





# Oak Trees Multi Academy Trust

## Complaints Policy and Procedure

Issue Status: -

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	<u>Signature</u>	<u>Name</u>	<u>Date</u>
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## Introduction

This policy provides the framework within which parents/carers of pupils at each school and non-parents/carers may raise a complaint and have confidence that it will be considered seriously and dealt with appropriately. This policy outlines the system and route for complainants to make the school aware of their concerns. Oak Trees Multi Academy Trust has a strong commitment towards working in positive partnership with the whole school community. We need to ensure that we comply with DfE requirements about handling complaints.

## Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

It is important for complainants to decide whether their complaint is worthy of using the Oak Trees Multi Academy Trust complaint procedure. It may be worth asking the question, '**Is this a concern or a complaint?**' The answer to this question should help a complainant know how best to deal with the issue. Whatever the answer, complainants should aim to deal with issues as informally as possible; ideally face to face with a member of staff at an appropriate time which has been mutually agreed. Our formal complaints procedure is only necessary if efforts to resolve the concern informally are unsuccessful. Where an individual may feel that an issue has not been dealt with appropriately, it is important for all involved, that there is a clear and transparent process for a complaint to be investigated and followed up.

## Policy and Procedure Principles

- To encourage resolution of problems by **informal** means wherever possible
- To be easily **accessible** and **publicised**
- To be **simple** to understand and use
- To be **impartial**
- To be **non-adversarial**
- To allow **swift** handling with established **time-limits** for action and keeping people informed of the progress
- To ensure a full and **fair** investigation by an independent person where necessary
- To respect people's desire for **confidentiality (no use of social media to highlight complaint)**
- To address all the points at issue and provide an **effective** response and **appropriate** redress

This procedure will be relied upon in respect of all complaints against the school except in the following areas, where separate policies and procedures exist:

- Child protection allegations
- Exclusions
- Admissions

Details of these policies and procedures can be found on the website for each school in the Multi Academy Trust.

### **Anonymous complaints**

We will not normally investigate anonymous complaints. However, the headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

### **Time scales**

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

### **Complaints received outside of term time**

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

### **Scope of this Complaints Procedure**

This procedure covers all complaints about any provision of community facilities or services by the school/Trust, other than complaints that are dealt with under other statutory procedures, including those listed below.

<b>Exceptions</b>	<b>Who to contact</b>
<ul style="list-style-type: none"> <li>• Admissions to schools</li> <li>• Statutory assessments of Special Educational Needs</li> <li>• School re-organisation proposals</li> </ul>	<p>Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Wirral Local Authority</p>
<ul style="list-style-type: none"> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).</p>
<ul style="list-style-type: none"> <li>• Exclusion of children from school*</li> </ul>	<p>Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>.</p>

<ul style="list-style-type: none"> <li>Whistleblowing</li> </ul>	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>Volunteer staff who have concerns about our schools should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p>
<ul style="list-style-type: none"> <li>Staff grievances</li> </ul>	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>
<ul style="list-style-type: none"> <li>Staff conduct</li> </ul>	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
<ul style="list-style-type: none"> <li>Complaints about services provided by other providers who may use school premises or facilities</li> </ul>	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.</p>
<ul style="list-style-type: none"> <li>National Curriculum - content</li> </ul>	<p>Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a></p>

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

## Stages of Complaint for Parents/Carers

There are 4 stages to the academy complaint procedure for parents/carers of pupils at the school. Stages 1 and 2 are informal. Stages 3 and 4 are formal. Complainants who have missed out stages in the procedure will be referred back to the appropriate stage.

