



**Oak Tree
School**

Complaints Procedure Policy

Policy Number	V12
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Owner	Michelle Pascoe/Daniel Stockton

Document History

Version	Comments/amendments	Name	Date
1.0	2014 Issue	Mike Deacy	Feb 2014
2.0	2014 update	Mike Deacy	Sep 2014
3.0	2015 Update	Mike Deacy	May 2015
4.0	2017 update	Mike Deacy	Jan 2016
5.0	2018 to update	Mike Deacy	Jan 2017
6.0	Julie Taylor replaced Paul Elliot as contact. Flowchart updated with new contacts. Ofsted Telephone Number updated. Children's commissioner website hyperlink updated.	Mike Deacy	Jan 2018
7.0	New Policy from HR	Mike Deacy	Nov 2018
7.1	Updated with Richard power as Head of Governors	Mike Deacy	Jan 2019
7.2	Updated with Craig Ribbons as Head of Governors & Mike Deacy now Principal.	Mike Deacy	Oct 2019
8	Updated with Max turner as Head of Governors & Mike Deacy now Principal.	Michelle Pascoe	July 2020
9	No updates required	Mike Deacy	September 2020
10	No updates required	Michelle Pascoe	October 2021
11	Change in Governor details from Max Turner to Mike Deacy	Michelle Pascoe	July 2021
12	Change from Principal to Regional Director Addition of unreasonable complaints	Dan Stockton	September 2021

This complaints procedure, as required by law in paragraph 33 [Part 7 of the Independent School Standards) and the number of complaints registered under the formal procedure during the preceding school year will be made available on the school's website.

The difference between a concern and a complaint

A 'concern' may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'.

A complaint may be generally defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

It is in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally (Stage 1), without the need to invoke formal procedures (Stages 2 & 3). We take all concerns seriously and will make every effort to resolve any matter raised, as quickly as possible.

Who can make a complaint?

Any person, including members of the general public, may make a complaint about any provision of facilities or services provided, unless separate statutory procedures apply (such as exclusions or admissions).

The complaints procedure does not apply to prospective pupils who have no right of complaint.

Complaints from Parents/Carers

The procedures set out below only relate to complaints from parents of pupils, i.e. persons for whom education is being provided at the school. The process set out below does not cover complaints from parents of pupils who have left (except in cases where the complaints process was started when the pupil was still being educated at the school).

It is expected that complaints are made as soon as possible after an incident arises (although three months is generally considered to be an acceptable time frame in which to lodge a complaint). The procedures below will be followed in the event of a complaint being made by parents or carers against the school (complaints are not limited to parents or carers of children that are registered at the school).

Informal Complaint (Stage 1)

If parents or carers have a complaint against the school they may initially wish to contact the school informally either by telephone, in writing or personally after making an appointment. The

school will ask the complainant what they think might resolve the issue. The school will consider and resolve as quickly, and efficiently as possible the complaint and will respond with the outcome within *10 days*, (where further investigations are necessary that will exceed this time period, new time limits will be communicated with an explanation for the delay).

Formal Complaint (Stage 2)

1. If parents or carers are not satisfied with the response at Stage 1 they should write formally to the head Teacher:

***Mr Daniel Stockton
Oak Tree School
Threemilestone Business Park
Truro
Cornwall
TR4 9NH***

The Headteacherl will investigate the complaint further and respond in writing within 10 days (where further investigations are necessary that will exceed this time period, new time limits will be communicated with an explanation for the delay).

If the complaint is against the Headteacherl the complaint should be addressed to the School's Chair of Governors, also known Regional Director for the South West :

***Mr Mike Deacy
Oak Tree School
Threemilestone Business Park
Truro
Cornwall
TR4 9NH***

The Schools' Chair of Governors will investigate and respond within 20 days.

Formal Complaint (Stage 3)

2. If the parents or carers are still not satisfied with the response at Stage 2 they should inform the School's Chair of Governors who will arrange a panel to hear the complaint.
 3. The panel will comprise three people not directly involved in the matters detailed in the complaint. At least one member of the panel will be independent of the running and management of the school (The member should not only be outside the school's workforce, and not a member of governing body/proprietary body, but also should not be otherwise involved with the management of the school).
 4. The date of the panel meeting will take into account the availability of the parents or carers as well as the school and will take place within 30 days.
 5. Parents or carers will be invited to bring with them another person or persons to support them at the panel hearing if they wish. (The panel hearing does not confer a right on a
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parent to have a legal representative to make representations on their behalf at the hearing).

6. The panel will hear the complaint and will hear the outcome of the school's investigations and its response to these. The panel will then make findings and recommendations which will be communicated in writing within 10 days of the conclusion of the hearing to the Proprietor, Director of Education, the Headteacher, the parent or carer and, where appropriate, the person complained about.
7. If a parent does not exercise the right to attend a panel hearing, the panel will meet in line with this policy. The school's arrangements for the panel hearing will be reasonable in order to facilitate the parent(s) exercising the right of attendance.
8. A written record of all complaints and their resolution, whether they proceeded to a panel hearing or not, will be kept on the school premises by the Headteacher (Equality Act 2010) and made available to the Proprietor and Ofsted inspectors on request. The school will record the progress of the complaint and the final outcome. These records and any correspondence relating to a complaint will remain confidential, except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Education Act requests access to the records.
9. The number of complaints registered under the formal procedure during the preceding school year will be published on the school website.

Complaints from Pupils

The procedures below will be followed in the event of a pupil making a complaint against a member of staff, a fellow pupil or any other person or situation either in school or outside.

Pupils may wish to talk to an adult they trust about a situation relating to school or to a situation outside school.

Pupils are reminded that, although they may speak to any member of staff, there may be occasions where information will have to be referred to other agencies such as Children's Services.

Within school, pupils may talk to any member of Education Staff.

A pupil may merely need a trusted adult to talk a situation through with and may not be making a formal complaint. However, all actual complaints made by pupils will be recorded by the member of staff in the Complaints Log. The school response to the complaint will also be recorded. If the complaint is serious the pupil's parents/carers will be informed of both the complaint and the outcome. Some complaints will be referred to other agencies or to the Local Authority. If necessary, a meeting will be called to discuss the issues further.

A pupil may ask to speak to an adult from an outside agency. The school will, wherever possible, put the pupil in contact with a representative of the appropriate agency. The referral will be noted in the pupil's file.

If the complaint is an allegation against a member of staff then the school's safeguarding policy must be followed in addition to recording the complaint. Failure to follow this process may result in disciplinary action.

Unreasonable Complainants

The school 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. However, we do not expect our staff to tolerate unacceptable behaviour and will

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take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

The school 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 complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- 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 Headteacher or Regional Director will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Headteacher will write to the complainant explaining that their behaviour is unreasonable, asking them to change it. For complainants who excessively contact the school 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 school.