



OAK MULTI ACADEMY TRUST

COMPLAINTS AND CONCERNS POLICY

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REVIEW HISTORY

VERSION NO.	DATE OF CHANGE	CHANGE SUMMARY	PAGE NO.

1. THE DIFFERENCE BETWEEN A CONCERN AND A COMPLAINT

A concern may be defined as ‘an expression of worry or doubt over an issue considered to be important for which reassurances are sought’.

A complaint may be defined as ‘an expression of dissatisfaction, however made, about actions taken or a lack of action’.

It is in everyone’s interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure outlined within this document. Oak Trust and its schools takes concerns seriously and will make every effort to resolve the matter as quickly as possible. We understand however, that there are occasions when people would like to raise their concerns formally. In this case, Oak Trust and its schools will attempt to resolve the issue internally, through the stages outlined within this complaints policy.

Complaints against school staff (except the headteacher) should be made in the first instance, to the school’s headteacher via the school office.

Complaints that involve or are about a school’s headteacher should be addressed to the Chair of Governors, via the school office.

Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to the Clerk to the Governing Body via the school office.

Complaints about the Trust or an officer of the Trust, Trustees or Members should be addressed to the Trust Clerk via the school office.

All complaints sent in should be marked as ‘Private and Confidential’.

2. PROCEDURE

2.1 This is a complaints policy and procedure agreed by the trustees of Oak Multi-Academy Trust (the Trust), for use in all its schools. It describes how anyone with a complaint can set about having the complaint dealt with.

2.2 The procedure covers complaints made by parents, staff and others in respect of the performance of duties or exercise of powers by school staff, individual local governing bodies or the Trust either directly or through delegation.

2.3 Complaints should relate to any of the following:

2.3.1 The provision made for or the treatment of an individual pupil or group of pupils.

2.3.2 Particular incidents that have happened at the school, including conduct of staff.

2.3.3 A policy or provision of the school or Trust.

- 2.3.4 Where the complaint considers the school has acted unreasonably in performing any duties or exercising any power relating to the curriculum or religious worship.
- 2.4 A copy of this procedure will be given, on request, to anyone wishing to make a complaint under these arrangements.
- 2.5 All complaints will be dealt with as quickly and efficiently as possible. Each stage of the procedure should be completed within twenty (20) school days. The procedure will not cover complaints about incidents that happened more than three months before the complaint is made other than in exceptional circumstances. Complaints made outside of term time will be considered to have been received on the first school day after the holiday period.
- 2.6 All complaints will be investigated fully, sensitively and confidentially. The main aim at all stages will be to ensure that the complaint is settled where possible, to everyone's satisfaction.
- 2.7 To be effective, our Complaints Procedure aims to:
- encourage resolutions of problems by **informal** means wherever possible;
 - be easily **accessible** and **publicised**;
 - be **simple** to understand and use;
 - be **impartial**;
 - be **non-adversarial**;
 - allow **swift** handling with established **time-limits** for action and keeping people informed of the progress;
 - ensure a full and **fair** investigation by an independent person where necessary;
 - respect people's desire for **confidentiality**;
 - address all the points at issue and provide an **effective response and** appropriate **redress** where necessary;
 - provide **information** to the school's senior management team (or in the case of a Trust complaint or a very serious complaint, Trustees) so that services can be improved.
- 2.8 The person making the complaint will receive a reasoned reply and details of further resources available. At Stage 2 Formal and at Stage 3 Appeal, this will be in writing and will set out the result of the consideration of the complaint.
- 2.9 Anyone who is the subject of a complaint has the right to know and will be informed at an early stage of the allegations made and have an opportunity to respond.
- 2.10 Throughout the procedure, at all stages, the complainant and the Governors, Headteacher or Trustees may be accompanied by a friend, supporter, representative or interpreter.

3. RESOLVING COMPLAINTS

3.1 At each stage of the procedure the school or Trust will want to keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge 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 explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review school or Trust policies in light of the complaint.

