Orchard Hill College Academy Trust

COMPLAINTS POLICY AND PROCEDURE

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Complaints Policy and Procedure

INTRODUCTION

Orchard Hill College Academy Trust (the Trust) is committed to providing outstanding educational opportunities for all our pupils and students. The Trust welcomes feedback from our learning community, from our stakeholders and from the general public. We use this process positively to improve services for our pupils and students and the wider community.

We encourage parents and carers of Trust pupils and students to enter into constructive discussions with their school in order to positively resolve any problems or complaints. Parents/carers can contact their school by telephone, email, via the contact form on the relevant website, and are always welcome to discuss concerns with school staff in person. The Complaints Policy is available via the relevant website or from the school office. Where parents/carers need support to raise a concern or make a complaint about their child's provision, we will work responsively with them to facilitate communication.

The Trust is committed to the continuous improvement of its services. We recognise that, occasionally, mistakes will be made or the service offered will not meet an individual's requirements or expectation. As well as being managed as set out in this procedure, complaints will be used as feedback to improve the service which we as educational providers offer.

This policy sets out the procedure for parents and carers only who wish to make a complaint about the school attended by their child.

The procedure for complaints from other stakeholders, external bodies or individuals other than parents/carers consists of a single stage. Complaints should be made in writing to the Principal of the school who will investigate and respond in writing within 20 working days. Should the complainant remain dissatisfied after this, they can request that the response is reviewed by writing to the Deputy CEO c/o rtucker@orchardhill.ac.uk

PRINCIPLES

This procedure exists to provide parents/carers with a formal structure to make a complaint about issues arising at Trust or school level. The Trust seeks to ensure all concerns and complaints are dealt with efficiently, sensitively and where possible in confidence, at the appropriate level. All complaints are handled in a balanced, neutral way, and assuming nothing until all of the facts are established.

<u>The difference between a concern and a complaint</u>

It is important to understand how different forms of feedback are considered.

All complaints can initially start as a concern, which can be defined as *'an expression of worry or doubt over an issue, considered to be important, for which reassurances are sought'*. For example, a parent might wish to be assured that his or her child is receiving appropriate support with communication, or might ask a member of staff to clarify a comment that the child has made about something at the school.

Concerns can materialise into a complaint if the initial response is perceived as unreasonable or dismissive. A complaint is defined as '*an expression of dissatisfaction however made, about actions (or lack of actions) taken'*. A complaint includes an element of blame against the school or Trust.

EXCEPTIONS TO THE COMPLAINTS PROCEDURE

This Complaints Procedure covers all complaints about any provision of facilities or services at the Trust and its schools. In the event of complaints that are not about one of our schools, please refer to page 8, 'Complaints about the Trust'. If there is any doubt about whether an issue should be dealt with as a complaint or through another formal procedure, guidance can be sought from the Trust's Central Teams – telephone 0345 402 0453 or email rtucker@orchardhill.ac.uk.

The exceptions listed below are not covered under the Complaints Procedure because separate procedures exist.

• Admissions to schools	Concerns about admissions should be handled through a separate process via the local authority.
• Statutory Assessment of SEN	Concerns about statutory assessments of special educational needs should be raised directly with local authorities
• Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our Child Protection, Adult Protection & Safeguarding Policy and in accordance with relevant statutory guidance. Contact the Designated Safeguarding Lead at the school in the first instance.
• Exclusion of children from school*	Further information about raising concerns about exclusion can be found at: a-guide-for-parents-on-school-behaviour-and-exclusion . **complaints about the application of the behaviour policy can be made through the Complaints Procedure.*
• Whistleblowing	We have separate policy for whistleblowing for staff including temporary staff and contractors. Protect is a useful source of further information.

• Staff grievances	Complaints from staff will be dealt with under the Trust's grievance policy and procedures. Contact your HR contact in the first instance.
• Staff conduct	Complaints about staff will be dealt with under the Trust's disciplinary procedures, if appropriate. You will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, you will be notified that the matter is being addressed.

The Trust will not investigate anonymous complaints under the procedure in this Complaints Policy, except in exceptional circumstances. Anonymous complaints will be referred to the relevant Principal or Central Team Lead who will decide what, if any, action should be taken.

If your complaint relates to an external service provider used by the school, this should be raised with the Principal of the school in the first instance, but it might be that you or the school will have to follow the provider's own complaints policy thereafter.

