



Orchard Community Trust

Complaints Procedure



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Orchard Community Trust

Complaints Procedure

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Contents

| | | |
|-----------------------|---|-----------|
| | Complaints Procedure | 4 |
| | The Rules of Natural Justice | 4 |
| | Equality Act 2010 | 4 |
| | Scope of this Complaints Procedure | 5 |
| | Who can make a complaint? | 6 |
| | The difference between a concern and a complaint | 6 |
| | Acceptable Behaviour | 6 |
| | Time scales | 6 |
| | Complaints received outside of term time | 6 |
| | Withdrawal of a Complaint | 7 |
| | Anonymous complaints | 7 |
| | Persistent or Vexatious Complaints / Harassment | 7 |
| | Investigating Complaints | 7 |
| | Resolving Complaints | 7 |
| | Records of Complaints | 7 |
| | Review of Complaints | 7 |
| Informal Stage | How to raise a concern or make a complaint | 9 |
| Stage 1 | Formal Referral to the Headteacher | 10 |
| Stage 2 | Formal Referral to the LGC Complaints Panel | 11 |
| Stage 3 | Formal Referral to the Multi-Academy Trust | 13 |
| | Next Steps | 14 |
| | | |
| Appendices | | |
| Appendix A | Formal Complaint Form | 15 |
| Appendix B | Summary of Dealing with Complaints | 16 |

Complaints Procedure

The Orchard Community Trust MAT strives to ensure that its pupils are healthy, happy and safe, so they are able to achieve their full potential. We recognise that parents, guardians or carers play an important part in making this happen. Co-operation between parents, staff and Governors leads to a shared sense of purpose and a good atmosphere in the academy.

Our aim is to deal with issues and concerns before they become a 'complaint'. However, there is a clear protocol to follow if necessary and the steps to follow are outlined in this document.

The Rules of Natural Justice

Simply put, the rules of natural justice relate to fairness. The Academy will ensure that all concerns, difficulties or complaints are dealt with in accordance with the following principles:

All parties will be provided with all information and documentation pertinent to the matters raised - unless safeguarding or GDPR prevent this;

All parties will be given the opportunity to prepare and present their case and respond to the other parties involved;

All persons investigating and making decisions in relation to the matters raised will be impartial and will do so without bias (or apparent bias) to any party involved;

All decisions made will be made on a balanced and considered assessment of the information before him or her only;

All decisions made will be based upon logical conclusions, and not based on mere speculation or suspicion;

All decisions made will be supported by detailed reasons which will be disclosed to all parties involved.

Equality Act 2010

The academy will deal with concerns, difficulties and complaints in accordance with its duty under the Equality Act 2010 to have due regard to the need to:

Eliminate discrimination, harassment, victimisation and other conduct prohibited by the Equality Act 2010;

Advance equality of opportunity between those who share a relevant protected characteristic and those who do not, by having regard to the need to:

-Remove or minimise disadvantages connected to a relevant protected characteristic; and

-Take steps to meet the different needs of those sharing a relevant protected characteristic; and encourage those who share a relevant protected characteristic to participate in Academy life and activities in which participation is disproportionately low;

-Foster good relations between those who share a relevant protected characteristic and those who do not, by having regard to the need to: tackle prejudice; and promote understanding;

"Relevant protected characteristics" includes sex, race, disability, religion or belief, sexual orientation, gender reassignment, pregnancy and maternity and (in the case of persons who are not students) age.

In addition, the Academy will comply with its duty to make the following reasonable adjustments for persons with a disability:

Where a provision, criterion or practice places a disabled person at a substantial disadvantage compared to person who is not disabled, reasonable steps must be taken to avoid that disadvantage;

Where a disabled person would, but for the provision of an auxiliary aid, be placed at a substantial disadvantage compared with a person who is not disabled, reasonable steps must be taken to provide the auxiliary aid.

Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by The Orchard Community Multi-Academy Trust and its academies, other than complaints that are dealt with under other statutory procedures, including those listed below.

| Exceptions | Who to contact |
|---|--|
| <p>Admissions to schools Statutory assessments of Special Educational Needs Academy re-organisation proposals</p> | <p>Concerns about admissions, statutory assessments of Special Educational Needs, or academy re-organisation proposals should be raised with the relevant local authority.</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).</p> |
| <p>Exclusion of children from school*</p> | <p>Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.</p> <p><i>*complaints about the application of the behaviour policy can be made through the academy's complaints procedure.</i></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 academy should complain through the academy's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p> |
| <p>Staff grievances</p> | <p>Complaints from staff will be dealt with under the SBMAT internal grievance procedures.</p> |
| <p>Staff conduct</p> | <p>Complaints about staff will be dealt with under the SBMAT disciplinary procedures, 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 academy 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> |

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams 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 an academy in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

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 Trust 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.