3.2 Complainants will be encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school or Trust could have handled the situation better is not the same as an admission of negligence.

3.3 Complaints raised at Trust level (i.e. to a member of the Executive Team, a Trustee or Member) may be referred back to a school (Headteacher and/or Governing Body) for resolution if it is determined by the Trust to be a school issue i.e. complaints should not be automatically escalated to the Trust. In this instance the complainant will be informed that the complaint will be handled by the school.

3.4 The Trust and its schools are committed to safeguarding and promoting the welfare of all its pupils/students. If concerns/complaints relate to a possible **safeguarding** issue, the matter will be referred to the designated safeguarding lead for the school or to the Trust CEO and will be handled in line with our organisational Safeguarding Policy.

3.5 We will not normally investigate **anonymous complaints**. However, the Headteacher, Chair of Governors, or in the case of a trust level complaint the CEO or Chair of Trustees, if appropriate, will determine whether the complaint warrants an investigation. Anyone considering submitting an anonymous complaint should be aware that there may be instances where a school's/the Trust's ability to investigate a complaint thoroughly could be hindered by a lack of information – including the ability to speak to the complainant.

4. MANAGING SERIAL, PERSISTENT, UNREASONABLE AND VEXATIOUS COMPLAINTS

4.1 Oak Trust and its schools are committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. It will not normally limit the contact complainants have with our organisation. However, we do not expect our staff to tolerate unacceptable behaviour and will act to protect staff from that behaviour, including that which is abusive, offensive or threatening.

- 4.2 There will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. The sections below, set-out how schools/the Trust will manage serial, persistent, unreasonable and vexatious complaints.
- 4.3 Regarding serial complaints, if a complainant tries to reopen the same issue, the complainant will be informed that the procedure has been followed and the matter is now closed. If the complainant makes contact again on the same issue, the correspondence may then be viewed as 'serial' or 'persistent' and a choice may be made not to respond. However, a complaint should not be marked as 'serial' or 'unreasonable' before the complainant has completed the procedure, unless the serial/unreasonable complaint criteria applies (bulleted lists below).
- 4.4 The decision to stop responding with regards to serial/persistent complaints should never be taken lightly. Schools/the Trust need to be able to say yes to all of the following:
- we have taken every reasonable step to address the complainant's concerns
 - the complainant has been given a clear statement of our position and their options
 - the complainant contacts schools/the Trust repeatedly, making substantially the same points each time
- 4.5 The case to stop responding is stronger if schools/the Trust agrees with one or more of the following bulleted statements which constitute unreasonable behaviour and can therefore allow the complaint to be labelled as vexatious.
- 4.6 The Trust defines unreasonable behaviour as that which hinders its consideration of complaints because of the frequency or nature of the complainant's contact with the schools/the Trust, such as, if the complainant:
- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
 - refuses to co-operate with the complaints investigation process
 - refuses to accept that certain issues are not within the scope of the complaints procedure
 - insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
 - introduces trivial or irrelevant information which they expect to be taken into account and commented on
 - raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
 - makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
 - changes the basis of the complaint as the investigation proceeds
 - repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)

- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education
- seeks an unrealistic outcome
- makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- uses threats to intimidate or makes insulting personal comments about staff
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums.

4.7 Schools/the Trust will not stop responding just because an individual is difficult to deal with or asks complex questions.

4.8 Complainants should try to limit their communication with the school that relates to their complaint, while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.

4.9 Whenever possible, the headteacher, Chair of Governors or in the case of a trust level complaint the CEO or Chair of Trustees will discuss any concerns with the complainant informally before applying an 'unreasonable' or 'vexatious' marking to it.

4.10 If the behaviour continues, the headteacher, Chair of Governors or in the case of a trust level complaint, the CEO or Chair of Trustees, will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact the Trust or any of its schools, causing a significant level of disruption, schools/the Trust may put in place a communication strategy that may limit the methods of communication and limit the number of contacts in a communication plan (see following section).

