

# CAMBRIAN

Nurturing Growth - Inspiring Minds



## Complaints Procedure

V2.1

This document applies to all academies and operations of Cambrian Learning Trust.

[www.cambrianlearningtrust.org](http://www.cambrianlearningtrust.org)

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## Introduction

Cambrian Learning Trust Board of Directors have agreed the following procedure to deal with concerns or complaints from members of the school community. This complaints process is based on the Education (Independent Schools Standards) Regulations 2014.

The Department for Education (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”
- A complaint is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”

Two procedures are set out in this policy. The first (Part A) applies to complaints raised by parents/carers of current pupils and, in line with the requirements of the Independent School Standards, includes informal, formal and panel stages, and the second (Part B) contains a simpler, shorter policy which applies to complaints raised by individuals who are not parents/carers of current pupils, including parents of former pupils.

Where an anonymous complaint is received, we will use its reasonable endeavours to consider the complaint as best as it reasonably can. However, we will not be required to consider the complaint pursuant to any specific process and will handle anonymous complaints on a case by case basis.

The following principles inform our complaints procedure:

This procedure is designed to:

- Be well publicised and easily accessible.
- Be simple to understand and use.
- Be impartial.
- Be non-adversarial.
- Allow swift handling with established time limits for action and keeping people informed of the progress.
- Allow a mediation process if both sides agree.
- Respect people’s desire for confidentiality, wherever possible
- Address all points of issue, provide an effective response and appropriate redress where necessary.

- Provide information to the school's senior management team so that services can be improved.

There are exceptions to the Complaints procedure, areas that cannot be investigated using the Complaints policy.

Exception	What you should do
Allegations of child abuse/ other child protection issues	Immediately report your concern to the class teacher, designated safeguarding lead or head teacher.
Statutory assessment of SEN	Report your concern to the SENCo or Head teachers
School admissions including appeals	The Admissions policy and appeal documentation can be found on the school website
Where a registered pupil wishes to personally raise a complaint	They should talk to the appropriate teacher or member of staff and follow in-school procedures for dealing with pupil concerns and complaints
Pupil exclusions	Check the school's positive relationships (behaviour) and Suspension and Exclusions Policy
Whistleblowing	Check the Trusts Whistleblowing policy
Complaints about a staff members conduct or capability	A complaint may be submitted using this form; however it will be investigated under the Trust's internal procedures and the outcome is confidential.  The outcome cannot be shared due to contract restrictions.
Complaint against the Head teachers conduct or capability	Any complaint relating to the Head teacher must be raised, in the first instance, with the CEO it will then be investigated under the Trust's internal procedures and the outcome is confidential.  The outcome cannot be shared due to contract restrictions.
Complaint against a central staff member	If the complaint is against an employee of the Trust, who is not assigned to an individual school, it will be investigated under the Trust's internal procedures and the outcome is confidential.  The outcome cannot be shared due to contract restrictions.
Complaint against a governor	You may wish to complain about a governor's conduct. Please email the Chair of Governors or

	Chair of Trustees if the complaint is about the Chair of Governors via the school clerk. This will then be investigated under the Trust's Code of Conduct for Governors. This is an internal process which is confidential.
Complaint against the CEO or a member of the Board	<p>If the complaint relates to the CEO or to a member of the Board, then the written complaint should be submitted to the Chair of Trust (or the Vice Chair if the complaint relates to the Chair).</p> <p>The Chair (or Vice Chair as the case may be) will acknowledge receipt of the complaint before considering it and issuing a final written response.</p>

### Complaints Relating to Fulfilment of the Early Years Foundation Stage (“EYFS”) Requirements.

In order to comply with the statutory framework, written concerns or complaints relating to the fulfilment of the EYFS Requirements will be dealt with in accordance with the following process:

- The written concern/complaint will be acknowledged within **5 school days**;
- The Head will investigate the concern or complaint which may include meeting with the Complainant and the Head of Early Years. A written response notifying the Complainant of the outcome of the investigation will be sent within **28 school days** of the complaint being received.
- Where the Complainant remains dissatisfied, the Clerk will ensure that a formal Complaints Panel will be convened in accordance with Stage 3 of this policy.

A record of the written complaints and their outcome will be maintained and made available to Ofsted on request.

