

## Complaints Policy The Olympus Academy Trust

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<b>Olympus or School policy</b>	Olympus
<b>Statutory or Optional policy</b>	Statutory
<b>Appendices</b>	Four

### 1 Aims

- 1.1 The aims of this policy and related procedures are to provide a framework for the resolution of complaints which:
- i. allows for their resolution informally and sets out the Trust's formal procedures where this is not achievable;
  - ii. is easily accessible and publicised, simple to understand and use and impartial and non-adversarial;
  - iii. enables a full and fair investigation by an independent person where necessary;
  - iv. respects people's desire for confidentiality;
  - v. addresses all the points at issue and provides an effective response and appropriate redress, where necessary, and;
  - vi. provides information to the Trust's senior leadership/management team so that services can be improved.

### 2 Scope and application

- 2.1 This policy applies to all schools in the Trust.
- 2.2 This policy applies to any expression of dissatisfaction however made about actions taken, or a lack of action, by the school or Trust where the Parent seeks action.
- 2.3 This policy does not apply to matters for which there are separate statutory procedures (e.g. admission appeals, exclusion reviews, special educational needs appeals, etc.).
- 2.4 This policy applies to complaints from each of the following:
- i. Parents of current learners;
  - ii. Parents of former learners only if the complaint was initially raised when the learner was registered as a learner at the school;
  - iii. Parents of learners who have been allocated a place at a Trust school.
- 2.5 Requests for financial awards, such as claims for compensation or damages are beyond the scope of this policy.

- 2.6 All Parents should be aware that regardless of the nature of a complaint and whether or not it is upheld, Parents are not entitled to details of any related sanctions imposed on staff, learners or Parents.

### 3 Regulatory framework

This policy has been prepared to meet the Academy's responsibilities under:

- Education (Independent School Standards) Regulations 2014;
- Statutory framework for the Early Years Foundation Stage (DfE, March 2017);]
- Education and Skills Act 2008;
- Children Act 1989;]
- Childcare Act 2006; and
- Equality Act 2010.

### 4 Responsibility statement and allocation of tasks

- 4.1 The Trust has overall responsibility for all matters which are the subject of this policy.
- 4.2 To ensure the efficient discharge of its responsibilities under this policy, the Trust has allocated the following tasks:

Task	Allocated to	When / frequency of review
Keeping the policy up to date and compliant with the law and best practice	Governance Coordinator	Annually, or as legal updates dictate- whichever is sooner.
Monitoring the implementation of the policy	Board of Trustees	
Maintaining a record of complaints and their outcome	School staff	
Seeking input from interested groups (such as learners, staff, Parents) to consider improvements to the Academy's processes under the policy	Board of Trustees	

### 5 Publication and availability

- 5.1 This policy is published on the Trust's website.
- 5.2 This policy is available in hard copy on request.
- 5.3 This policy can be made available in large print or other accessible format if required.
- 5.4 Information regarding the number of complaints registered under the formal procedure of this policy during the preceding school year is available to Parents of learners and Parents of prospective learners and, on request, to the Chief Inspector, the Secretary of State or an independent inspectorate. The Trust makes this available on request via [admin@olympustrust.co.uk](mailto:admin@olympustrust.co.uk).

### 6 Definitions and interpretation

- 6.1 Where the following words or phrases are used in this policy:
- i. References to the Trust are references to The Olympus Academy Trust.

- ii. References to school days mean Monday to Friday, when the school is open to learners during term time. The dates of terms are published on each school's website. If a complaint refers to the Trust then for consistency the term dates of Bradley Stoke Community School will be referenced as this is the registered address of the Trust.
  - iii. References to Parent or Parents means the natural or adoptive parents of the learner (irrespective of whether they are or have ever been married, with whom the learner lives, or whether they have contact with the learner) as well as any person who is not the natural or adoptive parent of the learner, but who has care of, or parental responsibility for, the learner (e.g. legal guardian).
  - iv. Timescales for each stage of the complaints procedure are set out below in the relevant paragraphs. It is expected that the management of every complaint will progress in a timely manner.
- 6.2 The Trust aims to resolve all complaints efficiently and promptly and Parents are encouraged to bring any matter causing concern to the Trust's attention as soon as possible.
- 6.3 Where there are exceptional circumstances resulting in a delay to the timescales for a stage of the complaints procedure, staff will notify Parents and inform them of the new timescales as soon as possible.

