

Title	Complaints Procedure
Purpose	To ensure that parents, carers or others are empowered to make a complaint in an effective manner. To enable staff to respond appropriately to parental concerns
Relevant to	Parents, All staff, Trustees
Responsible Officer	Provision Manager
Introduced	9/2018
Modification History	1/2021
Related Policies	
Date Due for Review	1/2024
Approved by Board of Trustees	3/3/2021
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COMPLAINTS PROCEDURE

PURPOSE

Oakbridge Special Education is a Special Post-16 Institution (SPI) approved under Section 41 of the Children and Families Act 2014, and a subsidiary company of Barnet Special Education Trust.

The Board of Trustees have determined to adopt the Complaints Procedure of the parent company, according to standards set out in the Education (Independent School Standards) (England) Regulations 2014.

This mean that the procedure must:

- Be in writing;
- Be available to parents;
- Set out clear time scales for the management of a complaint;
- Allow for a complaint to be made and considered initially on an informal basis;
- Establish a formal procedure for the complaint to be made in writing;
- Where the parent is not satisfied with the response to the formal complaint, makes provision for a hearing before a panel appointed by the proprietor and consisting of at least three people who were not directly involved in the matters detailed in the complaint;
- Ensure that, where there is a panel hearing of a complaint, one panel member is independent of the management and running of the school;
- Allow for a parent to attend and be accompanied at a panel hearing if they wish;
- Provide for the panel to make findings and recommendations and stipulate that a copy of those findings and recommendations is
 - Provided to the complainant and, where relevant, the person complained about; and
 - Available for inspection on the school premises by the proprietor and the head of provision;
- Keep a record of all written complaints, whether they are resolved following a formal procedure, or proceed to a panel hearing; and action taken by the school as a result of those complaints (regardless of whether they are upheld);
- Provide that correspondence, statements and records relating to individual complaints are kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the Education and Skills Act 2008 requests access to them.

Introduction

Parents, carers and young people sometimes have worries about aspects of school/college life. These concerns may be to do with behaviour, aspects of teaching and learning, or the way the institution is organised. We work hard to maintain the highest standards in all we provide, welcome comments from parents, and are always happy to receive concerns or complaints directly and in person.

We are also conscious that on rare occasions, our service might raise a concern with someone who is not the parent/carer of a student at the provision. We will take seriously all concerns or complaints that are raised.

Please note that this procedure is separate to our internal staff grievance policy.

General Principles:

- This procedure is intended to allow a parent or other affected party raise a concern or complaint relating to Oakbridge, or the services that it provides.
- An anonymous concern or complaint will not be investigated under this procedure, unless there are exceptional circumstances.
- All concerns or complaints raised will be treated in confidence except where the Secretary of State or a body conducting an inspection under section 109 of the Education and Skills Act 2008 requests access to them.
- To enable a proper investigation, concerns or complaints should be brought to the attention of the provision as soon as possible.
- All parties to the complaints process are expected to act reasonably. We expect all parties to behave in a calm and positive manner. If it is considered that a complainant has acted in an unacceptable manner, the procedure may need to be suspended for a period of time.
- Staff or directors who are likely to be involved in handling a complaint, should have the opportunity for suitable training.

Raising a concern or complaint

Stage One; Informal Stage

It will be helpful if we know of a concern or complaint at the earliest opportunity. In the first instance it is usually the class teacher who can best deal with the problem although there may be situations where a senior member of staff or Provision Manager would need to discuss the matter (or a Director, if the complaint is about the Provision Manager). Experience shows that nearly all concerns raised by parents can be dealt with quickly and efficiently through informal discussion. If your complaint is about a director, you should refer your complaint to the Chair of Barnet

Special Education Trust.

Stage Two; Formal Stage

If your concern or complaint is not resolved at the informal stage you may choose to put the complaint in writing to the Provision Manager, who will be responsible for ensuring that it is investigated appropriately. If the complaint is about the Provision Manager, your complaint should be passed to the Board of Directors.

[A Complaint Form is provided to assist you.](#)

You should include details that might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents.

It is important that you include a clear statement of the actions that you would like taken to resolve your concern. Without this, it is much more difficult to proceed.

Please pass the completed form, in a sealed envelope to the provision office. The envelope should be addressed to the Provision Manager, or to the Board of Directors, as appropriate.

The Provision Manager (or Director) may invite you to a meeting to clarify your concerns and to explore the possibility of an informal resolution. If you accept that invitation, a friend or someone to help you explain your concerns may accompany you.

It is possible that your complaint will be resolved through a meeting. If not, arrangements will be made for the matter to be fully investigated, using the appropriate procedure. In any case you should learn in writing, usually within 5 days of the provision receiving your formal complaint, of how it intends to proceed. This notification should include an indication of the anticipated timescale.

