



# OAKFIELD ACADEMY

BELIEVE AND ACHIEVE

## **Complaints Policy**

This is a STATUTORY policy

Recommended for review by Pupils, Staff and Wellbeing Committee every 3 years

**Written/**

**Reviewed by:** SLT

**Approved by:** Pupils, Staff and Wellbeing Committee

**Ratified in:** September 2020

**Next review due:** September 2023

## Complaints Policy

The Board of Trustees of Oakfield Academy delegated ratification of this policy to the Pupils, Staff and Wellbeing Committee following consultation with staff and trustees.

It will be reviewed every 3 years.

### Procedures for dealing with complaints

At Oakfield Academy we make every effort to provide a friendly and safe environment in which the pupils will be helped to believe in their abilities and to achieve at their highest level, both in an academic and social context. We recognise, however, that sometimes things can go wrong and parents and members of the public may need to make a complaint or raise concerns they have with the academy. This policy tells you what to do if this happens.

### Introduction

The majority of issues raised by parents, the community or pupils, are concerns rather than complaints. We are committed to taking concerns seriously, at the earliest stage, in the hope of keeping the number of formal complaints to a minimum and without needing formal procedures. However, depending on the nature of the concern, you may wish or be asked to follow the academy's formal complaints procedure. For the academy to be able to investigate a complaint, it needs to be made within one year of the incident occurring. If a complaint is older than a year it will not be investigated.

The prime aim of Oakfield's policy is to resolve the complaint as fairly and speedily as possible.

### Formal complaints

Correspondence, statements and records relating to formal complaints will be dealt with in a sensitive and impartial manner. The complaint will remain confidential except where the Secretary of State requests access to it. A written record will be kept for all formal complaints including whether they were resolved at stage 2 or progressed to a panel hearing, what action was taken as a result of the complaint. Malicious complaints may incur appropriate action by the academy. This also applies to persistent complaints. Any complaints concerning the conduct of academy staff will be handled in accordance with the academy's internal disciplinary procedures and will remain confidential. Staff involved in the handling of complaints will be suitably trained to do so.

The following details outline the stages that can be used to resolve complaints.

Stage 1	– A concern is raised informally with a staff member.
Stage 2	– Formal complaint is heard by an appropriate member of staff. The formal procedures are only invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.
Stage 3	– Complaint is heard by Headteacher
Stage 4	– Complaint is heard by Board of Trustees's Complaints Appeal Panel.
Stage 5	– Complaint made to ESFA.

### The Academy Policy has four main stages:

#### Stage 1 – Raising a concern

Concerns can be raised with the academy at any time and will usually generate a response, which will resolve the concern. The academy requests that parents make their first contact with the tutor, or specific subject teacher, if this is more appropriate.

It is important for parents to recognise that the academy is a busy organisation and that whilst we will do our best, it may not be possible to offer an appointment immediately.

On some occasions the concern raised may require investigation, or discussion with others, in which case you will receive an informal but informed response as soon as possible. The vast majority of concerns will be satisfactorily dealt with in this way. However, if you are not satisfied with the result at Stage 1, please write to or call the academy within ten working days and state what you would like the academy to do. The academy will then look at your complaint at the next stage.

### **Stage 2 – Complaint heard by an appropriate staff member**

Formal complaints should be put in writing and addressed to the appropriate Head of Year (for issues of a pastoral nature) or Head of Department (for issues related to the curriculum) for your child's year. You may request a complaints form for this purpose. The complaint will be logged, including the date it was received. The academy will normally acknowledge receipt of the complaint within three working days of receiving it. In many cases this response will also report on the action the academy has taken to resolve the issue, however, if the issue requires complex investigation (e.g. interviewing a number of people) it may take up to five working days. Alternatively, a meeting may be convened to discuss the matter further.

This meeting will normally take place within ten working days. The aim will be to resolve the matter as quickly as possible. However, if you are not satisfied with the result at Stage 2 please write to or call the academy within ten working days of receiving our response. You will need to tell the academy why you are still not satisfied and what you would like the academy to do. You can request a complaint form for this.

### **Stage 3 – Complaint heard by Headteacher**

If the matter has not been resolved at Stage 2, the headteacher will arrange for a further investigation. Following the investigation, the headteacher will normally give a written response within ten academy working days. If you are dissatisfied with the result at Stage 3, you will need to let the academy know within ten working days of receiving the response.

**Stage 4 – Complaint heard by the Board of Trustees's Complaints Appeal Panel** If the matter has still not been resolved at Stage 3, then you will need to write to the Chair of Trustees giving details of the complaint. The Chair or a nominated trustee will convene a Complaints Appeal Panel consisting of at least 3 people who have not been directly involved in the matters detailed in the complaint. The panel will not be made up solely of Board of Trustees members. The hearing will normally take place within ten working days of the receipt of the written request for Stage 4 investigation. You will be notified of this and allowed to attend the panel hearing and can be accompanied. The aim of the Complaints Appeal Panel hearing is to ensure that due process has been followed. All parties will be notified of the panel's decision findings and recommendations in writing within three working days after the date of the hearing.

Copies of the findings and recommendations will be provided to you and, where relevant, the person the complaint was regarding with copies provided to the headteacher. The letter will also contain what you need to do if you wish to take the matter further, although it should be noted that the decision of the Trustee Complaints Appeal Panel is final.

### **Stage 5 – Referral to ESFA (Education & Skills Funding Agency)**

If dissatisfied with the panel's decision, complainants are advised to send their complaint to the Department for Education, Castle View House, East Lane, Runcorn, Cheshire, WA7 2GJ

### **Note**

Allegations of abuse against a member of the academy staff must be reported to the Headteacher immediately. Allegations of abuse against the Headteacher must be reported to the Chair of trustees immediately.

