



# COMPLAINTS POLICY

Version:	5
Approved by:	Trustee Board
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## REVIEW HISTORY

VERSION NO.	DATE OF CHANGE	CHANGE SUMMARY	PAGE NO.
1.0	January 2021	Original version	
2.0	March 2021	ESFA updates re appeal actions	11
3.0	June 2022	Changed email address from 'info@' to 'admin@'	Various
3.0	June 2022	Updated who can sit on panels	12 and 13
4.0	May 2024	Updated CFOO to CFO	Various
4.0	September 2024	Complaints procedure updated to confirm written documentation of complaint to be received / confirmed with complainant	9
		'Academy' replaced by 'School'	Various
		Flowcharts added as appendices for parents and for staff	
5.0	March 2025	Sections amended on vexatious and complex complaints	10-15
		'CFO' changed to 'CEO'	Various

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## **Document Control**

### **Who is this policy for?**

This policy applies to all employees of OAK Multi Academy Trust (the Trust).

### **This Policy Statement**

The aim of this policy and accompanying procedure is to achieve a fair, effective and speedy resolution of employee and stakeholder concerns relating to an Academy or the Trust, or to the services that we provide.

### **Protective marking**

Not protectively marked.

### **Review date**

This policy will next be reviewed before November 2025.

## **Roles and Responsibilities**

This policy applies to all employees of OAK Multi Academy Trust (the Trust). Throughout this document, the term 'Headteacher' refers to the Headteacher or Head of School.

This policy has been approved by the OAK Board of Trustees. The responsibility for the implementation of this policy rests with the Headteacher in Schools and with the CEO in the Central Team.

## **Suggested Audience**

This policy provides a framework for parents/carers of pupils and students and wider stakeholders, including members of the public, to raise issues with the Trust and its academies. It does not apply to matters governed by employment legislation, which are covered by HR policies and procedures, or in respect of contractual arrangements with suppliers.

As part of their induction or professional development, all relevant staff will participate in training, which enables them to apply the principles and procedures defined in this policy.

## **General Principles**

The aim of this policy and accompanying procedure is to achieve a fair, effective and speedy resolution of employee and stakeholder concerns relating to an School or the Trust, or to the services that we provide.

An anonymous concern or complaint will not be investigated under this procedure unless there are exceptional circumstances.

To enable a proper investigation, concerns or complaints should be brought to the attention of the School or Trust, as soon as possible. In general, any matter raised more than six months after the event being complained of, will not be considered, though cases may be considered outside this timescale if exceptional circumstances apply.

The Headteacher or Chair of the Local Governing Body will determine whether exceptional circumstances apply for a complaint about a school. The Chief Finance Officer will determine whether exceptional circumstances apply for a complaint about the Trust.

## **Complaints Received Outside of Term Time**

We will consider complaints made outside of term time to have been received on the first school day after the holiday period. Please note that for School related complaints, the reference to working days in the following procedure refers to school term dates.

**Availability of the Complaints Policy and Procedure**

This policy is available via the [Trust website](#) and also via individual school websites. If pupils or students raise concerns and complaints under this policy and procedure, the school will involve parents/carers.

Copies of the Complaints Policy are available from the Headteacher at each School and from:

Trust Governance Lead, OAK Multi Academy Trust, Copse Close, Oadby, Leicestershire, LE2 4FU.

Email: [admin@oaktrust.org](mailto:admin@oaktrust.org)

## Scope

This policy is for the benefit of students and stakeholders. This policy will be applied to all stakeholder complaints, except in the cases summarised below:

<b>Exceptions</b>	<b>Who to contact</b>
Admissions to school	Admissions authority – details are provided on the admissions section of the relevant School website. Please contact the school if you cannot access the information on the website.

