



OWLS Academy Trust

Complaints Policy and Procedure

Adopted by The OWLS Academy Trust on	
Next Review Due	

The OWLS Academy Trust recognises that it is in everyone's interest that any complaints should be resolved as quickly as possible. This policy has been created to provide a clear framework for responding to any complaint against a member of staff or against the Trust or any of its member schools.

Any person, including a member of the public, is able to make a complaint about the provision of facilities or services by the Trust or its member school, and this policy outlines the procedure that that complainant and school/trust must follow.

Whilst not wishing to encourage complaints, complainants should note that they have a duty to raise a matter as soon as conveniently possible, in order that it can be investigated more effectively whilst information is fresh in the minds of all parties. Once a complaint has been made it can be resolved or withdrawn at any stage.

At school level the head teacher will be the first point of contact when following the complaints procedure. At trust level the executive head teacher / CEO will be the point of contact should a complaint not be resolved at school level.



Legal Framework

This policy has due regard to statutory legislation, including but not limited to:

- The Education Act (2002);
- The Data Protection Act (1998);
- The Freedom of Information Act (2000);
- The Immigration Act (2016); and
- The Equality Act (2010).

This policy also has due regard to guidance, including but not limited to:

- "Best Practice Advice for School Complaints Procedures 2016" (DfE, 2016); and
- "Code of Practice on the English Language Requirement for Public Sector Workers" (HM Government, 2016)



Definitions

Complaint For the purpose of this policy a complaint can be defined as "an expression of dissatisfaction" which may be regarding actions taken or a perceived lack of action.

Concern A concern can be defined as "an expression of worry or doubt" for which reassurance is sought. For the purpose of this policy, concerns will be classed and addressed as complaints. Therefore any further references to "complaints" will also include "concerns".

Complaints can be resolved formally or informally, dependent on the complainant's choice. However, all complaints will be taken seriously, whether addressed formally or informally, and the appropriate procedures shall be followed.



Roles and Responsibilities

Complainant

Complainants are expected to:

- Co-operate with the school/Trust in seeking a solution to the complaint;
- Express the complaint and their concerns in full at the earliest possible opportunity;
- Promptly respond to any requests for information or meetings;
- Ask for assistance as needed;
- Treat any person(s) involved in the complaint with respect.

Complaints Co-ordinator

The complaints co-ordinator may be the CEO for the Trust or a Trustee, and will:

- Provide advice and support to Chairs of Governors or head teachers if requested;
- Ensure that any person who may be required to hear a complaint is aware of any relevant legislation, including the Equality Act (2010), Data Protection Act (1998) and freedom of Information Act (2000);
- Liaise with all parties involved to ensure that any panel hearings run smoothly;
- Have the right to attend, or nominate another Trustee to attend, any Complaint Appeal Panel hearings at school level in order to advise the panel. However, attendance of a Trust representative at such hearings is optional and may depend on the nature of the complaint.

The complaints co-ordinator will not make decisions about the outcome of a complaint, but may provide advice, guidance and factual information (e.g. regarding legislation) to support the decision making process.

Investigator

An investigator may be involved in earlier stages of the procedure. Their role includes:

- Providing a sensitive and thorough interviewing process of the complainant in order to establish what has happened and who is involved;
- Considering all records, evidence and relevant information provided;
- Interviewing all parties involved in the complaint, including staff and children;
- Analysing all information in a comprehensive and fair manner;
- Liaising with the complainant and others as appropriate, to clarify an appropriate resolution to the problem;
- Identifying and recommending solutions and courses of actions to take;
- Being mindful of timescales and ensuring all parties involved are aware of these timescales;
- Responding to the complainant in a clear and understandable manner

Panel Chair

The Chair of any panel will be required to:

- Ensure minutes are taken at all meetings;
- Explain the remit of the panel to the complainant;
- Ensure that all issues are addressed and that outcomes are reached based on facts and evidence;
- Ensure that the setting and layout of the room is informal and non-adversarial, yet still sets the appropriate tone;
- Provide copies of any written material or evidence to everyone in attendance of the meeting, ensuring that everyone has seen the necessary material;

- Confirm that no member of the panel has previously been involved in the earlier stages of the procedure or has an external interest in the outcome of the proceedings;
- Conduct the hearing in an informal manner, ensuring that everyone is treated with respect and courtesy;
- Give both the complainant and the trust the opportunity to state their case and seek clarity without undue interruption, helping to put at ease and console any individuals involved who are not used to speaking at such hearings, particularly any children involved;
- Organise a short adjournment of the hearing if required;
- Continuously liaise with the clerk, and others where necessary, to ensure the procedure runs smoothly;
- Help to provide the support necessary where the complainant is a child.

