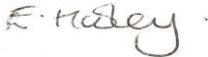





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## THE OAKS ACADEMY

### COMPLAINTS PROCEDURE

<b>PERSON RESPONSIBLE FOR POLICY:</b>	Mrs E Hooley
<b>APPROVED:</b>	21 <sup>st</sup> September 2017
<b>SIGNED:</b> <b>Headteacher</b>  <b>Chair of Board of Trustees</b>	 
<b>TO BE REVIEWED:</b>	Autumn Term 2020

#### 1. Introduction

- 1.1 This complaints procedure is made pursuant to the [Education \(Independent School Standards \(England\) Regulations 2014](#) Schedule 1, Part 7, which requires the Board of Trustees to have in place a procedure for dealing with all complaints relating to academies.
- 1.2 This policy takes into account current Department for Education guidance.
- 1.4 All references to working days refer to days when the school is open to pupils and for staff training days.
- 1.5 The Board of Trustees will ensure a copy of the procedure is published on the school website and will also be available on request from the school office.

#### 2. Scope of the Procedure

- 2.1 This policy can be used by if you are a parent/carer of a registered pupil at the school or if you are a member of the wider community or a person representing an ex-pupil of the school. It does not apply to current staff members, or former members of school staff in any matter arising out of their employment at the school. Matters relating to school admissions, or likely to require a Child Protection Investigation are also outside the scope of this procedure.
- 2.2 Where your complaint makes an allegation of misconduct against members of staff this procedure may be superseded by use of the staff disciplinary procedure or other appropriate staffing procedure at any time or following recommendations at the conclusion of the complaints process.

2.3 If your complaint is about any third-party provider on the school site you will be expected to use their complaints procedure.

2.4 Complaints will normally be dealt with following the 3 stages set out below.

### 3. **General Principles**

3.1 All complaints will be dealt with in a transparent way and as quickly as is reasonably practical. You will be kept informed during the investigation of your complaint and of the outcome except where this is confidential e.g. in the case of a staff disciplinary process.

3.2 It is important that complaints are dealt with as speedily as possible. The school will normally expect you to raise your complaint at the earliest opportunity and in any case no later than ten term time calendar weeks of the event/matter complained of unless the Headteacher or Chair of Trustees agrees there are exceptional reasons for not doing so. All correspondence to the School or Trustees should be by email or letter care of the school office and not to the home address of any Trustee.

3.3 The timescales for dealing with your complaint within this procedure will be adhered to as far as is reasonably practicable. Where this is not possible you will be informed, within the specified timescale, as to why this is the case, and given a revised timescale for dealing with your complaint.

3.3 The school has appointed a school's complaints co-ordinator whose role is to have responsibility for the operation and management of the school's complaints procedure.

3.4 The Board of Trustees recognises that complaints may provide helpful insights and feedback for the Headteacher and staff, as well as the Board of Trustees, and as such support improvement in processes and practice. A brief, anonymised summary of the nature and outcome of any complaints dealt with via this procedure will be made at least annually to the board, with any associated recommendations for changes in practice included.

### 4. **Resolving complaints**

4.1 At each stage in the procedure the school will want to consider the ways in which the complaint can be resolved which may include acknowledging that the complaint is valid in whole or in part. In addition, 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 school policies in light of the complaint.

4.2 At each stage the complainant will be asked to state what action they feel might resolve the issue.

## 5. **Serial and Persistent complaints**

5.1 The School defines serious and persistent complaints as follows:

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

5.2 The school may judge a complaint to be pursued in an 'unreasonable manner' where the frequency of contact with the school hinders the consideration of the complaint and/or impedes the ability of the Headteacher and school to meet the needs of all pupils equitably.

5.3 Where the Headteacher, and/or Chair of Trustees, or other nominated Trustee judges a complaint to be manifestly unjustifiable, having considered all the relevant circumstances, s/he will take such actions as they consider appropriate which may include rejecting the complaint and/or restricting contact between the complainant and the school.

