

Concerns and Complaints Policy (CST - MSA, LCA, BA)



This policy applies to the whole of CfBT Schools Trust (CST), including all schools as well as the Kyra Teaching School Alliance. For specific details on concerns and complaints with the Kyra Teaching School Alliance, please see the appendix in the download section at the end of this policy.

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1. Introduction ¶

CfBT School Trust's (CST) and all our schools' values are concerned with meeting the needs of pupils, parents and others within the school community. We believe that feedback is an important ingredient in self-improvement and raising standards. Parents who have concerns or complaints about their CST school should feel that these can be voiced and be confident that they will be considered seriously in a sympathetic, efficient manner and at the appropriate level.

This policy provides guidelines for handling concerns and complaints by parents and is drafted in accordance with the Education (Independent School Standards) Regulations 2014 and takes account of the school's equality duty under the Equality Act 2010.

If you are concerned about the safety of your child, you should immediately notify the person you believe is best placed to take urgent action and confirm this in writing to the Executive Headteacher/ Headteacher.

2. Scope and publication ¶

This policy applies to all sections of our schools. The policy applies to current parents or legal guardians and may at the school's discretion apply to a parent whose child has recently left the school. Separate procedures apply in the event of a child protection issue or in relation to admissions or exclusions. Staff wishing to raise a complaint should refer to the Grievance Procedure. For any other person other than a parent or carer (or member of staff) wishing to raise a complaint please refer to the CST External Complaints Policy. The policy is available on each school website and can be made available in large print or other accessible formats if required.

3. Procedures ¶

The procedures set out below may be adapted as appropriate to meet the policy aims and circumstances of each case. Please let us know if you have any cause for concern or dissatisfaction as soon as possible. We recognise that a difficulty which is not resolved quickly and fairly can soon become cause of resentment which would be damaging to relationships and to our school culture.

4. SEN complaints ¶

Complaints from parents of children with SEN about the school's support are within the scope of this policy. Where parents have specific complaints about the Education Health and Care Plan (EHCP) procedures, or about the content of their child's EHCP, the Local Authority should be contacted directly.

5. Four stages ¶

This policy sets out a four-stage concerns and complaints procedure:

Stage 1: informal raising of a concern raised orally or in writing to a member of staff

Stage 2: formal complaint in writing to the Executive Headteacher/Headteacher

Stage 3: formal complaint in writing to the Chair of the Local Governing Body

Stage 4: a reference to the Complaints Panel.

6. Timescales ¶

We aim to resolve any concerns or complaints in a timely manner. The timescales for each stage of the procedures are set out below. When this policy refers to Working Days, we mean Monday to Friday, when the school is open during term time. Some of the procedures are therefore likely to take considerably longer during the holidays when personnel are likely to be on holiday. The dates of terms are published on the school's website.

7. Stage 1 – informal concern/complaint ¶

Initial concerns or difficulties: We expect that most concerns or difficulties can be resolved informally. Examples might include: dissatisfaction with an aspect of teaching provided; a class/group allocation; allocation of responsibilities or privileges; a timetable clash or problem with school equipment or provision. Certain serious complaints such as discrimination, harassment or victimisation are taken very seriously and may need to be dealt with at Stage 2 without action at Stage 1. Complaints regarding the Executive Headteacher/Headteacher should be dealt with at Stage 3.

Notification: In the first instance and if appropriate please raise your concern or difficulty with the subject teacher or class tutor.

Acknowledgement: We will acknowledge a written notification by telephone fax, email or letter within two Working Days of receipt during term time and as soon as practicable if received during the holidays. A concern raised orally will not necessarily be acknowledged in writing, but a written record will be made.

Unresolved concerns: A concern which has not been resolved by informal means within 15 Working Days should be notified in writing as a formal complaint which will be dealt with in accordance with Stage 2 below.

8. Stage 2 - formal complaint ¶

Notification: An unresolved complaint under Stage 1, a complaint which requires investigation, dissatisfaction with some aspect of the school's policies or procedures should be made in writing with full details and sent to the Executive Headteacher/Headteacher with all relevant documents and your full contact details.

