

Ormiston Academies Trust

Ormiston SWB Academy Complaints policy

Policy version control

Policy type	Statutory – OAT template is mandatory
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In consultation with	Alexandra Coughlan – Data Protection and Complaints Manager
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Description of changes	<p>November 2022:</p> <ul style="list-style-type: none"> Section 2.7 added to include requirement to follow all stages of the process Section 2.7.1.3 added to include possible referral to Chair of Governors Section 2.7.2.1 updated to include timescales Section 2.7.2.2 updated to include requirement for complaints about the Principal to be carried out by the Education Director wherever possible Regional Director replaced with Education Director

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1. Policy statement and principles

1.1. Policy aims and principles

- 1.1.1. We are committed to dealing effectively with any concerns or complaint you may have about the provision of facilities and / or the services we offer. This policy relates to complaints about Ormiston Academies Trust and any of its academies.
- 1.1.2. We need to know as soon as possible if there is any cause for dissatisfaction. We aim to clarify any issues about which you are not sure and if possible, we will put right any mistakes we may have made. We also aim to learn from our mistakes and use the information we gain to improve our services. Should you become unhappy with OAT and/or an OAT academy we will try to address your concerns quickly and effectively. We will also try to find resolutions that are reasonable and acceptable to everyone concerned at the earliest possible stage.
- 1.1.3. All concerns and complaints will be dealt with in a positive manner and taken seriously, no individual will be penalised or treated unfairly as a result of making a complaint. Through this policy, we aim to put right any matter which may have gone wrong and to review systems and procedures in the light of the relevant circumstances.
- 1.1.4. We will make reasonable adjustments for people with disabilities in accordance with the Equality Act 2010 and the **Equality Policy**
- 1.1.5. This policy is consistent with all other policies adopted by OAT and its academies and is written in line with current legislation and guidance.

1.2. Complaints we may not/ will not consider

- 1.2.1. We may not consider complaints in the following circumstances:
 - We receive the complaint more than three months after the incident occurred, or for ongoing issues more than six months from the last instance causing complaint
 - We receive unreasonable or persistent complaints (please see section 3 below for further information)
 - Matters that are the subject of legal action
- 1.2.2. We will not consider complaints in the following circumstances:
 - Where the complaint has been made previously to us about the same or similar issue which has been fully investigated and / or resolved under this policy
 - Anonymous complaints
 - Complaints made by a third party on behalf of another person without prior authority
 - If the complaint is about a third-party provider of a service that is organised or facilitated by us – complaints of this nature should be directed to the service provider
 - Matters relating to exclusions and admissions that have their own processes

- 1.2.3. If we decide that we are unable to consider your complaint, we will write to you within three academy weeks following the receipt of your complaint and explain why. In some circumstances, we may decide that your concern(s) should be considered using another policy or procedure.

1.3. Monitoring and review

- 1.3.1. This policy will be reviewed every two years or in the following circumstances:

- Changes in legislation and / or government guidance
- As a result of any other significant change or event
- In the event that the policy is determined not to be effective

- 1.3.2. If there are urgent concerns these should be raised with the Academy in the first instance for them to determine whether a review of the policy is required in advance of the review date.

1.4. and responsibilities

Principal		Dan Mason
Contact Details	Email	dmason@oswba.co.uk
	Telephone	01902 493797
Vice Principal		Sarah Woodbine
Contact Details	Email	swoodbine@oswba.co.uk
	Telephone	01902 493797
OAT Complaints Team		
Contact Details	Email	complaints@ormistonacademies.co.uk
	Telephone	0121 236 5100

2. Making a Complaint

- 2.1. It may become obvious to a staff member that an individual is not happy about the actions or services we provide. The staff member should identify that a concern is being raised and should deal with this in accordance with the relevant procedure below. It is a precondition of the complaints procedure that reasonable attempts should be made to resolve issues on an informal basis (at stage 1) and the Chair of OAT or the chair of an academy governing body shall have the discretion, to be exercised reasonably, not to allow a complaint to be pursued where this precondition has not been met.

- 2.2. Every parent complaint that reaches stage 2 of the procedure must be recorded, detailing the action taken and the stage at which the complaint was resolved. A record of this will be retained with the complaint file which includes all of the documents relied upon when investigating the complaint.
- 2.3. The complaint file will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the Education and Skills Act 2008 requests access to it, and in accordance with data protection legislation. For information about how long we keep information for, please see OAT's Records Retention Policy. Any requests for disclosure of any or all sections of this file will be dealt with on a case by case basis and in line with data protection legislation.
- 2.4. All complaints that reach stage 2 will be recorded on a complaints log which details the date the complaint was made, key complaints, what stage the complaint went to, whether the complaint was resolved and any actions that occurred as a result of the complaint. This is done to spot any trends arising and can inform us of the need for general or targeted training.