## **7 Management of complaints**

7.1 The Trust's policy allows for complaints to be considered at three stages:

Stage One	Informal raising of a complaint. Further details of this procedure are set out in Appendix 1.
Stage Two	A formal complaint in writing. Further details of this procedure are set out in Appendix 2.
Stage Three	Reference to a Complaint Panel. Further details of this procedure are set out in Appendix 3.

7.2 Unless the complaint specifically concerns a member of the Trust central team, or is a concern that affects more than one Trust school, the Trust expects school staff to investigate and respond to all concerns at Stage One and Two in the first instance.

## **8 Expected standards of behaviour**

8.1 Attention is drawn to the information included in Appendix 4, which has been developed having regard to the Department for Education's Best practice advice for school complaints.

## **9 Record keeping and confidentiality**

9.1 All records created in accordance with this policy are managed in accordance with the Academy's policies that apply to the retention and destruction of records.

9.2 The Trust maintains a written record of all formal complaints, including the following:

- i. Whether they were resolved at Stage 2 or Stage 3.
- ii. The action taken by the school/Trust as a result of the complaints (regardless of whether they are upheld).
- iii. In accordance with data protection principles, details of individual complaints will be kept only for as long as is considered to be reasonably necessary in the circumstances.
- iv. Correspondence, statements and records relating to individual complaints will be kept confidential, except where access is requested by the Secretary of State or

where disclosure is required in the course of an inspection or under other legal authority or court order.

- v. A complaint about the fulfilment of the Trust's EYFS requirements will be made available to Ofsted on request.

## **10 Complaints to the Education Skills and Funding Agency (ESFA)**

10.1 Parents who are dissatisfied with the decision of a Complaint Panel may contact the ESFA, which will consider the complaint on behalf of the Secretary of State.

10.2 The ESFA's contact details are as follows:

Online: Via the ESFA's School Complaints Form

<https://www.gov.uk/government/organisations/education-funding-agency/about/complaints-procedure>

By post: Ministerial and Public Communications Division, Department for Education, Piccadilly Gate, Store Street, Manchester, M1 2WD.

## **11 Training**

11.1 The Trust ensures that regular guidance and training is arranged on induction and at regular intervals thereafter so that staff and volunteers understand what is expected of them by this policy and have the necessary knowledge and skills to carry out their roles.

11.2 The level and frequency of training depends on role of the individual member of staff.

11.3 The Trust maintains written records of all staff training.

## **1. Informal resolution of a complaint**

- 1.1 We expect that most complaints can be resolved informally, for example dissatisfaction about some aspect of teaching or pastoral care or a billing error should be able to be resolved by the relevant member of staff.

## **2. Who to contact**

- 2.1 Where appropriate, complaints should initially be raised as follows:
- i. **Educational issues:** if the matter relates to the classroom, the curriculum or special educational needs, please speak or write initially to the class teacher. Your complaint may be passed to a more senior member of staff if appropriate;
  - ii. **Pastoral care:** for complaints relating to matters outside the classroom, please contact the school office. Details can be found on the 'Contact Us' page of each school website;
  - iii. **Disciplinary matters:** a problem over any disciplinary action taken or a sanction imposed should be raised first of all with the member of staff who imposed it;
  - iv. **Financial matters:** a query relating to fees or extras should be addressed in writing to the school office. Details can be found on the 'Contact Us' page of each school website.
  - v. **Complaints relating specifically to Olympus;** if the concern affects more than one Trust school, or a member of the Trust central team, it should be addressed to [admin@olympustrust.co.uk](mailto:admin@olympustrust.co.uk).
- 2.2 An informal complaint will be acknowledged by telephone, email or letter within three school days of receipt, indicating the action that is being taken and the likely timescales. Such action may include an investigation and/or a meeting with the Parent.
- 2.3 Wherever appropriate, staff will ask the Parent at the earliest stage what they think might resolve the issue.
- 2.4 The Parent will receive a response to the complaint within 15 school days.
- 2.5 If the Parent is dissatisfied with the response to the informal complaint, they may make a formal complaint under Stage 2 of this procedure as set out in Appendix 2.

