

<b>Policy Title:</b>	<b>Complaints</b>
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## **Change Record**

<b>Version</b>	<b>Date</b>	<b>Description</b>
<b>1.1</b>	<b>November 2010</b>	<b>Amended as part of the policy review process</b>
<b>1.2</b>	<b>December 2012</b>	<b>Policy reviewed</b>
<b>1.3</b>	<b>August 2013</b>	<b>Amended Contact Details</b>
<b>1.4</b>	<b>May 2015</b>	<b>Amended Contact Details</b>
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<b>1.6</b>	<b>September 2018</b>	<b>Reviewed and amended Contact Details</b>

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# Complaints

## 1. Background

This policy should be used with reference to the Department for Education guidance on complaints and alongside The Oxford Academy Home Academy Agreement. The policy covers all matters relating to the life of the Academy (except admissions, exclusions and special educational needs, as there are separate statutory arrangements for them). The policy includes complaints related to the curriculum and religious worship. Allegations of abuse against staff are covered by a separate policy.

## 2. Introduction

The majority of issues raised by parents or students are concerns rather than complaints. The Oxford Academy is committed to taking concerns seriously at the earliest stage in the hope of keeping the number of formal complaints to a minimum and without recourse to formal procedures. However, in those instances where a parent, or others acting a parental role, or student does not feel a concern has been addressed, or it is of sufficient gravity, then the Academy's formal complaints procedure should be used. The prime aim of the Academy's policy is to resolve the complaint as fairly and speedily as possible. Formal complaints will be dealt with in a sensitive, impartial and confidential manner.

## 3. The Stages of Complaint

The following details outline the stages that should be used to resolve parental and student complaints. Please note that external agencies, such as the police or social services, will be notified of a complaint where appropriate.

The Oxford Academy's policy has five main stages, summarised below:

- Stage 1 – A concern is raised informally with an appropriate member of staff. The initial concern should be discussed with the relevant form tutor and/or Head of School. If the matter is not resolved, then the complainant is advised of the Complaints policy and the complaint progresses to:
- Stage 2 – The Academy receives a formal written complaint. If the matter is not resolved then the complaint progresses to:
- Stage 3 – The Headteacher hears the details of the complaint and arranges a further investigation. If the matter is still not resolved then the complaint progresses to:

- Stage 4 – Complaint to the Chair of Governors
- Stage 5 - The Governing Board's Complaints' Appeal Panel for a formal hearing of the complaint.

### 3.1 **Stage 1 – Raising a Concern**

Concerns can be raised with the Academy at any time and will often generate an immediate response which will resolve the concern. Apart from the Academy's Parental Consultation Evenings, or other arranged meetings with specific staff, the Academy requests that contact is first made with the student's form tutor or designated member of staff, appropriate to the concern raised. For curriculum matters, the Subject Leader should be contacted. Details of who they are may be obtained from the PA to Headteacher. For other matters it will be the relevant Head of Year. On some occasions the concern raised may require investigation or discussion with others, in which case there will be an informal but informed response **within two days**. It is anticipated that the vast majority of concerns will be satisfactorily dealt with in this way.

### 3.2 **Stage 2 – Making a Complaint**

Formal complaints should be put in writing and sent to the Academy, addressed to the Headteacher. The Headteacher will co-ordinate the Academy response to the complaint and nominate an Investigating Officer. The complaint will be logged, including the date it was received and the subject matter, who made the complaint, who the investigating officer is and the dates for any meetings and responses. The Academy, through the Investigating Officer, will normally acknowledge receipt of the complaint **within two days** of receiving it. In many cases this response will also report on the action the Academy has taken to resolve the issue. Alternatively, a meeting may be convened to discuss the matter further. This meeting will normally take place **within five working days** of the receipt of the formal complaint but in any case within no more than ten working days. If, on the other hand, it is felt that the matter is too serious to be dealt with at this stage then the matter will be passed directly to the Headteacher (see stage 3 below). The aim throughout is to resolve the matter as speedily as possible.