2.5. Parent Complaints

- 2.6. Parent complaints follow a three-stage process. With all stages of the complaint a satisfactory conclusion will end the complaints process and in effect close the complaint file, whereas an unsatisfactory conclusion will mean that the complaint will be escalated to the next stage of the process until the whole process is exhausted. This procedure is not available for use by prospective or past parents – it may only be used by parents of current pupils registered at an OAT academy.
- 2.7. Each stage of the complaints process must be fully exhausted before moving onto the next stage except in very rare circumstances where a complaint is deemed too serious to be dealt with at Stage One.

2.7.1. Stage One – Informal

- 2.7.1.1. If parents have a complaint, they should normally contact their child's form tutor, head of year or class teacher in the first instance. If the member of staff cannot resolve the matter alone, or a complaint is made in writing or by telephone to another member of staff, the complaint will be forwarded to the academy's Data Protection and Complaints Team who will ask the appropriate person (for example, the head of year or deputy/assistant head) to handle the complaint. It may be necessary for the academy to request that a complaint form be completed to aid the understanding of the complaint. The academy will aim to resolve the complaint within ten academy days.
- 2.7.1.2. Any documents relied upon for this stage of the complaint (including any complaint form and written response) will be retained on the complaint file. If the complaint is closed at this stage the complaint log will be updated. If the academy is unable to resolve the complaint at the informal stage, then parents can escalate the complaint to stage two.

- 2.7.1.3. Prior to moving to a formal stage 2 complaint, if they remain dissatisfied, the complainant may be asked to contact the Chair of Governors to achieve a resolution.

2.7.2. Stage two - Formal

- 2.7.2.1. All complaints at this stage must be received in writing unless reasonable adjustments are required. This must be done within 4 academy weeks of a response at Stage One. Stage Two complaints about the academy can be made in the following ways:
- Completing a complaint form (see appendix 1)– available from an OAT academy or by completing the contact form on the OAT website; selecting the appropriate heading in the drop down list
 - By phone or in person – only where a reasonable adjustment to handle the complaint over the phone or in person needs to be made. If reasonable adjustments require the complaint to be made verbally then a written record of what the complaint is regarding should be recorded during the phone call / meeting and sent to the complainant.
- 2.7.2.2. The complaint will be investigated by the principal. Where the complaint is about the principal or a member of the governing body (excluding the chair) the complaint will be investigated by the Education Director or in some cases an independent investigator will be appointed – however this should only be in exceptional circumstances. If the Education Director has already been involved at an earlier stage then an Education Director from a different area should ideally be used instead. If the complaint is about the chair of governors, the complaint will be investigated by the vice-chair or another member of the governing body. This will be decided within five academy days and an acknowledgement of the complaint will be sent to the complainant confirming who will be investigating the complaint and the timescales required to investigate and resolve the complaint.
- 2.7.2.3. The investigator may delegate the task of collating the information to another staff member but not the decision on the action to be taken. The response should be received in writing within four academy weeks of the date of the acknowledgement letter for stage two where possible. Any delay in the investigation will be communicated to the complainant at the earliest opportunity.
- 2.7.2.4. If the complainant remains dissatisfied with the academy's final response, then they are able to progress the complaint to stage three. All documents relied upon for this stage of the complaint will be retained on the complaint file. If the complaint is closed at this stage the complaint log should be updated.