If your complaint relates to a safeguarding or child protection issue, an allegation of abuse or a matter with serious disciplinary consequences, the appropriate policy and procedures will be followed and the Designated Safeguarding Lead will be informed.

EQUALITY

The Trust will deal with concerns, difficulties and complaints in accordance with its duty under the Equality Act 2010 (please refer to the Equality, Diversity & Inclusion Policy for further details).

DATA PROTECTION

Complaints sometimes include requests for information or documentation. Such requests will either be a 'subject access request' under the Data Protection Act 1998 (where the information requested relates to an identifiable individual) or a request under the Freedom of Information Act 2000 (where the information is general and not related to an identifiable individual).

Subject access requests under the Data Protection Act 1998 must be responded to within one calendar month, and requests under the Freedom of Information Act 2000 must be responded to within 20 working days.

Please refer to the Data Protection Policy, Freedom of Information Policy and the relevant Publication Scheme for further details.

INDICATIVE TIMETABLES

NB: At all stages, the Trust will seek an informal resolution to your complaint. In complex cases, it might take longer to investigate a problem, meaning the timings of the complaints process might be extended. You will be informed should this happen.

Schools will try to resolve your complaint as quickly as possible. In complex cases, it might take longer to investigate than is provided for below. We will advise you as soon as possible if we need to extend the time we need to resolve your complaint. A complaint will not be upheld solely because a deadline has been missed.

In certain circumstances, for example where the Local Authority or another public body is investigating the matters in a complaint, this process will be suspended until those investigations are concluded.

Timeline for raising a complaint

Please note that when we refer to **working days**, we mean Monday to Friday when the school is open **during term time**. The dates of terms are published on the relevant school's website.

Complaints must be raised within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. Where reasonable or in exceptional circumstances we may consider complaints made outside of this timeframe

Any complaint received within one month of the end of a term or half term is likely to take longer to resolve owing to the presence of school holidays and the unavailability of personnel required for the investigation to be undertaken properly.

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

Stage 1: Informal complaint

- You should raise an informal complaint within 10 working days of the incident in question
- The complaint will be acknowledged verbally or in writing within 5 working days of receipt
- The complaint will be investigated and responded to verbally or in writing within 20 working days of receipt of the informal complaint

Stage 2: Formal complaint

- If you are not satisfied with the outcome at Stage 1, you should escalate to a formal complaint (following the process described in this document) within 5 working days of receiving the response to Stage 1
- The formal complaint will be acknowledged in writing within 5 working days of receipt

- The formal complaint will be investigated and responded to within 20 working days of receipt

Stage 3: Panel

- If you remain unsatisfied, you may request referral to a Complaint panel stage (following the process described in this document) within 10 working days of receiving the response to Stage 2
- A panel will be convened within 20 working days of receiving your request
- A final response will be given within 5 working days of the date of the panel meeting

Resolving complaints

At each stage in the procedure, we want to resolve the complaint. 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
- an undertaking to review school policies in light of the complaint
- an apology

Withdrawal of a complaint

If you tell us that you wish to withdraw your complaint, we will confirm this in writing.

COMPLAINTS PROCEDURE

Complaints made about one of our schools

Stage 1: Informal complaint

It should be possible to resolve most complaints informally and we will endeavour to manage your complaint as swiftly as we can. In the first instance, you should speak to the member of staff dealing with the matter. If you are unsure who to speak to please contact the Principal.

At this stage, clarification about the complaint and the desired outcome will be sought. Even though this is likely to be a spoken exchange, it is important that all parties are in agreement on outcomes and agreed actions.

The final resolution to the complainant can be provided verbally or in writing. A log of the response will always be kept by the school.

Stage 2: Formal complaints

If all attempts to resolve the issue remain unsuccessful, you may then follow the formal process by placing your complaint in writing to the Principal. This written document should include:

- A description of your complaint
- Any attempts made to raise/resolve the complaint (including who they have communicated with)
- Any reasonable actions you feel may resolve the issue

The complaint will be investigated by a staff member (not the subject of the complaint) nominated by the Principal. Where the complaint is about the Principal, it will be referred to the Deputy CEO for the Trust. Where the complaint is about the Deputy CEO, it will be referred to the CEO. Where it is about the CEO, it will be referred to the Chair of the Board of Trustees. No complaints will be investigated by the subject of the complaint.

