



## Olive Academies

### Complaints Policy and Procedure

Document control table	
Title	Complaints Policy and Procedure
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Updates/revisions included:	No change
<p>Academies to note:</p> <p>This is an OA policy which should not be modified, but academies should ensure they have identified and trained a complaints coordinator. Support for responding to complaints can be accessed from OA central. OA headteachers and complaint coordinator to note the timeframes within which each stage should be managed.</p>	

#### 1. Introduction

All academies must have a complaints procedure. These must meet the standards set out in schedule 1, part 7 of the [Education \(Independent School Standards \(England\) Regulations 2014](#). Academies should have in place a procedure to deal with all complaints relating to their academy and to any community facilities or services that the academy provides. This does not limit complainants to parents or carers of pupils registered at an academy. A complainant could be a member of the wider community or representing an ex-pupil. The law also requires the procedure to be publicised.

It is also based on [guidance for schools on complaints procedures](#) from the Department for Education (DfE)

There are certain complaints which fall outside the remit of this complaints procedure, for example, staff grievances or disciplinary procedures.

Any third party providers offering community facilities or services through the academy premises, or using academy facilities, should have their own complaints procedure in place.

## 2. General principles

- At all our OA academies we aim to encourage resolution of problems by informal means wherever possible.
- This complaints policy and procedure is published on our website and is intended to be easily accessible and simple to understand and use.
- We always aim to be impartial and non-adversarial in addressing concerns and complaints.
- We aim to handle concerns and complaints swiftly, maintaining time-limits for action and keeping people informed of the progress.
- We aim to ensure a full and fair investigation and will use an independent person where necessary.
- We will respect people's desire for confidentiality.
- We will address all the points at issue and provide an effective response and appropriate redress, where necessary.

We believe that the process of listening to and resolving complaints will contribute to academy improvement. The monitoring and review of complaints by the academy, the Academy Advisory Board (AAB) and OA MAT Board is a useful tool in evaluating an academy's performance.

## 3. Definitions and scope

The 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". The academy will resolve concerns through day-to-day communication as far as possible.

A **complaint** is defined as "an expression of dissatisfaction however made, about actions taken or a lack of action". The academy intends to resolve complaints informally where possible, at the earliest possible stage. There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does not cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Exclusion
- Whistleblowing
- Staff grievances
- Staff discipline

Please see our separate policies for procedures relating to these types of complaint.

#### **4. General overview**

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage. Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay. The academy expects that complaints will be made as soon as possible after an incident arises and no later than 3 months afterwards. We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

#### **Initial concerns**

As highlighted above, it is important to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at an early stage will reduce the numbers that develop into formal complaints. Wherever possible, OA seeks to address concerns at an early stage so that there is no need to resort to formal procedures. In most cases, the class teacher will receive the first approach and aim to resolve issues on the spot, including apologising where necessary.

#### **Formal procedures**

If the person raising the concern remains dissatisfied and wishes to take the matter further the formal complaints procedure will be used. The stages of this procedure are outlined in section 4 of this document.

#### **Investigating complaints**

Only complaints received in writing preferably using the complaints form at the end of this document will be considered. Anonymous complaints will not be considered under this policy. However, the headteacher and / or CEO will consider whether the issue and fear of identification are genuine or the issue is one of child protection and take this forward using other related procedures.

At each stage, the person investigating the complaint should make sure that they:

- establish what has happened so far, and who has been involved
- clarify the nature of the complaint and what remains unresolved
- meet with the complainant or contact them (if unsure or further information is necessary);
- clarify what the complainant feels would put things right
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- conduct the interview with an open mind and be prepared to persist in the questioning
- keep notes of the interview.

#### **Resolving complaints**

At each stage of the procedure we will keep in mind ways in which a complaint can be resolved. Resolution may include the acknowledgement that the complaint is valid in whole or in part.

We recognise that 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 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 OA policies in light of the complaint.

It is useful if complainants state what actions they feel might resolve the problem at any stage. An admission that the academy or trust could have handled the situation better is not the same as an admission of negligence.

Where there is more than one complaint by a complainant, each will be dealt with separately.

Areas of agreement between the academy or MAT trust and the complainant will be acknowledged and any misunderstandings clarified. Through this process, we would hope to achieve a positive atmosphere in which to discuss outstanding issues.

Parents 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 the pupil or his/her opportunities at the academy. The academy will try to investigate and try to resolve every complaint in a positive manner and will treat every complaint as an opportunity to improve our service.

### **Vexatious complaints**

This procedure should limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the chair of the trust or CEO is able under this policy to inform them in writing that the procedure has been exhausted and that the matter is now closed.

It is important to note however that, should a complainant raise an entirely new, separate complaint, it must be responded to in accordance with the complaints procedure. It is not the complainant who is vexatious; it is the correspondence.

