



OCL COMPLAINTS PROCEDURE

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Document Control

Changes History

Version	Date	Amended by	Recipients	Purpose
1.0	3rd January 2018	Chris Chamberlain	All OCL Principals	Updated legislation
1.1	4 th February 2019	Chris Chamberlain	All OCL Principals	Updated legislation

Approvals

This document requires the following approvals.

Name	Position	Date Approved	Version
John Murphy	CEO, OCL	3rd January 2018	1.0
John Murphy	CEO, OCL	4 th February 2019	1.1

National/Local Policy

- This policy must be localised (see instructions in Appendix)
 This policy must not be changed, it is a National Policy.

Position with the Unions

Does the policy require consultation with the National Unions under our recognition agreement?

- Yes
 No

If yes, the policy status is:

- Consulted and Approved
 Consulted and Not Approved
 Awaiting Consultation

Distribution

This document has been distributed to:

Name	Position	Date	Version
All OCL Principals	Principal	3rd January 2018	1.0
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1. Aims

Oasis Community Learning 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.

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:

- Be impartial 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.

2. 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

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

3. 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 matters
- 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 school complaints: see below

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

Arrangements for handling complaints from parents of children with SEN 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 SEN 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. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

4. Principles for investigation

When investigating a complaint, we will try to clarify:

- What has 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.

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. 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.

5. 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 / form tutor / head of house 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.

The informal stage may involve a meeting between the complainant and Head of phase/ Department / member of the Academy leadership team 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, 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 complaint wishes to proceed to the third stage

This letter to move to Stage 3 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.

Stage 2: Submit the complaint to the Regional Director

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 Regional Director may call a meeting to clarify concerns, and seek a resolution. The complainant may be accompanied to this meeting, 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.

The Regional Director will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within **fifteen** working days of receipt of the Stage 3 letter.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the Regional Director in writing within **five** working days on receipt of the outcome letter / investigation report. After this period of time the complaint will be closed.

Stage 3: Submit the complaint to a Review Panel

The review panel consists of two members of the Academy/**Hub** Council from the Academy or from another Academy and will be chaired by a Regional Director from a different Region / Director of Service / **National Director**. **This person 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 (see section 9).

ESFA guidance states:

"The procedure must make it clear that **the panel must consist of at least three people who were not directly involved in the matters detailed in the complaint.**

The panel must also include **at least one member who is independent of the management and running of the academy.**

The panel cannot be made up solely of governing body members, as they are not independent of the management and running of the academy."

The complainant must have reasonable notice of the date of the review panel; however, the review panel reserves the right to convene at their convenience rather than that of the complainant. At the 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. However, the panel should aim to meet within **fifteen** working days of the complaint being received.

The complainant must be allowed to attend the panel hearing and be accompanied by a suitable companion if they wish.

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.

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:

- 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 Academy will inform those involved of the decision in writing within **five** working days of the panel.

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

6. Complaints against the Principal or an Academy/Hub Councillor

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

Where a complaint is against any member of the Academy Council, it should be made in writing to the Academy / Hub Council Secretary/Clerk in the first instance.

Complaints against members of the Academy / Hub Council should be directed to the Chair of the Academy / Hub Council. If the complaint is against the Chair of the Academy / Hub Council then this complaint will be directed to the Head of Governance.

The policy outlined above should then be followed from stage 3 onwards.

Contact details:

- Any complaint addressed to the Chair of the Academy / Hub Council should be addressed c/o the Academy
- The appropriate Regional Director can be contacted through the OCL National Office: Oasis Community Learning, Interchurch House, 35-41 Lower Marsh, London, SE1 7RL

7. Referring complaints on completion of the Academy's procedure

If the complainant is unsatisfied with the outcome of the Academy's complaints procedure, they can refer their complaint to the ESFA. The ESFA will check whether the complaint has been dealt with properly by the Academy. **The ESFA will not overturn an Academy'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

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>

8. Persistent 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 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, that it is entirely unacceptable and will not be tolerated, may also constitute an unreasonably persistent 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. 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 (see Appendix C). 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 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 bar 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 school premises](#) provides more guidance on access to Academy premises.

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

9. 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 to OCL Freedom of Information Policy for further information on this.

<https://oasisit.sharepoint.com/sites/PP/PolicyPortalLibrary/Freedom%20of%20Information%20Policy.pdf>

10. 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

11. Third parties

Third party providers using the Academy premises to provide community facilities or services should have their own complaints procedures in place.

12. 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 centrally, and will be viewed only by those involved in investigating the complaint or on the review panel.

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

13. 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.

14. Monitoring arrangements

The Regional Director will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The Regional Director will track the number and nature of complaints, and review underlying issues as stated in section 10.

The complaints records are logged and managed by the administrative team in each Academy

This policy will be reviewed by National Education Team regularly.