Acknowledgement: Your complaint will be acknowledged by telephone, fax, email or letter within two Working Days during term time, indicating the action that is being taken and the likely timescale. A written record will be made of the acknowledgment.

Investigation: The Executive Headteacher/Headteacher may ask a senior member of staff to act as Investigator and may involve one or more of the Local Governing Body (but not all the

Local Governors). The Investigator may request additional information from you and will probably wish to speak to you and others involved personally. The outcome of the investigation will be recorded in writing and given to the Executive Headteacher/Headteacher who will then notify you by telephone, fax, email or letter of his decision and the reasons for it. Written records will be kept of all meetings and interviews held in relation to your complaint, including a written record of the Executive Headteacher/Headteacher's decision.

Timeframe: The Executive Headteacher/Headteacher will aim to inform you of the outcome of any investigation and their decision and reasoning within 28 Working Days from the receipt of the complaint.

9. Stage 3 – reference to the Chair of the Local Governing Body ¶

Notification: If you are unsatisfied with the Executive Headteacher/Headteacher's decision under Stage 2 of the procedure, or if your complaint is regarding the Executive Headteacher/Headteacher, your complaint may be made in writing to the Chair of the Local Governing Body (the Chair). This is an optional stage and it may be more appropriate for your complaint to be referred to Stage 4. If you do wish to invoke Stage 3 then please write to the Chair within five Working Days of receiving the Executive Headteacher/Headteacher's decision at Stage 2. Your letter should include full details of your complaint and enclose all relevant documents as well as your full contact details.

Acknowledgement: Your letter will normally be acknowledged by telephone, fax, email or letter within four Working Days of your letter being received during term time. The Chair will indicate the action that is being taken and the likely timescale.

Action by the Chair: The Chair will usually arrange for your complaint to be investigated following procedures equivalent to those at Stage 2 above. When the Chair is satisfied that he/she has established all the material facts, so far as is practicable, he/she will notify you of his/her decision and the reasons for it.

Timeframe: The Chair will aim to provide you with a response within 10 Working Days of receiving your letter during term time.

10. Stage 4 – reference to the Complaints Panel ¶

Overview: A Complaints Panel (Panel) Hearing (Hearing) is a review of the decisions taken by the Executive Headteacher/Headteacher and where relevant the Chair. The Panel will not consider any new areas of complaint which have not been previously raised as part of the complaints procedure.

Notification: If you are not satisfied with the Chair's decision under Stage 3, or the Executive Headteacher/Headteacher's decision under Stage 2 and you do not wish to invoke Stage 3, you may ask for the complaint to be referred to the Complaints Panel by writing to the Clerk of Governors within five Working Days of receiving the Chair's or Executive Headteacher/Headteacher's decision.

Your request will usually only be considered if you have completed the procedures at Stages 1 and 2, and where appropriate, Stage 3. Please ensure that you include a copy of all relevant documents and your full contact details with your letter. Please also include a list of all documents you believe to be in the School's possession which you believe to be relevant to your complaint and you wish to Panel to see. If you require assistance with your request, because of, for example, a disability, please include details of this in your letter and appropriate arrangements will be made.

Mrs C Wray is the Acting Clerk to Governors for Mount Street Academy, Lincoln Carlton Academy and Benjamin Adlard Primary School and can be contacted via 01427 612562.

Acknowledgement: The Clerk to Governors will acknowledge your complaint in writing within Two Working Days of receipt.

Composition of the Panel: The Clerk to Governors will be responsible for convening the Panel as soon as reasonably practicable. The Panel will normally consist of a minimum of three individuals who were not directly involved in the matters detailed in the complaint. One member of the Panel will normally be from CST and one member will be independent of the management and running of the school. You may ask the Clerk to Governors to tell you who has been appointed to sit on the Panel.

Notice of Hearing: Every effort will be made to enable the Hearing to take place within 10 Working Days of the receipt of your request; however, the Panel will not normally sit during half term or the school holidays. As soon as reasonably practicable and in any event at least

seven Working Days before the Hearing, the Clerk to Governors will send you written notification of the date, time and place of the Hearing, together with brief details of the Panel members who will be present.