Panel Members

All panel members need to be aware that:

- The panel hearing must be independent and impartial;
- No individual with prior involvement in the complaint, or the circumstances surrounding it, is permitted to sit on the panel;
- The aim of the panel is to achieve a reasonable resolution and, ultimately, attain reconciliation between the parties involved;
- Reconciliation between the trust / school and complainant is not always achievable, and that it may only be possible to establish facts and make recommendations to reassure the complainant that their case has been taken seriously;
- Complainants may feel nervous or inhibited in a formal setting and, therefore, the proceedings should be as welcoming as possible;
- When a child is present at the hearing, extra care needs to be taken to ensure that the child does not feel intimidated, and that their view is represented equally.

The panel can:

- Uphold or dismiss the complaint, in whole or in part;
- Decide on appropriate action to be taken;
- Recommend changes that the school / Trust can make to prevent reoccurrence of the problem.

Panel Clerk

The Clerk to the Panel will:

- Continuously liaise with the Chair of the Panel and any other appropriate parties;
- Keep up-to-date records of all proceedings throughout the procedure;
- Set the date, time and venue of all hearings, ensuring that this is appropriate, convenient and accessible to all parties involved;
- Collate all written material or evidence involved and send it to the parties involved in timely advance of the hearing;
- Greet all parties as they arrive at the hearing;
- Ensure that the minutes of the panel hearing are circulated;
- Notify the relevant parties of the panel's decision and any other actions to be taken.



Making a Complaint

Complaints should be raised as soon as possible after an incident arises, in order to enable an effective investigation whilst the circumstances are fresh in the minds of all parties involved. The OWLS academy Trust upholds a 3-month time limit in which a complaint can be lodged regarding an incident, though complaints made outside of this time limit will not be automatically refused and exceptions will be considered.

In the case of any timescales changing, all parties involved will be informed of the changes in a timely manner.

Complaints should be made using the appropriate channels of communication, including use of the Complaint Form (Appendix 1). All complaints shall be considered, whether made in person, by telephone, in writing or electronically via email which are signed.

A complaint can progress to the next stage of the procedure even if it is not viewed as “justified”. All complainants are given the opportunity to fully complete the complaints procedure.

If a complaint concerns the conduct of a member of staff then the procedure should start at stage 2. If a complaint concerns the conduct of the head teacher then the procedure should commence at Stage 3.



Complaints Procedure

Stage 1 – Complaint Heard by a Member of Staff

In the first instance it is hoped that the complainant will be able to discuss the issue with the member of staff concerned. However:

- Schools will respect the views of a complainant who indicates that he/she would have difficulty discussing the complaint with a particular member of staff. In these cases the complaint should be referred to the head teacher who may refer it to another member of staff.
- Similarly, if the member of staff directly involved feels too compromised to deal with the complaint, they can refer the complaint to another member of staff, via the head teacher.

The member of staff will consider the complaint objectively and impartially, and can discuss the complaint with the head teacher in order to seek support.

In cases where a complaint is made initially to a governor, the complainant should be referred to an appropriate person / body. The governor in question should not act alone on the complaint outside of this procedure; if they do then they cannot be involved if the complaint is subject to a hearing at a later stage of the procedure. This applies equally at Trust level.

The complainant and the relevant member of staff should discuss the issue in a respectful and informal manner to seek a mutual resolution. If an appropriate resolution cannot be found at this level, or if the complainant is dissatisfied with the outcome following the initial discussions, the complainant may wish to proceed to the next level of the procedure.