<p>Stage One <b>Informal</b></p>	<p>If you have concerns about any aspect of your child's education and/or welfare you should first raise these concerns with the relevant member of staff, their immediate manager or a senior manager in an attempt to resolve the issue. This can be done by seeing the member of staff at the end of the school day or by telephoning the school office to make an appointment. Likewise, for all non-parent and carers issues, if you have any complaint about the actions of the school or the Trust this should be in the first instance raised through stage 1 of the process.</p>
<p>Stage Two <b>Informal</b></p>	<p>If you are not satisfied after Stage 1, write to the Headteacher who will investigate the complaint if it is school related and respond in writing within ten (10) school days.</p> <p>If your complaint relates to the Headteacher, write to the Chair of the Local Governing Body in a sealed envelope with 'confidential' written on it via the school office, and s/he will arrange for the complaint to be investigated and respond within ten (10) school working days. The Chair may call upon a governor with specific expertise to review or undertake the investigation. See 'Complaint Form' to structure your complaint.</p> <p>Complainant has fifteen (15) school working days to consider the decision before implementing Stage 3. If no response is received within fifteen (15) school working days, it will be deemed that the decision is accepted and the case will be closed.</p> <p>If the complaint is about the Chair of Governors or Trust CEO, the complaint should be addressed to the Chair of Trustees.</p>
<p>Stage Three <b>Formal</b></p>	<p>If you are not satisfied after Stage 2, write to the Chair of the Local Governing Body by completing the 'Complaint Form' and sending it via the school office in a sealed envelope with 'confidential' written on it, who will convene a Complaints Panel of at least three (3) people who were not directly involved in the matter being complained about; one of whom must be independent of the management and running of the school and one of whom must be a member of the Board of Trustees of Oak Trees Multi Academy Trust. The panel will hear the complaint within fifteen (15) school working days. The Chair of the Local Governing Body may not be able to be a member of the panel as they may already have been involved in handling the complaint.</p> <p>The Complaints Panel is the last school/Trust-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions. The panel may regulate its own procedure and implement a process at this stage which is appropriate to the complaint being made. You will be entitled to attend the panel hearing and be accompanied if you so wish. This meeting will be clerked and those concerned will be allowed to bring witnesses if this is appropriate. The panel will give a decision in writing without delay or within ten</p>

	<p>(10) school working days of the hearing to you. A copy of the decision will be forwarded to any persons who are the subject of your complaint and the Headteacher. The school/Trust would now consider the matter to be closed, and any complainant then unhappy with the outcome would have to follow Stage Four of the process below.</p> <p>* No meetings will be tape recorded. This will be stated at the commencement of the meeting before the Governing Body and that if the complainant does still go ahead and records the meeting it will not be considered as part of the complaint investigation.</p>
<p><b>Stage Four Formal</b></p>	<p>The results of the hearing will be final and following ratification of the outcome, you will be advised that the matter is closed as far as the school/Trust is concerned.</p> <p>Complaints about the school failing to comply with this procedure or failing to comply with the obligations in its Funding Agreement with The Secretary of State for Education may be made to the Education Skills Funding Agency (ESFA). The ESFA will consider complaints that fall into any of the following three categories:</p> <ol style="list-style-type: none"> <li>1. where there is undue delay or the school does not comply with its own complaints procedure when considering a complaint</li> <li>2. where the academy is in breach of its funding agreement with the Secretary of State</li> <li>3. where an academy has failed to comply with any of its legal obligation</li> </ol> <p>The ESFA will normally only consider complaints when every stage of the above process has been completed.</p> <p>Further details can be found at <a href="http://www.education.gov.uk/aboutdfe/complaintsprocedure">www.education.gov.uk/aboutdfe/complaintsprocedure</a></p> <p>If the complainant believes the school/Trust did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 2.</p> <p>The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by the school/Trust. They will consider whether the school/Trust has adhered to education legislation and any statutory policies connected with the complaint.</p> <p>The complainant can refer their complaint to the Department for Education online at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>, by telephone on: 0370 000 2288 or by writing to:</p> <p>Department for Education Piccadilly Gate Store Street Manchester M1 2WD.</p>

### **Academy Complaint Procedure for Non Parents/Carers**

If you have concerns about the school raise these concerns with the Headteacher/Principal in an attempt to resolve the issue by telephoning the school office to make an appointment. If you are not satisfied by the response write to the Chair of the Local Governing Body in a sealed envelope with 'confidential' written on it via the school office and s/he will arrange for the complaint to be investigated and respond within ten (10) school working days. The Chair may call upon a governor with specific expertise to review or undertake the investigation. There is no right to appeal at the end of this stage.

