

# Ormiston SWB Academy

## Complaints Policy

### Policy Version Control

Policy prepared by	OAT Model Policy
Responsible committee	
Date implemented	26 <sup>th</sup> January 2018
Description of changes from the model policy (if any)	Suggested changes from Stone King Solicitors

# Ormiston Academies Trust

## Complaints policy

### Policy Version Control

Policy type	Mandatory OAT Policy
Policy prepared by (name and department)	Marcella Craven – Complaints Coordinator Sunita Goddard-Patel – Head of Governance
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Name and date of line manager’s approval	Paula Arrowsmith, Regional Advisor, 12 December 2017
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# I. Policy statement and principles

## I.1 Policy aims and principles

We are committed to dealing effectively with any concerns or complaints 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 the academies that it sponsors.

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.

If possible, we believe it's best to deal with things straight away rather than try to sort them out later. If you have a concern, raise it with the person you're dealing with. They will try to informally resolve it for you there and then. If there are any lessons to learn from addressing your concern then the member of staff will draw them to the attention of a member of OAT's / the academy's senior management. If the complaint is not resolved when dealt with informally you can then ask for a formal investigation using the procedures detailed in this policy.

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

We will make reasonable adjustments for people with disabilities in accordance with the Equality Act 2010 and the **Equality Policy**, [www.ormistonacademiestrust.co.uk](http://www.ormistonacademiestrust.co.uk).

This policy is consistent with all other policies adopted by OAT and its academies and is written in line with current legislation and guidance.

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

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
- Matters that are subject of legal action

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

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

This policy will be reviewed annually 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

If there are urgent concerns these should be raised to 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 Roles and responsibilities

Principal		Kerry Inscker
Contact Details	Email	<a href="mailto:kinscker@oswba.co.uk">kinscker@oswba.co.uk</a>
	Telephone	01902 493797
Vice Principal		Jane Dickens
Contact Details	Email	<a href="mailto:jdickens@oswba.co.uk">jdickens@oswba.co.uk</a>
	Telephone	01902 493797
OAT Complaints Coordinator		Marcella Craven (Regional Coordinator)
Contact Details	Email	<a href="mailto:compliance@ormistonacademies.co.uk">compliance@ormistonacademies.co.uk</a>
	Telephone	01243 885 630

## 2. Making a complaint

It may become obvious to a staff member that an individual is not happy about our actions or services we provide, the individual may not identify this as a concern or complaint at the time. The staff member should identify that a concern is being raised and should deal with this informally in the first instance. 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.

Every concern or 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. The complaint file will be 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.

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.

All complaints that reach stage 2 will be recorded on a complaints log which details the date the complaint 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.

All complaints will follow the stages detailed in this section unless there is the need to escalate them. This may be done where the complaint:

- Is time sensitive and the need for a final response is required by a specific date
- May involve media attention
- Is about both the principal and chair of governors of an academy or a senior member or board member of oat
- Is made by a complainant who has a specific disability that will make the full process unreasonable

If it is considered that there is a need to skip a stage of the procedure in this policy then the complainant will be informed of what to expect in relation to their complaint. The decision to alter the complaints process will be done on a case by case basis and this will be recorded on the complaints file and / or log.

Where the complainant's first approach with regards to the complaint skips stage one then, unless it is determined to be appropriate to continue at the later stage the complainant will be informed of the process and referred to the correct person to contact.

### 2.1 Parent complaints about an academy

Complaints about the academy have a four 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 next stage of the process will be required until the whole process is exhausted.

Complaints about the academy can be made in the following ways:

- Completing a complaint form – 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 email to [kinscker@oswba.co.uk](mailto:kinscker@oswba.co.uk) – to help us identify that it is a complaint then please put ‘complaint’ in the subject heading
- In writing to Ormiston SWB Academy, Dudley Street, Bilston, WV14 0LN
- By phone or in person – for informal complaints only or where a reasonable adjustment to handle the complaint over the phone or in person has been made

### 2.1.1 Stage one – informal

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 (complaints coordinator). It may be necessary for the academy to request for a complaint form to be completed to aid the understanding of the complaint.

If it is a minor complaint, then this will be dealt with by the complaints coordinator and / or another relevant member of staff. A full response will be provided within five academy days. This may be a written response or can involve a meeting with a staff member.

If the complaint is considered to be complex or falls under one of the [categories](#) detailing where complaints can be escalated then the complaints coordinator will acknowledge the complaint within five academy days, confirming that the complaint will be dealt with at stage two of the process and requesting that the complaint be made in writing unless already done so.

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.

If the complainant remains dissatisfied with the academy’s response then they are able to progress the complaint to stage two.

