing will be conducted in an informal manner, it is not a court. The Chair of the panel will decide the order in which issues are dealt with.

All those present at the hearing should have the opportunity to ask questions and make comments in an appropriate manner. The hearing is not a legal proceeding and the Panel shall be under no obligation to hear oral evidence from witnesses but may do so and / or may take written statements into account.

All statements made at the hearing will be unsworn. All present will be entitled, should they wish, to write their own notes for reference purposes. A clerk appointed by the Panel should take a handwritten minute of the proceedings.

All those attending the hearing are expected to show courtesy, restraint and good manners or, after due warning, the hearing may be adjourned or terminated at the discretion of the Chair.

If terminated, the panel will go on to make a decision in absentia so that the review can be concluded. Any person who is dissatisfied with any aspect of the way the hearing is conducted must say so before the proceedings go any further and his / her comment should be minuted.

At the discretion of the Chair the hearing may be adjourned to allow for further investigations.

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A hearing before the Complaints Panel is a private proceeding. No notes or other records or oral statements about any matter discussed in or arising from the proceeding shall be made available directly or indirectly to the press or other media.

The decision

All decisions made by the panel are made on the balance of probabilities, this means that the panel are tasked with deciding whether it is more likely than not that the incident or actions took place.

The panel will reach a decision.

The decision, findings and any recommendations will be confirmed in writing to you by e mail or letter, within five working days of the hearing. If you do not wish to receive the decision by electronic mail, please inform the Clerk to the Governors of this and a copy will be given or posted to you.

The decision of earlier findings and any recommendations will also be available for inspection on the school/free school premises by the Governing Body and the principal/head teacher.

This represents the conclusion of the school/free school's complaints procedure.

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11 SERIAL AND PERSISTENT COMPLAINTS

We are fully committed to dealing with all complaints fairly and impartially, in a friendly, respectful and professional way. Any complainant should 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.

Where a complainant tries to re-open the same issue with the school/Trust after the complaints procedure has been fully exhausted and the school/Trust has done everything it reasonably can in response to the complaint, the chair of governors/ chair of Trustees (or other appropriate person in the case of a complaint about the chair) will inform the complainant that the matter is closed.

If the complainant subsequently contacts the school/Trust again about the same issue, the school/Trust can choose not to respond. The school/Trust will never take the decision to stop responding lightly, however the school/Trust may choose not to respond if:

- The school has taken every reasonable step to address the complainant's needs;
- The complainant has been given a clear statement of the school's position and their options (if any); or
- The complainant is contacting the school repeatedly but making substantially the same points each time.

The school/Trust is more likely to decide not to respond in circumstances where:

- It has reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience;
- The individual's letters/emails/telephone calls are often or always abusive or aggressive; or
- The individual makes insulting personal comments about, or threats towards, school staff.

This above list is not intended to be exhaustive.

Once the school/Trust has decided that it is appropriate to stop responding about the subject or the complaint, the complainant will be informed in writing, either by letter or email.

CONDUCT OF COMPLAINANTS

The school/Trust does not expect its staff, Trustees or Governors to tolerate behaviour by complainants which is unacceptable, [for example, which is abusive, offensive or threatening,] and they will take action to protect staff, Trustees and Governors from any such behaviour if it occurs.

Complainants should limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached. In addition, there may be complainants who, because of the frequency of their contact with the school/Trust, hinder our consideration of theirs or other people's, complaints and potentially the running of the school/Trust.

Unreasonably persistent behaviour is defined as conduct which persists following requests to desist from contacting us while the complaint is being handled.

A complaint may be considered unreasonable/unacceptable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:-

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- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

We anticipate that such behaviour will be a very rare occurrence. Whenever possible, the Headteacher/Executive Principal or Chair of Governors/Chair of Trustees will discuss any concerns with the complainant so that the complainant has the opportunity to modify their conduct informally before applying an 'unreasonable/unacceptable' marking. If the behaviour continues the Headteacher/Executive Principal or Chair of Governors/Chair of Trustees will write to the complainant explaining the nature of their behaviour and asking them to change it. If the behaviour continues, we may take action to implement a tailored communication strategy. This will usually be reviewed after 6 months.