The difference between a concern and a complaint

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

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

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage.

Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. The Orchard Community Trust and its academies take concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views.

In these cases, and similarly if the member of staff directly involved feels unable to deal with a concern, we will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, we will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

Acceptable Behaviour

Whilst the Academy recognises that the process of raising a concern or complaint can be very stressful The Orchard community Trust will not tolerate aggressive, violent, abusive or anti-social behaviour towards anyone on the academy site. Parents and members of the public are required to behave in a polite and courteous manner. Academy staff are expected to behave in a courteous and professional manner when dealing with parents and members of the public at all times.

Time scales

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

Complaints received outside of term time

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

Withdrawal of a Complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

Anonymous complaints

We will not normally investigate anonymous complaints. However, the Headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

Persistent or Vexatious Complaints / Harassment

If, despite all stages of this procedure being followed, the complainant remains dissatisfied they are not entitled to reopen the same issue. In such cases action may be taken in accordance with the Orchard Community Trust MAT Dealing with Persistent or Vexatious Complaints / Harassment Policy

Investigating Complaints-The person investigating the complaint will:

- Establish what has happened so far and who has been involved.
- Clarify the nature of the complaint and what remains unresolved.
- Meet with the complainant or contact them if further information is required.
- Clarify what the complainant feels would put things right.
- Conduct any interviews with an open mind and be prepared to persist in the questioning and complete accurately all necessary notes at each stage of the investigation..

Resolving Complaints

At each stage in the procedure, Orchard Community Trust and its academies wants 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 that, following investigation, the evidence does not substantiate the concern.
- An explanation that there is insufficient evidence and thus the complaint cannot be upheld;
- *An admission that the situation could have been handled differently or better;
- Assurance that the event that was the basis of the complaint will not recur;
- Explanation of the steps that have been taken to ensure it does not happen again (details of disciplinary procedures that have taken place as a result of the complaint will not be shared);
- An undertaking to review academy policy or procedure in light of the complaint; An apology;

** An admission that the academy could have handled things better is not the same as an admission of negligence.*

Records of Complaints

A confidential written record will be kept of all complaints and any action taken by the academy as a result of the complaint, regardless of whether they were upheld, resolved at the informal stage or proceeded to a panel hearing.

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 2008 Education and Skills Act requests access to them.

Review of Complaints

The Local Governing Committee will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. The Headteacher will report any official complaints in the Headteacher's Report to Governors and to the Multi-Academy Trust Board of Trustees. As well as addressing an individual's complaint, the process of

listening to and resolving complaints will contribute to academy improvement. When individual complaints are heard the Local Governing Committee may identify underlying issues that need to be addressed. The monitoring and review of complaints by the academy and the Local Governing Committee will be a useful tool in evaluating the academy's performance.

Informal Stage - How to raise a concern or make a complaint

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so.

Concerns should be raised with either the class teacher , senior leader or Headteacher. If the issue remains unresolved, the next step is to make a **formal complaint**.

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

Complaints against academy staff (except the Headteacher) should be made in the first instance, to the Headteacher via the academy office. Please mark them as Private and Confidential.

Complaints that involve or are about the Headteacher should be addressed to the Chair of Governors, via the academy office. Please mark them as Private and Confidential.

Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to the Clerk to the Governing Committee via the academy office. Please mark them as Private and Confidential.

For ease of use, a template complaint form is included at the end of this procedure (Appendix A). If you require help in completing the form, please contact the academy office. You can also ask third party organisations like the Citizens Advice to help you.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

Stage 1 – Formal Referral to the Headteacher

Formal complaints must be made to the Headteacher (unless they are about the Headteacher), via the school/academy office. This may be done in person, in writing (preferably on the Complaint Form), or by telephone.

The Headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) **within 5 academy days**.

Within this response, the Headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Headteacher can consider whether a face to face meeting is the most appropriate way of doing this.

Note: The Headteacher may delegate the investigation to another member of the academy's senior leadership team but not the decision to be taken.

During the investigation, the Headteacher (or investigator) will:

if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish

keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the Headteacher will provide a formal written response within **10 academy days** of the date of receipt of the complaint.

If the Headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of the actions that will be taken to resolve the complaint.

The Headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

If the complaint is about the * Headteacher, or a member of the governing body (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 1.

Complaints about the Headteacher or member of the governing body must be made to the Clerk, via the academy office.

If the complaint is:

jointly about the Chair and Vice Chair or

the entire governing body or

the majority of the governing body

Stage 1 will be considered by an independent investigator appointed by the governing committee. At the conclusion of their investigation, the independent investigator will provide a formal written response.