4.11 In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from an Oak Trust school site.

5. COMMUNICATION STRATEGY FOR PERSISTENT CORRESPONDENTS

5.1 If an individual's behaviour is causing a significant level of disruption, regardless of whether or not they have raised a complaint, schools/the Trust can implement a tailored communication strategy. For example, they can:

- restrict the individual to a single point of contact via an email address

- limit the number of times they can make contact, such as a fixed number of contacts per term

This will be reviewed after six months.

- 5.2 However, regardless of the application of any communication strategy, schools/the Trust will still provide parents and carers with the information they are entitled to under The Education (Pupil Information) (England) Regulations 2005, within the statutory time frame.
- 5.3 Schools/the Trust will make sure they act reasonably and consider any new complaint. Anyone has the right to raise a new complaint at any time and failure to respond could result in the school failing to act reasonably.
- 5.4 Schools/the Trust can also suggest that the complainant asks a third party to act on their behalf, such as the local Citizen’s Advice.
- 5.5 If an individual persists to a point that may constitute harassment, schools/the Trust can seek legal advice. It is possible that injunctions and other court orders can be issued to individuals, preventing them from contacting schools directly.
- 5.6 Once a school/the Trust has decided that it is appropriate to stop responding, it will inform the individual.

6. STAGES RELATING TO A COMPLAINT

- 6.1 This procedure defines three stages:

Stage 1	Informal
Stage 2	Formal
Stage 3	Appeal

A complaint could be considered at more than one of these stages.

7. STAGE 1 – INFORMAL

- 7.1 Most concerns or complaints should be resolved locally in discussion with the Headteacher or other staff of the school in the first instance. An informal discussion with the Chair of Governors may also be an alternative method at this point. Similarly, complaints about the Trust or people working on behalf of the Trust could be resolved through discussion with members of the Trust Executive Team or Trustees.
- 7.2 The Headteacher and/or Chair of Governors (or in the case of a Trust complaint, the Trust Clerk) are advised to keep a written note of informal concerns/complaints and their views and on what solution has been offered. School staff members dealing with a concern,

complaint or possible complaint should inform the Headteacher at the earliest opportunity, of the nature of the complaint and their views on a possible solution.

- 7.3 Those with concerns/complaints are advised to seek to fully resolve them under the Informal Procedure before embarking on the Formal Stage (see 4 and 5 below).
- 7.4 It is expected that the Headteacher and/or Chair of Governors (or in the case of a Trust complaint, a nominated Executive Team member or Trustee) will engage the complainant in full discussion with perhaps more than one meeting in an effort to fully resolve the situation to the satisfaction of all. Meetings will need to be arranged with those complained against. If satisfaction cannot be reached or the issue remains unresolved then the complainant will be advised of the Formal Procedures.
- 7.5 Where the Headteacher and/or Chair of Governors (or in the case of a Trust complaint, members of the Executive Team or Trustees) have been involved in a major complaint and when the necessary stages have been completed to the satisfaction of all parties, a note should be reported to the next meeting of the Governing Body (or in the case of a Trust complaint, the Trustee Board).
- 7.6 Even for school related complaints, Headteachers and/or Chairs of Governors can request the support of the Trust, through the Trust Clerk, for more serious matters.
- 7.7 Where a concern/complaint is about the Trust or an officer working on behalf of the Trust (including members of the Executive Team, Trustees and Members), the complaint can be raised with the Trust Clerk who will pass it to an appropriate Executive Team member (which could be the CEO) or Trustee (which could be the Chair of Trustees).

8. STAGE 2 – FORMAL

- 8.1 Where the attempts to settle the complaint under Stage 1 the Informal Procedures have failed, the complainant will be made aware of Stage 2 Formal.
- 8.2 The complaint should be set out in writing by the complainant and submitted to the Headteacher and Chair of Governors (or in the case of a complaint about the Trust, to the Trust Clerk). A form for this purpose is part of this policy.
- 8.3 Receipt of the complaint will be promptly acknowledged and followed up with advice about the investigation which will include at least three (3) days' notice of any interview (the time and place should be mutually convenient). Both the Headteacher and Chair of Governors (or in the case of a Trust complaint, the Chair of Trustees and CEO) having a copy of the correspondence.
- 8.4 The Headteacher and the Chair of Governors (or in the case of a Trust complaint, the Chair of Trustees) will appoint an Investigating Officer who will investigate the situation and report

to Headteacher and Chair of Governors (or in the case of a Trust complaint, the Chair of Trustees) within ten (10) school days of receipt of the formal complaint.