At each review, the policy will be approved by The National Education Team

15. Links with other policies

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

- Child protection and safeguarding policy and procedures
- Admissions Policy
- Exclusions Policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEN policy and information report
- Parental Code of Conduct
- OCL Freedom of information Policy

16. 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.

Appendix A: Letter inviting complainant to the review panel hearing

ADDRESS

DATE

Dear NAME

Thank you for bringing your concern to my attention. I would like to reassure you that I will endeavour to deal with your complaint robustly.

Oasis has a passion to include everyone, a desire to treat everyone equally and a commitment to healthy and open relationships. We shall endeavour to ensure that these values are reflected throughout this complaints procedure.

A meeting of the Complaints Review Panel will take place on **DATE AND TIME** at **VENUE AND ADDRESS** to consider your complaint. Upon arrival, please go to the main Academy entrance.

You are welcome to attend the meeting together with a friend or representative. Those present at the meeting will include a panel of three, including two Academy/Hub Councillors and will be chaired by DELETE AS APPROPRIATE - a Regional Director from a different region / Head of Service / ~~National Director~~ / Lead or Executive Principal. You are entitled to call witnesses should you wish, but if it is your intention to do this, please contact me as soon as possible.

Any further information you wish to provide together with the names of any witnesses you intend to call needs to be sent to me no later than **ENTER DATE (A WEEK BEFORE THE MEETING DATE)**. All this information will then be forwarded by myself to members of the committee, prior to the hearing.

Please can you contact me using the details at the end this letter to confirm your attendance on the **DATE OF MEETING (MUST BE NO LATER THAN 15 WORKING DAYS AFTER COMPLAINT WAS RECEIVED)**, no later than **DATE (5 DAYS BEFORE THE MEETING DATE)**.

General Principals

The following should be observed during the hearing:

- The aim of the hearing is to resolve the complaint and achieve reconciliation between the Academy and complainant.
- It is the responsibility of the review panel to ensure the hearing is properly minuted.
- The complainant may be unused to dealing with groups of people in formal situations. It is recommended that the Chairperson ensures that the procedures are as informal as possible.

- In the interest of fairness and justice, the introduction of previously undisclosed evidence or witnesses would be reason to adjourn the meeting so that the other side has time to reconsider and respond to the new evidence.
- To ensure the success of the meeting, all those in attendance must behave appropriately at all times. Should behaviour become aggressive or threatening, the meeting would be adjourned to ensure the safety of all those involved.

The Decision

The remit of the panel is to:

- 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

The Academy will inform those involved of the decision in writing within five days.

Please do not hesitate to contact me if there is any further information you require.

Yours sincerely,

Academy Council Secretary

Appendix B: Letters for use in barring from the Academy premises

Letter 1 Warning (sent by Principal)

Recorded delivery

Dear

Oasis Community Learning promotes working, learning and developing together. We believe that good relationships are at the heart of everything we do.

However, I have received a report about your conduct at the Academy on **(enter date and time)**. **(Add factual summary of the incident and of its effect on staff, students, and other parents.)**

I must inform you that Oasis Community Learning will not tolerate conduct of this nature on its premises and will act to protect its students and staff. We aim to treat all those we are in contact with in a respectful manner, because anything else goes against our ethos and the way we work.

Therefore if, in the future, I receive any reports of conduct of this nature I will be forced to consider removing your licence to enter the Academy grounds and buildings. If you do not comply with that instruction I will be able to arrange for you to be removed from the premises and prosecuted under Section 547 of the Education Act 1996. If convicted under this section, you are liable to a fine of up to £500.

Nevertheless, I wish to give you an opportunity to give me in writing any comments or observations of your own in relation to the report which I have received about your conduct.

These comments may include any expressions of regret on your part and any assurances you are prepared to give about your future good conduct. To enable me to take a decision on this matter at an early point, you are asked to send me any written comments you wish to make by **(state date ten working days from the date of letter)**.

Yours sincerely,

Principal
cc: Regional Director

Letter 2 Withdraw permission pending review (sent by the Principal)

Recorded delivery

Dear

Oasis Community Learning promotes working, learning and developing together. We believe that good relationships are at the heart of everything we do.

However, I have received a report about your conduct on at.....

(add summary of incident and its effect on staff and students)

(optional reference to first letter from Principal)

I must inform you that we will not tolerate conduct of this nature on the Academy premises and will act to defend Academy staff and students. Oasis Community Learning aims to treat all those we are in contact with in a respectful manner, because anything else goes against our ethos and the way we work.

I am therefore instructing you that until I have reviewed this incident, you are not to reappear on the Academy premises. If you do not comply with this instruction I shall arrange for you to be removed from the premises. If you cause a nuisance or disturbance on the premises you may be prosecuted under section 547 of the Education Act 1996; if convicted under this section, you are liable to a fine of £500.

