



## BRISTOL CATHEDRAL CHOIR SCHOOL

### MISSION STATEMENT

*Bristol Cathedral Choir School is a Church of England Academy with an ethos reflecting the Christian faith and with music and mathematics as its specialisms.*

*It aspires to be a learning community where all achieve their full potential in a supportive and tolerant environment, so that they can contribute fully to the society in which they live.*

Name of policy	<b>Concerns and Complaints Policy</b>
Author of policy	<b>Kings Educational Consultants Ltd</b>
Governing group responsible for the policy	<b>Full Governors</b>
Date approved at Committee	<b>April 2015</b>
Date approved by Governors	<b>April 2015</b>
Date to be reviewed	<b>April 2017</b>

### 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 27<sup>th</sup> January 2015.

### AVAILABILITY OF THE POLICY

The policy is in writing and is available to parents/carers of pupils on the Bristol Cathedral Choir School website and is also held in written form within the schools' policies manual kept in the main office. A written copy of the policy will be sent to parents/carers after either verbal or written request.

### 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. It is recognised that dealing effectively with complaints is good for relationships and is sound educational and business practice. We will 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.

### 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 Bristol Cathedral Choir School or may at the Principal's discretion include any of the above whose child has left the academy 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 is open during term time. The dates of terms are published on the Academy's website.
- Unacceptable behaviour – The academy 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.

- The senior staff asked to investigate a complaint at Stage 2 are considered to be suitably equipped to do so by the Principal due to their experience and seniority.

## **MANAGEMENT OF COMPLAINTS**

The Academy'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 Appendix 1.

**Stage 2:** a formal complaint in writing to the Principal - further details of how to make a formal complaint and the relevant procedures are set out in Appendix 2.

**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 Appendix 3.

### **Notes:**

- If the complaint at stages 1 to 3 is against the Principal or the Chair of Governors they will be excluded from the procedures. In the case of the Principal, the Vice Principal 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.
- Separate procedures apply in the event of a child protection issue, an issue regarding admissions or if the Principal excludes a pupil from the Academy.

## **COMPLAINTS TO THE EDUCATION FUNDING AGENCY**

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

**Email:** [academyquestions@efa.education.gov.uk](mailto:academyquestions@efa.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 EFA 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](http://www.gov.uk/government/publications/setting-up-an-academies-complaints-procedure/putting-in-place-a-complaints-procedure)

The Education Funding Agency will check whether the complaint has been dealt with properly by the academy. It will consider complaints about academies that fall into the following categories:

1. Where there is undue delay or 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 Funding Agency will not overturn an academy'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's procedure do not meet with regulations we will ask (and if necessary enforce) the academy to put this right.

## **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 or where disclosure is required in the course of a 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.

## **POLICY PROCESS**

### **APPENDIX 1**

#### **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 Form Tutor, Head of House or Head of Department.
- Pastoral care: for concerns relating to matters outside the classroom, please speak or write to the Form Tutor or Head of House.
- 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 will be acknowledged by telephone, fax, 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.

## **APPENDIX 2**

### **Stage 2: formal complaint**

#### **How to make a formal complaint**

- If a parent is dissatisfied with the response to the complaint under Stage 1, or the complaint requires investigation or involves dissatisfaction with some aspect of the Academy'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.
- The complaint will be acknowledged by telephone, fax, 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 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 and will probably 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. The Investigator(s) will prepare a report on the investigation which will be considered by the Principal.

#### **Decision**

- The Principal will then notify the complainant by telephone, fax, 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 will be notified of this and informed of the new timescales as soon as possible.
- Please note that any complaint received within one month of the end of a term or half term is likely to take longer to resolve owing to the presence of school holidays and the unavailability of personnel required for the investigation to be undertaken properly.

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### COMPLAINTS FORM

**This form should be made available on request to any person who wishes to make a complaint at Stage 2. It should be passed to the Principal.**

1. What is the nature of the complaint? Please tick	
<input type="checkbox"/> Staff Conduct	<input type="checkbox"/> Parental Conduct
<input type="checkbox"/> Teaching Standards	<input type="checkbox"/> Pastoral Care
<input type="checkbox"/> Condition of Premises	<input type="checkbox"/> Time Tabling
<input type="checkbox"/> Matters of Regime and Routine	<input type="checkbox"/> Access to or Regulation of
<input type="checkbox"/> Other (please give details)	Co-curricular Activities
2. Please give details of your complaint:	
Date of Incident:	Time:
3. If you are complaining about someone's behaviour please give the names of any witnesses to the incident/s:	
4. Action taken:	
Name:	Contact Details:
Signed:	Date:

Return to: The Principal, Bristol Cathedral Choir School, College Square, Bristol BS1 5TS.

## **APPENDIX 3**

### **Stage 3: Complaints Panel**

#### **What is a Complaints Panel hearing?**

A Complaints Panel hearing is a review of the decisions taken by the Principal. 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 and the Principal;

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. The Panel may make recommendations on these matters or any other issues to the Principal 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 believe to be in the Academy'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 will 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.

#### **Planning 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.

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.

\*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.

The Clerk to the Governors will 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.

### **Composition of the Panel**

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

The parents may ask the Clerk to the Governors to tell them 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.

### **The Panel hearing**

The hearing will be conducted in an informal manner.

All those present at the hearing shall 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 will 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 original decision will stand. 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.

The Chair may, at his / her discretion, adjourn the hearing for further investigation of any relevant issue. This may include an adjournment to take legal advice.

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

The Panel will reach a decision on a balance of probabilities unless there is an agreed position.

The decision, findings and any recommendations will be confirmed in writing to you by electronic mail, normally 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 decisions, findings and any recommendations will also be available for inspection on the Academy premises by the Governing Body and the Principal.

This represents the conclusion of the Academy's complaints procedure.

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