- 8.5 The role of the Investigating Officer is to interview (giving at least three (3) days' notice of a time and place) the complainant, those complained against and any supporting witnesses each of whom may be accompanied by one friend, supporter, representative or interpreter for the interview. The Investigating Officer will report on only the facts of the matter by the due date.
- 8.6 The Investigated Officer is advised to:
- Read all the existing correspondence and secure confidentiality
 - Decide if any written statements are required and from whom, put in place systems, safeguarding against collusion, to obtain them by a due date
 - Set up interviews with three day agreed notice
 - Interview the complainant and take notes, consider confidential secretariat
 - Interview those complained against, keeping notes
 - Follow up any further information from the statements
 - Write a report keeping to the facts and accurate reporting of people's views.
- 8.7 On receipt of the report the Headteacher and/or Chair of Governors will consider the facts and determine the outcome. (The Investigating Officer Report is only sent to the Headteacher and/or Chair of Governors at this stage).
- 8.8 When the complaint has been fully investigated and considered, the Headteacher and/or Chair of Governors (or in the case of a Trust complaint, the Chair of Trustees) will notify the complainant of the outcome in writing (within twenty (20) school days of the receipt of the written complaint) explaining the conclusions, the reason for it and any action taken or proposed to be taken, including details for any requests made to those complained against to take particular actions to resolve possible future situations.
- 8.9 Those complained against will also be entitled to receive details of the outcome of the investigation at the same time as the complainant.
- 8.10 If the complainant feels that the matter is still not resolved they may be advised of the Stage 3 Appeal Procedure.
- 8.11 If the complaint is against the Headteacher then the Chair of the Governors and one other person (agreed by Headteacher and Chair of Governors) shall conduct the Formal Stage in a fair and equitable manner. In this situation, the Trust should also be informed but this does not mean that it is automatically escalated to the Trust. In the case of a Trust complaint, a nominated Trustee shall conduct the formal stage.

9. STAGE 3 – APPEAL

- 9.1 Where the complainant is not satisfied with the Stage 2 formal outcome they may request, in writing, to be heard by the Governors Appeal Panel. This appeal will be held within twenty (20) school days of receipt of the request for appeal. The Trust should be informed of all such appeals.
- 9.2 The Chair of Governors will appoint at least three Governors to hear the appeal (or in the case of a complaint about the Trust, the Chair of Trustees will appoint at least three Trustees to hear the appeal). These Governors (or Trustees) will have no prior knowledge of any part of the complaint either at informal or formal stages. They should declare any knowledge of or possible interest in the parties or situation concerned before the appeal is heard. For serious complaints, Trustees could also be invited to be part of the appeal panel (hence the need, stated in point 1, for the Trust to be informed of appeals).
- 9.3 It will be possible for the Chair of Governors and Headteacher (or in the case of a Trust complaint, the Chair of Trustees) to agree to a panel of not less than three persons who are unconnected with the school to hear the appeal should no Governors or Trustees be able to fulfil the criteria set out above.
- 9.4 The Headteacher and/or Chair of Governors (or in the case of a Trust complaint, the Trust Clerk) will forward all the correspondence and the Investigating Officer's report and notes to the chair of the appeal panel. The chair of the appeal panel will set the date and time for the appeal giving at least three (3) days' notice of the date, agenda and names of those invited to attend. (The time and place should be mutually convenient).
- 9.5 The Governors (and Trustees) are advised that the agenda and routine for the appeal should be:
- a. The chair of the appeal panel shall take charge of all matters relating to the appeal hearing, its conduct, sensitivities and confidential nature and the communication of the decision to parties concerned. The Investigating Officer's report, the complaint form and the letters written as part of Stage 2 formal, paragraph 8, will be made available to the complainant and those complained against when the agenda is sent out for the hearing.
 - b. Introductions.
 - c. The Investigating Officer to outline the report of the facts. Both the complainant and those complained against may question the facts.
 - d. The complainant may make an oral presentation to supplement the written appeal. The panel and those complained against may ask questions.
 - e. Those complained against may make an oral presentation. The panel and the complainant may question those complained against.
 - f. The panel will deliberate and come to a decision. The decision may be communicated to all parties verbally and will be followed up in writing within the twenty (20) school day period. The decision will also be sent to the Headteacher and Chair of Governors (and in the case of a Trust complaint or one in which Trustees are involved, the Trust Clerk).

