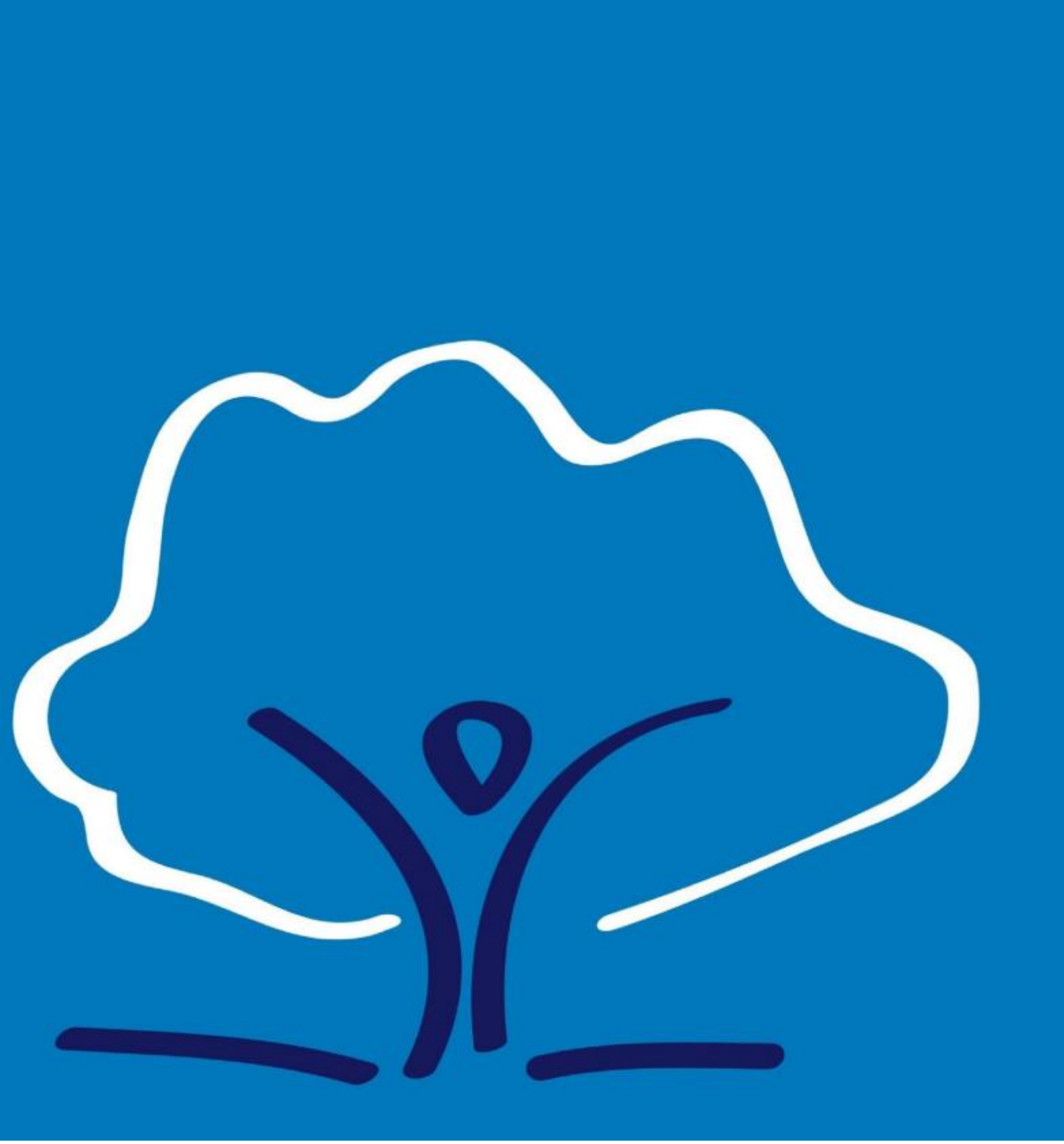

Complaints Policy

Orchard Meadow Primary School

The best in everyone™

Part of United Learning

Document Control	
Document Title	Complaints Policy
Version	4
Summary of Changes from Previous Version	- Minor format change to numbering and consistency. - Update to the DfE complaints procedure following the closure of the ESFA.
Name of Originator/Author (including job title)	Lesley Dolben, Head of Local Governance
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1. Scope

1.1 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 complaint procedure.

