



Orchard Learning Trust

Complaints Policy and Procedure

November 2019 (draft)

Purpose

The purpose of this policy and procedure is to provide parents, carers and other individuals with information about what courses of action are open to them if they have a concern with the school, and how complaints will be dealt with.

Our policy is to deal with concerns, problems or complaints in an effective, fair, consistent and prompt manner. We always hope that concerns and issues that you may have can be addressed informally and encourage regular discussion with your child's class teacher.

We would always hope to be able to address any concerns promptly and informally where possible, however we recognise that occasionally a formal procedure may be needed.

Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at our schools. Any person, including members of the public, may make a complaint to one of our schools about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory process (such as appeals relating to exclusions or admissions for example), the Trust will use this complaints procedure. An indicative list of issues where alternative policies may be used is included in Appendix 2).

Principles

We recognise that raising a complaint is a stressful and difficult process, and keep to the following principles to make it as straightforward and fair as possible:

- Any concerns will be dealt with promptly within a reasonable timescale
- Complaints will be investigated carefully prior to a decision being made
- The interests of children will be our first priority
- You will be given full opportunity to explain the nature of your concerns
- You will be given the opportunity to be accompanied should your complaint go to a panel hearing
- Raising any concern or complaint will not adversely affect your child
- Anonymous complaints will not normally be investigated although the Trust may do so at its discretion.

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

Procedure

1. Informal discussion

If you are unhappy with any aspect of your child's education, or have concerns relating to the school, we encourage you to speak to your child's class teacher as soon as possible. Our staff are all committed to providing a high standard of education to each child in a



supportive environment, and as such will always want to address concerns as quickly as possible.

If you raise a concern in this way with your child's class teacher, other members of staff may become involved if appropriate or relevant.

If this approach has been unsuccessful in dealing with your problem, or if circumstances mean you feel this would be inappropriate, you should raise your concerns formally through the complaints procedure below.

Complainants should not approach individual governors or directors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering escalated complaints at Stage 2 of this procedure.

2. Raising a formal complaint - Stage 1

If you feel you need to raise a formal complaint you should do so in writing to the person indicated below (for example Head of School), stating as clearly as possible the nature of your complaint. If you are seeking a particular outcome, specifying this in the letter can be helpful. Formal complaints should be submitted within four school weeks of the incident(s). Complaints raised outside of this time will be considered only in exceptional circumstances. Appendix 1 includes a template complaint form that can be used to submit your complaint.

Where to direct complaints

Complaints about:	Send complaint to:
An individual school	relevant Head of School
Head of School	Chair of Local Governing Body
Governor or group of Governors	Chair of the Board of Directors
Director or group of Directors	Clerk to the Board of Directors
Chief Executive Officer	Chair of the Board of Directors

Complaints received outside of term time

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

Acknowledgement

The Investigating Officer will write to you formally acknowledging your complaint as soon as possible but no later than five school days from receipt of your letter. At this point a reasonable timescale will be identified by when you can expect a formal response. This may depend on the circumstances and the nature of your complaint, but would usually be within no more than ten school days.

Investigation

The person receiving the complaint will appoint an Investigating Officer who will investigate your complaint. This may involve talking to members of staff and also may involve asking you for additional information in order to help him establish the facts. The Investigating Officer will determine whether a face to face meeting is required and make arrangements



as necessary. The Investigating Officer will keep a written record of any meetings/ interviews undertaken in relation to their investigation.

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding team or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against one of the schools or the Trust in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have been concluded.

Resolving Complaints

At each stage in the procedure the schools or the Trust aim to resolve the complaint. Once the Investigating Officer has investigated thoroughly s/he will make a decision about your complaint. S/he will write to let you know this decision as soon as possible, within the timescale previously discussed, confirm if any action will be taken as a result and inform you how to escalate the complaint if you are dissatisfied with the outcome of Stage 1.

If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology.