- g. The panel, the complainant, the Investigating Officer and those complained against may have professional support, a friend, a representative or an interpreter at the hearing.
 - h. While the panel deliberate and come to a decision it is not always necessary for all parties to remain at the hearing, the decision may be communicated by telephone.
- 9.6 It is expected that the decision of the appeal panel will be binding on all parties. However, any complainant, with a school level complaint, who is still dissatisfied after the three stages have been exhausted, may be able to appeal to the Trustee Board, if the Chair of Trustees feels the complaint has not been handled appropriately or the complaint is sufficiently serious to warrant doing so. Similarly, a complainant with a complaint about the officers of the Trust who is dissatisfied after the three stages have been exhausted, may be able to appeal to the Members of the Trust if a Member, identified by the Chair of Trustees, considers it appropriate.
- 9.7 If the complainant believes the school/Trust did not handle their complaint in accordance with the published complaints procedure or it acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 3.
- 9.8 The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by the schools/the Trust. They will consider whether they have adhered to education legislation and any statutory policies connected with the complaint.
- 9.9 The complainant can refer their complaint to the Department for Education online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD

OAK TRUST COMPLAINT FORM: STAGE 1- INFORMAL

Stage 1 Informal []

Stage 2 Formal []

(Please indicate the stage of this complaint)

To be completed by staff member and then passed to appropriate member of Senior Management Team who will pass it onto the Headteacher (or in the case of a Trust complaint, to the Trust Clerk).

Please attach any supporting letters etc.

1. Name of person completing form: _____ Date: _____

2. Name of complainant (and name of child/children complaint relates to – if appropriate):

3. Brief details of problem (continue on reverse of form if necessary):

4. What date or period does the complaint relate to: _____

5. Action taken so far: _____

6. Who are you passing complaint onto?
Name: _____ Date: _____

All complaints will be kept centrally by the Headteacher (or Trust Clerk)

OAK TRUST COMPLAINT FORM: STAGE 2 - FORMAL

When you have filled in this form, take it or send it to the Headteacher or Chair of Governors (or in the case of a Trust complaint, to the Trust Clerk). Complaints may be received in writing in the form of a letter or email (i.e. this form is not mandatory but additional information may be requested as covered on this form).

Please continue on another separate sheet of paper if necessary.

This information will be used by the Investigating Officer. You may be invited to meet the Investigating Officer to put the facts of your complaint personally.

1. Name:

2. Address:

Telephone No: _____ (Home) _____ (Work)