2.7.3. Stage three – Complaints Panel

- 2.7.3.1. Stage three is the final stage of the complaints process where the complainant can request a complaint panel hearing. The complainant should contact OAT's Data Protection and Complaints Team within three academy weeks of the date of the stage two complaint outcome letter if they would like a complaint panel to be convened. This should include the reasons why they are not satisfied with the outcome of the complaint and the steps that could be taken to resolve the complaint.
- 2.7.3.2. The complaint panel hearing will be face to face unless reasonable adjustments are required. Should there be a reasonable adjustment the complainant can request a virtual hearing by notifying OAT's Data Protection and Complaints Team. OAT's Data Protection and Complaints Team will review the request with panel and advise whether a virtual hearing is viable. Please note this will only be considered in exceptional circumstance.
- 2.7.3.3. The panel will consist of at least three people. The composition of the panel may include persons from the following categories:
- A governor from the academy being complained about
 - An individual who is independent of Ormiston Academies Trust
 - A senior member of staff from Ormiston Academies Trust
- 2.7.3.4. At least one panel member will be an independent person who is independent of the running and management of the academy. The panel is independent and impartial. All members of the panel will have no prior involvement in the complaint or in the circumstances surrounding it. The complaints panel will be chaired by the member of staff from OAT and a clerk will attend to oversee the running of the panel and to take minutes.
- 2.7.3.5. The panel will be arranged by OAT's Data Protection and Complaints Team at a location and time convenient to all parties. This will not exceed four academy weeks from the date the panel was requested by the complainant where possible. At any meeting, the complainant will be entitled to be accompanied by a friend, but legal representation will not be allowed. The panel will be held in private and its aim is to resolve the complaint and achieve reconciliation between the academy and the complainant. However, it is recognised that this might not always be possible, and it may only be possible to establish the facts and make recommendations.
- 2.7.3.6. The complaints panel will proceed irrespective of whether or not the complainant attends. If the complainant fails to attend on the day, the complaints panel will still proceed in their absence and the process will continue to its conclusion. Any further attempt to re-open the matter will be considered as falling under the unreasonable/persistent complaint section as below.
- 2.7.3.7. The panel can:

- Dismiss the complaint in the 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 systems or procedures to ensure that problems of a similar nature do not recur
- A letter will be sent to the complainant (by electronic mail or otherwise) confirming the findings and recommendations of the panel **within 10 academy days**. Where relevant, the copy of the findings and recommendations will be provided to the person complained about. The academy will update its complaint log, noting the stage at which the complaint was resolved, and action taken by OAT as a result of the complaint, and the findings and recommendations will be available for inspection on academy premises.

2.7.3.8. Where the academy becomes the focus of a campaign and received large volumes of complaints which are either all based on the same subject or from complainants not connected with the academy, the academy will respond by either sending the response to all complainants or publishing a single response on the academy website, as appropriate. Whilst the complaints process remains open to complaints of this nature, the academy reserves the right to moderate it for practical reasons. For example the number of complainants allowed to attend a complaints panel hearing.

2.8. Non-Parental Complaints

2.8.1. Stage one – informal

- 2.8.1.1. Where a concern or complaint has been brought to the attention of / identified by a staff member in person then they will address the issue on the spot, where appropriate. If the complaint has been raised over the phone or in writing the complaint will be forwarded to the appropriate person to handle the complaint (for example, the Academy complaints coordinator). It may be necessary for the academy to request that a complaint form be completed to aid the understanding of the complaint.
- 2.8.1.2. If it is a minor complaint, then this will be dealt with by the Academy complaints coordinator and / or another relevant member of staff. A full response will be provided within ten academy days. This may be a written response or can involve a meeting with a staff member.
- 2.8.1.3. All documents relied upon for this stage of the complaint (including the complaint form and outcome) will be retained on the complaint file. If the complaint is closed at this stage the complaint log should be updated.
- 2.8.1.4. If the complainant remains dissatisfied with the academy's response, then they are able to progress the complaint to stage two.

2.8.2. Stage two – formal

- 2.8.2.1. All complaints at this stage must be received in writing unless reasonable adjustments are required. Stage 2 complaints can be made in the following ways:
- Completing a complaint form – available from Appendix 1 of this policy
 - By email to enquiries@oswba.co.uk – to help us identify that it is a complaint then please put ‘complaint’ in the subject heading
 - In writing to Complaints Officer, Ormiston SWB Academy, Dudley Street, Bilston, WV14 0LN
- 2.8.2.2. By phone or in person – only where a reasonable adjustment to handle the complaint over the phone or in person has been made. If reasonable adjustments require the complaint to be made verbally then a written record of what the complaint is regarding should be recorded during the phone call / meeting and sent to the complainant.
- 2.8.2.3. The complaint will be investigated by the principal. Where the complaint is about either the principal the complaint will be investigated by the Education Director. This will be decided within five academy days and an acknowledgement of the complaint will be sent to the complainant confirming who will be investigating the complaint and the timescales required to investigate and resolve the complaint (if different from those set out below).
- 2.8.2.4. The investigator may delegate the task of collating the information to another staff member but not the decision on the action to be taken. The response should be received in writing within four academy weeks of the date of the acknowledgement letter where possible. Any delay in the investigation will be communicated to the complainant at the earliest opportunity. The decision of the principal or education director at this stage is final.
- 2.8.2.5. All documents relied upon for this stage of the complaint will be retained on the complaint file.