## **3 Complaints about the Headteacher**

- 3.1 The procedure for dealing with an informal complaint about the Headteacher is set out below:
- i. Parents may choose to raise complaints directly with the Headteacher if they feel that the matter is capable of resolution informally. The school will not automatically treat the complaint as a formal (Stage 2) complaint and the Headteacher will endeavour to resolve the complaint informally under Stage 1;
  - ii. The Headteacher will acknowledge informal complaints within three working days and will seek to resolve the matter under this Stage 1 by means of direct conversation or a meeting with the Parents, to be held within 15 school days of the initial complaint;
  - iii. If the Parent is dissatisfied with the Headteacher's response to the informal complaint they may make a formal complaint under Stage 2 of this procedure.
  - iv. Alternatively, Parents may choose to make their complaint about the Headteacher in writing to the Chair of Governors via the school office. In this case, the complaint will be treated as a formal complaint under Stage 2 of this procedure as set out in Appendix 2. The Chair of Governors may delegate the investigation as required, although the decision/outcome must not be delegated.

## **1 How to make a formal complaint**

- 1.1 Complaints will usually only progress to Stage 2 after first being considered at the informal stage, and where the Parent indicates that they intend to escalate a matter to the formal stage.
- 1.2 There may, however, be some instances where the school determines that a complaint raising serious concerns should be dealt with formally at Stage 2 immediately, without being considered at Stage 1.
- 1.3 The formal complaint must be in writing addressed to the Headteacher and should include:
  - i. A copy of all relevant documents and full contact details; and
  - ii. Details of all the grounds of the complaint and the outcome desired.
- 1.4 The complaint will be acknowledged by telephone, email or letter within 3 school days, indicating the action that is being taken and the likely timescales.

## **2 Investigation**

- 2.1 The subject matter of the complaint will be investigated in the most appropriate manner, which may include some or all of the following steps:
  - i. Delegation of the investigation to a senior member of staff;
  - ii. Involvement of one or more Governor or Trustee;
  - iii. Request for additional information from the Parent, including what they think might resolve the issue (if not already requested at Stage 1); and
  - iv. Request for a conversation and/or a meeting with the Parent personally and/or others with relevant knowledge of the circumstances.
- 2.2 Written records will be kept of all meetings and interviews held in relation to the complaint. Where the investigation has been delegated to a senior member of staff, he/she will prepare a report on the investigation which will be considered by the Headteacher. Personal data may be redacted and names anonymised or cyphered in line with data protection principles.

## **3 Decision**

- 3.1 The Headteacher will notify the Parent by email or letter of his/her Stage 2 decision and the reasons for it within 15 school days from receipt of the formal complaint.
- 3.2 If the Parent is dissatisfied with the Stage 2 response to the complaint, the Parent can request that the complaint be referred to a Complaint Panel under Stage 3 using the procedure set out in Appendix 3.

## **4 Complaints about the Headteacher**

- 4.1 The procedure for dealing with a formal complaint about the Headteacher is set out below:
  - i. The complaint should be put in writing to Chair of Trustees via [admin@olympustrust.co.uk](mailto:admin@olympustrust.co.uk). The written complaint should include a copy of all relevant documents and full contact details and details of all the grounds of the complaint and the outcome desired. The Chair of Trustees may delegate the

investigation to the Chief Executive Officer as required, although the decision/outcome must not be delegated.

- ii. The Chair of Trustees, via the Clerk, will acknowledge the complaint by email or letter within 3 school days of receipt and indicate the action that is being taken and the likely timescale. Such action may include an investigation and/or a meeting with the Parent. The Parent will receive a response to the complaint within 15 school days.
- iii. If the Parent is dissatisfied with the response to the complaint, the Parent can request that the complaint be referred to a Complaint Panel under Stage 3 using the procedure set out in Appendix 3.

## **Appendix 3 Stage 3 - Complaint Panel Hearing (Hearing)**

### **1 Complaint Panel Hearing**

1.1 If a Parent is dissatisfied with the Stage 2 response to the complaint, the Parent can request a Complaint Panel Hearing (Hearing).

1.2 A Hearing is a hearing to consider those elements of the Stage 2 response to the Parent's complaint with which the Parent remains dissatisfied. The Complaint Panel is not obliged to consider any new complaints which have not been previously raised.