Parents are further advised that where they have concerns regarding the Academy meeting EYFS requirements they may contact Ofsted on 0300 123 4666.

### Time scales

In all circumstances, the number of days refers to ‘school working days’ i.e. weekends, school holidays and inset days do not count.

## Part A: Parents/carers of current pupils.

### Stage 1: Informal Resolution: Dealing with a concern or complaint informally and at the earliest opportunity

This part of the process can be considered as an individual ‘raising concerns’ rather than a complaint. However, for the purposes of the Complaint Procedure it is a key aspect, and needs to be recognised that if the complaint is pursued that this has been part of the process.

The concern or complaint should be raised with the school or Trust within **3 months** of the incident or, where a series of associated incidents have occurred, within **3 months** of the last of these incidents. Complaints made outside of this time frame may not be considered unless exceptional circumstances apply.

*In a small school step B may be with the head. In these circumstances, this is dealt with as at stage 1 – ‘dealing with a complaint informally’.*

The school/Trust will seek to resolve matters at the informal stage within **15 school days**<sup>1</sup> of the issue being raised by the parent/carer.

If parents/carers have concerns or a complaint, they should:

Step A: Discuss their concerns with the member of staff most directly involved and, if not satisfied

Step B: Discuss their concerns with a senior member of staff or Headteacher.

Step C: Undertake mediation with the school.

Mediation can only proceed if the complainant and the head teacher are willing for it to be tried. If mediation is accepted, it should be arranged within **15 days** of agreement. If mediation is not accepted the complaint will move to stage 2.

### Mediation

Mediation can be a good way to resolve a complaint because:

- It gives both complainant and head teacher another opportunity to hear each other’s points of view (with a third party facilitating),
- It gives the third party an opportunity to help head teacher and complainant identify and build on areas of agreement.

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<sup>1</sup> School days in this policy refers to days when the Academy is open to pupils for teaching, and does not include INSET days.

- It gives head teacher and complainant a structure within which they can resolve remaining differences.
- If both complainant and head teacher emerge from the mediation satisfied, that is the best foundation for a continuing positive relationship between them.
- Even if the complaint continues to a governors' panel, the issues to be considered are likely to be much clearer following the mediation.

Mediation may elicit one or more of the responses listed below from either party:

- An acknowledgment that the complaint is valid in whole or in part.
- An apology;
- An explanation;
- An admission that the situation could have been handled differently or better;
- An assurance that the event complained of will not recur;
- An explanation of the steps that have been taken to ensure that it will not happen again;
- An undertaking to review school policies in light of the complaint.

## Stage 2: Formal Resolution: Investigation by a Nominated Individual

If the complainant is not satisfied with the outcome of the steps above they may raise, in writing, their concerns with the Head teacher. **This must be done within 10 school days of the stage 1 response using the form at Annex A.**

*In a small school, they may have already informally discussed the complaint with the head. The distinction is that this is now in writing and will be treated formally.*

The complainant must use the Complaint Form (Appendix 1 of this document), including the following information:

- Your name
- Pupil's name and class/tutor group
- Your relationship to the pupil
- Your home address and the best telephone number(s) for reaching you

- Details about the complaint, including relevant dates and whether you have spoken to anybody at the school/Trust about it
- What actions you feel might resolve the problem at this stage
- Are you attaching any paperwork? If so, please give details

Note: To avoid misunderstanding, the date the complaint becomes 'formal' will be determined as the day on which the Headteacher received the written complaint (not including weekends and school holidays).

The Head teacher must:

1. Confirm the complaint can be investigated within the complaints policy (see exceptions above)
2. Within **5 days** acknowledge receipt of the complaint and the next steps. This letter must clarify if the complaint is to be investigated within the Complaints procedure or an alternative.
3. If it can be investigated, carry out the investigation or assign a member of the School Leadership or independent person to investigate. This may include the offer of a meeting with the complainant.
4. Whenever reasonably possible respond to the complainant in writing **within 15 days of either** meeting with the complainant, or if there was no meeting was arranged it will be within **25 school days** from the date of receiving the complaint.

The response should address all the areas raised in the complaint.

Where the parent/carer remains dissatisfied, they may request the complaint is escalated to Stage 3.