### **Time limits**

Complaints need to be considered and resolved, as quickly, and efficiently as possible. To achieve this, we will have realistic time limits for each action within each stage. However, where further investigations are necessary, new time limits can be set. The complainant will be sent details of the new deadline and an explanation for the delay.

### **Cut off limits**

Whilst we expect parents to make a complaint as soon as possible after an incident arises we recognise that there may be good reasons why a parent has not made a complaint earlier (e.g. they were gathering further information to support their complaint or they were not fully aware of the implications of an incident until a later date).

## **Confidentiality**

The investigation of any complaint will be kept confidential at all stages and any papers provided to those investigating, or adjudicating on complaints will be marked confidential and destroyed, except for the file copy, which itself, will be confidential.

## **Staff training**

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the academy can be crucial in determining whether the complaint will escalate. To that end, staff will be periodically given training and made aware of the procedures so that they know what to do when they receive a complaint.

## **5. Stages of complaints**

### **Stage One: informal**

The academy and trust will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The complainant should raise the complaint as soon as possible with the relevant member of staff or the headteacher as appropriate, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the academy office.

The academy will acknowledge informal complaints within 5 days and investigate and provide a response within 10 days after the acknowledgement. The informal stage will involve a meeting between the complainant and the headteacher, as appropriate. If the complaint is not resolved informally, it will be escalated to a formal complaint.

### **Stage Two: formal**

The formal stage involves the complainant putting the complaint into writing, usually to the headteacher and/or the subject of the complaint. This letter should provide details such as relevant dates, times and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.

The headteacher (or other person appointed by the headteacher for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 10 school days.

If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the chair of the academy advisory board (AAB) in writing within 10 days.

The person dealing with the complaint will ensure that a written or oral acknowledgement is provided to the complainant within 5 academy term time days of receiving a complaint. The acknowledgement will give a brief explanation of the academy's complaints procedure and will give a target date for providing a response to the complaint which should normally be within 10 academy term time days. If the target cannot be met a letter should be written within 10 academy term time days explaining the reason for the delay and providing a revised target date.

The person dealing with the complaint will seek to meet or speak with the appropriate people to establish the facts relating to the complaint, if the information given on the complaints form

necessitates this. This may include the complainant, staff and any other person.

Once all the facts have been established the person dealing with the complaint will then produce a written response to the complainant, or may wish to meet the complainant to discuss/resolve the matter directly.

When the investigation has been concluded the complainant and the member of staff concerned will be informed in writing of the outcome. This may be to the effect that:

- there is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- the concern was not substantiated by the evidence
- the concern was substantiated in part or in full. Some details may then be given of the action the academy may be taking to review procedures etc. but details of the investigation or of any disciplinary procedures will not be released.
- the matter has been fully investigated and that appropriate procedures are being followed which may be strictly confidential (e.g. where staff disciplinary procedures are being followed)

This letter or report must be endorsed by the headteacher. It should also inform the complainant that should he/she wish the complaint to progress to the second stage of this procedure then he/she should send a written request stating this to the headteacher within 10 academy term time days of receiving the response.

If no further communication is received from the complainant within 10 academy term time days it is deemed that the complaint has been resolved and should end. Templates and guidance can be accessed from OA central should this be needed.

### **Stage 3: Complaint heard by complaints appeal panel**

The complainant needs to write to the CEO giving details of the complaint and requesting a panel hearing.

A clerk will be appointed by the CEO who should write to the complainant acknowledging receipt of the written request for the complaint to be heard. This acknowledgement must be sent within 5 working days and should inform the complainant of the arrangements for hearing the complaint within 20 academy term time days of receiving it. The letter should explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received within 5 working days of the date of the hearing to allow adequate time for the documents to be circulated.

Individual complaints would not be heard by the whole AAB or MAT board at any stage, as this could compromise the impartiality of any hearing set up for disciplinary purposes against a member of staff following a serious complaint.

The chair of the trust or CEO will typically chair the complaints panel. The panel must consist of at least three people who were not directly involved in the matters detailed in the complaint, and at least one member who is independent of the management and running of the academy. It therefore cannot solely be made up of AAB or trustees as they are not independent of the management and running of the academy. It is likely to be a combination of AAB members

and/or trustees and an external adviser.

Where the complaint concerns the headteacher, the complainant should be referred to the chair of the AAB or CEO via the Governance and Strategic Support Executive of the trust. The stage 2 formal process of investigation would be carried out by the CEO and a member of staff appointed by them.

The panel's decision will be final in the context of OA dealing with the complaint. If the complainant remains dissatisfied, they should be referred to Ofsted or the DfE to raise an official complaint (see below).