The withdrawal of permission for you to enter the Academy premises takes effect immediately and will be in place for 15 Academy days in the first instance.

In the case of a primary Academy include:

For the duration of this decision you may bring your son(s)/daughter(s) **(complete as appropriate)** to Academy and collect them/him/her (delete as appropriate) at the end of the Academy day, but you must not go beyond the Academy gate.

In the case of EY/KS1 children, also insert

Arrangements have been made for your **(delete as appropriate)** son(s)/daughter(s) (insert child/rens names) to be collected, and returned to you, at the Academy gate by a member of the Academy's staff. I wish to give you an opportunity to give me in writing any comments or observations of your own in relation to your conduct on the Academy site. These comments may be to challenge or explain the facts of the incident, to express regret and give assurances about your future good conduct.

Your letter will enable me to take a decision on whether or not you will be allowed on the Academy premises after the 15 days. Please send me any written comments you wish to make by **(date 10 WORKING days from date of letter)**.

If on receipt of your comments, I consider that my decision should be confirmed, you will be supplied with details of how to pursue a review of your case.

Yours sincerely

Principal
cc: Regional Director

OCL Complaints Procedure

Version: 1.1/ 21/01/19

Letter 3a Withdrawal of permission confirmed (sent by the Principal)

Recorded delivery

Dear

Oasis Community Learning promotes working, learning and developing together. We believe that good relationships are at the heart of everything we do. However, on I wrote to inform you that I had withdrawn permission for you to come onto the premises of Oasis Academy

To enable me to determine whether to confirm this decision for a longer period, I gave you the opportunity to give your written comments on the incident concerned by

I have not received a written response from you/I have received a letter from you dated, the contents of which I have carefully considered.

In the circumstances, and after further consideration of the incident of poor conduct, I have determined that the decision to withdraw permission for you to come onto Academy premises should be confirmed. I am therefore instructing that, until further notice, you are not to come onto the premises of the Academy without my prior knowledge and approval.

If you do not comply with this instruction I shall arrange for you to be removed from the premises of the Academy. If you cause a nuisance or disturbance on the premises, you may be prosecuted under Section 547 of the Education Act 1996; if convicted under this section, you are liable to a fine of up to £500.

Even though we have taken this decision, we remain committed to the education of your child/ren, who must continue to attend Academy as normal.

In the case of a primary Academy include:

For the duration of this decision you may bring your son(s)/daughter(s) **(complete as appropriate)** to Academy and collect them/him/her (delete as appropriate) at the end of the Academy day, but you must not go beyond the Academy gate.

In the case of EY/KS1 children, also insert

Arrangements have been made for your **(delete as appropriate)** son(s)/daughter(s) (insert child/rens' names) to be collected, and returned to you, at the Academy gate by a member of the Academy's staff.

This decision will be reviewed again**(insert review date which should be within a reasonable period and no longer than six months).**

When deciding whether it will be necessary to extend the withdrawal of permission to come onto the Academy premises, consideration will be given to the extent of your compliance with the decision, any appropriate expressions of regret and assurance of future good conduct received from you; and any evidence of your co-operation with the Academy in other respects.

Finally, I would advise you that your complaint is being considered under the appropriate stage of the Academy's parental complaints procedure. The Academy will contact you about this in due course. **(delete as appropriate)**

Yours sincerely

Principal
cc. Regional Director

OCL Complaints Procedure

Version: 1.1/ 21/01/19

Letter 3b Restore permission after review (sent by the Regional Director)

Recorded delivery

Dear

Oasis Community Learning promotes working, learning and developing together. We believe that good relationships are at the heart of everything we do.

On Mrs/Miss/Mr(Principal's name) wrote to inform you that he/she had temporarily withdrawn permission for you to come onto the premises of Academy.

To enable her/him to determine whether to confirm this decision for a longer period. You were given the opportunity to give your written comments on the incident concerned by

We have not received a written response from you/I have received a letter from you dated, the contents of which I have carefully considered.

In the circumstances, I have decided that it is not necessary to confirm the decision and I am therefore restoring to you permission to come onto the Academy premises, with immediate effect.

(Optional) I must warn you, however, that if it should become necessary in the future I shall not hesitate to withdraw permission for you to come onto the Academy premises once again.

Yours sincerely

Regional Director
cc. Principal

Letter 4a Continue ban after second review (sent by the Regional Director)

Recorded delivery

Dear

Oasis Community Learning promotes working, learning and developing together. We believe that good relationships are at the heart of everything we do.

On Mrs/Miss/Mr(Principal's name) wrote to inform you that he/she had temporarily withdrawn permission for you to come onto the premises of Academy.

