



Olive Academies

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Complaints Policy and Procedure

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Academies to note: 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.	

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.

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. General overview

Initial concerns

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 complain 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.

4. Stages of complaints

Stage One: complaint heard by staff member

The headteacher will identify a staff member to review and consider the complaint. The academy will try to respect the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the matter will be referred to a deputy headteacher or headteacher who may, if they feel it appropriate, refer the complainant to another staff member. Alternatively, they may not feel this is necessary. Where the complaint concerns the headteacher, the complainant can be referred to the chair of the AAB or CEO.

Similarly, if the member of staff asked to consider the complaint feels too compromised to deal with it, the deputy headteacher or headteacher may consider referring the complainant to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

Where the first approach is made to an AAB member, the next step would be to refer the complainant to the appropriate person dealing with the complaint. AAB members should not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

Complaints against the chair of the AAB or any member of the AAB or OA Board should be made by writing to the OA Governance and Policy Executive.

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 2: Complaint heard by headteacher or CEO

If the complainant is dissatisfied with the way the complaint was handled at stage one, they may go to stage 2, whereby the headteacher or CEO will hear the complaint. The decision regarding who hears the complaint will be dependent on the nature of the complaint. The headteacher or CEO

may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

The same timings as in stage 1 will apply.

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 (either the Governance and Policy Executive or a local academy office staff member) 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 can not 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 advisor.

If the complaint is about the headteacher a hearing by the CEO or chair of trust becomes stage two.

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.

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.

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.

5. **Record keeping** – records should be kept of all formal complaints, including:
- Whether they were resolved at stage two or progressed to a stage three panel hearing
 - What action was taken by the academy as a result of those complaints (whether or not the complaints were upheld)

6. 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 2.

7. 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: 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 2: 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 3: Complaints Flowchart

