

# OASIS COMMUNITY LEARNING COMPLAINTS POLICY

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## 1. At a glance

Oasis Community Learning (OCL) is totally committed to developing the character and competence of every student and believes that all students should receive an exceptional education. Through this policy OCL aims to ensure that it meets its statutory obligations and follows best practice when responding to complaints from parents of students from our academies, and others.

This approach is underpinned by the Oasis ethos and 9 habits. The way in which we handle complaints is a great opportunity for us to remember again that we have a responsibility to ensure that we treat people with respect, openness and care. This desire is borne out of two of our five ethos values – our commitment to treat people equally, respecting differences and our commitment to healthy and open relationships.

OCL is part of the wider Oasis family with a shared vision for community, a place where everyone is included, making a contribution and reaching their God-given potential.”

To create and maintain healthy, open relationships and to ensure we remain committed to treating people equally, we seek to intentionally focus on being patient, honest, humble and forgiving. For instance, in the process of discussing a complaint, we will need to act humbly and honestly, particularly if we need to recognise that we have not necessarily got something right. Equally, it is our intention that being forgiving will form a central part of the way in which we listen to, discuss and deal with complaints together.

When responding to complaints, we aim to:

- Keep the safety of our pupils at the forefront of our thinking
- Be open and accountable
- Act fairly and proportionately
- Be impartial, unbiased and fair
- Facilitate a full and fair investigation by an independent person or panel
- Address all the points at issue and provide an effective and prompt response
- Where possible, respect complainants’ desire for confidentiality, but complainants should know that this is not always possible and is often detrimental to achieving a mutually acceptable solution
- Treat complainants with respect
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into Academy improvement evaluation processes

In light of this, we strive to ensure that our handling of complaints is a mark of the importance that we put on honouring and respecting those people that we serve. The policy set out below is designed to help us in this task.

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The Academy will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will ensure we publicise the existence of this policy and make it available on the Academy website and on OCL’s website.



## Checklist

- ☐ Our approach to complaints is underpinned by the Oasis Ethos and 9 Habits. To create and maintain healthy, open relationships and to ensure we remain committed to treating people equally, we seek to intentionally focus on being patient, honest, humble and forgiving. For instance, in the process of discussing a complaint, we will need to act humbly and honestly, particularly if we need to recognise that we have not necessarily got something right. Equally, it is our intention that being forgiving will form a central part of the way in which we listen to, discuss and deal with complaints together.
- ☐ We will be open and accountable in the way we respond to complaints and act fairly and proportionately.
- ☐ We will investigate complaints to understand what happened and what should have happened.
- ☐ Complainants will have access to a three-stage process in line with Department for Education (DfE) guidance.
- ☐ We will monitor complaints so that we can learn from them and make improvements to systems and processes.

## 2. In Brief

This policy explains the complaints process for OCL. It is based on the DfE best practice guide. The policy has been updated following feedback from those involved in handling complaints within OCL and following changes in DfE guidance.

## 3. Legislation and guidance

This document meets the requirements set out in part 7 of the schedule to [the Education \(Independent Academy Standards\) Regulations 2014](#), which states that we must have and make available a written procedure to deal with complaints from parents of students at the Academy.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on [creating a complaints procedure that complies with the above regulations](#), and refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE).

This policy complies with our funding agreement and articles of association. In addition, it addresses duties set out in the [Early Years Foundation Stage statutory framework](#) with regards to dealing with complaints about the Academy's fulfilment of Early Years Foundation Stage requirements.

### Decision making

Any decision made by an Academy, must also be made in line with the principles of administrative law. This means a decision is:

- lawful - it complies with education and other law, including human rights and equality law, such as the [Human Rights Act 1998](#) and the [Equality Act 2010](#)
- rational
- reasonable
- fair
- proportionate
- and judgments are based upon a balance of probability



Decision-makers should also be mindful of The 7 Principles of Public Life.

1. Selflessness
2. Integrity
3. Objectivity
4. Accountability
5. Openness
6. Honesty
7. Leadership

#### 4. Definitions and scope

The DfE guidance explains the difference between a concern and a complaint.

A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”.

The Academy will resolve concerns through day-to-day communication as far as possible.

A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”.