Statutory assessments of Special Educational Needs	Local Authority carrying out the assessment.
Matters likely to require a Child Protection investigation	<p>Complaints about child protection matters are handled under the Child Protection and Safeguarding policy and in accordance with relevant statutory guidance. Please contact the Designated Safeguarding Lead at the relevant School</p> <p>Please contact the school if you cannot access the information on the website.</p> <p>If you have serious concerns, you may wish to contact the relevant Local Authority Designated Officer.</p>
Exclusion from school	<p>Parents and carers may use School procedures to challenge permanent exclusions and fixed term suspensions.</p> <p>Details of the processes to follow are provided in the documentation provided at the time of the exclusion. In the event of queries please contact the school for further details</p>

Whistleblowing	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. A copy is available on School and Trust websites.</p> <p>Please contact <a href="mailto:admin@oaktrust.org">admin@oaktrust.org</a> if you cannot access the information via the websites.</p> <p>Volunteer staff who have concerns should complain through the complaints procedure.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a></p>
Staff grievances and disciplinary procedures	<p>The Trust has staff grievance and discipline policies and procedures and a code of conduct in place. Complainants are not informed of the outcomes of actions under these procedures</p>
Staff conduct	<p>Complaints about staff will be dealt with under the Trust's internal procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary actions taken against a staff member because of a complaint.</p> <p>However, the complainant will be notified that the matter is being addressed.</p>
Complaints about services provided by external bodies using a school's premises or facilities.	<p>Providers should be contacted directly and have their own procedures for such eventualities.</p>
Appeals relating to internal assessment decisions for external qualifications	<p>Separate appeals procedures apply.</p> <p>Please contact the school for further details.</p>

If other bodies are investigating aspects of the complaint, for example the police, Local Authority or Tribunals, this may impact on our ability to adhere to the timescales within



this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

## The difference between a concern and a complaint

We will be clear about the difference between a concern and a complaint. For the purposes of this policy, we understand a concern to be 'an expression of worry or doubt for which reassurances are sought' and a complaint may be defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

We will take concerns seriously at the earliest stage to reduce the numbers that develop into complaints. It is normally appropriate to communicate directly with the member of staff concerned. This may be by letter, by telephone or in person by appointment, requested via the school office. Many concerns can be resolved by simple clarification, or the provision of information and it is anticipated that most issues will be resolved by this approach.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In this case, the Headteacher will refer you to another staff member. On the same principle, if a member of staff directly involved feels unable to deal with a concern, the Headteacher will refer you to another member of staff. This member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

## Formal Complaint Procedure

If informal procedures fail to resolve the issue, a formal complaint (stage 2 below) about any matter not relating to the matters outside the scope of the policy as outlined above, must be given in writing:

- to the Headteacher or LGB Chair for school related issues
- to the central Trust team using the [admin@oaktrust.org](mailto:admin@oaktrust.org) email address or in hard copy to the address above.

For written complaints, a template complaint form is included at the end of this procedure. If you require help in completing this form, please contact the school office. You can also ask third party organisations like Citizen's Advice to help you. Please contact us if you would like to request any reasonable adjustments to enable you to access and complete this complaints procedure. Complaints that come in via email or post will be transferred into the complaints form and agreed with the complainant before processing further.

Correspondence, statements, and records will remain confidential unless disclosure is required where any legal obligation prevails. Documents will be retained in accordance with the Trust Data Retention Policy and will be maintained regardless of whether the complaint was upheld. Complainants have the right to request access to any of these records at any time in accordance with our Data Protection Policy, which is available on our website.

Any queries, concerns or complaints about SEND provision by parents or carers should initially be raised informally, whether by e-mail, letter or a telephone call with the School's SENDCo. The SENDCo will investigate and use reasonable endeavours to follow up with the parent/carer within a school week. If this contact does not resolve the matter, parents/carers should follow the formal process, as set out in this Complaints policy and procedure.

### **Complaints Procedure – Underlying Principles**

The Trust's complaints procedure will:

- Encourage resolution of problems by informal means wherever possible
- Be easy to obtain and clearly publicised
- Be simple to understand and use
- Be impartial
- Be non-adversarial
- Allow swift handling with clear time-limits for action and keep people informed of the progress
- Ensure a full and fair investigation by an independent person where necessary
- Respect people's desire for confidentiality wherever possible
- Address the points at issue and provide an effective response and appropriate redress, where necessary
- Provide information to the School's Local Governing Body and Headteacher so that service can be improved.

At each stage, the person investigating the complaint will ensure that they:

- Establish what has happened to date and who has been involved
- Clarify the nature of the complaint and what remains unresolved
- Meet or contact the complainant if further information is required
- Clarify what the complainant feels would resolve the issue
- Interview those involved/complained about (accompanied if they wish)
- Conduct any meetings or interviews with an open mind
- Keep factual notes of meetings/interviews held.
- Inform the complainant of progress if they are unable to meet the agreed time-scales.
- Clarify which stage of the complaints procedure the complainant is currently in.