## Stage 3: Formal Resolution: Making a Complaint to the Governing Committee and Complaints Panel Meeting

Where stage 2 has been unsuccessful in resolving a complaint, the complainant may email the Chair of Governors via the Clerk to the Governing Committee. stating where the parent/carer remains dissatisfied and the outcome sought, ensuring it is submitted to [queries@cambrianlt.org](mailto:queries@cambrianlt.org) within **10** school days of the Stage 2 response. It should be noted that a panel is not able to 're-investigate' the original complaint

The clerk will acknowledge receipt of the stage 3 complaint within 5 days.



If **stage two has not been completed**, the Chair of Governors must write to the complainant, **within 5 days** of receiving it, explaining they must raise the complaint formally to the head teacher and allow an opportunity for an investigation to be carried out and a written response provided. The Chair of Governors must not keep the complaint and must send it to the school with a copy of the email response to be held on the complaints file.

If the complaint has completed Stage 2 a complaints panel will be convened **within 20 days**.

## Establishing the panel

The Complaints Panel may include, but is not limited to, one or more persons from the following categories:

- (i) a member of the Local Governing Committee of the Academy where the complaint emanated from;
- (ii) a member of a Local Governing Committee from another Academy within the Trust;
- (iii) a member of the Board of Trustees from the Trust; and/or
- (iv) a member of a Local Governing Committee or Trustee of another Academy Trust.

None of the members of the Complaints Panel will have been directly involved in the matters detailed in the complaint. The independent panel member may be a member of a Local Governing Committee from another Academy within the Trust as long as they have no conflict and no prior knowledge of the complaint.

The meeting will be held as quickly as practicable given the need to find a date that is reasonably convenient for the complainant, the school and the members of the Complaints Panel. Whenever possible, the meeting will be held within 15 school days of the end of the school's response time. At any meeting, the complainant will be entitled to be accompanied by a friend, but legal representation will not be allowed. Representatives from the media are not permitted to attend.

The meeting is not a court case, it will be held in private, and will be as informal as circumstances allow. For this reason, electronic recordings of meetings or conversations are not permitted unless a parent/carer's disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before the recording of the meeting takes place. Consent will be recorded in any minutes taken. The parent will have the opportunity to put their reasons for dissatisfaction and to enlarge on them but may not introduce reasons that were not previously put in writing. The Complaints Panel will not normally accept, as evidence, recordings of

conversations that were obtained covertly and without the informed consent of all parties being recorded. The parent/carer and the Academy/Trust will have the opportunity to put forward their respective version and views of events and each side, and the Complaints Panel members will be able to ask questions. The parent/carer will have the opportunity to make final comments to the Complaints Panel.

The Panel can:

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

The panel is not investigating the original complaint. It has no power or ability to further investigate the original complaint. The panel is to consider the investigation carried out by the school/ head and whether it was appropriate and thorough, and that the complaint was addressed.

The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant.

If the complaint is upheld, the panel will:

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

The Complaints Panel will formulate its response as quickly as reasonably possible, aiming to do so within **10** school days, and the Clerk will notify all concerned.

If the parent fails to attend the Complaints Panel Meeting on the day without compelling reasons, the Complaints Panel will still proceed in their absence and the process will continue to its conclusion. Any further attempt to re-open the matter will be considered as falling under “Serial or persistent complainants”.

he complaint panel will proceed irrespective of whether the complainant and/ or their representative attends. If the complainant does not confirm attendance or fails to attend on the day without compelling reasons, the panel will proceed and the process will continue to its conclusion. Any further attempt to re-open the matter will be considered under the persistent and vexatious policy.

## Taking the Matter Further

Once the complaints process is concluded (or a complaint has been terminated due to undue delay or failure to lodge a request for a Stage 3 Complaints Panel Meeting within the time stated in the policy) the matter is closed. If the Complainant is still not

satisfied then they may contact the Department for Education (DfE). There is an online procedure at:

[https://form.education.gov.uk/service/Contact the Department for Education](https://form.education.gov.uk/service/Contact_the_Department_for_Education)

The Complainant may also write to the DfE at:

The School Complaints Unit (SCU)  
Department for Education  
2nd Floor, Piccadilly Gate  
Manchester M1 2WD

## Part B – Complaints raised by those who are not parents / carers of current pupils

Complaints made by those who are not parents of current pupils, which includes complaints made by parents of former pupils after they have left the Academy, will be dealt with as follows:

Complainants should first attempt to address their complaint to the relevant Academy or the Trust (as appropriate) informally by raising the matter with a relevant member of Academy or Trust staff, within **3** months of the incident or, where a series of associated incidents have occurred, within **3** months of the last of these incidents. The Academy/Trust (depending on the nature of the complaint) will seek to resolve the matter informally within **15** school days.