Oasis Community Learning intends to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does not cover complaints procedures relating to:

- Admissions
- Academy re-organisation proposals
- Statutory assessments of special educational needs (SEN)
- Safeguarding actions taken
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline (where a complaint leads to disciplinary action being taken this is usually kept confidential from the complainant)
- Complaints about services provided by other providers who may use Academy premises or facilities
- Complaints about the curriculum
- Complaints about collective worship
- Withdrawal from the curriculum

Please see our separate policies for procedures relating to these issues as well as the DfE Best Practice guide for academy complaints: see below

<https://www.gov.uk/government/publications/academy-complaints-procedures/best-practice-advice-for-academy-complaints-procedures-2019#complaintsnotinscope>

Arrangements for handling complaints from parents of children with SEND about the Academy's support are within the scope of this policy.



Such complaints should first be made to the class teacher and/or SENCO; they will then be referred to this complaints policy. The OCL SEND policy and individual Academy's information reports includes information about the rights of parents of students with disabilities who believe that our Academy has discriminated against their child.

Complaints about services provided by other providers who use Academy premises or facilities should be directed to the provider concerned.

### Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at the Academy. Any person, including members of the public, may make a complaint to the Academy about any provision of facilities or services that we provide, however we will not disclose any information or actions taken about a specific child to anyone other than those holding parental responsibility, or without written consent from the same. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

Where parental responsibility has been removed from a parent, where sharing information with a parent may place the child or an adult at risk, or where under GDPR legislation the right to ownership of data at the age of 13 if deemed competent is established, a complaint will be considered, but may not be progressed if parties do not consent to progress.

### 5. Principles for investigation

When investigating a complaint, we will try to clarify:

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

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

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

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

#### Support

Of course it is important that the complainant has support during the complaints process but also the person being complained about must have access to support from a line manager and / or a colleague during this process.

#### Complaints about our fulfilment of Early Years requirements

We will investigate all written complaints relating to the Academy's fulfilment of the Early Years Foundation Stage requirements and notify the complainant of the outcome within 28 days of



receiving the complaint. The Academy will keep a record of the complaint (see section 9) and make this available to Ofsted on request.

Parents and carers can notify Ofsted if they believe that the Academy is not meeting Early Years Foundation Stage requirements, by calling 0300 123 4234 or 0300 123 4666, or by emailing [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk).

An online contact form is also available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>.

We will notify parents and carers if we become aware that the Academy is to be inspected by Ofsted. We will also supply a copy of the inspection report to parents and carers of children attending the setting on a regular basis.

## 6. Legal representation

In the event that a complaint progresses to a Review Panel, complainants have the right to be accompanied if they wish but neither the complainant nor the school can bring legal representation. These Review Panels are not a form of legal proceedings. The aim of the Review Panels are:

- reconciliation
- to put right things that may have gone wrong

Witnesses such as academy employees will also have the right to be accompanied, by a colleague or union or professional association representative, but not to be legally represented.

## 7. Stages of complaint (not complaints against the Principal)

### Informal

The Academy will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The complainant should raise the complaint as soon as possible with the relevant member of staff or the Principal as appropriate, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the Academy office. Parents should be directed to the class teacher or pastoral or curriculum leader responsible for the area under complaint initially, rather than the Principal.

The Academy will acknowledge informal complaints within **two** working days and investigate and provide a response within **five** working days. **(Throughout this policy all “days” should be counted as days when the academy is open).**

The informal stage may involve a meeting between the complainant and teacher, pastoral or curriculum leader or a senior leader and the subject of the complaint, as appropriate.

If the complaint is not resolved informally, it will be escalated to a formal complaint.

**At each stage the timescales can be extended, if agreed by both parties.**



## Stage 1: Formal

### Inform the Principal in writing

The complaint letter should provide details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.

The Principal (or designated member of the senior leadership team) may call a meeting to clarify concerns and seek a resolution. The complainant may be accompanied to this meeting by a friend or relative and should inform the Academy of the identity of their companion in advance.

In certain circumstances, the Academy may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the Academy will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.

If further investigation of the complaint is required the Principal will appoint an investigating officer to undertake this task.

The written conclusion of this investigation will be sent to the complainant within **ten** working days of receipt of the complaint.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the Principal in writing within **five** working days of receipt of the outcome letter.

