



OCL COMPLAINTS PROCEDURE

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Document Control

Changes History

Version	Date	Amended by	Recipients	Purpose
1.0	3rd January 2018	Chris Chamberlain	All OCL Principals	Updated legislation

Approvals

This document requires the following approvals.

Name	Position	Date Approved	Version
John Murphy	CEO, OCL	3rd January 2018	1.0

National/Local Policy

- This policy must be localised (see instructions in Appendix)
 This policy must not be changed, it is a National Policy.

Position with the Unions

Does the policy require consultation with the National Unions under our recognition agreement?

- Yes
 No

If yes, the policy status is:

- Consulted and Approved
 Consulted and Not Approved
 Awaiting Consultation

Distribution

This document has been distributed to:

Name	Position	Date	Version
All OCL Principals	Principal	3rd January 2018	1.0

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1. Aims

Oasis Community Learning is totally committed to developing the character and competence of every student and believes that all students should receive an exceptional education. Through this policy OCL aims to ensure that it meets its statutory obligations and follows best practice when responding to complaints from parents of pupils from our Academies, and others.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Where possible, respect complainants' desire for confidentiality, but complainants should know that this is not always possible and is often detrimental to achieving a mutually acceptable solution
- Treat complainants with respect
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into Academy improvement evaluation processes

This approach is underpinned by the Oasis ethos and 9 habits.

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The Academy will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will ensure we publicise the existence of this policy and make it available on the Academy website.

2. Legislation and guidance

This document meets the requirements set out in part 7 of the schedule to [the Education \(Independent Academy Standards\) Regulations 2014](#), which states that we must have and make available a written procedure to deal with complaints from parents of pupils at the Academy.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on [creating a complaints procedure that complies with the above regulations](#), and refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE).

This policy complies with our funding agreement and articles of association.

In addition, it addresses duties set out in the [Early Years Foundation Stage statutory framework](#) with regards to dealing with complaints about the school's fulfilment of Early Years Foundation Stage requirements.

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".

Oasis Community Learning 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
- Whistle-blowing
- Staff grievances
- Staff discipline (where a complaint leads to disciplinary action being taken this is usually kept confidential from the complainant)

Please see our separate policies for procedures relating to these issues.

Arrangements for handling complaints from parents of children with SEN about the Academy's support are within the scope of this policy. Such complaints should first be made to the class teacher and/or SENCO; they will then be referred to this complaints policy. The OCL SEN policy and individual Academy's information reports includes information about the rights of parents of pupils with disabilities who believe that our Academy has discriminated against their child.

Complaints about services provided by other providers who use Academy premises or facilities should be directed to the provider concerned.

4. Principles for investigation

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.

Complaints about our fulfilment of Early Years requirements

We will investigate all written complaints relating to the Academy's fulfilment of the Early Years Foundation Stage requirements, and notify the complainant of the outcome within 28 days of receiving the complaint. The Academy will keep a record of the complaint (see section 9) and make this available to Ofsted on request.

Parents and carers can notify Ofsted if they believe that the Academy is not meeting Early Years Foundation Stage requirements, by calling 0300 123 4234 or 0300 123 4666, or by emailing

enquiries@ofsted.gov.uk. An online contact form is also available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>.

We will notify parents and carers if we become aware that the Academy is to be inspected by Ofsted. We will also supply a copy of the inspection report to parents and carers of children attending the setting on a regular basis.

5. Stages of complaint (not complaints against the Principal)

Stage 1: Informal

The Academy 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 Principal 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. Parents should be directed to the class teacher / form tutor / head of house initially rather than the Principal.

The Academy will acknowledge informal complaints within **two** working days, and investigate and provide a response within **five** working days.

The informal stage may involve a meeting between the complainant and Head of phase/ Department / member of the Academy leadership team and the subject of the complaint, as appropriate.

If the complaint is not resolved informally, it will be escalated to a formal complaint.

At each stage the timescales can be extended, if agreed by both parties.

Stage 2: Formal

Inform the Principal in writing

The complaint 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 Principal (or designated member of the senior leadership team) may call a meeting to clarify concerns, and seek a resolution. The complainant may be accompanied to this meeting, and should inform the Academy of the identity of their companion in advance.

In certain circumstances, the Academy may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the Academy will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.

If further investigation of the complaint is required the Principal will appoint an investigating officer to undertake this task.

The written conclusion of this investigation will be sent to the complainant within **ten** working days of receipt of the complaint.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the Principal in writing within **five** working days of receipt of the outcome letter.

Informing the Principal in writing that the complaint wishes to proceed to the third stage

This letter to move to Stage 3 should set out the details of the complaint including evidence as set out above. The complainant should also specify what outcome / and / or action/s they feel would

resolve the complaint, and in what ways the previous stage of the procedure has not addressed their complaint sufficiently.

Stage 3: Submit the complaint to the Regional Director

This letter, sent via the Regional Director's Executive Assistant, 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 Regional Director may call a meeting to clarify concerns, and seek a resolution. The complainant may be accompanied to this meeting, and should inform the Academy of the identity of their companion in advance.

In certain circumstances, the Academy may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the Academy will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.

The Regional Director will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within **fifteen** working days of receipt of the Stage 3 letter.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the Regional Director in writing within **five** working days on receipt of the outcome letter / investigation report.

Stage 4: Submit the complaint to a Review Panel

The review panel consists of two members of the Academy Council from the Academy or from another Academy and will be chaired by a Regional Director / Deputy Regional Director from a different Region / Director of Service / National Director. **This person will be independent from the management of the Academy, which is the subject of the complaint and will not have had any prior involvement in the complaint.** These individuals will have access to the existing record of the complaint's progress (see section 9).