### 3.3 **Stage 3 – Further Investigation**

If the matter has not been resolved at Stage 2, or it is felt that the matter is too serious to be dealt with at Stage 2, the Headteacher or another designated member of staff will undertake a further investigation. As part of this investigation, a meeting may be convened to discuss the matter further. This meeting will normally take place **within five working days** of the receipt of the formal complaint but in any case within no more than ten working days. Following the investigation, the Academy will normally

give a **verbal or writing response within five working days** but in any case within no more than 10 working days.

Please note that, in cases where the matter concerns the conduct of the Headteacher, both the Governing Board, via the Chair of Governors, and the Headteacher will be informed of the complaint and the governors will arrange for the matter to be further investigated. The Academy will normally give a response **within five working days** but in any case within no more than 10 working days.

#### 3.4 **Stage 4 – Complaint to the Chair of Governors**

Where a complaint is of a serious nature and has not been resolved by the Headteacher, the complainant will be directed to the Chair of Governors. The Chair will offer the complainant and respondent the opportunity to make their cases orally and/or in writing, receiving any supplementary information that is relevant to the case and decide on what to do. The Chair will then inform both parties of the outcome, giving explanations of why a particular course of action was adopted. The Chair will deal with the complaint within 10 working days where practicable.

#### 3.5 **Stage 5 – Appeal to the Governing Board Complaints Appeal Panel**

If the matter has still not been resolved at Stage 4 then the Academy will advise the complainant of the right to refer to the Governing Board. Complainants will be asked to put the complaint formally in writing for the attention of the Clerk to the Governors, asking for the matter to be considered by the Governing Board Complaints Appeal Panel with delegated powers to hear complaints appeals. It is possible that, at this stage, the complaint may well be different from the original one as it would include dissatisfaction with the action taken by the Headteacher and the Chair of Governors in handling the original complaint.

The panel of governors will be appointed by the full Governing Board and consist of three members, none of whom would have had any previous dealings with the complaint. The Governing Board Complaints Appeal panel will convene **within 15 working days** of receipt of the complaint or as soon as practicable thereafter.

The Governing Board Complaints Appeal Panel will acknowledge receipt of the appeal, normally within two working days, clearly stating the governors' understanding of the main points of complaint, giving the complainant opportunity to clarify if they do not agree and explaining how the complaint will proceed.

The aim of the Governing Board Complaints Appeal Panel hearing is to impartially resolve the complaint and to achieve reconciliation between the Academy and the complainant.

Both parties are informed of the decision no later than seven days after the hearing.

The decision of the panel of governors will be binding on the Headteacher, Chair of Governors and the Academy. If the complaint is a curricular one and the complainant is dissatisfied with the outcome, she or he may refer the matter to the Department for Education ([www.education.gov.uk/help/contactus/dfe](http://www.education.gov.uk/help/contactus/dfe)) on the grounds that the Governing Board has behaved unreasonably.

The Governing Board Complaints Appeal Panel hearing is the last Academy-based stage of the complaints process. If a complainant feels that the complaint is still unresolved, he or she should contact the Young People's Learning Agency. Please note the Ombudsman service is not applicable to academies. There is also provision for parents who are dissatisfied to complain directly to Ofsted [www.ofsted.gov.uk/contact-us](http://www.ofsted.gov.uk/contact-us)

Should an investigation into a complaint lead to disciplining a member of staff, all those involved in the investigation or hearing will not participate in the disciplinary action that may follow in order to secure natural justice.

Written records will be kept of all complaints indicating whether the complaint is against an Academy decision, individual or policy and the stage at which it was resolved. All correspondence, statements and records of complaints are to be kept confidential

#### **4. Monitoring, Evaluation and Review**

The number, type and stage of resolution of complaints are reported to the Senior Leadership Team and Governing Board on a termly basis.

The Governing Board will review this policy at least every two years and assess its implementation and effectiveness. The policy will be promoted and implemented throughout the Academy.

## **Annex 1: Complaints Appeals Procedure**

### **Complaint Heard by Governing Board Complaints Appeal Panel**

If the complainant is still dissatisfied after completing Stage 4 of the Complaints policy, he/she will be advised to write to the Chair of Governors giving details of the complaint. The Chair, or a nominated governor, will convene a Governing Board Complaints Appeal Panel, none of whose members will have been directly involved in previous consideration of the complaint.