#### **Investigating Complaints**

At each stage of the investigation process, the person investigating the complaint ensures 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; and
- keep notes of the interview.

#### **Resolving Concerns and Complaints**

When there are particular concerns which complainants wish to share, the school encourages them to contact the school by telephone or email/letter so that the matter can be dealt with quickly and informally.

For clarity: there is a difference between a concern and a complaint.

- Concerns ought to be handled, if at all possible, without the need for formal procedures.
- Complaints will be dealt with openly, fairly, promptly and without prejudice.
- The School reserves the right to treat communications with parents as formal complaints even if parents/carers do not request this in the communication.

At each stage in the Complaints procedure schools will keep in mind ways in which a concern or complaint can be resolved. It might be sufficient to acknowledge 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;
- explanation as to why something happens in the way it does;
- admission that the situation could have been handled differently or better;
- assurance that the event complained of will not recur;
- explanation of the steps that have been taken to ensure that it will not happen again;
- undertaking to review school policies in light of the complaint.

#### **Vexatious Complaints**

There will be occasions when, despite all stages of the procedure having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same or substantially the same or any other issue where the Chair of the local governing body reasonably believes that the aim of the complainant is to cause stress to the school or is unreasonably made, the Chair of the local governing body will inform them in writing that the procedure has been exhausted and that the matter is now closed in accordance with the following procedure:

**Stage 1**- if the communication/complaint from a single person meets our definition of vexatious or persistent complaint (see below), a warning letter will be issued setting this out and expressing a view that if the behaviour does not change, we will deem the complaints vexatious and that a person's right to access the complaints procedure or communicate with the school will be restricted.

**Stage 2** - if the behaviour continues, the following restrictions will be put in place - email contact via a specific address or communication in writing only; meetings with two members of staff; calls to a specific person; no need to acknowledge letters etc. As long as the parent still receives necessary information about the child, the other restrictions are within the school's discretion. Obviously, if the letters become threatening etc., then police involvement, action under Protection from Harassment Act 1997, would have to be considered.

**Vexatious complaints** - are complaints made, regardless of their merits, solely to harass, worry or annoy the person / organisation subject of the complaint. It may take the form of a primary frivolous complaint or may be the repetitive, burdensome, and unwarranted filing of meritless complaints. Filing vexatious complaints is considered an abuse of the school's complaints system and may result in stage 1 and/or stage 2 above being taken against the complainer.

A single complaint, even a frivolous one, is usually not enough to raise a complainant to the level of being declared vexatious.

### **Publication of Procedure**

This procedure will be made available on the website for each school in Oak Trees Multi Academy Trust and the Trust Website at [www.oaktreesmat.co.uk](http://www.oaktreesmat.co.uk). Copies will be made available to anyone who asks for it via the school offices.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.



**Appendix 1**

**Complaint Form**

Please complete and return to the Headteacher (Stage Two Informal) or the Chair of the local governing body (Stage Three Formal), who will acknowledge receipt and explain what action will be taken.

<b>Your name:</b>		
<b>Child's name:</b>	<b>Year Group:</b>	
<b>Your relationship with the child:</b>		
<b>Address:</b>		
<b>Telephone number:</b>	<b>(daytime)</b>	<b>(evening)</b>
<b>Email Address:</b>		
<b>Please give details of your complaint</b> (Include details of actions already taken by the school to try and resolve the situation)		
<b>What actions do you feel might resolve the problem at this stage?</b>		

**Are you attaching any paperwork? If so, please give details.**

**Signature:**

**Date:**

**Official Use by School**

**Date acknowledgement sent:**

**By Whom?**

**Complaint referred to:**

**Dates:**