### Informing the Principal in writing that the complainant wishes to proceed to the second stage

If the person making the complaint is dissatisfied with the outcome, she/he has the right to request this is moved to Stage 2. S/he should write to the Principal within five school days of receiving the outcome. This letter to move to Stage 2 should set out the details of the complaint including evidence as set out above. The complainant should also specify what outcome / and / or action/s they feel would resolve the complaint, and in what ways the previous stage of the procedure has not addressed their complaint sufficiently. The Principal should now inform the Regional Director

### Stage 2a: Submit the complaint to the Regional Director

The letter or email sent to the Principal should provide relevant details and documents and should explain why it is felt that the complaint was not resolved at Stage 1. This should be passed to the Regional Directors Executive Assistant. At this point the Regional Director can meet with the complainant to solve the complaint. The Regional Director will decide if their direct intervention is required at this point or if the complaint should proceed to Stage 2b.

The Regional Director will write to the complainant acknowledging the complaint within **five academy days** of the date that the written request was received. The acknowledgement will confirm that the complaint will now be investigated under Stage 2a of this Complaints Policy and will confirm the date for providing a response to the complainant.

The Regional Director will meet with the complainant within **fifteen academy days** of the date that the letter was received. If this time limit cannot be met, the Regional Director will write to the Complainant within **five academy days** of the date that the letter was received, explaining the reason for the delay and providing a revised date.



If the complainant does not feel the Regional Director's intervention has resolved the complaint, they can request the complaint progress to Stage 2b

### **Stage 2b: Submit the complaint to the Regional Director's Review Panel**

This letter, sent via the Regional Director's Executive Assistant, should provide details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.

The review panel consists of two volunteers (e.g. a Hub Council member, a local academy leader) and will be chaired by a Regional Director from another region or phase.

**All of the panel members will be independent from the management of the Academy, which is the subject of the complaint and will not have had any prior involvement in the complaint.**

These individuals will have access to the existing record of the complaint's progress.

Education and Skills Funding Agency (ESFA) guidance state that *"the panel must include at least 3 people who are not involved in matters detailed in the complaint. One member of the panel must be independent of the management and running of the academy"*

<https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy>

The Regional Director may commission an investigation of the complaint by a person or persons unconnected with the Academy and this report may be used as part of the review panel's evidence for consideration. As is often with complaints there are many sides to each situation, this independent view will help to clarify the issues.

The Regional Director (RD) will organise the review panel and call a meeting to clarify concerns and seek a resolution. The complainant may be accompanied by a friend or relative to this meeting and should inform the Regional Director of the identity of their companion in advance.

In certain circumstances, the Regional Director may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the Regional Director will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.

The complainant must have reasonable notice of the date of the review panel. The complainant will be offered a maximum of three dates and times for the review panel meeting however, the review panel reserves the right to convene at their convenience rather than that of the complainant.

At the RD's review panel meeting, the complainant and representatives from the Academy, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting. **The panel should aim to meet within fifteen academy days of the complaint being received.**

At least **five** academy days before the meeting, the Clerk to the review panel will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the committee at least **five** academy days before the meeting.



At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called as appropriate to present their evidence along with any independent investigation report.

The panel, the complainant and the Academy representative will be given the chance to ask and reply to questions. Once the complainant and Academy representatives have completed the presentation their cases, the panel will adjourn and the evidence will then be considered.

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

The remit of the panel is to, based upon the principle of a balance or probability:

- Dismiss the complaint in part or whole
- Uphold the complaint in part or whole
- Recommend changes to the Academy's systems or procedures to ensure that problems of a similar nature do not recur
- Suggest ways forward to resolve the complaint

Minutes will be kept of the meeting and kept on file in the Academy. **The RD will inform those involved of the decision in writing within five academy days of the panel meeting.**

See Appendix B for sample letter inviting complainant to the Review Panel meeting.

## **8. Complaints against the Principal or a Hub Councillor**

Complaints made against the Principal should be directed to the Regional Director.

Where a complaint is against any member of the Hub Council, it should be made in writing to the Head of Hub Councils.

The policy outlined above should then be followed from Stage 2.

Contact details:

- Any complaint addressed to the Principal should be addressed c/o the Academy
- The appropriate Regional Director can be contacted through [oclcomplaints@oasisuk.org](mailto:oclcomplaints@oasisuk.org)
- The Head of Hub Councils can be contacted via this email address: [esther.foster@oasisuk.org](mailto:esther.foster@oasisuk.org)

## **9. Complaints escalated to / about the Trust, CEO or Trustee**

### **If a complaint is escalated to the CEO of OCL**

If a complaint is escalated to the CEO of OCL or if a complainant wishes to complain directly about OCL, then the complaint should be sent to the CEO to be investigated.