If it is not possible to resolve the matter informally, the complaint may be submitted in writing, using the form available at **Annex 1**, to the Chief Executive Officer, or where the complaint relates to the Chief Executive Officer, to the Chair of Trustees.

The complaint will be acknowledged within **5** school days and a final written response will be issued within **15** school days.

## Record keeping and confidentiality

A written record will be kept of all complaints that reach the formal stage, whether they are resolved following Stage 2, or proceed to a panel hearing (Stage 3) and any action taken by the school as a result (regardless of whether they are upheld). Complaint records will be maintained securely and in line with the [data protection and retention policy] by the [include job title of the person who will be responsible for complaint records]. Correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection requests access to them.

The Complainant should also keep all correspondence, statements and records relating to their complaint confidential, and should not disclose (by way of electronic communication, social media or otherwise) any information or documents relating to their complaint.

### **Abusive, Persistent or Vexatious Complaints**

Dealing with a complaint is a straightforward process but, in a minority of cases, people pursue their complaints in a way which either can impede the investigation of their complaint or can have significant resource issues for a Trust school. This can happen while either their complaint is being investigated, or once a school has finished dealing with the complaint.

Cambrian Learning Trust (CLT) is committed to dealing with all complaints equitably, comprehensively, and in a timely manner.

CLT will not normally limit the contact which complainants have with school staff or governing committee.

CLT do not expect staff or governors to tolerate unacceptable behaviour by complainants or any parent or pupil.

Unacceptable behaviour includes behaviour that is abusive, offensive or threatening and may include:

- Using abusive or foul language on the telephone
- Using abusive or foul language face-to-face
- Using abusive or foul language on social media sites such as Facebook, X/Twitter, etc
- Sending multiple e-mails
- Leaving multiple voicemails

- Making unjustified complaints about staff who are trying to deal with the issues and seeking to have them replaced.

CLT will take action to protect staff from such behaviour. If a complainant behaves in a way that is unreasonably persistent or vexatious, we will follow the processes outlined below.

### **Complaint Campaigns**

Where the Academy/Trust receives a number of complaints all based on the same subject which in its reasonable opinion may be deemed a 'complaint campaign' it will deal with the complaints in the following way : individual responses will not be sent to complainants in such cases. Instead, either a template response will be sent to all complainants or a single response will be published on the Academy/Trust's website at the discretion of the CEO/Chair of Trustees.

Where the complaint campaign involves complainants who are parents, they will be entitled to escalate the complaint to a panel hearing if they are dissatisfied with the Academy/Trust's response. The Academy/Trust will consider how best to manage panel hearings in such circumstances.

### **Serial or persistent complainants**

If at any level a Complainant or connected party attempts to reopen an issue or a closely related issue that has already been dealt with under this Complaints Policy, the CEO/Chair of Trustees may write to the Complainant to inform him/her that the procedure has been exhausted and the matter closed, that continued correspondence on the same matter is vexatious and that the Trust will not respond to any further correspondence on this issue or a closely related issue.

### **Vexatious complaints**

Complaints with the following characteristics may be deemed to be vexatious:

- obsessive, persistent, harassing, prolific, repetitious;
- insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason;
- insistence upon pursuing meritorious complaints in an unreasonable manner;
- complaints which are designed to cause disruption or annoyance;
- demands for redress that lack any serious purpose or value.

In such cases, the CEO/Chair of Trustees may write to the Complainant to inform him/her that the complaint is deemed to be vexatious and that the Trust will not respond to any further correspondence on this issue or a closely related issue.

### **Legal Proceedings**

If a Complainant threatens or commences legal action against the Academy/Trust (including the issuing of a letter before claim) in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.