Stage 2 – Complaint Heard by the Head Teacher

If a complainant is dissatisfied with the way the complaint was handled at Stage 1, and wishes to pursue their complaint further then the complaint should be submitted to the head teacher, in writing, within 10 school days of Stage 1 being concluded.

The head teacher may delegate the task of collating information about the complaint to another staff member, but may not delegate the decision nor the action to be taken.

The head teacher will meet with the complainant, hear the complaint, investigate and make every effort to resolve the issue. Following this meeting the head teacher will write to the complainant summarizing the outcome reached and the process they should follow if they remain dissatisfied.

Stage 2 should normally be completed within 15 school days. However, where the situation is recognized to be complex this timescale may be extended. Any extension will be agreed with governors and the CEO and the complainant will be informed in writing of the revised target date for completion of this stage.

Stage 3 – Complaint Heard by the Chair of Governors

If the complaint cannot be resolved at stage 2, then the complainant may take their complaint to the Chair of the Local Governing Body for the school. The complainant will need to write to the Chair of Governors, care of the school, within 10 school days of the date of the letter notifying them of the outcome of Stage 2, and should include:

- a copy of the written complaint;
- a copy of the outcome letter from Stage 2; and
- details of why they are not satisfied with the outcome.

The Chair of Governors will meet first with the head teacher and then with the complainant, hear the complaint, investigate and make every effort to resolve the issue. He/she may seek advice and support from the Complaints Co-ordinator if necessary. The Chair will write to the complainant at the conclusion of the investigation to inform them of the outcome reached and the process for appeal. The complaint will move on to stage 4 if the complainant remains dissatisfied by the outcome.

Stage 4 – Complaint Heard by Governor Complaints Appeal Panel

The complainant needs to write to the Chair of Governors within 10 school days of the date of the letter notifying them of the outcome of stage 3, stating that they wish their complaint to be heard by a Complaints Appeal Panel. The appeal panel hearing is the last school-based stage of the complaints process and is not convened to merely rubber stamp previous decisions.

The Complaints Co-ordinator for the OWLS Academy Trust must be informed if any complaint is escalated to Stage 4 of the procedure, and has the right to attend the hearing and to advise the panel (or to nominate another Trustee to attend and advise in their place).

Individual complaints will not be heard by the whole governing body 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. The governing body will nominate 3 governors to have delegated powers to hear the complaint at this stage. These governors will have delegated powers to hear the complaint at this stage and must have no previous knowledge of the complaint. The panel will choose their own chair.

At the hearing the Panel should allow for:

- the complainant to explain their complaint and the reasons they are dissatisfied with the outcomes from the earlier stages;
- The head teacher / Chair of Governors to explain the reasons for their decisions;
- The complaint to question the head teacher / Chair of Governors;
- The head teacher / Chair of governors to question the complainant;
- Any evidence, including witnesses who have been approved by the chair of the panel, to be questioned by all parties in attendance;
- Members of the panel to question both the complainant and the head teacher / Chair of Governors;
- Final statements to be made by both parties involved.

The remit of the Complaints Appeal Panel is to:

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

The complainant will receive a written response explaining the final outcome within 15 school days. The letter will confirm the end of the school's and governing body's involvement with the complaint and explain any further rights of appeal.

Trust Level Complaints

In the case of a complaint against the Trust as a whole, or against a member of staff engaged in duties across the whole Trust, the above procedure shall be followed with the following adjustments:

- References to "head teacher" should be replaced by "CEO";
- References to "Chair of Governors" should be replaced by "Chair of Trustees";
- References to "Governor" should be replaced by "Trustee";
- References to "Governing Body" should be replaced by "Board of Trustees"



Interviewing Witnesses

When interviewing children in order to gather information regarding a complaint, the interview should be conducted in the presence of another member of staff or, in the case of serious complaints (e.g. where the possibility of criminal investigation exists) in the presence of their parents/carers. All children interviewed will be made fully aware of what the interview concerns and their right to have someone with them.

Care must be taken to ensure that witness interviews are conducted in a manner that does not prejudice a LA designated officer (LADO) or police investigation.

