

Ormiston Academies Trust

## Ormiston SWB Academy Complaints policy

### Policy version control

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## 1. Policy statement and principles

- 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.
- 1.2 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.
- 1.3 To this end, we will focus on resolution at each stage to prevent escalation wherever possible. This may involve encouraging mediation or informal resolution techniques (for example, facilitated meetings or neutral third-party discussions) before moving to formal stages. By doing this we hope to not just reduce overall complaints but also foster a collaborative culture.
- 1.4 All concerns and complaints will be dealt with in a positive manner and taken seriously, no individual will be penalised or treated unfairly because 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.
- 1.5 We will make reasonable adjustments for people with disabilities in accordance with the Equality Act 2010 and the Equality Policy. Policy on the OAT website, [www.ormistonacademiestrust.co.uk](http://www.ormistonacademiestrust.co.uk).
- 1.6 This policy is consistent with all other policies adopted by OAT and its academies and is written in line with current legislation and guidance.

## 2. Complaints we may not/will not consider

- 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 10 below for further information)
  - Matters that are the subject of legal action
- 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. Complaints about the LGB should be directed to the Governance team.
- 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.

### 3. Monitoring and review

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

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.

### 4. Roles and responsibilities

Principal		Dan Mason
Contact Details	Email	<a href="mailto:dmason@oswba.co.uk">dmason@oswba.co.uk</a>
	Telephone	01902 493797
Vice Principal		Sarah Woodbine
Contact Details	Email	<a href="mailto:swoodbine@oswba.co.uk">swoodbine@oswba.co.uk</a>
	Telephone	01902 493797
OAT Complaints Team		
Contact Details	Email	complaints@ormistonacademies.co.uk
	Telephone	0121 236 5100

### 5. Interpretations

5.1 The following definitions apply to the procedure outlined within this policy:

- **Concerns** are defined as having a worry or doubt over an issue considered to be important for which reassurances are sought.
- A **complaint** can be any matter about which a parent/carer is unhappy and seeks action by the academy.
- **Complainant** - this term is used throughout this policy and refers to the parent/carer/legal guardian or any other individual bringing their complaint to the attention of the academy.
- **CEO** – Chief Executive Officer at Ormiston Academies Trust.
- **Clerk** - Administrative support provided to oversee the running of a panel hearing and record minutes.
- All timescales within this policy refer to **‘academy days’** when the academy is in session. These therefore exclude weekends, school holidays and INSET days.
- **Independent member of a panel at stage three** – this individual must be independent of the management and governance of the school itself and have no knowledge of the complaint. The school may use education professionals from other schools or colleges. An independent lay person may also be used.
- The school defines **‘unreasonable and persistent complaints’** as that which hinders our consideration of complaints.

## 6. Making a complaint

- 6.1 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 one) and the relevant senior member of staff shall have the discretion, to be exercised reasonably, not to allow a complaint to be pursued where this precondition has not been met.
- 6.2 Every parent complaint that reaches stage two 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.
- 6.3 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.
- 6.4 All complaints that reach stage two 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.

## 7. Parent complaints

7.1 Parent complaints follow a three-stage process. With each stage 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.

7.2 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.

### 7.3 Stage one – informal “Listen and Respond”

7.3.1 The sooner concerns are raised the easier it is for an appropriate resolution to be found. In the first instance you are encouraged to raise your concern or complaint with the following members of staff:

Complaint regarding another child	Please speak to the form tutor/class teacher/head of year
Complaint regarding a school policy or procedure	Please speak to the head of year/subject leader
Complaint regarding a member of staff	Please speak to the principal or vice principal who may delegate this to a member of SLT
Complaint regarding a member of the local governing board (LGB)	Please email the clerk to the LGB who will direct you to the relevant policy
Complaint regarding the trust	Please contact <a href="mailto:complaints@ormistonacademies.co.uk">complaints@ormistonacademies.co.uk</a>

7.3.2 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 contact listed above, 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.

7.3.3 Where appropriate, a governor may be asked to contact the complainant to achieve a resolution. This should only be actioned where agreed with the Education Director.

7.3.4 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.

## 7.4 Stage two - formal “Investigate and Respond”

- 7.4.1 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 relevant academy 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.
- 7.4.2 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. 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.
- 7.4.3 An appointment with the Investigating Officer should be made as soon as reasonably practical, to avoid any possible worsening of the situation. Where the Investigating Officer has made reasonable attempts to accommodate the complainant with dates for a complaint meeting and they refuse or are unable to attend, the investigation will continue in their absence and a conclusion will be reached in the interests of drawing the complaint to a close.
- 7.4.4 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 for stage two where possible. Any delay in the investigation will be communicated to the complainant at the earliest opportunity.
- 7.4.5 Once all facts are established, the Investigating Officer shall contact the complainant in writing with the investigation outcome.
- 7.4.6 The possible outcome at stage two can be:
- Dismiss the complaint, in whole or in part
  - Uphold the complaint, in whole or in part.
  - Unable to reach a conclusion



- 7.4.7 The investigator can also include making recommendations on actions to be taken by the academy to minimise further concerns or complaints.
- 7.4.8 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. Only complaints that were not upheld or unable to reach a conclusion will be considered at stage three. If the complaint is closed at this stage, the complaint log should be updated.