### **2 How to request a Hearing**

2.1 A request for a Hearing must be put in writing to Clerk to the Trustees at [admin@olympustrust.co.uk](mailto:admin@olympustrust.co.uk) and will only be considered if the procedure at Stage 2 has been completed.

2.2 The written request should include:

- i. A copy of all relevant documents and full contact details;
- ii. Details of all the grounds of the complaint and the outcome desired;
- iii. A list of the documents which the Parents believe to be in the school's possession and wish the Complaint Panel to consider; and
- iv. Whether the Parent proposes to be accompanied to the Hearing (see paragraph 3.5 below).
- v. If assistance with the request is required, for example because of a disability, please inform the Clerk to the Trustees who will be happy to make appropriate arrangements.

2.2 The Clerk to the Trustees will acknowledge the request for a Hearing in writing within 3 school days of receipt.

2.3 Every effort will be made to enable the Hearing to take place within 15 school days of receipt of the request.

2.4 Parents may withdraw their request for a Hearing at any point up to and including the intended date of the Hearing.

### **3 Planning the Hearing**

3.1 The Clerk to the Trustees will send written notification to each party of the date, time and place of the Hearing at least 10 school days before the date of the Hearing.

3.2 Copies of any documents (additional to those specified in 2.2iii) that the Parent wishes the Complaint Panel to consider should be sent to [admin@olympustrust.co.uk](mailto:admin@olympustrust.co.uk) to be received at least 7 school days prior to the Hearing.

3.3 The Clerk to the Trustees will circulate a copy of the bundle of documents to be considered by the Complaint Panel to all parties at least 3 school days prior to the Hearing.

3.4 The Parent may be accompanied at the Hearing, for example by a relative or friend. The Hearing is an internal process, not legal proceedings, and legal representation is therefore inappropriate and unnecessary.

3.5 If the Parent wishes to be accompanied by a relative or friend who is legally qualified, the Parent is required to notify the Clerk in the initial request for a Hearing. The Parent should note that the Complaint Panel will wish to speak to that person directly prior to the Hearing, and they will not be permitted to act as an advocate or address the Complaint Panel at the Hearing unless invited to do so by the Chair of the Complaint Panel.

3.6 A member of staff will be appointed to take minutes of the Hearing.

#### **4 Composition of the Complaint Panel**

4.1 The Complaint Panel will comprise at least three individuals who have no detailed prior knowledge of the circumstances of the complaint, including at least one person who is independent of the management and running of the Trust (i.e. they will not be a Director/Trustee at any of the Trust's academies, or an employee of the Trust.

4.2 The Parent may ask the Clerk to inform them who has been appointed to sit on the Complaint Panel ahead of the Hearing. Fair consideration will be given to any reasonable objection to a particular member of the panel.

4.3 The Complaint Panel members will appoint one of their number to be the Chair of the Complaint Panel throughout the proceedings.

#### **5 Role of the Complaint Panel**

5.1 The role of the Complaint Panel is to establish the facts surrounding the complaints that have been made by considering:

- i. the documents provided by both parties; and
- ii. any representations made by the parties

and to reach a decision as to whether or not to uphold each complaint.

#### **6 The Hearing**

6.1 The Hearing should proceed notwithstanding that the Parent may decide not to attend. In these circumstances, the Complaint Panel will consider the Parent's complaint in his/her absence and issue findings on the substance of the complaint in the usual way.

6.2 During the Hearing, the parties shall have the opportunity to ask questions and make comments in an appropriate manner. The Hearing is not a legal process and the Complaint Panel shall be under no obligation to hear oral evidence from witnesses but may do so and/or may take written statements into account.

6.3 All statements made at the Hearing will be unsworn. The parties will be entitled to write their own notes for reference purposes.

6.4 All those present during the Hearing are expected to show courtesy, restraint and good manners or, after due warning, the Hearing may be adjourned or terminated at the discretion of the Chair. Any person who is dissatisfied with any aspect of the way the Hearing is conducted must say so before the proceedings go any further and his/her comment will be minuted.

6.5 The Chair may, at his/her discretion, adjourn the Hearing if he/she considers it appropriate to do so. This may include an adjournment for the parties to take legal advice on a specific issue arising.

6.6 A Hearing before the Complaint Panel is a private proceeding. No notes or other records or oral statements about any matter discussed in or arising from the proceeding shall be made available directly or indirectly to the press or other media (including social media).