Withdrawal of a Complaint

If a complainant wishes to withdraw their complaint, we will ask them to confirm this in writing. However in certain circumstances (e.g. children's safety) the Investigation may continue in any case.

Stage 2

If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2 - to be considered by a panel of the Local Governing Body (LGB) or a panel of the Board of Directors as appropriate. The panel will normally consist of two members of the school LGB/ Board of Directors and one external independent third party (which may include a Governor or Director from another School or Trust). None of the panel members will have had any involvement in your complaint prior to the hearing. This is the final stage of the complaints procedure.

Where to direct complaints at Stage 2

Original complaints about:	Send complaint to:
An individual school	Chair of Local Governing Body



Head of School	Chair of the Board of Directors
Governor or group of Governors	Chair of the Board of Directors
Director or group of Directors	Chair of the Board of Directors
Chief Executive Officer	Chair of the Board of Directors

Panel hearing

The panel hearing will take place no more than ten school days after your appeal has been received.

You will be invited to attend the hearing if you wish, but you do not have to do so. If you do wish to attend, you can bring a friend or relative with you for support and advice although legal representatives are not permitted except by prior agreement and in exceptional circumstances. If you are unable to attend the hearing an alternative date will be offered. If no agreement on a suitable alternative date can be agreed the panel reserve the right to meet in your absence and will review all written materials and other witnesses in order to conclude the matter.

At least 5 school days before the meeting, the chairperson of the hearing will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the committee at least 3 school days before the meeting.

Any written material will be circulated to all parties at least 3 school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

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

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

The committee will consider the complaint and all the evidence presented. The committee can:

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

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

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

The Chair of the Committee will provide the complainant and the school or Trust with a full



explanation of their decision and the reason(s) for it, in writing, 10 school days.

The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled by Orchard Learning Trust

Record of complaints

A written record of all complaints and the actions taken to resolve those complaints will be kept in accordance with the Trust Data Retention policy, whether they are resolved by a formal procedure or proceed to a panel hearing.

Correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or an official body conducting an inspection requests access to them.

Next Steps

If the complainant believes the Trust did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 2 and the further appeal stage to the Board.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Trust. They will consider whether Orchard Learning Trust has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD.

In certain circumstances the Education Funding Agency will consider complaints. In particular this option is available where either the school has acted in breach of its funding agreement, or where your complaint has not been handled according to an appropriate procedure.

If you feel your complaint comes under either of these categories and you would like to approach the Education Funding Agency, details of how to do so will be provided on request.

Policy Revised: November 2019

Policy approved by:

On behalf of Senior Management: Philip Mackay

On behalf of the Board of Directors: David Holdsworth

Policy review date: September 2020



Appendix 1 - Complaint Form

Please complete and return to the Head of School/ Chair of LGB/ Chair of Board of Directors who will acknowledge receipt and explain what action will be taken.

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address:
Postcode:
Day time telephone number:
Evening telephone number:
Please give details of your complaint, including whether you have spoken to anybody at the school about it.



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

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date:



Appendix 2 - Alternative Policies to be used where applicable

Exceptions	Who to contact
<p>Admissions to schools Statutory assessments of Special Educational Needs School re-organisation proposals</p>	<p>Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised under the relevant policy - ie Admissions Policy; SEN policy etc.</p>
<p>Matters likely to require a Child Protection Investigation</p>	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH). Contact details are available on the policy.</p>
<p>Exclusion of children from school</p>	<p>Please refer to the school's Exclusions Policy or Behaviour Policy.</p>
<p>Whistleblowing</p>	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure.</p>
<p>Staff grievances</p>	<p>Complaints from staff will be dealt with under the Trust's grievance procedures.</p>
<p>Staff conduct</p>	<p>Complaints about staff will be dealt with under the Trust's Disciplinary procedure, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
<p>Complaints about services provided by other providers who may use school premises or facilities</p>	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.</p>
<p>National Curriculum - content</p>	<p>Please contact the Department for Education at: www.education.gov.uk/contactus</p>