#### **6. Referring complaints on completion of the trust complaint's procedure**

If the complainant is unsatisfied with the outcome of the trust's complaints procedure, they can refer their complaint to the ESFA. The ESFA will check whether the complaint has been dealt with properly by the school. The ESFA will not overturn a school's decision about a complaint. However, it will look into:

- Whether there was undue delay, or the trust did not comply with its own complaints procedure
- Whether the trust was in breach of its funding agreement with the secretary of state
- Whether the trust has failed to comply with any other legal obligation

If the trust did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the trust's complaints procedure is found to not meet regulations, the trust will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

#### **7. Record keeping**

The academy will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and our data retention policies.

#### **8. Review of this policy**

This policy is reviewed annually by the OA MAT board. Review of the policy is informed by new guidance or legislative changes introduced by the Department for Education.

## **Appendix 1: Guidance procedures for the appeal panel**

### **a) The remit of the complaints appeal panel**

The panel can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the academy's systems or procedures to ensure that problems of a similar nature do not recur.

There are several points which anyone sitting on a complaints panel needs to remember:

- a) The appeal hearing is independent and impartial and should be seen to be so. No one may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- b) The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the academy and the complainant. However, it must be recognised the complainant might 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 will satisfy the complainant that his or her complaint has been taken seriously.
- c) An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair should ensure that the proceedings are as welcoming as possible.

The clerk will write and inform the complainant and any witnesses, the panel etc. of the date and location of the meeting 5 working days in advance. The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a friend/ interpreter. The letter should explain how the meeting will be conducted and the complainant's right to submit further written evidence to the panel. The headteacher has the right to bring representation if so desired.

Intervention of parallel investigations relevant to the complaint by the Police or social services may cause variation to these time scales. Any such variation will be notified to the complainant.

### **b) Hearing the complaint at the meeting**

The recommended conduct of the meeting is as follows:

- a) The chair will welcome the complainant, introduce the panel members and explain the procedure.
- b) The chair will invite the complainant to explain the complaint.
- c) The panel members may question the complainant about the complaint and the reasons why it has been made.
- d) The headteacher will be invited by the chair of the panel to question the complainant about the complaint and why it has been made.
- e) The chair will invite the headteacher to make a statement in response to the complaint. At the discretion of the chair the headteacher may invite members of staff directly involved in the complaint to supplement his/her response.
- f) The panel members may question the headteacher and/or members of staff about the



response to the complaint.

- g) The chair will allow the complainant to question the headteacher and/or members of staff about the response to the complaint.
- h) Any party has the right to call witnesses, subject to the approval of the chair
- i) The panel, the headteacher and the complainant have the right to question any such witness.
- j) The headteacher will be invited by the chair of the panel to make a final statement.
- k) The complainant will be invited by the chair of the panel to make a final statement.
- l) The chair of the panel will explain to the complainant and the headteacher that the decision of the panel will now be considered and a written decision will be sent to both parties within **15 working days**. The chair will then ask all parties to leave except for members of the panel.
- m) The panel will then consider the complaint and all the evidence presented and;
  - a. reach a decision on the complaint and the reasons for it.
  - b. decide upon the appropriate action to be taken to resolve the complaint.
- n) The members of the panel need to be aware of the complaints procedure before the meeting.

In the interest of natural justice, the introduction of previously undisclosed evidence or witnesses would be a reason to adjourn the meeting so that the other side has time to consider and respond to the new evidence.

The panel should ensure that a copy of the findings and recommendations are provided to the complainant and where relevant, the person complained about, and make a copy of the finding and recommendations available for inspection by the trust board, CEO and headteacher.

### **c) Roles and responsibilities**

#### **The role of the clerk**

The clerk is the contact point for the complainant and is required to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible
- collate any written material and send it to the parties in advance of the hearing
- meet and welcome the parties as they arrive at the hearing
- record the proceedings
- notify all parties of the panel's decision.

#### **The role of the panel chair.**

The panel chair has a key role, ensuring that:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption
- the issues are addressed
- key findings of fact are made
- parents and others who may not be used to speaking at such a hearing are put at ease
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy

- the panel is open minded and acting independently
- no member of the panel has any involvement in an earlier stage of the procedure
- each side is given the opportunity to state their case and ask questions
- written material is seen by all parties.

A summary of the key aspects to remember about a panel hearing is provided in Appendix 3.

## Appendix 2: Complaint Form

Please complete and return to the academy office who will acknowledge receipt and explain what action will be taken.

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address:
Postcode:
Day time telephone number:
Evening telephone number:
Please give details of your complaint
What action, if any, have you already taken to try and resolve your complaint. (Who did you speak to and what was the response)?

### **Appendix 3: Checklist for a panel hearing (stage 3)**

The panel will take the following points into account:

- The hearing should be as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The headteacher may question both the complainant and the witnesses after each has spoken.
- The headteacher is then invited to explain the academy's actions and be followed by the academy's witnesses.
- The complainant may question both the headteacher and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The headteacher is then invited to sum up the academy's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The chair explains that both parties will hear from the panel within a set time scale.

## Appendix 4: Complaints Flowchart (check policy for timeframes)