Staff may be accompanied by a colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including the member of staff's line manager.

The interview must not express opinions, in words or attitude, so as to not influence the interviewee.

The interviewee should be asked to sign a copy of the transcript of the interview.



Recording Complaints

A record shall be kept of any complaint made, whether via telephone, in person or in writing, detailing the main issues raised, ready to discuss at a later date.

The Trust holds the right to use recording devices, where appropriate, to ensure all parties involved are able to review the discussions at a later date.

Details of any complaint made shall not be shared with the entire governing body unless completely necessary, in case an independent panel is needed to hear the complaint.

The progress and final outcome of a complaint will be recorded. Complainants have a right to access copies of these records under the Freedom of Information and Data Protection Acts.



Complaints Not Covered by this Policy

Complaints regarding the following topics should be directed to the Local Authority:

- Statutory assessments of Special Educational Needs and Disabilities;
- School re-organisation proposals;
- Matters which may require a Child Protection Investigation;

Complaints concerning admissions will be directed to the appropriate admissions authority.

Complaints about children being excluded from the school should be dealt with by following the process explained at: <https://www.gov.uk/school-discipline-exclusions/exclusions>

The trust has an internal whistleblowing procedure for all employees and voluntary staff. Complaints of this nature should not be addressed using this complaints procedure.

Staff grievances and disciplinary procedures will be dealt with using the appropriate HR policy and procedure. In these cases, complainants will not be informed of the outcome of any investigations.

This complaints procedure is not to be used when addressing any complaints made about services provided by a third party who may use the school premises or facilities. All complaints concerning this should be directed to the service provider.



Exceptional Circumstances

If the complaint suggests that a child has been at risk of significant harm through violence, emotional abuse, sexual harassment or neglect, it may be referred without further notice to the children's social care and/or to the LA. If a social services authority decides to investigate a situation, the complaints procedure may be suspended/postponed.

Where a matter can be resolved through a legal appeal, it will not be considered as a formal complaint. The key areas are: admissions decisions, certain decisions relating to formal assessment of special educational needs, and decisions to permanently exclude a child.



Serial and Persistent Complaints

The school / Trust will act in a manner they believe to be appropriate when dealing with an individual who consistently makes the same complaints or who continuously asks the school to reconsider their position.

If a complainant attempts to re-open an issue which has previously fully completed the complaints procedure, the chair of the relevant body will inform the complainant that the matter is now closed. If the complainant contacts the trust regarding the same issue again, the complaint may be classed as “serial” or “persistent” and the trust does not have an obligation to respond. Complaints must not be classed as “serial” before they have fully completed the complaints procedure.

The trust/governing body will not take the decision to stop responding to an individual lightly, and must ensure that:

- They have previously taken every reasonable step to address the problem;
- They have provided the complainant with a statement of their position; and
- The complainant is contacting the trust repeatedly with the same complaint

If it is believed that the complainant is continuously contacting the school/Trust to cause disruption or inconvenience, or if the complainant is being abusive or threatening, then the school/Trust has the right not to respond. Once such a decision has been made the complainant will be informed of this in writing.

If a school finds it difficult to deal with a complainant due to their unreasonable behaviour, then the complaint can be redirected to the Trust. Similarly the Trust may redirect the complainant to the Local Authority.

Any new complaint made by a “serial” complainant will be responded to.

Complainants have the right to refer their complaint to their local MT. This would not make the individual a “serial” or “persistent” complainant.

The Trust will not deny any individual access to information that they have a right to under The Education (Pupil Information) (England) Regulations 2005.



Barring from the Premises

Trust and School premises are private property and therefore any individual can be barred from entering.

If a parent’s/carer’s behaviour is cause for concern, the trust and a school can ask the individual to leave the premises. The CEO / head teacher, seeking advice from the LA /externally, will notify the parties involved in writing, explaining that their implied licence for access to the premises has been temporarily revoked subject to any representations that the individual may wish to make. The individual involved will be given the opportunity to formally express their views regarding the decision to bar them.

This decision to bar will be reviewed, taking into account any discussions following the incident. If the decision is made to continue the bar, the individual will be contacted in writing, informing them of how long the bar will be in place.