At each stage of the procedure, we will seek to resolve the complaint. It may be appropriate to offer one or more of the following:

- An explanation
- An acknowledgment that the situation could have been handled differently or better
- An assurance and an explanation of the steps that have been or will be taken to help ensure that it will not happen again
- An undertaking to review School or Trust procedures considering the complaint
- An apology

If a complainant wishes to withdraw their complaint, we will ask them to confirm this in writing.

### **Anonymous complaints**

We will not normally investigate anonymous complaints. However, the Headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

### **Procedures for Handling Unreasonably Persistent, Harassing, Vexatious, Unreasonable or Abusive Complaints**

Everyone involved in governance at the Trust is committed to the improvement of our Academies. We welcome feedback from parents/carers and will always try to resolve any concerns, requests for clarification or complaints as quickly as possible.

Sometimes, however, parents or carers pursuing complaints or other issues treat staff and others in a way that is unacceptable and/or behave in an unacceptable manner. Whilst we recognise that some complaints may relate to serious and distressing incidents, we will not accept threatening, inappropriate or harassing behaviour.

### **What do we mean by 'an unreasonable complainant'?**

Our Trust defines unreasonable actions as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, 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 complaint's 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 unrelated 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 complaints procedure has been fully and properly implemented and completed including referral to the Department for Education
- seeks an unrealistic outcome e.g. confirmation of staff disciplinary or a child's exclusion
- 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
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums

To allow the school to progress the complaint effectively and efficiently, the complainants should try to limit with the school that relates to their complaint while the complaint is being progressed. Repeated correspondence (letters, phone calls, emails) delay the outcome of the complaints, as they take staff away from actively handling the complaints process and should therefore be avoided.

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, or other appropriate person, will write to the complainant explaining why their behaviour is unreasonable.

If the complainant continues to behave unreasonably, and not modify their behaviour to enable a fair process to be followed, then they may be notified that the complaints process is frustrated. In those circumstances, the investigating officer will conclude the process – taking into account information available at that time.

For complainants who excessively contact our schools or central team, causing a significant level of disruption, we may specify methods of communication and limit the

number of contacts in a communication plan. This will be reviewed after six months or more frequently, should the need arise.

### **Complex complaints**

There may be occasions where a complaint becomes more complex following individual meetings. Complex complaints may require additional time to work through and understand the issues.

In some instances, a more specialist or experienced investigator may be required.

Complex complaints may also need to be assessed and reviewed with external support.

If a matter is determined to be 'complex' all parties will be notified by the investigating officer, with details of how the matter will be progressed.

Each complex complaint is likely to require an individually scheduled timeline, which may be outside the scope of the standard complaint timelines.

### **What can you expect from us?**

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

- follow the Trust's complaints procedure;
- respond within a reasonable time;
- be available for consultation within a reasonable time limit, bearing in mind the needs of pupils at the school and the nature of the complaint;
- respond with courtesy and respect;
- attempt to resolve problems 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.

### **What we expect of you**

We expect anyone who wishes to raise concerns to:

- 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.

### **Responses to unreasonably persistent or vexatious complaints, unreasonable complaints, or harassment**

In cases of unreasonably persistent complaints or harassment, we may take any or all of the following steps, as appropriate:

- Refer the matter to the relevant member of the Trust leadership
- Inform the complainant informally that his/her behaviour is now considered to be unreasonable or unacceptable, and request a changed approach.
- Inform the complainant in writing that we consider his/her behaviour to be unreasonable or unacceptable, and request a changed approach
- Require all future meetings with a member of staff to be conducted with a third person present. In the interests of all parties, notes of these meetings may be taken.
- Inform the complainant that, except in emergencies, we will respond only to written communication
- Inform the complainant in writing that his/her behaviour is now considered to fall under the terms of this policy and that this complaint will not be investigated further until it is pursued in a manner we consider to be reasonable
- Place restrictions on the individual's access to School and/or staff
- Cease all correspondence and communication with the complainant other than that necessary for the health and safety of any child/adult and to provide parents and carers with the information they are entitled to under The Education (Pupil Information) (England) Regulations 2005, within the statutory timeframe.
- We have a duty of care to staff and pupils and will take emergency measures, should these become necessary in extreme cases.