The CEO will write to the complainant acknowledging the complaint within **five academy days** of the date that the written request was received.



The acknowledgement will confirm that the complaint will now be investigated under Stage 1 of this Complaints Policy and will confirm the date for providing a response to the complainant.

Following the investigation, the office of the CEO will write to the complainant confirming the outcome within **fifteen academy days** of the date that the letter was received. If this time limit cannot be met, the CEO will write to the Complainant within **five academy days** of the date that the letter was received, explaining the reason for the delay and providing a revised date.

### **If the complaint is about the CEO**

If the complaint is about the CEO, the complaint should be investigated by the Chair of the OCL Board.

*NB. Where the Chair of the OCL Board has investigated the complaint, they will write the letter of outcome to the complainant and provide a copy to the CEO.*

### **If the complaint is about a Trustee**

If the complaint concerns a Trustee, the complaint should be investigated by the Chair of the OCL Board. If a complaint is made about the Chair of the OCL Board then this will be referred to the Chair of our Group Oasis Charitable Trust (OCT) Board for investigation.

If the complainant is not satisfied with the outcome of the previous stage, the complainant should write to the Clerk/Company Secretary to the OCL Board asking for the complaint to be heard before a Complaint Panel, within **five** academy days.

The Clerk/Company Secretary will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within **five** academy days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within **15** academy days of receipt of the Stage 2 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire OCL board or
- the majority of the OCL board

Stage 2 will be heard by a completely independent committee panel.

The Complaint Panel will consist of three members. None of the three members of the Complaint Panel will have been involved in the incidents or events which led to the complaint, or have been involved in dealing with the complaint in the previous stages, or have any detailed prior knowledge of the complaint.



One of the Complaint Panel members will be independent of the management and running of the Academy Trust. This means that the independent Complaint Panel member will not be a Trustee or an employee of OCL.

A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend.

*Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.*

Representatives from the media are not permitted to attend.

At least **five** academy days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the committee at least **five** academy days before the meeting.

Any written material will be circulated to all parties at least **two** academy days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

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

The hearing will be held in private. **Electronic recordings** of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The committee will consider the complaint and all the evidence presented using the principle of the balance of probability. The committee can:

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

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the academy's systems or procedures to prevent similar issues in the future.

The Chair of the Committee will provide the complainant and Oasis Community Learning with a full explanation of their decision and the reason(s) for it, in writing, within **five** academy days.

The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by Oasis Community Learning.



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 Oasis Community Learning will take to resolve the complaint.

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the academy premises by a representative of the OCL Board or by the Principal.

A written record will be kept of all complaints, and of at which stage the complaint was resolved, 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.

### Who's who?

You may find it useful to use the "Who We Are" section of the OCL website to identify colleagues mentioned in this policy. This section of the website can be found at:

<https://www.oasiscommunitylearning.org/about-us/who-we-are>

## 10. Referring complaints on completion of the Academy's or OCL's procedure

If the complainant remains unsatisfied with the outcome of the Academy's complaints procedure, they can refer their complaint to the Education Skills Funding Agency (ESFA). The ESFA will check whether the complaint has been dealt with properly by the Academy. It is important to note that the **ESFA will not overturn an Academy's or the Trust's decision about a complaint**. However, it will look into a complaint if the Academy:

- does not have a complaints procedure
- did not provide a copy of its complaints procedure when requested
- does not have a procedure that complies with statutory regulations (see [Other information](#) below)
- has not followed its published complaints procedure
- has not allowed its complaints procedure to be completed

ESFA cannot change an academy's decision about a complaint. Their role is to make sure the academy handles your complaint properly by following a published procedure.

If the Academy did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the Academy's complaints procedure is found to not meet regulations, the Academy will be asked to correct its procedure accordingly.

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

<https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy>

The ESFA is not able to help with complaints about:

- a child or young person's [statement of special educational need](#)



- the quality of education or leadership, or concerns affecting the academy as a whole, which are addressed through OFSTED inspections (see the [academy's inspection guide for parents](#))
- discrimination. You can raise complaints about this with [Equality Advisory Support Service](#)
- data protection. You can raise complaints about this with OCL's Data Protection Officer or with the [Information Commissioner's Office](#)
- exam malpractice or maladministration. Any complaints should be raised with [Office of Qualifications and Examinations Regulation \(Ofqual\)](#) or the relevant awarding body
- child protection (safeguarding). Issues should be raised with your local authority designated officer (LADO) and/or the Director of Children's Services using the [report child abuse to local council](#) GOV.UK page)
- criminal cases. Please report these to the police

## 11. Persistent or vexatious complaints

Where a complainant tries to re-open the issue with the Academy after the complaints procedure has been fully exhausted and the Academy has done everything it reasonably can in response to the complaint, the Principal, supported by the Regional Director will inform the complainant that the matter is closed.