Any investigation will begin as soon as possible and when it has been concluded, you will be informed in writing of its conclusion. Such an investigation should aim to clarify what has happened, who was involved, and how the matter can be put right.

Stage Three; Panel Hearing

If you are not satisfied with the manner in which the process has been followed, you may request that the governing body reviews the process followed by the school in handling the complaint, at a panel hearing. Any such request must be made in writing to the Board of Directors, within 10 provision-working days of receiving notice of the outcome, and include a statement specifying any perceived failures to follow the procedure. The procedure described below will be followed.

A [Review Panel Hearing Request form](#) is provided for your convenience.

A panel of at least three members will conduct the review. This panel will usually take place within 10 provision-working days of receipt of your request and is required to make findings and recommendations.

Panel members may be drawn from the Board of Directors or Barnet Special Education Trust. At least one member of the panel must also be appointed who is independent of the management and running of the provision. It is the provision's responsibility to make a suitable appointment for this role.

The complainant may attend the panel hearing and be accompanied if they wish. The provision will give reasonable notice of the panel hearing date.

The findings and recommendations of the panel hearing will be communicated in writing to the complainant and where relevant, the person complained about, within 10 provision-working days of the hearing. A copy of the findings and recommendations should also be made available to the Provision Manager, Board of Directors and Barnet Special Education Trust.

The role of the Education Funding Agency

If, following the outcome of the panel hearing, the parent or other person making the original complaint remains unsatisfied, they may direct their concern directly to the Education and Skills Funding Agency (ESFA). Further information is available at this link:

<https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy#esfas-remit-in-relation-to-academy-complaints>

ESFA will check whether the complaint has been dealt with properly. They will consider complaints about academies that fall into any of the following three areas:

- Where there is undue delay or the institution did not comply with its own

complaints procedure when considering a complaint

- Where the institution is in breach of its funding agreement with the Secretary of State
- Where an institution has failed to comply with any other legal obligation

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

If our complaints procedure does not meet the Regulations, ESFA will ask us to put this right. They may seek to enforce the decision under the terms of the funding agreement on behalf of the Secretary of State, if appropriate.

Record Keeping and Correspondence

A written record will be held of all formal complaints, including:

- Whether they were resolved at Stage Two or progressed to a Stage 3 Panel Hearing
- What action was taken by the institution as a result of the complaint (whether or not it was upheld)

Specimen letters for correspondence related to this procedure are available as an [appendix](#) to this document.

Confidentiality

Correspondence, statements and records relating to individual complaints will be kept confidential, except where the Secretary of State (or someone acting on their behalf), or a body conducting an inspection under section 109 of the Education and Skills Act 2008 requests access.

The institution will only provide information to third parties, such as a constituency Member of Parliament, with the written permission of the complainant.

Monitoring and Review

The outcomes of complaints and reviews may be confidentially monitored to assist the school to continue its outstanding service provision. This policy will be regularly reviewed in line with the general procedures of Barnet Special Education Trust, subject to prevailing statutory regulation.

Formal Complaint Form

Please complete this form and return to the provision office or to the Provision Manager who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name:

Relationship with us (e.g. parent of a student on roll):

.....

Student's name (if relevant to your complaint):

.....

Your Address:

Telephone numbers

Daytime:

Evening:

E-mail address:

Please give concise details of your complaint, (including dates, names of witnesses etc...), to allow the matter to be fully investigated:

You may continue on separate paper, or attach additional documents, if you wish.

Number of Additional pages attached =

What action, if any, have you already taken to try to resolve your complaint? (i.e. who have you spoken with or written to and what was the outcome?)

What actions do you feel might resolve the problem at this stage?

Signature:

Date:

Provision use:

Date Form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

Complaint referred to:			
Date:			

Complaint Review Panel Hearing Request Form

Please complete this form and return it to Provision Manager (or Board of Directors), who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name:

Your Address:

Telephone numbers:

Daytime:

Evening:

E-mail address:

Dear Sir/Madam

I submitted a formal complaint to the school on and am dissatisfied by the procedure that has been followed.

My complaint was submitted to and I received a response from on

I attach copies of my formal complaint and the response(s) from the provision. (YES/NO)

I am dissatisfied with the way in which the procedure was carried out, because:

<p>You may continue on separate paper, or attach additional documents, if you wish.</p>
<p>Number of Additional pages attached =</p>

<p>What actions do you feel might resolve the problem at this stage?</p>
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Signature:

Date:

Provision use

Date Form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

Request referred to:			
Date:			

Appendix:

Model Letters

Response to spurious complainant

Dear [Name of complainant]

Thank you for submitting your concern in the letter received on the [insert date]. After careful consideration, unfortunately, I am unable to deal with this matter under the Complaints Procedure. This is because:

[we suggest that you include one of the following statements]

- The substance of your complaint has been addressed under the complaints procedure already.
- The concerns that you raise do not fall within the scope of this procedure *[suggest alternative for example: admissions policy, exclusion policy, behaviour policy, grievance procedure etc]*

If you wish my decision to be reviewed then you can follow the Formal Complaint Procedure, by writing to the Board of Directors.