However, we must ensure that:

- procedures relating to Freedom of information (FOI) and Data Protection (DP) correspondence continue to be followed. Any such requests must be forwarded to [John.Walker@phplaw.co.uk](mailto:John.Walker@phplaw.co.uk)
- we continue to 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.

## **Physical or verbal aggression**

The Trust will not tolerate any form of physical or verbal aggression or personal harassment against staff. If staff are subject to this type of aggression we may:

- prohibit the individual from entering the relevant site, with immediate effect – this may involve issuing a warning letter or formal section 547 notice under the Education Act 1996.
- This prohibition will be for a fixed period of 13 weeks in the first instance but may be extended subsequently in 13-week periods;
- inform the individual that communication with them will cease other than in an emergency.

## **Time frame and Review**

If a complainant's harassing/persistent behaviour is modified and is then resumed later within a reasonable period of time, we may resume the process identified above.

If a complainant's harassing/persistent complaining behaviour is modified and the complaint still lies within the time limit specified within the Trust's complaints policy, we will use our discretion and may resume the investigation of the complaint. We will review as appropriate, and at a minimum of once a year, any sanctions applied in the context of this policy.

Legitimate new complaints, if not pursued in a harassing or unreasonable way, will be considered.

## **Duplicate complaints**

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we had not previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and the local process is complete
- Direct them to the DfE if they are dissatisfied with our original handling of the complaint
- If there are new aspects, we will follow this procedure again

## **Complaint campaigns**

There can be occasions where the school receives large volumes of complaints from multiple sources. In these cases, we reserve our right to treat this as a complaints campaign and as such we may choose to manage these complaints as a whole and produce a single statement which is shared with all complainants.

Although the subject matter of the complaint will be taken seriously and fully investigated, the issue will not be investigated repeatedly without good reason.

In the event of a complaint which is identified as a part of a series of near identical complaints, the following process will be followed:

- the complainant begins the complaints process as usual
- school staff identify that this complaint is one of many very similar complaints
- a single letter of response is prepared
- this letter of response is shared with each complainant
- complainants will have an opportunity to appeal the outcome of the complaint

As there may be a high volume of complainants and therefore a high number of appeals received, appeals may also be managed as a whole and as such the procedure will be varied. It will not be possible for all complainants to attend an appeal panel meeting, however an opportunity to submit additional information will be provided.

## **Stages In Our Complaints Procedure**

### **Stage One – Informal Resolution**

It is hoped that most concerns and complaints will be resolved quickly and informally.

The majority of concerns can and should be raised with either the class teacher or Headteacher. Those raising a concern should not approach individual governors or trustees about the issues, as they have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 3 of the procedure.

The main contact person for each complainant will be the appropriate responsible person. The appropriate responsible person will be determined by the relevant Headteacher or CFO, if it is not immediately obvious to all parties. In most cases, the matter should be resolved



quickly by this means. If the appropriate responsible person cannot resolve the matter satisfactorily, it may be necessary for him/her to consult other staff. If a concern cannot be dealt with immediately it would typically become an informal complaint which requires some form of review and written response.

The appropriate responsible person will make a written record of all concerns and complaints and the date on which they were received. They will inform other relevant colleagues, including the relevant line managers on the day of receiving any concern or complaint. This record will be kept for **one (1)** year after the individual leaves the organisation.

The Trust and its academies will use their reasonable endeavours to resolve any informal complaint as quickly as possible. At the conclusion of any review into the complaint, the appropriate person will provide an informal written response within **10 school days** of the date of receipt of the complaint. Any actions suggested as part of the stage 1 process should be complete (where possible) within **10 working days** of the decision to enable the complainant to decide whether or not to escalate to the next stage.

If the issue remains unresolved, the next step is to make a formal complaint within **10 school days** of the conclusion of stage 1. If an appeal is not submitted in this timescale, the complaint will be deemed as concluded.

### **Stage Two – Formal Resolution**

If the complaint cannot be resolved on an informal basis, then the complainant should put their complaint in writing, using the complaints form (appendix 1) to the Headteacher, or the CEO for complaints about the central team, within 10 school days of the conclusion of stage 1. Complainants should also outline how they wish their complaint to be resolved.