## 7.5 Stage three – complaints panel

- 7.5.1 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.
- 7.5.2 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.
- 7.5.3 A stage three panel hearing examines the evidence and actions taken at stage two and provides an opportunity for the complainant to put any remaining concerns within the scope of the original complaint forward to the panel.
- 7.5.4 The panel will not review any new complaints at this stage or consider evidence unrelated to the initial complaint. New complaints must be dealt with from stage one of the procedure.
- 7.5.5 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
- 7.5.6 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.

- 7.5.7 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.
- 7.5.8 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.
- 7.5.9 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
- 7.5.10 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.
- 7.5.11 Stage three is the final stage OAT's Complaint Policy; we hope that we will be able to resolve any complaint concerning OAT or its Academies using this complaints procedure.
- 7.5.12 If you feel this is not the case, you can complain to the Education and Skills Funding Agency, which handles complaints about Academies and Free schools. The following link provides guidance on their procedure for dealing with complaints about academies and links to the ESFA: [Complaints procedure - Education and Skills Funding Agency - GOV.UK](#).
- 7.5.13 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.

## 8. Non-parental complaints

### 8.1 Stage one – informal

- 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.
- 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.
- 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.
- 8.1.4 If the complainant remains dissatisfied with the academy's response, then they are able to progress the complaint to stage two.

### 8.2 Stage two – formal

- 8.2.1 All complaints at this stage must be received in writing unless reasonable adjustments are required. Stage two 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](mailto:enquiries@oswba.co.uk) – to help us identify that it is a complaint then please put 'complaint' in the subject heading in writing to The Complaints Officer, Ormiston SWB Academy, Dudley Street, Bilston, WV14 0LN
  - 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.
- 8.2.2 The complaint will be investigated by the principal. Where the complaint is about 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).
- 8.2.3 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 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.

8.2.4 All documents relied upon for this stage of the complaint will be retained on the complaint file.

## 9. Complaints about Ormiston Academies Trust

9.1 There may be times when a complaint is received that is regarding the actions of the Academy Trust office staff member. In these instances, the procedures for dealing with such complaints differ from those regarding academies.

9.2 The process for complaining about OAT follows two stages. Complaints to OAT are likely to be in relation to the work that OAT does 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 one) 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.

### 9.3. Stage one – informal

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.

### 9.4. Stage two – formal

9.4.1. A complaint should be made in writing to OAT's Data Protection and Complaints Team.

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.

### 9.5. Stage three – review

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.

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 Data Protection and Complaints Team will pass this on for review. They will remain your main point of contact at this stage.

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.

## 9.6. Complaint about the CEO

9.6.1 In the event of a complaint in respect of the CEO, the following modifications to the procedures apply:

- Stage two - a formal complaint should be submitted to the Chair of the Board of Trustees using the email address [complaints@ormistonacademies.co.uk](mailto:complaints@ormistonacademies.co.uk) . The Chair will either investigate the matter or nominate another trustee to investigate the complaint.
- Stage three – The stage three investigation will be completed by a trustee who has not previously been involved in this complaint. A full and final response to your complaint will be communicated in writing within two academy weeks of the complaint being allocated to an Investigating Officer.

## 9.7. Other routes of complaint

9.7.1 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 Authority Designated Officer (LADO)  Multi Agency Support Hub (MASH)
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

## 10. Unreasonable and persistent complainants

10.1. 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.

10.2. 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.

10.3. 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.

10.4. 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

10.5. 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.

10.6. Legitimate new complaints will always be considered and treated on their merits.

## 11. Maintaining records

11.1. Notes may be made to support the informal management of complaints, and the school may also keep an informal record of any meeting held or any agreed action to be taken.

- 11.2. These will be processed by the school in line with the relevant privacy notice. Records taken and used throughout the complaints process, including correspondence, notes of meetings, telephone calls etc., will be kept securely and in accordance with the principles of the UK General Data Protection Regulation (UK GDPR) and Data Protection Act 2018.
- 11.3. The record of complaints is kept for at least 3 years and may be kept for longer if there is a safeguarding aspect to the complaint.

## 12. Expectations

### 12.1 What can you expect from us?

12.1.1 Anyone who raises informal or formal concerns, issues or complaints can expect us to:

- follow the trust's complaints procedure;
- be available for consultation within a reasonable time limit, bearing in mind the needs of pupils at the Academy and the nature of the complaint;
- respond with courtesy and respect;
- attempt to resolve concerns using reasonable means in line with the trust's complaints procedure, other policies and practice and in line with guidance from the trust in accordance with the Secretary of State's legislation and guidance for academies; and
- keep those involved informed of progress towards a resolution.