To enable her/him to determine whether to confirm this decision for a longer period. You were given the opportunity to give your written comments on the incident concerned by

We have not received a written response from you/I have received a letter from you dated, the contents of which I have carefully considered.

You were also advised that we would take steps to review this decision by

I have now completed the review. However, I have determined that it is not yet appropriate for me to withdraw my decision. **(Add brief summary of reasons).**

I therefore advise that the instruction that you are not to come onto the premises of Oasis Academy....., without my prior knowledge and approval remains in place (insert date)

If you do not comply with this instruction I shall arrange for you to be removed from the premises and you may be prosecuted under section 547 of the Education Act 1996; if convicted under this section, you are liable to a fine of up to £500.

I shall undertake a further review of this decision by**(insert review date which should be within a reasonable period and no longer than six months).**

In the meantime you can write to me with a statement of your views, which I will consider.

Yours sincerely

Principal
cc: Regional Director

Letter 4b Restore permission after later review (sent by the Principal)

Recorded delivery

Dear

Oasis Community Learning promotes working, learning and developing together. We believe that good relationships are at the heart of everything we do.

I wrote to you on confirming that permission for you to come onto the premises of Oasis Academy had been withdrawn until further notice. I also advised you I would take steps to review this decision by

I have now completed the review. I have decided that it is now appropriate to restore permission for you to come onto the Academy premises with immediate effect.

I trust that you will now work together with the Academy and there will be no further difficulties of the kind which made it necessary to restrict your access to the Academy premises.

(Optional) I must warn you, however, that if it should become necessary in the future I shall not hesitate to withdraw permission for you to come onto the Academy premises once again.

Yours sincerely

Principal
cc: Regional Director

Appendix C: Letter for use following persistent complaints

MODEL LETTER INFORMING A COMPLAINANT THAT HIS/HER BEHAVIOUR IS NOW CONSIDERED TO FALL UNDER THE TERMS OF THE POLICY FOR DEALING WITH PERSISTENT COMPLAINTS

RECORDED DELIVERY

Dear

Oasis Community Learning promotes working, learning and developing together. We believe that good relationships are at the heart of everything we do.

However, I am writing to inform you that in view of your behaviour on **[date]**, when you **[describe actions/behaviour]** it has been decided that the section in our Complaint's Policy for dealing with "unreasonably persistent" complaints will apply.

In the circumstances I have made the following arrangements for your future contact with the Academy:

*[*Delete as applicable]*

*For the foreseeable future, should you wish to meet with a member of staff, I would ask you to note the following:

- (a) an appointment will be arranged and confirmed in writing as soon as possible;
- (b) a third party from the Academy will be present;
- (c) in the interests of all parties, formal notes of this meeting may be made.
- (d) **the number of times that you can make contact with the Academy are limited to XX (complete as necessary) per half term.**

* For the foreseeable future, all routine communication with the Academy should be by letter only.

Please address letters to at the Academy. We shall respond as quickly as possible.

E-mail correspondence will not be responded to.

Exceptionally, these arrangements do not apply to any emergency involving *[insert name of student]* – in which case you should contact the Academy in the usual way – or to parents' evenings, which will continue as in the past, but with a third party from the Academy present.

These arrangements take effect straightaway. If you wish to make a representation about the contents of this letter, which may include any expressions of regret on your part and any assurances you are prepared to give about your future good conduct, you can do so by writing to me at the Academy by **[state ten working days from the date of the letter]**.

If on receipt of your comments I consider that the arrangements outlined above should continue, you will be supplied with details of how to review a circumstance of your case.

I do hope that the difficulties we are currently experiencing can soon be resolved.

Yours sincerely

Principal

Cc: Regional Director

Appendix D: Sample agenda for face-to-face meeting between Complainant and Review Panel at Stage 4

Meeting of Panel to consider any written representations at Stage 4

1. Welcome and introduction by the Review Panel Chair
Chair to outline the procedure to be followed and explain roles and responsibilities of individuals
2. Complainant to present their case
Any witnesses are called or any paperwork to be considered in support of complainant's case
3. Questions to complainant from panel members and Principal
4. Academy to present their case
Any witnesses are called or any paperwork to be considered in support of Academy's case
5. Questions to Academy from panel members and complainant
6. Discussion of complainant's desired outcomes or discussion of any possibilities of redress
7. Closing remarks by the Chair of the Review Panel – including an outline of the next steps (see OCL Complaints Policy)
8. All parties to withdraw except panel members and clerk
9. Panel to decide on its recommendations including any redress measures

The decisions and recommendations of the Review Panel will be sent in writing to all parties.

This meeting will have an Academy Council Secretary present throughout to minute the meeting. These will be shared with all participants.

Witnesses will be invited to join the meeting at the appropriate time. They will be asked to leave when both parties have questioned them.