### 2.1.2 Stage two – formal

All complaints at this stage must be received in writing unless reasonable adjustments are required. 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.

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 chair of governors. 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. If the complaint is about the principal and chair of governors then the complaint will be escalated to stage three. 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.

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.

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.

### 2.1.3 Stage three – OAT review

For stage three to be entered into the complainant must submit their complaint in writing to Ormiston Academies Trust. This must be done within twelve academy weeks of the response from stage two.

Once OAT has received your complaint you will receive an acknowledgement in writing from OAT's Complaints Coordinator within five working days. This letter will identify the person(s) responsible for investigating your complaint. At this stage OAT may require further information from the complainant or the academy, if this is requested then the information should be provided by the deadline given. If information is not provided on time then OAT may decide to continue the investigation without the additional evidence.

OAT's investigating officer will review all of the information provided and write a recommendation report for OAT in order to resolve the complaint. The complainant will receive the written response from OAT within four academy weeks from when all information regarding the complaint is received. Any delay in the investigation will be communicated to the complainant at the earliest opportunity.

If the complainant remains dissatisfied with the outcome of the OAT review then they are able to progress the complaint to stage four.

OAT will keep a complaint file containing all information and communications relied upon for the complaint investigation. If the complaint is closed at this stage the academy will be informed so that they can update their complaint log.

### 2.1.4 Stage four – complaints panel

Stage four is the final stage of the complaints process where the complainant can request a complaint panel. The complainant should contact OAT's Complaints Coordinator within three academy weeks of the date of complaint outcome letter if they would like for a complaint panel to be convened. This should include the reasons why they are not satisfied with the outcome of the complaint.

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
- A governor from another Ormiston academy
- A senior member of staff from Ormiston Academies Trust

At least one panel member will be an Independent Person who is independent of the running and management of the school.

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 be attending to oversee the running of the panel and to take minutes.

The panel will be arranged by OAT's Complaints Coordinator at a location and time convenient to all parties. This will not exceed three 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.

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.

The panel can:

- Dismiss the complaint in whole or in part
- Uphold the complaint in whole or in part
- Decide on the appropriate action to be taken to resolve the complaint
- Recommend changes to systems or procedures to ensure that problems of a similar nature do not recur

The outcome of the panel may be communicated to all parties on the day and, in any event, 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 and the findings and recommendations will be available for inspection on academy premises.

## 2.2 Non-Parent complaints about an academy

### 2.2.1 Stage one – informal

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 (complaints coordinator). It may be necessary for the academy to request for a complaint form to be completed to aid the understanding of the complaint.

If it is a minor complaint, then this will be dealt with by the complaints coordinator and / or another relevant member of staff. A full response will be provided within five academy days. This may be a written response or can involve a meeting with a staff member.

If the complaint is considered to be complex or falls under one of the [categories](#) detailing where complaints can be escalated then the complaints coordinator will acknowledge the complaint within five academy days, confirming that the complaint will be dealt with at stage two of the process and requesting that the complaint be made in writing unless already done so.

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.

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

### 2.2.2 Stage two – formal

All complaints at this stage must be received in writing unless reasonable adjustments are required. 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.

The complaint will be investigated by the Principal or Chair of Governors. Where the complaint is about either the Principal or Chair of Governors the complaint will be investigated by the individual not involved. 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.

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.

The decision of the Principal or Chair of Governors at this stage is final.

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

## 2.3 Complaints about Ormiston Academies Trust

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.

The process for complaining about OAT follows three 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 Chair 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

### 2.3.1 Stage one – informal

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.

### 2.3.2 Stage two – formal

A complaint should be made in writing to OAT's Complaints Coordinator.

If it is a minor complaint, then this will be dealt with by the line manager of the person who the complaint involves and / or OAT's Complaints Coordinator. Where the complaint cannot be resolved immediately, a full response will be provided within five working days.

If the complaint is considered to be complex or falls under one of the [categories](#) detailing where complaints can be escalated then OAT's Complaints Coordinator will acknowledge the complaint within five academy days, confirming that the complaint will be dealt with at stage three of the process and requesting that the complaint be made in writing unless already done so.

### 2.3.3 Stage three – review

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.

To request a review you should write to OAT's Complaints Coordinator 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.

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.

### 2.4 Other routes of complaint

Should the complainant be unsatisfied with the outcome of this complaints policy or wish to complain about a complaint 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 Funding Agency (EFA)
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

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. 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. We regard harassment as the unreasonable pursuit of issues or complaints, particularly if the matter appears to be pursued in a way intended to cause personal distress rather than to seek a resolution.

We will not tolerate any form of unacceptable behaviour. In cases of vexatious / unreasonably persistent complaints or harassing / 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

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 the steps detailed above unless emergency action is required.

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