2.9. Complaints about Ormiston Academies Trust

- 2.9.1. There may be times when a complaint is received that is regarding the actions of OAT and / or an OAT staff member. In these instances, the procedures for dealing with such complaints differ from those regarding academies.
- 2.9.2. The process for complaining about OAT follows two stages. Complaints to OAT are likely to be in relation to the services that OAT provides or the actions of its employees. Again, it is a precondition of the complaints procedure that reasonable attempts should be made to resolve issues on an informal basis (at stage 1) and the Chief Executive Officer of OAT shall have the discretion, to be exercised reasonably, not to allow a complaint to be pursued where this precondition has not been met.

2.9.3. Stage one – informal

- 2.9.3.1. Informal concerns can be made over the phone, by email or post. Concerns should be raised directly with the staff member that they involve. If your concerns are not able to be resolved directly with the staff member involved, then you should follow the process detailed in stage two.

2.9.4. Stage two – formal

- 2.9.4.1. A complaint should be made in writing to OAT's Data Protection and Complaints Team.
- 2.9.4.2. The complaint will be dealt with by the line manager of the person who the complaint involves and / or OAT's Data Protection and Complaints Team. Where the complaint cannot be resolved immediately, a full response will be provided within ten academy days.

2.9.5. Stage three – review

- 2.9.5.1. The final stage is for the complaint to be reviewed by a member of the executive team. It is the responsibility of the complainant to request a review.
- 2.9.5.2. To request a review, you should write to OAT's Data Protection and Complaints Team detailing why you remain unhappy with the stage two response. This request will be acknowledged within five working days. The complaints coordinator will pass this on for review. They will remain your main point of contact at this stage.
- 2.9.5.3. The task of collating the information may be delegated to another staff member but not the decision on the action to be taken. A full and final response to your complaint will be communicated in writing within two academy weeks of the complaint being allocated to a member of the executive team.

2.10. Other routes of complaint

- 2.10.1.1. Should the complainant be unsatisfied with the outcome of this complaints policy or wish to complain about an issue that we are unable to investigate the complainant can contact the following organisations (depending on the nature of the complaint).

Complaint	Who to contact
Examination results or curriculum content	Ofqual and the awarding body
Undue delay / not complying with the complaints policy when considering complaint, where there is a breach in the academies funding agreement, or it fails to comply with any other legal obligation	Education Skills and Funding Agency (ESFA)
Safeguarding or child protection matters	Local Safeguarding Children's Board

Discrimination	Equality Advisory and Support Service
A child or young person's Statement of Special Education Need	SEN and Disability Tribunal
Employment matters	Employment Tribunal
Data protection or freedom of information	Information Commissioner's Office
For complaints that affect the whole academy (i.e. problems with the quality of education or poor management)	Ofsted

3. Unreasonable and persistent complainants

3.1. We expect anyone who wishes to raise concerns to:

- Treat all members of OAT and the academy community with courtesy and respect
- Avoid the use of violence, or threats of violence, towards people or property
- Allow us a reasonable time to respond to a complaint and follow the complaints procedure
- Whilst we recognise that some complaints may relate to serious and distressing incidents, we will not accept threatening or harassing behaviour towards any members of OAT or the academy community.
- In a minority of cases, people pursue their complaints in a way which can either impede the investigation of their complaint or can have significant resource issues for the academy or OAT.

3.2. This can happen either while their complaint is being investigated, or once the investigation has been concluded. We define unreasonable, persistent and vexatious complainants as those complainants who, because of the frequency or nature of their contacts, hinder our consideration of their complaints, particularly if the matter appears to be pursued in a way intended to cause personal distress rather than to seek a resolution.

3.3. We will not tolerate any form of unacceptable behaviour. In cases of vexatious / unreasonably persistent complaints or abusive behaviour, we may take some or all of the following steps, as appropriate:

- Inform the complainant informally or formally that their behaviour is now considered to be unreasonable or unacceptable, and request a changed approach
- Require any personal contact to take place in the presence of an appropriate witness
- Restrict contact to certain methods, such as in writing or through a third party
- Not reply to or acknowledge any further contact from them on the specific topic of that complaint and / or:
 - Ban the individual from entering the premises
 - Report the matter to the police or take legal action

- 3.4. Any restriction that is imposed on the complainant's contact with us will be appropriate and proportionate and the complainant will be advised of the period of time the restriction will be in place for. OAT will always be involved with a decision to apply any or all the steps detailed above unless emergency action is required.
- 3.5. Legitimate new complaints will always be considered and treated on their merits.

Appendix 1

Complaint Form

If you wish to make a written complaint, please contact the Academy.