### 12.2 What we expect of you

12.2.1 We expect anyone who wishes to raise concerns to:

- Try to resolve the concern informally with member of Academy staff or Trust Office Staff.
- treat all staff with courtesy and respect;
- respect the needs of pupils and staff;
- never to use violence (including threats of violence) towards people or property;
- recognise the time constraints under which members of staff work and allow a reasonable time to respond to a complaint;
- recognise that some problems may not be resolved in a short time;
- follow the trust's complaints procedure;
- speak politely and respectfully using appropriate language and avoid any aggression or verbal abuse, including name-calling;
- raise concerns/complaints in an appropriate place and at an appropriate time (for example not in front of other parents or pupils and not in an open public space);
- be prepared to work towards a resolution and in partnership.

## 13. Timescales

- 13.1. We will always do our best to meet the timescales set out within this policy, however there may be exceptional circumstances where this is not possible. On those occasions we will update you as much as possible.



## Appendix 1

### Complaint form

If you wish to make a written complaint, please ensure you include the following information:

**Your name:**

**Student's name, academy and form:**

**Your relationship to the student:**

**Address and postcode:**

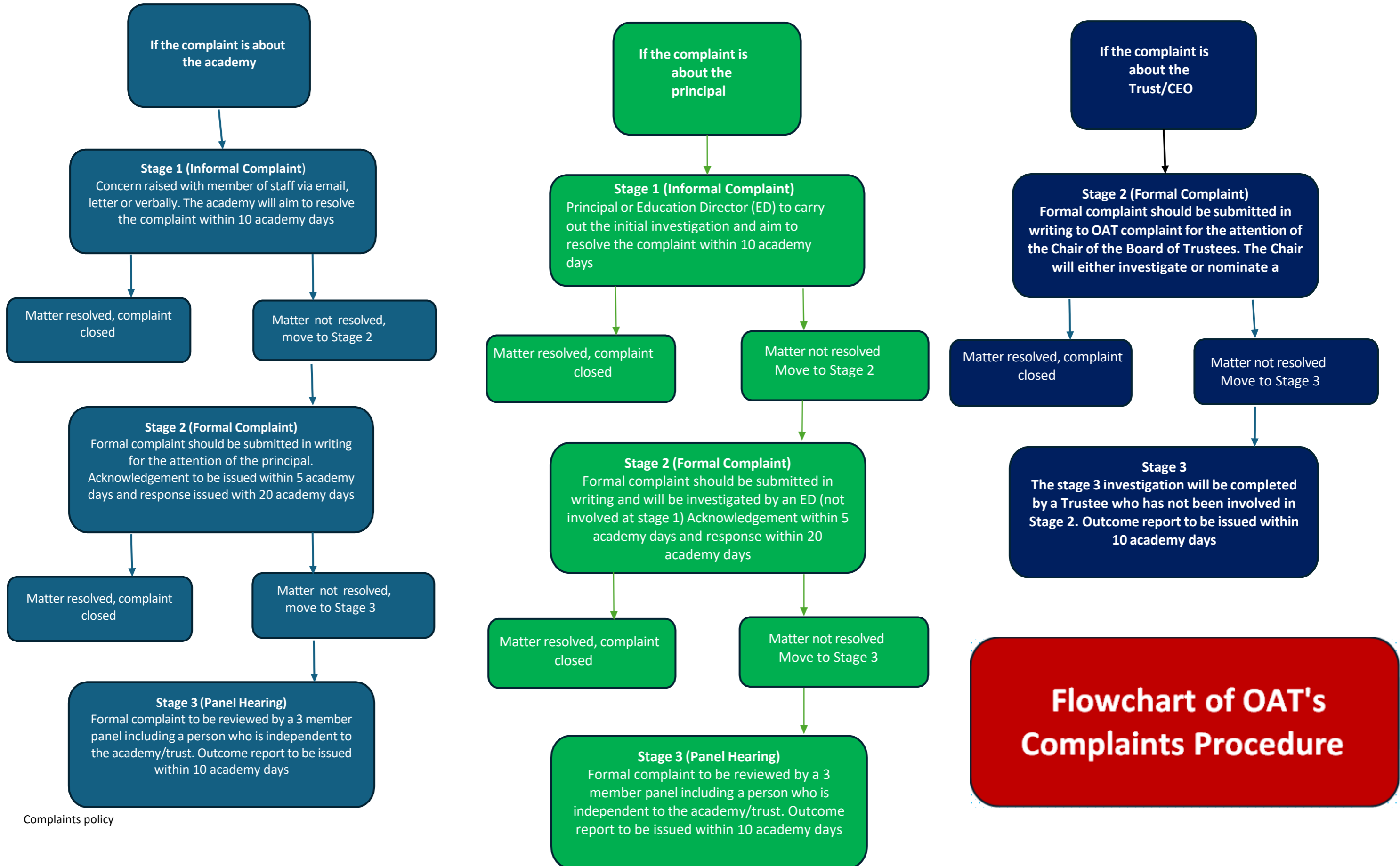
**Telephone number(s):**

**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.



**Flowchart of OAT's Complaints Procedure**