In cases where the matter concerns the conduct of the Headteacher, the Headteacher and Chair of trustees will be informed of the complaint. The Chair of trustees will arrange for the matter to be investigated. In cases where the matter concerns the conduct of a member of the Board of Trustees, the member will be informed of the complaint.

**Oakfield Academy Complaint Form**

**Please complete and return to reception who will acknowledge receipt and explain what action will be taken.**

**Your name:**

**Pupil's name:**

**Your relationship to the pupil:**

**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)?**

**What actions do you feel might resolve the problem at this stage?**

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

**Signature:**

**Date:**

**Official use**

**Date acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Date:**

## Appendix 1

### Guidance for Staff Investigating Complaints

It is suggested that at each stage, the person investigating the complaint, makes sure that they:

- establish **what** has happened so far, and **who** has been involved;
- make a note of the complaint;
- 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.

You should normally offer an appointment to discuss the issue as quickly as possible, as this will give both parties time to talk about it calmly and politely without being interrupted. This can allow parties to remain calm. It will also show a commitment to resolving issues. Complaints need to be considered, and resolved, as quickly and efficiently as possible (see procedure). However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

At each stage in the procedure you will want to keep in mind ways in which a 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;
- 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 academy policies in light of the complaint.

It is useful if complainants are encouraged to state what actions they feel might resolve the problem at any stage. An admission that the academy could have handled the situation better is not the same as an admission of negligence. An effective procedure will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

## **Appendix 2**

### **Complaint's Appeal Panel hearing**

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 has to 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. The letter will also contain what you need to do if you wish to take the matter further.

It is important that the appeal hearing is independent and impartial and that it is seen to be so. No Trustee may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, Trustees need to try and ensure that it is a cross-section of the categories of Trustee and sensitive to the issues of race, gender and religious affiliation.

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 will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.

### **The role of the Clerk**

The Clerk is the contact point for the complainant and will be 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 Chair of the Board of Trustees or the nominated Trustee**

The nominated Trustee role:

- check that the correct procedure has been followed;
- if a hearing is appropriate, notify the clerk to arrange the panel;

### **The role of the Chair of the panel**

The Chair of the Panel 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 a vested interest in the outcome of the proceedings or 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. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

**Before the meeting:**

- The formal complaints letter should be passed to the vice-chair if the chair will be unable to receive the letter within 5 days.
- Members of the Trustees' Complaints Panel should have no prior knowledge of the complaint and it is, therefore, unlikely that staff trustees will be members of the panel.
- The letter inviting the parent to attend should indicate that they may be accompanied by a friend.

**At the meeting:**

- The Complaints Appeal Panel must be made up of at least three members, one of which must be completely independent from the Academy, and a clerk.
- Although this is a formal meeting, every effort should be made to make it as informal as possible for all concerned and parent put at ease.
- Everyone attending should be in the room at the same time.
- The Clerk should take notes of the meeting, listing who is present and make everyone aware of the confidential nature of the process.
- The Chair of the Trustees' Complaints Appeal Panel should open the meeting stating the purpose and the format of the meeting to clarify this to all in attendance.
- People present should introduce themselves stating their reason for being at the meeting.
- The Chair of the Trustees' Complaints Appeal Panel should request a verbal statement from the complainant in support of their written letter of complaint and why they feel the issue has not been resolved. The Trustees' Complaints Panel members can ask questions to make sure they understand the issue from the complainant point of view.
- The Chair of the Trustees' Complaints Appeal Panel should request a verbal statement from the headteacher (or their representative) in support of their written account of the complaint and the steps taken to resolve the issue. The Trustees' Complaints Panel members can ask questions to make sure they understand the issue from the headteacher's point of view.
- Members of the Trustees' Complaints Appeal Panel should make sure they fully understand the issues and ask any further questions to clarify any points that are still not clear to them.
- The Chair of the Trustees' Complaints Appeal Panel must ask the complainant and the headteacher (or their representative) if they are satisfied that they have provided all the information they wanted or if there is something they wish to add and if they feel they have had a fair hearing.
- When the Trustees' Complaints Appeal Panel members understand all the issues, the chair will ask all parties to leave except the panel members and the clerk.

**After the meeting:**

- The panel members will need to consider the information, come to a decision and suggest a way to resolve the issue taking into account the best interests of the child or children.
- The Trustees' Complaints Appeal Panel members discuss the issues in private and the clerk remains to record the decision. 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.

- When the panel has reached a decision, the Clerk will inform everyone concerned in writing as soon as possible, but in any event, within ten working days of the panel meeting. The letter will also contain what the complainant needs to do if they wish to take the matter further, although it should be noted that if the correct procedure has been followed, the decision of the Trustee's Complaints Panel is final.
- A record must be kept of the outcome of the hearing.
- Written records of complaints will be kept and reported on an annual basis to Trustees.

### **Vexatious complaints**

If properly followed, a good complaints procedure will 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 Board of Trustees is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

### **Summary of procedure and agenda**

- 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.

## **Guidance Notes for Clerk to Complaints Appeal Panel Hearing**

### **Invitations:**

- Parent (who may be accompanied)
- Chair of Trustees Complaints Appeal Panel (TBC)
- Vice Chair in absence
- An additional Trustee
- Headteacher (or Deputy Headteacher in case of absence)
- Independent member of the panel.

NB. Letters should indicate date and time of learning, indicate that the proceedings will be entirely confidential, and that the decision of the panel will be final.

### **Procedure of hearing – general**

NB. Chair to put attendees at their ease.

- Chair to introduce members and ask for all parties to be introduced
- Note that the procedure will be minuted
- Note that the outcome will be final
- Indicate that a record will be kept of the complaint and its outcome, and forwarded to trustees
- Follow agenda as per policy.