If the complainant subsequently contacts the Academy again about the same issue, the Academy can choose not to respond. The normal circumstance in which we will not respond is if:

- The Academy has taken every reasonable step to address the complainant's needs, *and*
- The complainant has been given a clear statement of the Academy's position and their options (if any), *and*
- The complainant is contacting the Academy repeatedly but making substantially the same points each time

However, this list is not intended to be exhaustive.

The Academy will be most likely to choose not to respond if:

- We have reason to believe the individual is contacting the Academy with the intention of causing disruption or inconvenience, *and/or*
- The individual's letters/emails/telephone calls are often or always abusive or aggressive, *and/or*
- The individual makes insulting personal comments about, or threats towards, Academy staff

Unreasonable behaviour which is abusive, offensive or threatening, is entirely unacceptable and will not be tolerated, and may also constitute an unreasonably persistent or vexatious complaint.

Once the Academy has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email. This decision is not taken lightly and will be made in discussion with the Regional Director following a Stage 2 intervention. Academies must not stop responding just because an individual is difficult to deal with or asks complex questions.

The Academy will ensure when making this decision that complainants making any new complaint are heard, and that the Academy acts reasonably.

### Unreasonably persistent complaints

1. Whenever possible, the Principal or Regional Director will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.



2. If the behaviour continues, the Principal will write to the complainant explaining that their behaviour is unreasonable and asking them to change it.  
For complainants who excessively contact one of our Academies 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.
3. 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 Academy

## **Barring from the Academy Premises**

The public has no automatic right of entry to our academies. Academies will therefore act to ensure they remain a safe place for students, staff and other members of their community.

If a parent's behaviour is a cause for concern, an Academy can ask him/her to leave Academy premises. In serious cases, the Principal or OCL can notify them in writing that their implied license to be on Academy premises has been temporarily revoked subject to any representations that the parent may wish to make. Academies should always give the parent the opportunity to formally express their views on the decision to bar in writing.

Please first see the Parental Code of Conduct that sets out the Oasis approach to how an Academy deals with these incidents.

The Principal's decision to bar entry should be reviewed by the Regional Director. They should take into account any representations made by the individual and decide whether to either confirm or lift the bar. If the decision is confirmed, the individual should be notified in writing, explaining:

- how long the ban will be in place
- when the decision will be reviewed

Once the Academy's appeal process has been completed, individuals may be able to apply to the Courts. Individuals wishing to exercise this option should seek independent legal advice.

[Controlling access to academy premises](#) provides more guidance on access to Academy premises.

See Appendix C for sample banning letters and letter from the Regional Director to uphold or dismiss the ban.

## **12. Information about students**

Regardless of the application of any communication strategy or stage of the complaint process, academies must provide parents and carers with the information they are entitled to under The Education (Pupil Information) (England) Regulations 2005, within the statutory time frame.

Different procedures apply to freedom of information (FOI) and data protection (DP) correspondence. Read OCL's Freedom of Information Policy for further information on this.

## **13. Duplicate complaints**

After closing a complaint at the end of the complaints procedure, there may be a duplicate complaint from:

- a spouse



- a partner
- a grandparent
- a child

If the complaint is about the same subject, the academy can inform the new complainant that the academy has already considered that complaint and the local process is complete. The complainant should be advised to contact the ESFA if they are dissatisfied with the academy's handling of the original complaint.

Care must be taken not to overlook any new aspects to the complaint that may not have been previously considered. The academy will need to ensure these are investigated and dealt with to the full extent of the complaints procedure.

#### **14. Complaint campaigns**

If an Academy becomes the focus of a campaign and receives large volumes of complaints:

- all based on the same subject
- from complainants unconnected with the Academy

The Academy will respond by using the following strategies:

- sending a template response to all complainants
- publishing a single response on the Academy website

And will notify the OCL Leadership team so that similar events can be tracked across the OCL estate in case of an organised national campaign.