If the complaint is about the Headteacher the complaint should be passed to the CEO.

Complainants should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, copies of relevant documents and a clear statement of the actions that you would like the school to take to resolve the issue.

A Complaint Form is provided at appendix 1, which should be completed and returned in a sealed envelope to the Trust office for it to be logged. If you are unable to complete the form yourself, please contact us so we can help to make alternative arrangements. The Headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within **5 school days**.

The Headteacher, or CEO, will decide, after considering the complaint, the appropriate course of action to take. In most cases, the Headteacher, CEO or appropriate member of senior leadership, will meet or speak to the complainant concerned to discuss the matter. If possible, a resolution will be reached at this stage. The Headteacher, or CEO, will use reasonable endeavours to speak to or meet complainants within **ten (10) working days** of the formal complaint being received. When the complaint is received in School holidays, the **ten (10) working days** will be counted from the start of the following school term.

The Headteacher, or CEO, will normally delegate responsibility for undertaking an investigation of the complaint to an appropriate member of their team unless he/she deems it appropriate for him/her to deal with the matter personally or to use a third-party investigator.

A written record of all meetings, interviews and telephone conversations held in relation to the complaint will be kept. All stages of the process should be documented in a single file. All such records are subject to the Freedom of Information and Data Protection Acts. Content should be factual and objective.

Once the Headteacher or CEO is satisfied that, so far as is practicable, all of the relevant facts have been established, a decision will be made. Complainants will be informed of this decision in writing and reasons for the decision will be given. This written decision should be provided no later **than ten (10) working days** after speaking to or meeting the complainant. In the majority of cases, the Headteacher, CEO or appropriate person will also arrange to meet with the complainant to explain the decision. The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the Trust will take to resolve the complaint.

A confidential written record of all formal complaints, including records of meetings and interviews held in relation to the complaint, and the decision reached, will be kept for **one (1) year** after the individual leaves the organisation.

If a complainant is dissatisfied with the response to their formal complaint, they can have their complaint considered by a Stage Three Appeal. This will be communicated to them in the outcome letter.

### **Stage Three - Appeal**

If the complainant wishes to appeal against a decision made under Stage 2, they should make a written request for a review by the Stage 3 Appeals Committee. This email / letter should be sent to the Trust, addressed to the Chair of Trustees. The email / letter should enclose copies of all supporting documentation and give details (including names and addresses) of any witnesses the complainant intends to call.

Complainants must lodge their appeal in writing and within **ten (10) working days** of the date of the Stage Two decision via [admin@oaktrust.org](mailto:admin@oaktrust.org).

Complainants should provide details of the complaint made and the reasons why they believe the complaint has not been resolved by the Stage Two Procedure. Complainants should also outline how they wish their complaint to be resolved.

The panel also does not review any new complaints at this stage or consider evidence unrelated to the initial complaint. New complaints must be dealt with from Stage 1 of the process.

Note: Complaints about staff conduct can be submitted as part of this procedure but a decision will then be made as to whether the matter should be addressed under the internal OAK Disciplinary Procedure, if appropriate.

When a request to move to Stage Three of this process is received by the Governance Lead, a stage three appeal will be arranged as soon as possible to consider the matter. This will normally be no later than **twenty (20) working days** after receipt of the request. However, timing will depend upon the availability of the stage three appeal members.

We will aim to agree a mutually convenient date for the appeal hearing. However, if despite best efforts, it is not possible to arrange the hearing within a reasonable time scale, the CEO may determine that the hearing proceeds based on written submissions from both parties.

Any written material will be circulated to all parties at least **seven (7) school days** before the date of the meeting. The hearing will not accept as evidence recordings of conversations obtained without informed consent of all parties unless exceptional circumstances apply.

For School related complaints, the Stage Three Appeal will consist of three members, drawn from the Executive Team, Trustees, Governors or other appropriate individuals who have not previously been involved with the complaint. One of the members of the panel must be independent of the management and running of the school. This may be a Headteacher from another OAK School, a Trustee, a Governor of another School or similar independent individual from within or beyond the trust. For central team complaints, the Stage Three

Appeal will consist of the Chief Executive and two other members of the Executive Leadership Team, who have not previously been involved with the complaint. The School/Trust Central Team will inform complainants in writing, that they can attend the panel hearing and, if they wish, be accompanied.