The complaint will be acknowledged within 5 working days. The formal complaint will be investigated and responded to within 20 working days. This timescale may be reasonably extended if the nature of the complaint is judged by the Principal to be of a complex nature. Where there are exceptional circumstances resulting in a delay, you will be notified of this and informed of the new timescales as soon as possible.

An accurate log must be maintained at this stage.

The resulting investigatory report will be presented to the Principal for final determination. The Principal will then respond in writing to the complainant.

The response will detail any actions taken to investigate the complaint and provide an explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions to resolve the complaint. The response will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

Stage 3: Final panel stage

The last stage of the Trust's complaints process is a referral to a Complaint panel. You must request this within 10 working days of receiving the response to Stage 2 of the process by writing to the Governance Manager at governance@ohcat.org. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Governance Manager will convene a panel at the earliest appropriate opportunity, but within 20 working days. The request will only be considered if the procedures at Stages 1 and 2 have been completed.

The written request should include:

- details of all the grounds of the appeal;

- the outcome desired;
- a copy, or a list, of any documents which you believe to be in the school or Trust's possession that you wish to be reviewed;
- your full contact details.
- Whether you propose to be accompanied to the hearing by someone, who that person is, and the purpose.

Assistance will be provided to you by the Governance Manager if requested.

The request will be acknowledged in writing within 5 working days of receipt.

Constitution of the panel

The Governance Manager will convene a complaint panel as follows:

- The panel will consist of at least three members.
- Typically, at least two members will be local governors. Governors may be drawn from any of the Trust's Local Governing Bodies. Staff governors may not be included in the panel as they might not be regarded as impartial.
- At least one panel member must be independent of the management and running of the school.
- No member of the panel can have been directly involved in previous considerations of the complaint. This includes the Chair of Governors of the Local Governing Body if they have been involved at any stage.

If you do wish to be accompanied by someone who is legally qualified, you should have notified the Governance Manager of this in your initial request for a panel hearing. If you do not do so and you wish to be accompanied by a legally qualified person, you must inform the Governance Manager of this at least 5 working days prior to the hearing.

The Governance Manager will circulate a copy of the bundle of documents to be considered by the panel to all parties at least 3 working days prior to the hearing.

Proceedings of the panel

All parties will attend the meeting in the same room. The meeting will include:

- the complainant;
- the panel;
- the respondent (usually the Principal **or** Deputy CEO in the case of complaints about the Principal);
- any other staff/witnesses who will be invited to make representations concerning the complaint.

In the case of complaints about the Principal, the Principal will be invited to make representations.

The appeal will be closed to the public.

Parties may be questioned by the panel members so that they can form a clear and unbiased view of the complaint. Whilst it will be for the Chair of the panel to decide exactly how the meeting will proceed, the procedure at the meeting will allow:

- the complainant to explain their complaint;
- the respondent to explain the school's response;
- the panel to have an opportunity to question both the complainant and the other party;
- all involved to call witnesses (subject to the approval of the Chair of the panel), and the panel to question all the witnesses;
- the complainant, the respondent and staff/witnesses to be accompanied at the meeting if they so wish (other than by a legal representative).

The Chair of the panel will explain to the complainant and the respondent that the panel will consider its decision based on the information and evidence presented to them, and a written response will be sent to both parties as quickly as possible and in an expeditious manner.

The panel will remember that some parent/carers are unused to dealing with groups of people in formal situations and may feel inhibited. Parents/carers may also feel emotional about discussing an issue that affects their child. The Chair of the panel will ensure that the proceedings are as informal as the situation allows.

Remit of the panel

The panel can:

- Dismiss the complaint in whole or in part;
- Uphold the complaint in whole or in part;
- Decide on the appropriate action to be taken to resolve the complaint;
- Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

The decision

The panel will reach a decision on a balance of probabilities unless there is an agreed position.

The decision, findings and any recommendations will be confirmed in writing to you and the school/Trust within 10 working days of the panel meeting.

A copy of the decision, findings and any recommendations will also be made available to the subject of the complaint, where relevant.

The decisions, findings and any recommendations will also be available for inspection on the school premises by the Governing Body and the Principal.

This represents the conclusion of the Trust's complaints procedure.

