The Oak Tree Federation

Complaints Policy and Procedure

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Introduction:

The fundamental objective of our schools is to create and maintain a safe, happy and healthy learning environment where every pupil can achieve their full potential. Our ethos is to work in a spirit of co-operation between parents, carers or other interested parties, staff and our Governing Board

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It is recognised that from time to time parents carers or other interested parties may have issues with the way the school discharges its responsibilities to meet its obligations, and these issues may be raised as complaints directly with the school.

In line with the requirements of the Education Act 2002, The Oak Tree Federation will:-

- have a complaints procedure that is easily accessible, simple to use and easy to understand.
- promote an open door policy where every parent can express their concerns to any member of staff.
- encourage resolution of problems by informal means wherever possible.
- resolve all issues swiftly to established timescales, impartially and in a spirit of co-operation.
- ensure a full and fair investigation by an independent person where necessary.
- respect people's desire for confidentiality.
- provide an effective response and appropriate redress where necessary.
- ensure that the Governing Board regularly monitors complaints received by the school.

The Oak Tree Federation prides itself on the quality of the teaching and the pastoral care provided for its pupils. However if parents, carers or other interested parties do have concerns, they can expect any issues raised to be treated seriously by the school in accordance with this policy document.

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 generally defined as ‘*an expression of dissatisfaction however made, about actions taken or a lack of action*’.

It is in everyone’s interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to invoke formal procedures. Schools should take informal concerns seriously and make every effort to resolve the matter as quickly as possible. There are occasions when complainants would like to raise their concerns formally. In those cases, the school’s formal procedure should be invoked through the stages outlined within their procedure.

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage. Where further investigations

are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

The schools expect that complaints will be made as soon as possible after an incident arises and no later than 3 months afterwards. We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

Complaints outside the scope

Some complaints will be outside the scope of this procedure as there are separate statutory procedures to deal with such issues. These include:

Exceptions	Who to contact
• Admissions to schools • Statutory assessments of Special Educational Needs (SEN) • School re-organisation proposals • Matters likely to require a Child Protection Investigation	Concerns should be raised direct with local authorities (LA). For school admissions, it will depend on who is the admission authority (either the school or the LA). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.
• Exclusion of children from school	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.
• Whistleblowing	Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: whistleblowing@ofsted.gov.uk or by writing to: WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD. The Department for Education is also a prescribed board for whistleblowing in education.
• Staff grievances and disciplinary procedures	These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.
• Complaints about services provided by other providers who may use school premises or facilities.	Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.

The Complaints Procedure (not complaints against the Headteacher or a Governor).

Informal Stage 1 – Review by Class Teacher

Parent/carer raise their concerns with child's class teacher, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the school office. If a resolution cannot be sought at this level or the complainant is dissatisfied at the outcome of these initial discussions then the parent/guardian may wish to escalate the complaint to the next level of the procedure.

Informal Stage 2 – Review by Headteacher

The parent/guardian should inform the headteacher in writing of the complaint and also state what they feel would resolve the complaint. The headteacher (or a member of the senior leadership team) will call a meeting to clarify concerns, and seek a resolution. The complainant may be accompanied to this meeting, and should inform the school if they will be and who their companion will be prior to the meeting. In certain circumstances, the school may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the school will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative companion.

This meeting should be as soon as reasonably practical to avoid any possible worsening of the issue. The headteacher (or member of the senior leadership team) will investigate fully and communicate findings and/or resolution to the complainant(s) verbally[1] or in writing depending on the nature of the issue, within an agreed timescale. If the parent/guardian is not satisfied with the outcome at this stage then the complaint can be moved to the next level.

Formal Stage 3 - Complaint heard by Chair of Governing Board

If the complainant is not satisfied with the response at stage 2 the complainant should write to the Chair of the Governing Board to request that their complaint is considered further. This letter should set out the details of the complaint and include appropriate evidence. The complainant should also specify what they feel would resolve the complaint, and how they feel the previous stage of the procedure has not addressed their complaint sufficiently.

The Chair of Governors will investigate the complaint and respond to the complainant in writing the conclusion of their investigation. This will usually be within 15 school days, however, where further investigations are necessary, new time limits may be set. The complainant will be sent details of the new deadline and an explanation for the delay.

If the parent/guardian is not satisfied with the outcome at this stage then the complaint can be moved to the next level for an independent review by a Governing Board panel.