The decision to implement a tailored communication strategy will be taken by the head teacher, chair of governors and/or Executive Principal or Chair of Trustees. Any communication strategy imposed will be appropriate and proportionate. It may include:

- requesting contact in a particular form (for example, letters or email only);
- requiring contact to take place with a named member of staff/trustee or governor;
- restricting telephone calls/contact to specified days and times;

Complainants who may have had a communication strategy imposed with the school/Trust could ask a third party to act on their behalf. For example, this may include another member of the family or the local Citizens Advice Bureau.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of the school's staff, trustees or governors, other options will be considered, for example reporting the matter to the police or taking legal action. In such cases, the complainant may not receive prior warning of that action.

The above will not prevent the school/Trust from concluding the complaints process nor prevent complainants from making new complaints in accordance with stages 1 to 3 of this policy. Receipt of a new complaint will not remove any tailored communication strategy in place, and neither will it re-open a previous complaint.

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12 BARRING

Schools have to act to ensure that they remain a safe place for pupils, staff and other members of their community. (See DFE Advice on school security: Access to, and barring of individuals from, school premises December 2012)

An individual, including a parent/carers may be asked to leave the premises in the event their behaviour is a cause for concern. A parent is defined in section 576 Education Act 1996 as not just natural parents, but also anyone with parental responsibility in the Children Act 1989 or who has care of the child.

For the purposes of the below, 'serious cases' are defined as circumstances when the school/Trust considers that the parent(s)' conduct is aggressive, abusive or insulting behaviour, or language from a parent(s) presents a risk to staff or pupils. It is enough for a member of staff or a pupil to feel threatened. In such a circumstance, schools have a power in common law to bar the parent(s) from the premises.

In serious cases the head teacher/Executive Principal can notify an individual in writing that their implied licence to be on school premises has been temporarily revoked. This bar, if immediate will be:

- a provisional barring until the individual/parent/carers makes representation to the Chair of Governors/Chair of Trustees.
- confirmed or removed once representation considered.

Alternatively the school/Trust can serve notice of intent, invite the individual/parent/carers to make representations within a given deadline and then decide whether or not to bar.

Where the barring is confirmed, the school/Trust will set a time period for which the bar applies.

For the period that the bar is in place, section 547 of the Education Act 1996 makes it a criminal offence for a person who is on school premises without lawful authority to cause or permit a nuisance or disturbance on the school premises.

13 COMPLAINTS TO THE EDUCATION AND SKILLS FUNDING AGENCY

- If you are dissatisfied with the decision of the Complaints Panel, you may contact the Education and Skills Funding Agency (**ESFA**) which will consider the complaint on behalf of the Secretary of State. The ESFA's contact details are as follows:

Email: academyquestions@email.education.gov.uk

Address: Academies Central Unit (Academy Complaints)
Education Funding Agency
Earlsdon Park
53 - 55 Butts Road
Coventry CV1 3BH

Telephone: 0370 000 2288 (ask for the ESFA Academies Central Unit)

A complaint form can be completed online at www.gov.uk/government/publications/setting-up-an-academies-complaints-procedure/putting-in-place-a-complaints-procedure

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The Education and Skills Funding Agency will check whether the complaint has been dealt with properly by the academy/free school. It will consider complaints about Academies that fall into the following categories:

1. Where there is undue delay or the Academy did not comply with its own procedures.
2. Where the Academy is in breach of its funding agreement with the Secretary of State.
3. Where the Academy has failed to comply with any other legal obligation.

The Education and Skills Funding Agency will not overturn an Academy/free school's decision about a complaint. However, if it finds that the complaint has not be dealt with correctly it will request that it be looked at again. If the Academy/free school's procedures do not meet with regulations the ESFA will ask (and if necessary enforce) the school/free school to put this right.

14 Complaints Coordinator Details

Please see the contact details below should you wish to raise a complaint:

Bristol Cathedral Choir School	Paul Atkins, Head Teacher Email: info@bristolcathedral.org.uk Phone: 0117 35 35 000
Cathedral Primary School	Sara Yarnold, Head Teacher Email: admin@cathedralprimaryschool.org Phone: 0117 35 352 052
Victoria Park Primary School	Nic Bailey, Head Teacher Email: victoriaparkp@victoriaparkprimary.co.uk Phone: 0117 903 0343
Headley Park Primary School	Miriam Fredrickson, Head Teacher Email: office@headleypark.bristol.sch.uk Phone: 0117 9031511
St Katherine's School	Justin Humphreys, Head Teacher Email: school@skdrive.org Phone: 01275 373737
Cathedral Schools Trust	Neil Blundell, Executive Principal Email: enquiries@cathedralschoolstrust.org Phone: 0117 35 35 000