Anyone wishing to make a complaint regarding a barring order can do so in writing, including email, to the CEO or chair of trust. Once the trust’s complaints procedure is completed, the only remaining avenue of appeal is through the Courts.



Standard of Fluency Complaints

As members of a public authority, all staff are subject to the fluency duty imposed by the Immigration Act 2016, which requires staff members to have an appropriate level of fluency in English in order to fulfil their duties.

The trust is free to determine the level of spoken communication necessary in order for staff members to develop effective performance, but it will be matched to the demands of the role in question. The trust will be satisfied that an individual has the necessary level of fluency appropriate for the role they will be undertaking, whether this is an existing or potential new member of staff.

If a member of the trust community feels that a staff member has insufficient proficiency in spoken English for the performance of their role, they are required to follow the complaints procedure as outlined above.

For the purpose of this policy a “legitimate complaint” is one which is about the standard of spoken English of a member of staff; complaints regarding an individual’s accent, dialect, manner or tone of communication are not considered legitimate complaints.

All legitimate complaints regarding the fluency duty will be handled in line with the processes outlined in this policy. In addition, the school will assess the merits of a legitimate complaint against the necessary standard of spoken English fluency required for the role in question by undertaking an objective assessment against clear criteria set out in the role specification or, against the level of fluency descriptors relevant to the role in question.

If the complaint is upheld, the school will consider what action is necessary to meet the fluency duty. This may include:

- Specific training;
- Specific re-training;
- Assessment;
- Re-deployment;
- Dismissal.

Appropriate support will be provided to staff to ensure that they are protected from vexatious complaints and are not subjected to unnecessary fluency testing.



Role of the School Complaints Unit (SCU)

If a complainant remains dissatisfied once the complaint procedure has been completed, they have the right to refer their complaint to the Secretary of State. The Secretary of State will only intervene when they believe that the trust body has acted unlawfully or unreasonably.

The SCU will not overturn a trust decision about a complaint except in exceptional circumstances, such as the school acting unlawfully.

When making a final decision about a complaint, the school / Trust reserves the right to seek advice from the SCU on whether they are acting reasonably and lawfully; however, they will not be able to advise on how to resolve the complaint.



Monitoring and review

Complaints records will be monitored and reviewed regularly in order to help evaluate performance across the Trust and to inform any improvements/developments required in the complaints procedure.



Unreasonable Complainants

The Trust 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 / Trust. 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 trust 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 complaints procedure has been fully and properly implemented and completed including referral to the DfE;
- 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 CEO / head teacher / chair of governors will discuss any concerns with the complainant informally before applying an “unreasonable” marking.

If the behaviour continues, the CEO / head teacher / chair of governors will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the school or trust 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 trust or individual school premises (see above).



Appendix 1 – Complaint Form

Complainant's Name:	
Pupil's Name:	
Complainant's Relationship to pupil:	
Address of complainant:	
Post code:	Daytime Tel:
E-mail:	Mobile Tel:
Please give details of your complaint:	
What action, if any, have you already taken to try to resolve your complaint? (Who did you speak to, when, 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.

Signed:

Date:

Official Use:

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

Appendix 2 - The role of the EFA

The EFA can support academies to achieve a compliant procedure but it is the responsibility of academy trusts to make sure that their complaints procedure is fully compliant. Our responsibility is to ensure academies comply with their funding agreements.

If a complaint comes to us we will check whether the complaint has been dealt with properly by the academy. We will consider complaints about academies that fall into any of the following three areas:

- where there is undue delay or the academy did not comply with its own complaints procedure when considering a complaint
- where the academy is in breach of its funding agreement with the Secretary of State
- where an academy has failed to comply with any other legal obligation

We will not overturn an academy's decision about a complaint. However, if we find an academy did not deal with a complaint properly we will request the complaint is looked at again and procedures meet the requirements set out in the Regulations.

If the academy's complaints procedure does not meet the Regulations, we will ask the academy to put this right. We may seek to enforce the decision under the terms of the funding agreement on behalf of the Secretary of State, if appropriate.