Formal Stage 4 – Governing Board Review Panel

The complainant should write to the Clerk of the Governing Board. This letter should set out the details of the complaint and include appropriate evidence. The complainant should also specify

[1] If the communication is delivered verbally then a written record will be retained of the findings.

what they feel would resolve the complaint, and how they feel the previous stage of the procedure has not addressed their complaint sufficiently. The process will follow these time scales:

1. Letter acknowledged and Governing Board informed within 5 school days on receipt.
2. The panel sets a date* to meet as soon as reasonably practical but no longer than 15 school days from the acknowledgement date of the letter. However, where further investigations are necessary, new time limits may be set. The complainant will be sent details of the new deadline and an explanation for the delay.
3. Governing Board Review Panel obtains a report from the Headteacher and any further information/documentation required within 5 school days before the meeting
4. If the Governing Board Review Panel cannot meet because the end of term is less than 15 days from the date of acknowledgement of the letter of complaint, it must meet within 10 days of the start of the new term
5. The Governing Board Review Panel will communicate their findings to all parties concerned within 10 school days.

*The complainant must have reasonable notice of the date of the review panel; however, the review panel reserves the right to convene at their convenience rather than that of the complainant.

The aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. The complainant will be invited to attend the hearing with a companion if wished. However, it must be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

The remit of the panel will be explained to the complainant and both they and the school will have the opportunity of putting their case without undue interruption so that the issues are addressed, key findings of fact made and both the complainant and the school are given the opportunity to state their case and seek clarity. Any written material will be seen by everyone in attendance.

Governing Board Review Panel Review Hearing

- The panel consists of members of the governing board. These individuals will have access to the existing record of the complaint's progress.

- At the review panel hearing, the complainant and representatives from the school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

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

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

- The panel, the complainant and the school representative will be given the chance to ask and reply to questions. Once the complainant and school representatives have completed presenting their cases, they will be asked to leave and evidence will then be considered.

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

Complaints against the headteacher or a governor

Complaints made against the headteacher should be directed to the Chair of Governors (Formal stage 3). Where a complaint is against the chair of governors or any member of the governing board, it should be made in writing to the clerk to the governing board in the first instance. Some complaints fall outside the school's complaints procedure, for example, staff grievances or disciplinary procedures (see: Complaints outside the Scope).

Further Recourse

If a complaint has completed the local procedures and the complainant remains dissatisfied, they have the right to refer their complaint to the Secretary of State. The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing board has acted unlawfully or unreasonably and where it is expedient or practical to do so.

The School Complaints Unit (SCU) considers complaints relating to LA maintained schools in England on behalf of the Secretary of State. The SCU will look at whether the complaints policy and any other relevant statutory policies were adhered to. The SCU also looks at whether statutory policies adhere to education legislation. However, the SCU will not normally re-investigate the substance of the complaint. This remains the responsibility of schools.

The SCU will not overturn a school's decision about a complaint except in exceptional circumstances where it is clear the school has acted unlawfully or unreasonably. If the SCU finds that the school has not handled a complaint in accordance with its procedure, the school may be requested to look at the complaint again.

If legislative or policy breaches are found, the SCU will report them to the school and the complainant, and where necessary, ask for corrective action to be taken. The SCU normally also seeks written assurances as to future conduct. Failure to carry out remedial actions or provide written assurances could ultimately result in a formal Direction being issued by the Secretary of State in accordance with her powers under sections 496 and 497 of the Education Act 1996.

Schools may wish to contact the SCU for advice on whether they have acted reasonably; for example: in closing down a complaint from a serial complainant before the local procedure has been completed. However, the SCU will not be able to advise on how to resolve the complaint.

Further information can be obtained from the SCU by calling the National Helpline on **0370 000 2288** or going online at: www.education.gov.uk/help/contactus or by writing to:

Department for Education School Complaints Unit 2nd Floor, Piccadilly Gate Store Street Manchester M1 2WD

Serial and Persistent Complainants

There will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. It is important for the school to recognise when they really have done everything they can in response to a complaint. It is a poor use of the schools' time and resources to reply to repeated letters, emails or telephone calls making substantially the same points. If a complainant tries to re-open the same issue, the Chair of Governors can inform them that the procedure has been completed and that the matter is now closed.

If the complainant contacts the school again on the same issue, then the correspondence may be viewed as 'serial' or 'persistent' and the school may choose not to respond.

Unreasonable Complainants

The Oak Tree Federation is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

The Oaktree Federation defines unreasonable complainants as '*those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints*'.
A complaint may be regarded as unreasonable when the person making the complaint:-

- 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 while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or 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, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:-

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with a school while a 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.

Whenever possible, the headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact The Oaktree Federation causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from The Oak Tree Federation Schools.

Barring from the School Premises

Although fulfilling a public function, schools are private places. The public has no automatic right of entry.The Oak tree Federation Schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

If a parent's behaviour is a cause for concern, The Oak Tree Federation schools can ask him/her to leave school premises. In serious cases, the headteacher or the local authority can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make.

Anyone wishing to complain about being barred can do so, by letter or email, to the headteacher or Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.