#### **15. Third parties**

Third party providers using the Academy premises to provide community facilities or services should have their own complaints procedures in place that mirrors the ethos and approach of OCL.

#### **16. Parental responsibility**

Conflict between estranged parents over the application of parental responsibility is a common cause of complaints made to academies. [Understanding and dealing with issues relating to parental responsibility](#) contains specific advice about how to approach issues concerning parental responsibility.

Where a parent requests information or reports on their child as part of an ongoing complaint, seeking to build evidence about the parenting capacity of another parent following a separation or divorce the Academy will maintain a neutral position and supply all requested data to both parties holding parental responsibility.

#### **17. Roles and Responsibilities**

##### **Complainant**

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the academy in seeking a solution to the complaint



- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

## **Investigator**

The investigator's role is to establish the facts relevant to the complaint by:

- 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
  - interviewing staff and children/young people and other people relevant to the complaint
  - consideration of records and other relevant information
  - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- 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
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the Principal or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.
- The Principal or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

## **Complaints Co-ordinator**

(this could be the Principal or CEO / trustee or other staff member providing administrative support)

The Complaints Co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, Principal, CEO, Chair of OCL or the Clerk and to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
  - sharing third party information
  - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.

## **Clerk to the OCL Board**

The Clerk is the contact point for the complainant and the committee and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to academy complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018



and the UK General Data Protection Regulations (GDPR)

- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example: stage 1 paperwork, academy and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision.

## Committee Chair

The Committee's Chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.  
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 meeting
- both the complainant and the academy are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk (and complaints co-ordinator if the academy has one).

## Committee Member

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so  
No one may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the academy and the complainant  
We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- many complainants will feel nervous and inhibited in a formal setting  
Parents/carers often feel emotional when discussing an issue that affects their child.
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting  
Careful consideration of the atmosphere and proceedings should ensure that the child/young



person does not feel intimidated.

The committee should respect the views of the child/young person and give them equal consideration to those of adults.

If the child/young person is the complainant, the committee 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 committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.

However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.

- the welfare of the child/young person is paramount

## 18. Record-keeping

The Academy will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and held in the relevant academy or in the national office and will be viewed only by those involved in investigating the complaint or on the review panel.

Records 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

In line with the UK GDPR records of complaints should be kept following the guidance outlined in the OCL Data Retention Policy which is held on the OCL Policy Portal.

There may be occasions where complaints are made or continue to be escalated after a child has left the school. On changing schools, the pupil's educational record is transferred to the new school and no copies are retained. Schools can consider holding records of complaints separate to their pupil records (while a complaint is ongoing) so that access to them can be maintained. As information generated by a complaint may not form part of the pupil record, you should consider how best to store this information.

Personal data should only be kept for as long as is necessary for the immediate purpose of processing. The data should be stored securely and, where appropriate, encrypted to maximise security.

## 19. Recording meetings

The hearing will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded



## 20. Learning lessons

The Regional Director will review any underlying issues raised by complaints with the Principal where appropriate, and respecting confidentiality, to determine whether there are any improvements that the Academy can make to its procedures or practice to help prevent similar events in the future.

## 21. Monitoring arrangements

The Regional Director will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly.

At a national level OCL records the details of all complaints that go to panel reviews so that we can analyse these every six months and learn from these processes and make changes to systems accordingly. The logging of complaints is completed by the regional Executive Assistant.

This policy will be reviewed by National Education Team regularly. At each review, the policy will be approved by The National Education Team.

## 22. Links with other policies

Policies dealing with other forms of complaints/appeal/representations include:

- OCL Child Protection and Safeguarding Policy and Procedures
- Admissions Policy
- OCL Exclusions Policy
- Staff grievance procedures
- Staff disciplinary procedures
- OCL SEND policy and information report
- Parental Code of Conduct
- OCL Freedom of information Policy

## 23. Training

Based on the level of need, Academy leaders will organise training for colleagues in dealing with complaints so that all staff feel confident in solving issues and working positively with parents and others.