The hearing will be held in private. Electronic recordings of meetings are not permitted unless this is a specified reasonable adjustment for any party.

The hearing will consider the complaint and all the evidence presented. The Committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

At the conclusion of the Stage Three hearing, a decision on the response to the complaint will be taken. Complainants will be informed of this decision, the reasons for it and any recommendations made, in writing. This written decision should be provided no later than **ten (10) working days** after the Stage Three Appeal.

The Stage Three Appeal's findings will be sent to:

- the complainant
- the Trust central team via [admin@oaktrust.org](mailto:admin@oaktrust.org)
- where appropriate, the person complained about.

A written record of all complaints, decisions and findings will be kept for **one (1) year** after the individual leaves the organisation. All records will be made available for inspection and indicate whether the complaint was resolved at the preliminary stage or proceeded to a panel hearing, along with what actions have been taken, regardless of the decision.

All correspondence statements and records relating to individual complaints will be kept confidential, except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

### **Complaints about the CEO**

In the event of a complaints 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, OAK Multi Academy Trust, Copse Close, Oadby, Leicestershire, LE2 4FU.

The Chair will either investigate the matter or nominate another Trustee to investigate your complaint.

Stage three – the Stage Three Appeal will consist of three other members of the Board of Trustees who have not previously been involved with the complaint. This may be delegated by the Chair of Trustees to include Chairs of Governors who have not been involved in any investigation or to independent individuals from beyond the trust.

### **Complaints about GDPR and Subject Access Requests**

If the school does not comply with a Subject Access Request within one (1) month (subject to any extension), or refuses all or part of the request, written reasons will be provided, setting out the principles for the refusal.

The Trust's Data Protection Officer is responsible for dealing with all complaints in line with this procedure. The complaints policy will still be the basis for dealing with Data Protection Complaints and appeals. A written outcome will be provided.

If you feel that the school/trust have not dealt with your matter satisfactorily you can complain to the Information Commissioner

By post:

Customer Contact  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
SK9 5AF

Or by email: [casework@ico.org.uk](mailto:casework@ico.org.uk)

More information is on the ICO website [www.ico.org.uk/](http://www.ico.org.uk/)

Department For Education

We hope that we will be able to resolve any complaint concerning OAK or its schools using this complaints procedure.

If the complainant believes we did not handle their complaint in accordance with the published complaints procedure or acted unlawfully or unreasonably in the exercise of their

duties under education law, they are entitled to refer their complaint to the Department for Education (DfE) which has limited powers to consider complaints about academies. The DfE cannot change decisions about the complaint but can review whether the complaint was handled properly. Details about the DfE procedure and the DfE academy complaints form are available at [How DfE handles complaints about academies - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/how-dfe-handles-complaints-about-academies).

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

## Ofsted

If you've complained to the school and the problem has not been resolved, you can complain to Ofsted. This does not mean that Ofsted will then inspect the school. They will record your complaint, and may use the information you've provided to help them decide what areas to focus their next inspection on.

Ofsted considers complaints about things that affect the whole school rather than individuals.

Ofsted cannot:

- resolve issues between you and the school
- ask the school to respond directly to your complaint or take action on it
- change the outcome of a complaint
- change the school's complaints process because of a complaint

## Monitoring And Review

The Trustee Board will review this policy at least every two years and assess its implementation and effectiveness. A summary report of complaints made under the policy will be provided to Trustees on an annual basis. The policy will be promoted and implemented throughout the Trust and our schools.

## Appendix 1 – Oak Multi Academy Trust Complaint Form

Please complete and return to the Trust office, (via [admin@oaktrust.org](mailto:admin@oaktrust.org)), who will acknowledge receipt and explain what action will be taken.

Complainant name:

Pupil / student's name (if applicable):

Your relationship to the pupil / student (if applicable):

Address:

Daytime telephone number:

Evening telephone number:

Please give details of your complaint:

What action, if any, have you already taken to try and resolve your complaint? (Who did you speak to and what was the response?)