3. Brief details of the problem (confirm on reverse of page if appropriate):

4. What date or period of time does your complaint relate to?

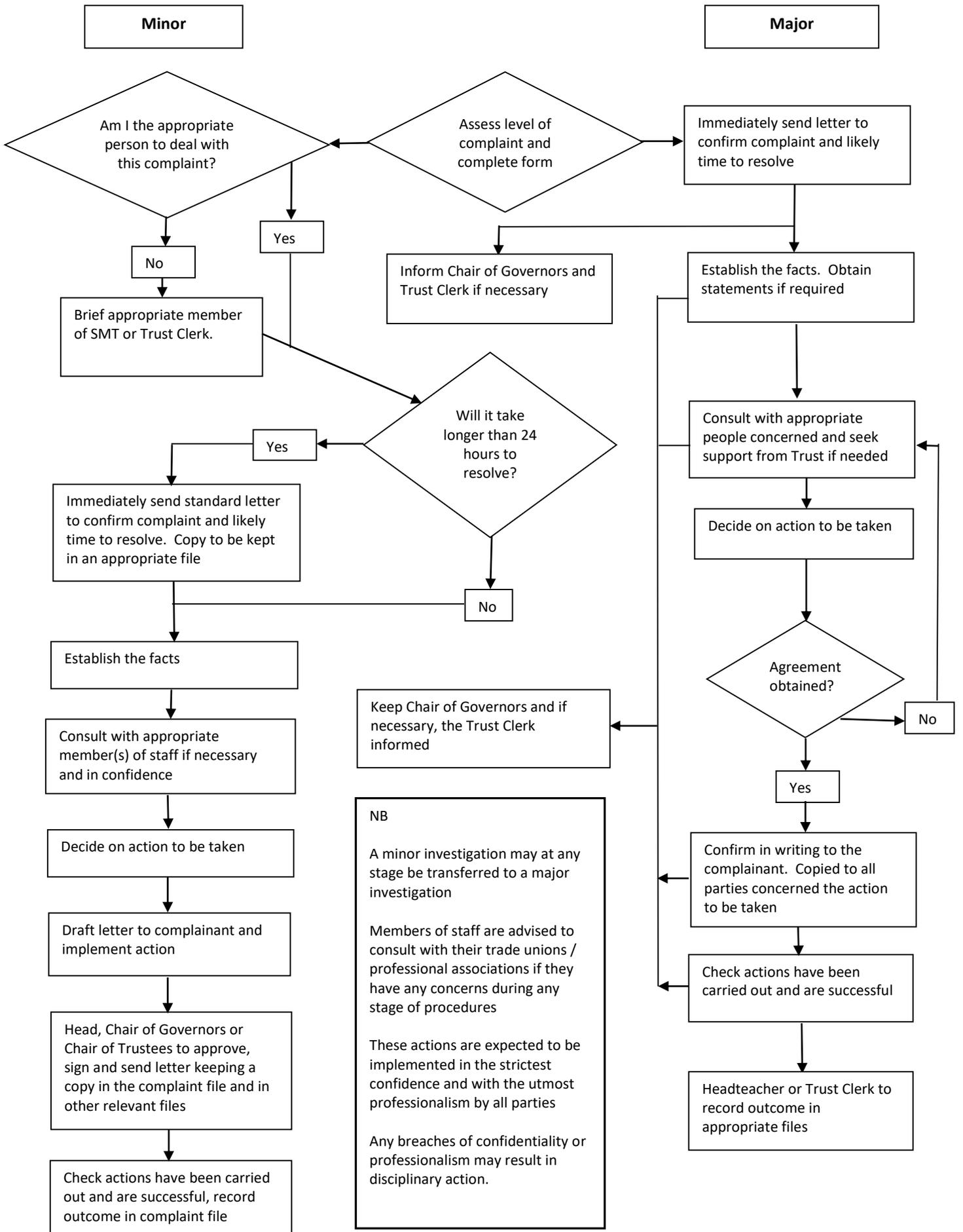
5. To whom have you already complained informally and when?

6. Please give details of any more information you have to support your complaint such as letters or reports. Original documents will be copied and returned to you.

7. How do you see your complaint being resolved?

Signed: _____ Date _____

ROUTINE FOR DEALING WITH A COMPLAINT OR CONCERN



NB

A minor investigation may at any stage be transferred to a major investigation

Members of staff are advised to consult with their trade unions / professional associations if they have any concerns during any stage of procedures

These actions are expected to be implemented in the strictest confidence and with the utmost professionalism by all parties

Any breaches of confidentiality or professionalism may result in disciplinary action.