5.4 Any such decision will be communicated to the complainant in writing with the reasons for it.

5.5 Where the complainant seeks to reopen a matter the same as, or similar to, a matter previously considered under the procedure to its appeal stage, the Chair of Trustees has the right to inform them that the procedure has been exhausted and the matter is closed.

## 6. **Stages of the Procedure**

6.1 Many concerns and minor complaints can be resolved quickly and informally through the class teacher or another member of staff, depending upon the nature of the concern or complaint. Unless there are exceptional circumstances every effort will be made by the school to have a full discussion with the complainant to resolve the issues informally before moving into the formal stages of this procedure.

### **Stage 1 (Informal) Initial concern**

6.2. The complainant should raise their concern/issue by appointment with the class teacher/staff member/person complained of as soon as possible. The purpose of the meeting should be to establish the nature of the concern and to seek a realistic solution to the problem. The staff member may, if they consider it appropriate, or if so directed by their line manager/Headteacher, refer the complainant to a more senior or experienced member of staff who will try to resolve the concern informally. Where a particular member of staff (e.g. the child's class teacher) is the subject of the complaint, the complainant may choose to have their concerns addressed by a different member of staff. [Any such request should be addressed to the School's complaints co-ordinator.]

- 6.3 If the concern is not resolved through such discussion, the complainant should seek an appointment with the Headteacher or if the Headteacher so determines another senior member of staff. The purpose of this meeting is to establish the nature of the ongoing concern and hopefully resolve it to the complainant's satisfaction. It is for the Headteacher to determine which staff members should attend any such meeting.
- 6.4 It should be noted that individual Trustees are unable to act on a complaint outside of the procedure set out in this document.
- 6.5 If initial attempts to resolve the issues informally are unsuccessful and the complainant remains dissatisfied they may wish to invoke the formal complaints procedure set out below.
7. **Stage 2 (formal) Complaint heard by the Headteacher/or senior member of staff (or nominated Trustee if the complaint is about the Headteacher or a Trustee/The Board of Trustees)**
- 7.1 If the complainant remains dissatisfied either with the way in which their concerns have been handled or the issue remains unresolved they may wish to ask the Headteacher/or senior member of staff, or an appropriate third party as decided by the Headteacher to consider the complaint.
- 7.2 The Headteacher/or senior member of staff may ask another member of staff to assist with collating information as part of the investigation but the decision on the action to be taken will be made by the Headteacher/senior member of staff.
- 7.3 The complaint should be made in writing on the School's complaint form which may be downloaded and printed from the school website or obtained from and returned to the School Office addressed to the Headteacher or senior member of staff.
- 7.4 The Headteacher/senior member of staff, or other member of staff nominated by him/her, will contact the complainant within 10 working days of receiving the complaint, or as soon as is reasonably practical to offer to arrange a meeting at a mutually convenient time. The complainant is entitled to bring a friend with them at this stage. Where necessary the Headteacher/senior member of staff, or other nominated member of staff, will carry out a full investigation into the issues raised. The Headteacher/senior member of staff will give a written response to the complaint within 10 working days of this meeting or as soon as is reasonably practical thereafter. Where the offer of a meeting is declined, or the complainant does not respond within ten working days of the letter being sent, this response will be made as soon as possible, normally this will be within 10 working days. Where the complainant remains dissatisfied with this response, the complaint may move to the third and final stage of the procedure.
- 7.5 Where your complaint is against the Headteacher, the Chair of Trustees, or another Trustee, and in the event an informal resolution is not facilitated via discussion as reflected in section (6) of this procedure, the consideration of the complaint in line with the process detailed above in (7) of this procedure (the formal stage) will be the responsibility of the Chair of Trustees, or other Trustee nominated by the Chair, or Vice chair, or Board of Trustees.