What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details:

Signature:

Date:



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**Official use**

**Date acknowledgement sent:**

**By whom:**

**Complaint referred to:**

**Date:**

## **Appendix 2 – Roles and Responsibilities**

### **The Complainant**

The complainant or person who makes the complaint will receive a more effective response to the complaint if he/she:

- co-operates with the school in seeking a solution to the complaint;
- expresses the complaint in full as early as possible;
- responds promptly to requests for information or meetings or in agreeing the details of the complaint;
- asks for assistance as needed;
- treats all those involved in the complaint with respect.

### **The Appropriate Responsible Person**

The appropriate responsible person should:

- ensure that the complainant is fully updated at each stage of the procedure;
- ensure that all people involved in the complaint procedure will be aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 2018 and Freedom of Information Act 2000;
- liaise with staff members, Headteacher, Chair of LGB and Clerk to ensure the smooth running of the complaints procedure;
- keep records;
- be aware of issues regarding:
  - sharing third party information;
  - additional support - this may be needed by complainants when making a complaint including interpretation support.

### **The Investigator**

The Investigator is the person involved in Stages 1 and 2 of the procedure. The Investigator's role can include providing a comprehensive, open, transparent and fair consideration of the complaint through:

- sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved;
- consideration of records and other relevant information;
- interviewing staff and children/young people and other people relevant to the complaint;
- analysing information
- effectively liaising with the complainant and the school as appropriate to clarify what the complainant feels would put things right;
- identifying solutions and recommending courses of action to resolve problems;
- being mindful of the timescales to respond; and
- responding to the complainant in plain and clear language.

The person investigating the complaint should make sure that they:

- conduct interviews with an open mind and be prepared to persist in the questioning;
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting.

### **The Panel Clerk**

The Clerk is the contact point for the complainant for the panel meeting and is expected to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record in note form the proceedings;
- circulate the minutes of the panel hearing;
- notify all parties of the panel's decision;
- liaise with the complaints co-ordinator.

### **The Panel Chair**

The Panel Chair has a key role in ensuring that:

- the meeting is minuted;
- the remit of the panel is explained to the complainant and both they and the Academy have the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents/carers and others who may not be used to speaking at such a hearing are put at ease – this is particularly important if the complainant is a child/young person;
- the hearing is conducted in an informal manner with everyone treated with respect and courtesy;
- the layout of the room will set the tone – care is needed to ensure the setting is informal and not adversarial;
- the panel is open-minded and acts independently;
- no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- both the complainant and the school are given the opportunity to state their case and seek clarity;
- witnesses are only required to attend for the part of the hearing in which they give their evidence;
- pupils/students may not appear as witnesses, but they may provide statements;
- written material is seen by everyone in attendance – if a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the hearing;
- liaison takes place with the Clerk.

## **Panel Member**

Panellists will need to be aware that:

- It is important that the review panel hearing is independent and impartial, and that it is seen to be. Somebody may not sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- 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. 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;
- Many complainants will feel nervous and inhibited in a formal setting.
- Parents/carers often feel emotional when discussing an issue that affects their child.

The panel Chair will ensure that the proceedings are as welcoming as possible;

- Extra care needs to be taken when the complainant is a child/young person and present during all or part of the hearing; Careful consideration of the atmosphere and proceedings will ensure that the child/young person does not feel intimidated. If the child/young person is the complainant, the panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the panel should give the parent the opportunity to say which parts of the hearing, if any, the child/young person needs to attend. The parent should be advised however that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting which the panel considers not to be in the child/young person's best interests;
- the welfare of the child/young person is paramount.