* However, if the complaint is about the Headteacher, your complaint should be passed to the academy office, to then be passed to the Chair of Governors. This will be acknowledged by the Chair within **5 working days** of receiving the complaint. Please note this refers to a complaint specifically about the Headteacher and not about the decision that the Headteacher has made regarding your initial concern. If you feel that your complaint has not been resolved, then you should proceed to **Stage 2**, outlined below.

Stage 2 – Formal Referral to the Local Governing Board Complaints Panel

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** – a meeting with members of the governing board's complaints committee, which will be formed of the first three, impartial, governors available. **This is the final stage of the complaints procedure.**

A request to escalate to **Stage 2** must be made to the Clerk of Governors, via the academy office, **within 10 academy days** of receipt of the **Stage 1** response.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) **within 10 academy days**.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting **within 15 academy days** of receipt of the **Stage 2** request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

The complaints committee will consist of at least three governors with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee. If there are fewer than three governors from the Local Governing Board available, the Clerk will source any additional, independent governors through another Orchard Community Trust MAT academy Local Governing Board, in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 2.

The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.

If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.

For instance, if an academy employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

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 staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

Representatives from the media are not permitted to attend.

At least **5 academy days** before the meeting, the Clerk 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 **5 academy days** before the meeting.

Any written material will be circulated to all parties at least **5 academy 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 academy's systems or procedures to prevent similar issues in the future.

The Chair of the Committee will provide the complainant and the academy with a full explanation of their decision and the reason(s) for it, in writing, **within 5 academy days**.

The letter to the complainant will include details of how to contact the Orchard Community Trust if they are dissatisfied with the way their complaint has been handled by the Local Governing Committee.

If the complaint is:

jointly about the Chair and Vice Chair or

the entire governing body or

the majority of the governing board

Stage 2 will be heard by a committee of independent, co-opted governors.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions that the academy will take to resolve the complaint.

The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

Stage 3 - Formal Referral to the Multi-Academy Trust

Where the academy-based complaints procedures have been completed and the complainant does not feel their complaint has been dealt with to their satisfaction by the academy, they may contact the Multi-Academy Trust in writing to request a review of the process that the academy has followed in investigating the complaint.

Generally, the Multi-Academy Trust will only look into complaint about academies that fall into the following two areas.

- a) **The academy did not comply with its own complaints procedure when considering a complaint or the academy's complaints procedure does not comply with statutory requirements.**

The Multi-Academy Trust cannot review or overturn an academy's decisions about complaints but will look at whether the academy considered the complaint appropriately. The Multi-Academy Trust will generally only do this after a complaint has been through the academy's own procedure but may investigate sooner if there is evidence of undue delays by the academy. If the Multi-Academy Trust finds that an academy did not deal with a complaint appropriately it will request that the complaint is reconsidered. Similarly, if the academy's complaints procedure does not meet statutory requirements then the Multi-Academy Trust will ensure this is put right.

- b) **The academy has failed to comply with a duty imposed under its funding agreement with the Secretary of State.**

The Multi-Academy Trust will seek to resolve any concerns regarding potential or actual breaches of the funding agreement with the academy. The Multi-Academy Trust will also consider evidence that an academy has failed to comply with any other legal obligation placed on it.

Investigations will not usually take place 12 months or more after the decisions or action taken by the academy unless the complainant has good reason for the delay in making the complaint.

The Multi-Academy Trust reserve the right not to investigate complaints considered to be vexatious or malicious or where the Multi-Academy Trust is satisfied with the action that the academy has already taken or proposes to take to resolve the complaint.

Next Steps

If the complainant believes the academy and The Orchard Community 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 3**.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by the academy. They will consider whether The Orchard Community Trust and its academies 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.

Date: May 2019

Review Date: May 2022

Appendix A – Formal Complaint Form

Please complete and return to the Academy who will acknowledge receipt and explain what action will be taken.

| | |
|--|---------------------------|
| Your Name: | Student's Name |
| Your Relationship to Student: | Students DOB And Class: |
| Address and Postcode: | Daytime Telephone Number: |
| | Evening Telephone Number: |
| Full details of complaint (including the names of all persons involved and the dates of incidents referred to): | |
| What action, if any, have you already taken to try and resolve your complaint (for example, who did you speak to and what was the response)? | |
| What actions do you feel might resolve the problem at this stage? | |
| Are you attaching any paperwork? If so, please give details. | |
| Signature: | Date: |
| <i>For Official Use</i> | |
| <i>Date Acknowledgement Sent:</i> | |
| <i>Name of Person Complaint Referred To:</i> | |
| <i>Signature:</i> | <i>Date:</i> |

Appendix B – Summary of Dealing with Complaints