## **8. Appeal to the Board of Trustees Stage**

- 8.1 If the complainant wishes to appeal against the decision made at the formal stage they must indicate their intention to do so within 10 working days of receipt of the outcome of the formal stage.
- 8.2 They must do this by sending a written appeal to the clerk to the Board of Trustees, either by letter or email. This should state the original complaint and their reasons for appealing the outcome of the previous stage.
- 8.3 A Trustees' appeal panel will be convened by the clerk, consisting of three Trustees who, where possible, have had no previous involvement in consideration of the complaint. At least one member of the appeal panel will be a person who is independent of the management and running of the academy. This may be a governor or trustee at another school, or another person whom they judge has suitable experience. The appointment of this person is entirely a matter for the Board of Trustees. Complaints appeal meeting will be held in accordance with the procedure attached as **Appendix A**.
- 8.4 The meeting of the Trustees' Panel should take place as soon as possible, but in any case, a date and time will be set and communicated to the complainant within 20 working days of receipt of their request for an appeal. Every reasonable effort will be made by the clerk to agree the date and time with the person making the complaint. Normally the appeal hearing will take place at the school, but for practical reasons an alternative venue may be arranged by the clerk. The Trustees' decision will be communicated in writing to the complainant as soon as possible but, in any case, within 5 working days of the meeting. 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 school's systems or procedures to ensure problems of a similar nature do not happen again.

There will be no further right to appeal this decision within the school although the complainant may be able to seek a review of the Trustees' appeal panel handling of the complaint in certain circumstances to the external bodies listed below.

## **9. Opportunities to Request a Review**

### **Complaining to the Education Funding Agency**

- 9.1 If you believe that the Board of Trustees has acted unreasonably you can complain in writing to the Education Funding Agency (EFA). You should do so via their [schools complaints form](#).
- 9.2 The EFA role is to check whether the complaint has been dealt with properly by the academy. They will consider complaints about academies that fall into any of the following three areas:
1. where there is undue delay or the academy did not comply with its own complaints procedure when considering a complaint
  2. where the academy is in breach of its funding agreement with the Secretary of State
  3. where an academy has failed to comply with any other legal obligation

They will not overturn an Academy's decision about a complaint. However, if they find the academy did not deal with a complaint properly they will request the complaint is looked at again and procedures meet the requirements set out in the Regulations. If the academy's complaints procedure does not meet the Regulations, they will ask the academy to put this right. They may seek to enforce the decision under the terms of the funding agreement on behalf of the Secretary of State, if the EFA considers this appropriate.

### **Complaining to Ofsted**

10.2 Ofsted has powers to investigate certain types of complaint from parents to help them to decide whether to inspect a school.

Before complaining to an external body, it would usually be expected that **all** stages of this procedure had been exhausted.

This procedure was adopted by the Board of Trustees of The Oaks Academy on 21<sup>st</sup> September 2017. It is scheduled for review during the school autumn term 2020.

## **APPENDIX A The Oaks Academy Complaints Policy**

### **Conduct of Trustees' Complaints Panel Meetings**

1. Although this procedure may appear formal, the hearing will be conducted in as informal as way as possible, and the Chair of the Panel will make every effort to make all parties feel comfortable.
2. A suitable venue will be provided for the meeting which includes separate waiting areas for the two parties and refreshments for all involved.
3. Every reasonable effort will be made to agree the date and time of the meeting with all parties and witnesses and all relevant documentation will be circulated to all parties by the clerk (appointed by the Trustees) to the Panel at least five working days in advance of the meeting.
4. Submission of additional documentation will not normally be allowed outside this timescale or at the appeal meeting, but the decision whether to allow this will lie with the trustees' panel.
5. The meeting will be minuted by the clerk and the draft minutes agreed with the Panel (or if they so resolve by the Chair of the Panel) and then forwarded by the clerk to the complainant for any comment as to accuracy. Any such comments must be returned within 5 working days of being sent. (If by first class post only within 6 working days). The clerk will share any such response with the Chair/Panel (as previously agreed), offering any professional advice or comment, and may accept any amendments in whole or part, or similarly reject them. Any comments not accepted may be appended to the minutes, now approved, for information. The approved minutes should be held by the school and sent to the complainant. The minutes are not to be shared with the Board of Trustees, or any individual Trustee not on the Panel. However, the panel Chair must report back the outcome (without naming any individual) and any actions or learning recommended, to the next full meeting of the Board of Trustees.
6. The meeting may be attended by:  
  