ESFA guidance states:

"The procedure must make it clear that **the panel must consist of at least three people who were not directly involved in the matters detailed in the complaint.**

The panel must also include **at least one member who is independent of the management and running of the academy.**

The panel cannot be made up solely of governing body members, as they are not independent of the management and running of the academy."

The complainant must have reasonable notice of the date of the review panel; however, the review panel reserves the right to convene at their convenience rather than that of the complainant. At the review panel meeting, the complainant and representatives from the Academy, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting. However, the panel should aim to meet within **fifteen** working days of the complaint being received.

The complainant must be allowed to attend the panel hearing and be accompanied by a suitable companion if they wish.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called as appropriate to present their evidence.

The panel, the complainant and the Academy representative will be given the chance to ask and reply to questions. Once the complainant and Academy representatives have completed the presentation their cases, the panel will adjourn and the evidence will then be considered.

The panel must then put together its findings and recommendations from the case. The panel will also provide a copy of the findings and recommendations to the complainant and, where relevant, the subject of the complaint, and make a copy of the findings and recommendations available for inspection by the Principal.

The remit of the panel is to:

- Dismiss the complaint in part or whole
- Uphold the complaint in part or whole
- Recommend changes to the Academy's systems or procedures to ensure that problems of a similar nature do not recur
- Suggest ways forward to resolve the complaint

Minutes will be kept of the meeting and kept on file in the Academy. The Academy will inform those involved of the decision in writing within **five** working days of the panel.

See Appendix A for sample letter inviting complainant to the Review Panel meeting.

6. Complaints against the Principal or an Academy Councillor

Complaints made against the Principal should be directed to the Regional Director.

Where a complaint is against any member of the Academy Council, it should be made in writing to the Academy Council Secretary/Clerk in the first instance.

Complaints against members of the Academy Council should be directed to the Chair of the Academy Council. If the complaint is against the Chair of the Academy Council then this complaint will be directed to the Head of Governance.

The policy outlined above should then be followed from stage 3 onwards.

Contact details:

- Any complaint addressed to the Chair of the Academy Council should be addressed c/o the Academy
- The appropriate Regional Director can be contacted through the OCL National Office: Oasis Community Learning, Interchurch House, 35-41 Lower Marsh, London, SE1 7RL

7. Referring complaints on completion of the Academy's procedure

If the complainant is unsatisfied with the outcome of the Academy'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 an Academy's decision about a complaint. However, it will look into:

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

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

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

OCL Complaints Procedure

8. Persistent complaints

Where a complainant tries to re-open the issue with the Academy after the complaints procedure has been fully exhausted and the Academy has done everything it reasonably can in response to the complaint, the Regional Director will inform the complainant that the matter is closed.

If the complainant subsequently contacts the Academy again about the same issue, the Academy can choose not to respond. The normal circumstance in which we will not respond is if:

- The Academy has taken every reasonable step to address the complainant's needs, *and*
- The complainant has been given a clear statement of the Academy's position and their options (if any), *and*
- The complainant is contacting the Academy repeatedly but making substantially the same points each time

However, this list is not intended to be exhaustive.

The Academy will be most likely to choose not to respond if:

- We have reason to believe the individual is contacting the Academy with the intention of causing disruption or inconvenience, and/or
- The individual's letters/emails/telephone calls are often or always abusive or aggressive, and/or
- The individual makes insulting personal comments about, or threats towards, Academy staff

Unreasonable behaviour which is abusive, offensive or threatening, that it is entirely unacceptable and will not be tolerated, may also constitute an unreasonably persistent complaint.

Once the Academy has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

The Academy will ensure when making this decision that complainants making any new complaint are heard, and that the Academy acts reasonably.

Unreasonably persistent complaints

1. Whenever possible, the Principal or Regional Director will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.
2. If the behaviour continues, the Principal will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact one of our Academies causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan (see Appendix C). This will usually be reviewed after 6 months.
3. In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the Academy

Barring from the Academy Premises

The public has no automatic right of entry to our Academies. Academies will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

If a parent's behaviour is a cause for concern, an Academy can ask him/her to leave Academy premises. In serious cases, the Principal or OCL can notify them in writing that their implied license to be on Academy premises has been temporarily revoked subject to any representations that the parent may wish to make. Academies should always give the parent the opportunity to formally express their views on the decision to bar in writing.

The decision to bar should then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent should be notified in writing, explaining how long the bar will be in place.

Please first see the Parental Code of Conduct that sets out the Oasis approach to how an Academy deals with these incidents

See DfE guidance: "Advice on Academy security: Access to, and barring of individuals from, Academy premises", 2012

See Appendix B for sample banning letters.

9. 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.

In line with GDPR records of complaints should be kept following the guidance outlined in the OCL Data Retention Policy which is available on the OCL Data Protection Portal.

10. Learning lessons

The Regional Director will review any underlying issues raised by complaints with the Principal where appropriate, and respecting confidentiality, to determine whether there are any improvements that the Academy can make to its procedures or practice to help prevent similar events in the future.

11. Monitoring arrangements

The Regional Director will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The Regional Director will track the number and nature of complaints, and review underlying issues as stated in section 10.

The complaints records are logged and managed by the administrative team in each Academy

This policy will be reviewed by National Education Team regularly.

At each review, the policy will be approved by The National Education Team

12. Links with other policies

Policies dealing with other forms of complaints/appeal/representations include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Exclusions policy
- Staff grievance procedures

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- Staff disciplinary procedures
- SEN policy and information report
- Parental Code of Conduct

13. Training

Based on the level of need, Academy leaders will organise training for colleagues in dealing with complaints so that all staff feel confident in solving issues and working positively with parents and others.

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