If you remain unsatisfied, you may complain to the Department for Education (DfE). Guidance on how to do this is available from the DfE website:

https://www.gov.uk/government/publications/complain-about-an-academy

Complaints about the Trust

Complaints from parents or students about operational aspects of the Trust and/or non-school based staff will be managed using the same three step process above. Complaints of this type should be addressed to the Deputy CEO, unless the complaint is about the Deputy CEO or CEO in which case complaints should be addressed to the Head of Business Compliance, Orchard Hill College Academy Trust, Copthall House, 9 The Pavement, Grove Road, Sutton, Surrey, SM1 1DA, or via email to rtucker@orchardhill.ac.uk .

Complaint campaigns

If a school receives a significant number of complaints about the same issue within a similar time period, particularly where these are received from individuals not directly connected to the school, these will be treated as complaint campaigns.

A school may choose to respond to complaint campaigns by publishing a single response on its website or by sending a template response to all complainants.

SERIAL, PERSISTENT, FRIVOLOUS OR VEXATIOUS COMPLAINTS

Serial and persistent complaints are taken seriously as they put a strain on valuable resources and hinder the progress of proper investigations.

If a complainant tries to re-open the same issue, the Trust will inform them that the procedure has been completed and that the matter is now closed.

If the complainant contacts the school again on the same issue, the correspondence may be viewed as "serial" or "persistent" and the school may choose not to respond.

Complaints will not be marked as "serial" before the complainant has completed all stages of the complaints procedure.

Complaints may be considered to be "frivolous" or "vexatious" if:

- they are obsessive, persistent, harassing, prolific, repetitious;
- there is insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason;
- there is insistence upon pursuing meritorious complaints in an unreasonable manner;
- they are designed to cause disruption or annoyance; or
- demands for redress lack any serious purpose or value.

Complainants should try to limit their communication with the school about the complaint while it is being progressed, as it is not helpful if repeated correspondence is sent (either by letter, phone, email or text) which is likely to delay an outcome being reached.

For complainants who excessively contact the school causing a significant level of disruption, we may specify particular methods of communication, provide a single point of contact and/or limit the number of communications which may be made with the school in a communication plan. This will usually be reviewed after three months.

The school will stop responding to a complainant where:

- the school has taken every reasonable step to address the complainant's concerns;
- the complainant has been given a clear statement of the school's position and their options; and
- the complainant contacts the school repeatedly, making substantially the same points each time.

The case to stop responding will be stronger if any of the following statements apply:

- the complainant's letters, emails, or telephone calls are often or always abusive or aggressive; and/or
- the complainant makes insulting personal comments about or threats towards staff; and/or
- there is reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience.

In response to any serious incident of aggression or violence, the school will immediately report this to the police for criminal investigation. The school may also withdraw the complainant's implied permission to enter or be on the school site(s). Please refer to the Families and Visitors Code of Conduct for more information.

REPORTING AND RECORDING COMPLAINTS

All formal complaints and appeals should be made in writing. The Complaint Form can be used for this purpose. The Trust is mindful of its obligations under the Equality Act 2010 and will endeavour to facilitate alternative methods of communication where these are necessitated by disability or other unavoidable circumstance.

Once a complaint is received, the school will keep a record of the complaint, the response and any actions taken as a result of the complaint. The Principal will keep records of Stage 1 complaints, and the Head of Business Compliance will keep records of Stage 2 and Stage 3 complaints. All records of complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

The Principal will report any complaints to the Deputy CEO on a monthly basis.

Each school's Local Governing Body monitors the level of complaints and reviews the outcomes on a regular basis through the mechanism of performance and data reporting.

Complaints about the Trust will be recorded as above. The Executive Director of Development will report any complaints to the CEO as required and termly reports are provided to the Executive Senior Leadership Team.

The Board of Trustees monitors the level of complaints and reviews the outcomes on a regular basis through termly reports to the Board of Trustees.

RELATED POLICIES AND PROCEDURES

Child Protection, Adult Protection and Safeguarding Policy and Procedures
Data Protection Policy
Equality, Diversity & Inclusion Policy
Suspension and Permanent Exclusion Policy
Families and Visitors Code of Conduct
Freedom of Information Policy
Behaviour Policy (academies)
Staff Code of Conduct
Whistleblowing Policy

APPENDIX 1: OHCAT COMPLAINT FORM

Name	
Date	
Address	
Name of school	
Student Name/Year (if applicable)	
Relationship to student (if applicable)	
Student's address (if different from above)	
Contact number(s)	
Email	
Details of Complaint	
What action have you already taken to try and resolve the complaint?	

What actions do you feel might resolve this complaint? *(e.g. an explanation, an apology, review of policy etc.)*