the complainant, with a companion if desired (who cannot also be a witness) ; the Head teacher and/or Chair of Trustees/ nominated Trustee, as appropriate, with an adviser if required; Any witnesses called by either party; the members of the Trustees' Complaints Panel; the clerk; an adviser to the Trustees' Panel.
7. Members of staff who have been involved in the issue, or other witnesses, may be called upon by either side to attend part of the meeting to provide information to the Trustees. The appeal panel may also seek the attendance of named persons, including staff, if they deem it relevant. However, no person, including staff members, may be required to attend. It is for the Panel to decide if it is reasonable to draw any inference in relation to the facts because of non-attendance.
8. Both sides must provide names of any witnesses to be called at least 5 days in advance of the meeting, and the nature of the evidence which they will be providing. Failure to do so may mean that witness may not be permitted to attend the hearing at the discretion of the Trustees. The panel has the discretion not to admit a witness if they do not consider their evidence to be relevant to the complaint. Witnesses will not be permitted to sit in the appeal hearing before giving their evidence. It is for the Panel to decide what weight to give any written evidence submitted by a person who does not attend the hearing, and whom it is thus not possible to question.
9. There will be no audio or visual recording of the proceedings by any party but a copy of the minutes of the meeting, once approved, will be shared with all parties, as detailed in (5) above.

10. The clerk will ensure the Trustees' Panel select a Chair.
11. The Chair of the Panel will introduce all the parties present and explain the procedure to be followed, and that every effort will be made to keep the process as informal as possible.
12. The complainant (or companion/ representative) will outline your complaint and explain why you are dissatisfied with the School's response to date. You may call any witnesses in support of your complaint (subject to paragraph (8) above), who will attend the meeting only for the time that they are providing information, and may be questioned by all parties.
13. The Headteacher/ Chair /nominated Trustee will have the opportunity to ask the complainant and any witnesses' questions.
14. The panel may ask questions of any party at any point. With the agreement of the Panel Chair, any adviser to the Panel may also ask questions of either party.
15. The Headteacher and/or the Chair of Trustees will explain their/their staff member's involvement in the complaint and the reasons for their decisions at the informal and first/second formal stage. The Headteacher and/or Chair of Trustees may call any witnesses in support of his/her statement who will attend the meeting only for the time that they are providing information, and may be questioned by all parties.
16. The complainant and the Trustees will have the opportunity to ask questions of the Head teacher and/or Chair of Trustees.
17. Both parties will be given the opportunity to sum up their statements, ending with you. No new material may be introduced at this stage.
18. The Trustees may decide to adjourn the hearing pending further investigation, or to consider or clarify any procedural point at any stage, if this seems necessary.
19. Both parties will leave the meeting and the Trustees will consider the information that has been put to them. The clerk, and any adviser to the panel, will remain for this part of the meeting to clarify anything if necessary, and to offer advice, but the Trustees' deliberations will not be minuted.
20. The Trustees' Panel must reach a unanimous or majority decision as to whether to uphold your complaint wholly or in part, and what action (if any) the school needs to take to resolve your complaint. This may include referring the matter to another formal process, whether in relation to a complaint against a Trustee or a member of the school staff. Normally the Trustees will reach a decision at this point but they may feel the need to take further advice and adjourn. Where this is the case they will endeavour to reach a decision as soon as possible. Normally this should be within five working days, with any subsequent delay detailed in writing to the complainant by the clerk at the earliest opportunity.
21. The clerk will communicate the Trustees' response to both parties in writing as soon as possible but, in any case, within 5 working days of reaching their decision. The Trustees' response will detail whether the complaint is upheld wholly or in part and briefly summarise the basis on which Trustees arrived at this conclusion. The response will also include any lessons learnt and specify any action to be taken by the school because of the complaint and within what timescale.