## 24. Covid update

### Update during the Covid-19 period

All **Regional Director's Review Panels** should be held via remote access if:

- it is not reasonably practicable to meet in person due to coronavirus (COVID-19)
- the other conditions for a remote access meeting are met

Conditions for remote access:

**Regional Director's Review Panels** can meet via telephone or video-conference software ('remote access') as long as:

- it is not reasonably practicable for the meeting to take place in person, within the usual timescales, due to coronavirus (COVID-19)



- the Chair of the **Regional Director's Review Panel** is satisfied that:
  - ✓ all the participants agree to the use of remote access
  - ✓ all the participants have access to the technology which will allow them to hear and speak throughout the meeting, and to see and be seen, if a live video link is used
  - ✓ all the participants will be able to put across their point of view
  - ✓ the meeting can be held fairly and transparently via remote access

It is the responsibility of the Chair of the **Regional Director's Review Panel** to make sure these conditions are met before a meeting takes place.

When determining if it is practicable to meet in person the Chair of the **Regional Director's Review Panel** should assess:

- the circumstances in which a meeting in person could be expected to take place
- the needs of the intended participants (as far as this is possible)
- the latest public health guidance (including the guidance for full opening of academies)

#### Arranging a remote access meeting

The Chair of the **Regional Director's Review Panel** should explain the technology they propose to use to participants and should make sure that the participants (particularly pupils and their families) know that they do not have to agree to a meeting to be held via remote access if they do not want to.

They should make families aware that if they do not consent to a remote access meeting then the meeting is likely to be delayed.

Where a parent or pupil has given their agreement for a meeting to be held via remote access, the other participants should accommodate that preference except in exceptional circumstances.

Chairs of the **Regional Director's Review Panel** and panel members must comply with relevant equalities legislation and recognise that some participants may find it difficult to participate in a remote access meeting (for example, if someone has a disability or if English is not their first language).

The Chair of the **Regional Director's Review Panel** should take reasonable steps to facilitate a parent, child or young person's access to the technology required.

If a panel member or other participant requires support to access or use remote access technology, the Chair of the **Regional Director's Review Panel** should facilitate this to ensure the meeting can be held promptly.

#### Fairness and transparency

The assessment of whether a meeting can be held fairly and transparently via remote access must be made with reference to the facts of each case and cannot be decided by rigidly following a general policy.

If a Chair of the **Regional Director's Review Panel** is not satisfied that a meeting can be held fairly and transparently via remote access, they should consider what reasonable adjustments could be made to surmount this, consulting with parents and pupils to take account of their wishes.



It will only be in rare cases where the Chair of the **Regional Director's Review Panel** conclude that a remote meeting would not be fair and transparent if the participants have understood the implications of a remote access meeting and have given their consent. In such cases, the Chair of the **Regional Director's Review Panel** should explain to the parent and the pupil why this decision has been taken.

### Running the meeting

If a meeting is held via remote access, every effort should be made by the chair to check the participants understand the proceedings and can engage with them, to ensure the meeting is conducted fairly.

To help meetings run smoothly and ensure they are accessible for participants those organising meetings should:

- provide clear instructions to participants about how to join the meeting virtually, and distribute the relevant papers in a timely manner ahead of the meeting
- indicate a named person who participants can contact with any questions they may have beforehand
- ensure the chair is prepared to explain the agenda at the start of the meeting, and to provide clear guidance on how the meeting will be run, for example:
  - how participants should indicate they wish to speak
  - how any 'chat' functions should be used
  - whether there will be any breaks in proceedings
  - how participants can access advocacy services during the meeting
- consider holding a pre-meeting with attendees to check that the available technology is suitable, and all participants understand how to access the meeting

## **25. ESFA details**

- call the National Helpline on 0370 000 2288
- using ESFA's [contact form](#)
- writing to the ESFA at the address on the following page

Academy Complaints and Customer Insight Unit  
Education and Skills Funding Agency  
Cheylesmore House  
Coventry  
5 Quinton Road  
Coventry  
CV1 2WT

## **Appendices**

There are a range of useful documents in the appendices. We welcome the sharing of additional documents that colleagues may have found useful. We can then add these to the appendices.











|   |
|---|
| <p><b>What actions do you feel might resolve the problem at this stage?</b></p> |
| <p><b>Are you attaching any paperwork? If so, please give details.</b></p>      |
| <p><b>Signature:</b></p>  |
| <p><b>Date:</b></p>   |
| <p><b>Official use</b></p>  |
| <p><b>Date acknowledgement sent:</b></p>  |
| <p><b>By whom:</b></p>  |
| <p><b>Complaint referred to:</b></p>  |
| <p><b>Action taken:</b></p>   |
| <p><b>Date:</b></p>   |