Attendance: You will be invited to attend the Hearing and you may be accompanied by one other person such as a relative, teacher or friend. It is not necessary for that person to be legally qualified but if you do wish to be accompanied by a legally qualified person, acting in their professional capacity, please notify the Clerk to Governors at least five Working Days before the Hearing.

The role of the panel: The Panel's task 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 you, the Executive Headteacher/Headteacher or the Chair. If, after establishing the facts, the Panel consider that the complaint is made out, they will uphold the complaint. If the Panel decide that the complaint is not made out, they will dismiss the complaint. They will make these decisions on the balance of probabilities.

Hearing: The Hearing will be chaired by one member of the Panel (chosen by themselves) and will be conducted in an informal manner. The Hearing will be conducted in such a way as to ensure that all those present have the opportunity of asking questions and making comments in an appropriate manner. The Hearing is not a legal proceeding and all statements made at the Hearing will be unsworn. 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 will be minuted.

Conduct: All those attending the Hearing are expected to be polite and show courtesy, restraint and good manners, or after due warning, the Hearing may be adjourned or terminated at the discretion of the chair of the Panel. If terminated, the decision will stand.

Adjournment: The chair of the Panel may, at his/her discretion, adjourn the Hearing for further investigation of any relevant issue. This may include an adjournment to take legal advice.

Notes: All present will be entitled to make their own notes for reference purposes if they so wish. A handwritten minute of the proceedings will be taken during the Hearing.

Private proceeding: The Hearing is a private proceeding. No notes or other records or oral

statement about any matter discussed in or arising from the Hearing shall be made available directly or indirectly to the press or other media.

Decision: After due consideration of the matters discussed at the Hearing, the Panel shall reach a decision unless there is an agreed position. The Panel's decision, findings and any recommendations may be notified to you orally at the Hearing or subsequently and shall be confirmed in writing or by email to you within seven Working Days of the Hearing, as well as to CST, the Chair of the Local Governing Body, the Executive Headteacher/Headteacher and where relevant, any person about whom the complaint has been made. If you do not wish to receive the decision by email, a copy will be given or posted to you. Reasons for the decision will be given and the decision may include recommendations. The decision of the Panel will be final. The decisions, findings and any recommendations will be available for inspection on the school premises by the Local Governing Body and the Executive Headteacher/Headteacher.

11. ESFA ¶

If you are dissatisfied with the decision of the Panel, you may contact the Education and Skills Funding Agency (ESFA) to review the handling of the complaint. Please note the ESFA cannot review or overturn a school's decision about a complaint but will look at whether the school considered the complaint appropriately. The Department for Education has a webpage on complaints which sets out the ways in which you can contact the ESFA, including via their complaints form.

12. Confidentiality ¶

Correspondence, statement and records relating to individual complaints will be kept confidential except where the Secretary of State (or someone acting on his or her behalf) requests access to them and except to the extent required by law.

13. CfBT Schools Trust ¶

The school will ensure that CST is informed of any complaints at Stage 2 to 4 without delay and will ensure that CST is kept informed as to all stages of the complaint thereafter.

14. Records ¶

A written record will be made about each formal complaint received by the school and at which stage of the procedure each been resolved. The number of complaints registered under the formal procedure during the preceding school year will be posted on the school's website.

15. Persistent or repetitive complaints ¶

Where a complainant tries to re-open an issue with the school after the complaints procedure has been fully exhausted and the school has done everything it reasonably can in response to the complaint, the Chair of the Local Governing Body (or other appropriate person in the case of a complaint about the Chair) may inform the complainant that the matter is closed.

If the complainant subsequently contacts the school again about the same issue, the school can choose not to respond. The normal circumstance in which we will not respond is if:

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

However, this list is not intended to be exhaustive.

The school will be most likely to choose not to respond if:

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

Unreasonable behaviour which is abusive, offensive or threatening will not be accepted.

Once the school has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email. The school will ensure when making this decision that complainants making any new complaint are heard, and that the school acts reasonably.

16. Monitoring and evaluation ¶

A summary of complaints received will be included in the Executive Headteacher/Headteacher's termly report to the Local Governors, with advice on any implications for policy. This policy will be reviewed every year.

Provision Committee Review Date: Saturday 01st September 2018

Governing Body Review Date: Monday 01st February 2016

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