6.7 When the Chair of the Complaint Panel is satisfied that sufficient consideration has been given to the documentation provided and any representations made by the parties, he/she will conclude the Hearing.

## **7 Decision**

7.1 The Complaint Panel will make findings about each complaint on the balance of probabilities, and may make recommendations.

7.2 It is not within the powers of the Complaint Panel to make any financial award, nor to impose sanctions on the Academy's staff, learners or other parents, although the Complaint Panel may make recommendations.

7.3 The Complaint Panel's findings and any recommendations will be provided in writing to the Parent and, where relevant, the person complained about, within 5 school days of the Hearing.

7.5 The completion of Stage 3 represents the conclusion of the Academy's complaints procedure.

## **Appendix 4 Unreasonable Complaints**

1.1 There is no prescribed procedure for a school to follow when dealing with unreasonable complaints, and it is for the school to use its discretion when dismissing a complaint on such grounds. Schools and the Trust will exercise caution when determining whether a complaint is unreasonable. In particular, with consideration of the following:

- i. the Academy will not dismiss a complaint solely on the basis that the complainant is unreasonable. A consideration of the complaint itself must be made, using the tests set out in this Appendix
- ii. a complaint may fall within one of the definitions outlined in this appendix. This does not automatically make it an unreasonable complaint, and the Trust should reach a balanced conclusion in determining whether the complaint is unreasonable
- iii. the bar for dismissing complaints will be set high, and the decision to reject the complaint should itself be open to review.
- iv. if the Trust dismisses a complaint, it should be prepared to show the evidence it considered in reaching a conclusion to the Department for Education/Education and Skills Funding Agency, Ofsted or a similar regulatory/inspection body.

1.2 We are 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 us. 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.

1.3 We adopt the Department for Education definition of unreasonable complaints as those made by persons who, because of the frequency or nature of their contact with the Academy, hinder our consideration of their or other people's complaints.

- 1.4 Unreasonable complaints are taken seriously by the Trust as they put a strain on valuable resources and hinder the progress of proper investigations. The Trust may judge that a complaint is unreasonable by assessing a number of factors, including those that are outlined below.
- 1.5 A complaint may be regarded as unreasonable when the person making the complaint:
- i. refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
  - ii. refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
  - iii. refuses to accept that certain issues are not within the scope of a complaints procedure;
  - iv. insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
  - v. 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;
  - vi. makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
  - vii. changes the basis of the complaint as the investigation proceeds;
  - viii. repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
  - ix. refuses to accept the findings of the investigation into that complaint where our complaint procedure has been fully and properly implemented and completed;
  - x. seeks an unrealistic outcome;
  - xi. 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.
- 1.6 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:
- i. maliciously;
  - ii. aggressively;
  - iii. using threats, intimidation or violence;
  - iv. using abusive, offensive or discriminatory language;
  - v. knowing it to be false;
  - vi. using falsified information;
  - vii. publishing unacceptable information in a variety of media such as in social media websites and newspapers.
- 1.7 A complaint may also be considered unreasonable if it is manifestly unjustified, inappropriate, or an improper use of formal procedure. In assessing this, the Academy shall have regard to all the circumstances of the case and the nature of the complaint itself rather than the nature of the complainant. In assessing all of the circumstances of the case, the Academy will consider a range of factors including:
- i. whether a complaint has reasonable foundation;
  - ii. the history and context of the complaint (and any evidence where relevant);
  - iii. whether the time and cost of investigating the complaint is proportionate to the issue(s) complained of;
  - iv. whether an investigation of the complaint is likely to cause a disproportionate or unjustified level of disruption, irritation or distress;
  - v. unexplained delay in raising a complaint or issue;

- vi. if the purpose of the complaint is to obtain an outcome which is unavailable via the complaints procedure, such as a claim for compensation, damages or a refund of fees paid;
  - vii. any evidence of a complaint being brought for an improper purpose.
- 1.8 Whenever possible, the relevant member of staff will discuss any concerns with the complainant informally before dismissing a complaint as unreasonable. They will normally only do so after consultation with the Chair of Trustees.
- 1.9 It is open to a complainant to request that a Complaint Panel be convened to determine the single issue of whether the Academy's dismissal of the complainant's original complaint(s) was justified.