Yours sincerely,

Provision Manager

Or Director

Acknowledgement of receipt of formal complaint and invitation to meet

Dear [Name of Complainant]

I have received your formal complaint, dated I am grateful that you have brought this to my attention.

Oakbridge Special Education take any complaint seriously. Therefore, I would like to meet with you, as soon as possible, so that I may understand the details of your concerns more clearly. You are welcome to be accompanied to the meeting by a friend, if you would find this helpful. *Please telephone..... in order to arrange an appointment. **OR** I can offer you an appointment at on ,..... Please let me know if this is convenient.*

I hope that we will be able to resolve your concerns through our meeting, but if not I will ensure that the appropriate investigation takes place.

Yours sincerely,

Provision Manager

Or Director

Acknowledgement of receipt of formal complaint referred by a third party [e.g. LA, Diocese, MP]

Dear [Name of Complainant]

I have received a copy of the documentation that you sent in to setting out a complaint about This has been passed to the provision as it has responsibility for these matters.

Oakbridge Special Education take any complaint seriously. Therefore I would like to meet with you, so that I may understand the details of your concerns more clearly. Please telephone, in order to arrange an appointment. **OR** I can offer you an appointment at on Please let me know if this is convenient.

Meanwhile I would be grateful if you would complete and return the Formal Complaint Form that is enclosed, along with details of the complaints procedure.

I hope that we will be able to resolve your concerns through our meeting, but if not I will ensure that the appropriate investigation takes place.

Yours sincerely,

Provision Manager

Or Director

Acknowledgements of receipt of formal complaint and advising complainant that the matter is being dealt with under a confidential procedure

Dear

I have received your formal complaint, dated I am grateful that you have brought this to my attention.

Oakbridge Special Education take any complaint seriously. Therefore I have initiated an immediate investigation. It is possible that the investigator will wish to meet with you to clarify the evidence that you have provided so far. If so, he/she will write to you to make suitable arrangements.

As your concerns relate to the conduct/capability of a member of staff, the investigation will be carried out under the school's personnel procedures. This means that the detail of the procedure and its outcome **must** remain confidential to the provision and the member of staff concerned.

OR

As your concerns relate to the behaviour of a student, the investigation will be carried out under the provision's conduct and disciplinary procedures. This means that the detail of the procedure and its outcome must remain confidential to the provision and the parents of the child concerned.

In due course, I may be able to provide you with some information about the outcomes of the investigation and the processes that have been followed, but in any event will let you know when the matter has been concluded.

If I can be of any further assistance, please do let me know.

Yours sincerely,

Provision Manager

Or Director

NOTIFICATION OF DECISION REGARDING FORMAL COMPLAINT

Dear

Following receipt of your complaint and careful consideration of all the available relevant evidence, I/the panel have/has concluded that:

The concern is not substantiated by the evidence in that

OR

The concern was substantiated in part/in full, as The provision will review its practices/procedures..... with the intention of avoiding any reoccurrence. Parents will be informed in due course of any policy changes.

OR

In order to address fully the matters investigated, the provision has initiated appropriate internal procedures. Due to the nature of these procedures, their outcome must remain strictly confidential. We are confident, however, that the circumstances that gave rise to your complaint should not recur

OR

In order to address fully the matters of concern that you identified, the panel recommended that the directors should review its policy, as a matter of urgency. We are confident that this should prevent similar concerns arising in future.

I hope that this will now conclude the matter and we can look forward to working together successfully in the future.

Yours sincerely,

Chair of Panel

REVIEW OUTCOME NOTIFICATION

Dear

Having carefully considered your representations in the context of the relevant evidence, the Complaints Review Panel has concluded that the provision followed the relevant procedure appropriately in respect of your complaint.

Summary of reasons

Therefore, we now consider the matter closed.

Or

Having carefully considered your representations in the context of the relevant evidence, the Complaints Review Panel has concluded that the provision followed the relevant procedure appropriately in respect of your complaint except

Therefore, the following action will be taken

Once this action has been completed the provision will consider the matter to be closed.

Or

Having carefully considered your representations in the context of the relevant evidence, the Complaints Review Panel has concluded that the school followed the relevant procedure appropriately in respect of your complaint except

However the panel determined that this procedural failure did not affect the outcome of the consideration of your complaint so, while we regret this error, we will now consider this matter to be closed as far as the school is concerned.

Yours sincerely,

Chair of Complaints Review Panel

c.c. Provision Manager

Board of Directors