## **Appendix 3 – Outline Agenda – Stage Three Hearing**

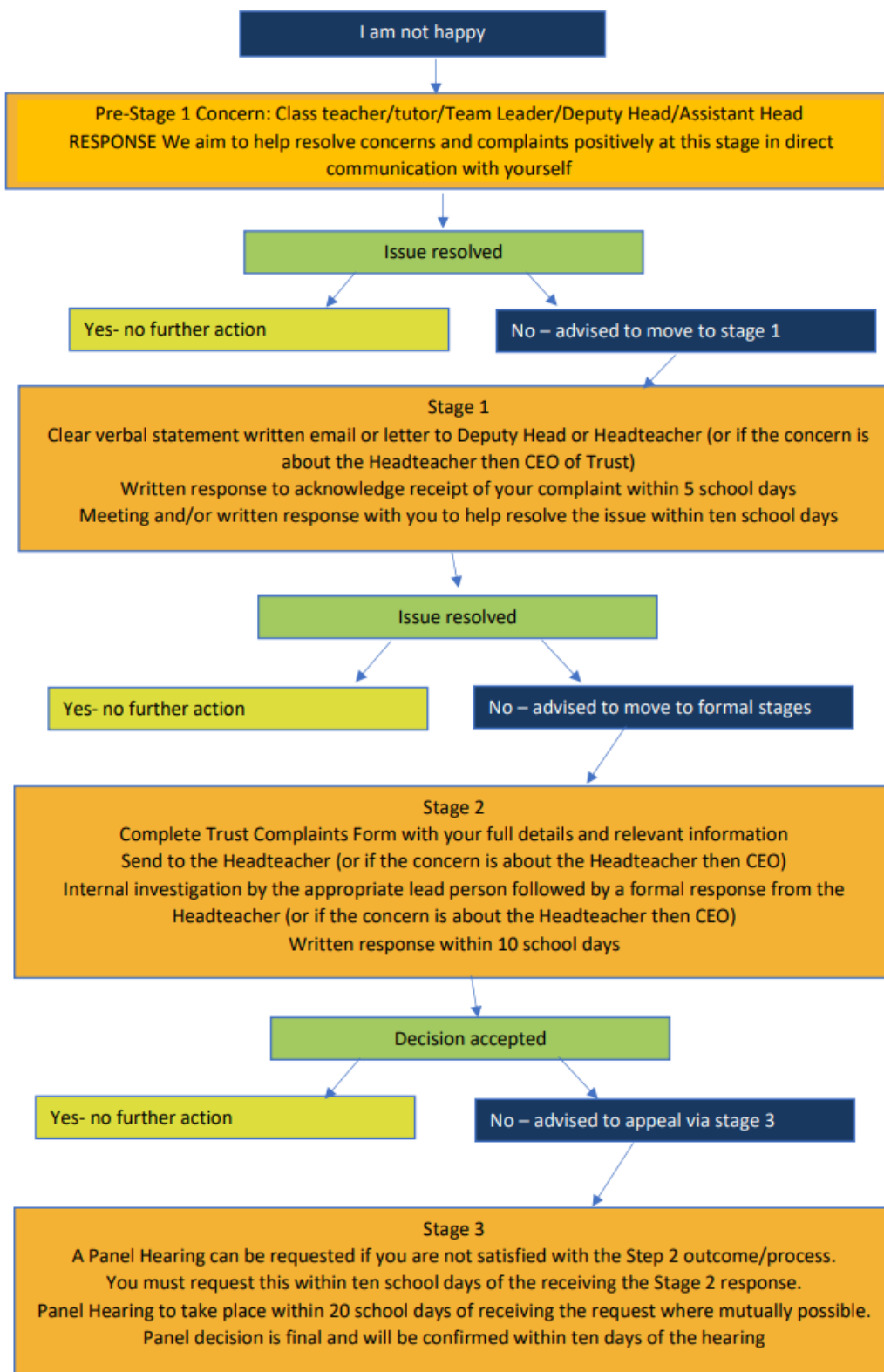
### **Agenda for a Stage Three Hearing**

All parties will be welcomed by the Chair of the panel

1. All parties will be asked to introduce themselves
2. The complainant will be asked to outline their complaint, inviting any witnesses to also present.
3. If witnesses are called, they will be first asked questions by the complainant, then by the Head of School/Headteacher and finally by the panel.
4. The complainant will conclude their presentation of their complaint.
5. The Head of School/Headteacher will be invited to ask questions of the complainant.
6. The Panel will ask questions of the complainant.
7. The Head of School/Headteacher will be invited to present their response to the complaint.
8. The complainant will be invited to ask questions of the Headteacher.
9. The Panel will ask questions of the Headteacher.
10. The Headteacher will be asked to sum up their response.
11. The complainant will be asked to sum up their complaint.
12. All parties will be thanked for their attendance and contribution and the Chair will confirm that a written response will be sent to both parties within 10 school days.

The Panel reserves the right to modify the above procedure, for example requiring the parent and the school representative to present their complaint/actions separately to the Panel in the absence of the other party.

### Appendix 3: Parent/Carer flowchart



## Appendix 4: School / Trust flowchart