The panel of governors will be appointed by the full Governing Board and consist of three members. One member of the panel must be independent of the management and running of the Academy. The complaints panel will convene within 15 working days of receipt of the complaint, or as soon as practicable thereafter.

The Governing Board Complaints Appeal Panel hearing is the last Academy-based stage of the complaints process and is not convened to merely rubber-stamp previous responses to the complaint.

Individual complaints would not be heard by the whole Governing Board at any stage as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

Written evidence will be circulated to both parties and members of the Panel in advance of the meeting and the procedure will be as follows:

1. Introductions by the Chair of the Panel.
2. Complainant makes statement of complaint and background.<sup>1</sup>
3. Questions to complainant by the Headteacher/Chair of Governors and members of the Panel.
4. Headteacher/Chair of Governors makes statement.
5. Questions to Headteacher/Chair of Governors by complainant and members of the panel.
6. Headteacher/Chair of Governors makes final statement.
7. Complainant makes final statement.
8. Interested parties withdraw from the meeting and the Panel reaches a decision on whether the complaint is upheld or rejected. In either case, the Panel may call for certain action to be taken by the Academy.
9. Both parties are informed of the decision no later than seven days after the hearing. The letter will also contain details of any further rights of redress as detailed. See below.

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<sup>1</sup> In presenting its case, each party may call witnesses who could be questioned by the other side and members of the panel.

## **The Remit of the Governing Board Complaints Appeal Panel**

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 the Academy's systems or procedures to ensure that problems of a similar nature do not recur

There are several points which any governor sitting on the Governing Board Complaints Appeal Panel needs to remember:

- a. It is important that the appeal hearing is independent and impartial and that it is seen to be so. No governor may sit on the Panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the Panel, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.
- b. The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the Academy and the complainant. It is important that the complainant does not find the hearing intimidating and feels able to fully discuss their complaint in an open manner. However, it has to be recognised 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.
- c. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The Panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
- d. Where the complainant is a parent they should be allowed to attend the Panel hearing, and, if they wish, to be accompanied.
- e. The governors sitting on the Panel need to be aware of the complaints procedure.

## **Roles and Responsibilities**

### **The Role of the Clerk**

The Clerk is the contact point for the complainant and required 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 the proceedings
- notify all parties of the Panel's decision

### **The Role of the Chair of the Governing Board or the Nominated Governor**

The Chair of the Governing Board or the Nominated Governor:

- checks that the correct procedure has been followed
- if a hearing is appropriate, notifies the Clerk to arrange the Panel

### **The Role of the Chair of the Panel**

The Chair of the Panel has a key role, ensuring that:

- the remit of the Panel is explained to the parties and each party has the opportunity of putting their case without undue interruption
- the issues are addressed
- key findings of fact are made
- parents and others who may not be used to speaking at such a hearing are put at ease
- the hearing is conducted in an informal manner, with each party treating the other with respect and courtesy
- the Panel is open-minded and acting independently

- no member of the Panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- each side is given the opportunity to state their case and ask questions
- written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it
- written records are kept

### **Notification of the Panel's Decision**

The Chair of the Panel must ensure that the complainant is notified of the Panel's decision in writing within seven days of the date of the hearing. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed. The complainant, Panel members, Headteacher and, where relevant, the person complained about, should be given a copy of any findings and recommendations.

The decision of the Panel of governors will be binding on the Headteacher, Chair of Governors and the Academy. If the complaint is a curricular one and the complainant is dissatisfied with the outcome, she or he may refer the matter to the DfE on the grounds that the Governing Board has behaved unreasonably.

If a complainant feels that the complaint is still unresolved, he or she should contact the Young People's Learning Agency. Please note the Ombudsman service is not applicable to academies. There is also provision for parents who are dissatisfied to complain directly to Ofsted.

Should an investigation into a complaint lead to disciplining a member of staff, all those involved in the investigation or hearing will not participate in the disciplinary action that may follow in order to secure natural justice.