Please ensure you include the following information:

Your name:

Student's name, academy and form:

Your relationship to the student:

Address and postcode:

Telephone number(s):

Please give details of your complaint:

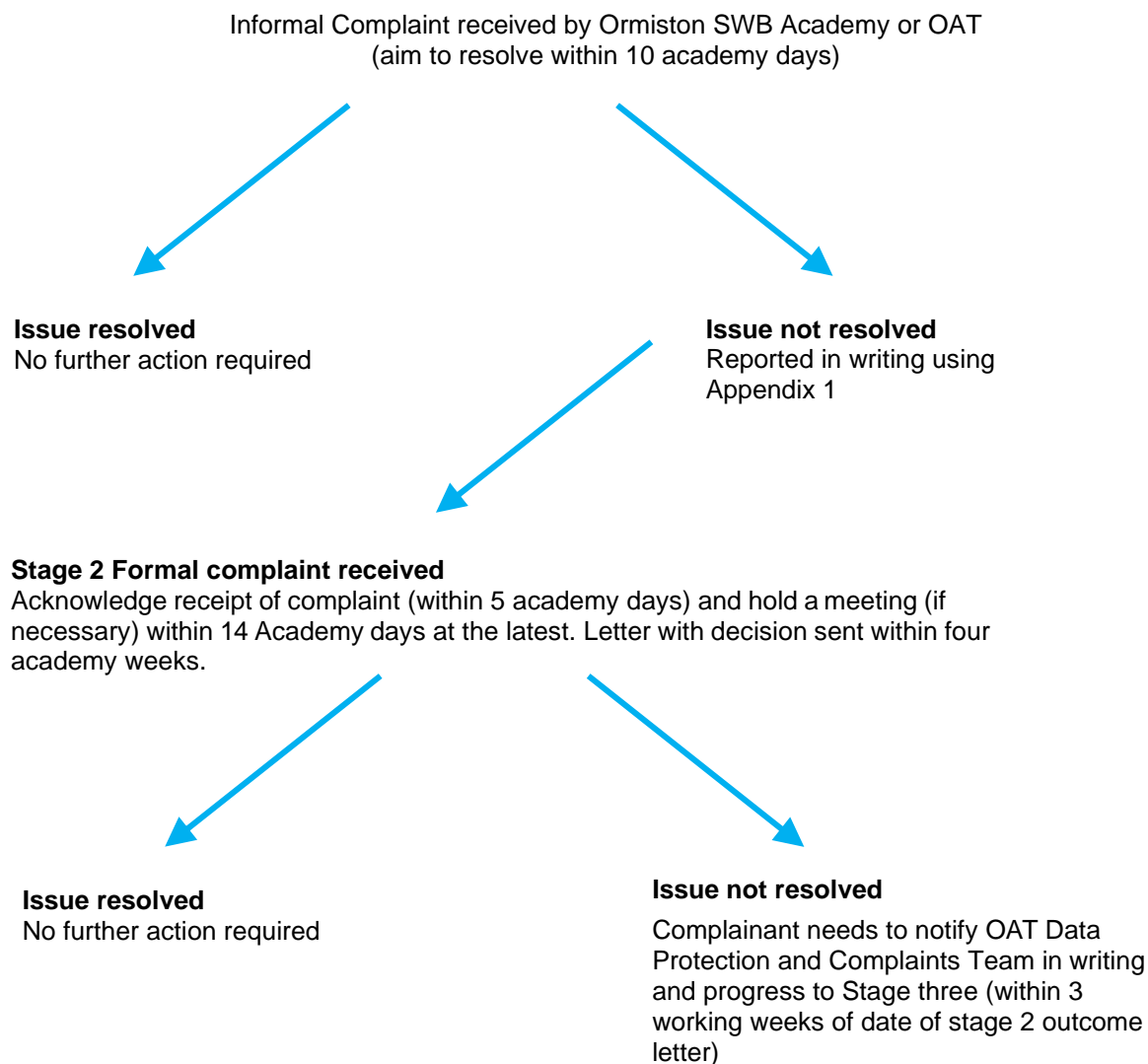
What actions have you taken to resolve the complaint? Who did you talk to? What was the response?

What actions do you feel will resolve the complaint at this stage?

Once completed the Data Protection and Complaints Team will acknowledge receipt and explain what action will be taken.

Appendix 2

Academy Complaint Form – Flowchart



Stage 3 Final stage:

Complaint received by OAT Data Protection and Complaints Team

Acknowledge receipt of complaint within five Academy days. Panel hearing to be set up no later than four academy weeks from the date the panel was requested by the complainant where possible.

Following Panel Hearing

A letter will be sent to the complainant (by electronic mail or otherwise) confirming the findings and recommendations of the panel within 10 academy days. Where relevant, the copy of the findings and recommendations will be provided to the person complained about.