1.2 This Policy deals with concerns or complaints from parents of current pupils and parents of former pupils provided the complaint was initially raised when the pupil was still registered at the school. Please note for the purpose of this policy the term "parents" refers to parents/carers/legal guardians.

1.3 Any member of the public may also raise a concern or complaint about the facilities or services provided by the school. In these rare instances, and where the matter raised falls within scope, the Headteacher is authorised to use this policy to investigate and respond to the complainant in writing.

1.4 **Early Years Foundation Stage** -Written complaints about the fulfilment of the EYFS requirements will be investigated in accordance with Stage 1 of the complaints procedure and the complainant will be notified of the outcome of the investigation within 28 calendar days of the complaint being received. Formal Stage 2 process will be available to complainants if they remain dissatisfied with the outcome at Stage 1.

The school will provide Ofsted and ISI (as appropriate), on request, with a written record of all complaints made during any specified period, their outcome and the action that was taken. It will include details of whether the complaint was upheld.

Complainants may also complain directly to ISI or OFSTED if they believe that the school is not meeting the EYFS requirements:

[ISI may be contacted on 020 7600 0100 or by email: concerns@isi.net.]

0fsted may be contacted on 0300 123 4666 or by email: enquiries@ofsted.gov.uk

1.5 **Independent schools only** – Appeals regarding a permanent exclusion, required removal and suspension are managed in accordance with Stage 3 of this procedure.

1.6 This procedure covers all concerns and complaints about the facilities and services provided by the school except where these are covered be separate, statutory policies as described in the table below.

Admissions or appeals	**Academies-** Concerns about admissions or appeals are managed under a separate statutory procedure (https://www.oxfordshire.gov.uk/ **Independent schools** - Appeals against admissions are managed under the admissions policy.
Matters likely to require a Child Protection Investigation	This procedure does not apply to safeguarding concerns regarding children or allegations of abuse made against teachers, and other staff, including supply teachers and volunteers, which are managed under the school's Safeguarding Policy. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for the Multi-Agency Safeguarding Hub (MASH)
Exclusions **(academies only)**	All matters related to exclusions are managed under a separate statutory procedure Behaviour and Relationship Policy.
Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.

Staff conduct	Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate. 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.
Subject Access Requests	Subject Access Request's please see the Data Protection Policy Data Protection Policy.
Academies only: Freedom of Information Requests	Please see the Data Protection and Freedom of Information Policy.
Whistleblowing	United Learning has an internal whistleblowing procedure for all our employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus. Volunteer staff who have concerns about our school should complain through the school's complaints procedure.
Complaints concerning a third party or services used by the school	Please raise the matter directly with the provider.
Anonymous Complaints	We will not normally respond to anonymous complaints however the Headteacher and chair of governors will determine whether an issue raised in this way needs investigating.

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 policy or result in the procedure being suspended until those public bodies have completed their investigations. If this happens, we will inform you of a proposed new timescale.

1.7 If a complainant commences legal action against Hill View School in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

1.8 We do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening. The school will **immediately suspend** the complaint process where the behaviour of the complainant is deemed to be 'unreasonable'.

1.9 Where a complaint is deemed by the school to be **unreasonable or vexatious there will be no further action taken by the school**. (Further clarity is provided within section 3.8)

2. Implementation

2.1 Complainants 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. The school will only consider complaints made outside of this time frame if exceptional circumstances apply.

2.2 The timescales for any complaints made outside of term time will be considered to have commenced on the first day of term.

2.3 **The right to withdraw a complaint**- The complainant may withdraw a complaint at any stage of the process described below. Written confirmation may be requested to confirm that a complaint has been withdrawn. No further action will be taken when a complaint is withdrawn.

3. Resolution

3.1 At each stage in the procedure, Hill View School 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
- 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 reoccur
- 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.

4. Interpretation

The following definitions apply to the procedure outlined within this policy:

a) **Concerns** are defined as having a worry or doubt over an issue considered to be important for which reassurances are sought.

b) A **complaint** can be any matter about which a parent/carer is unhappy and seeks action by the school.

c) **Complainant**- this term is used throughout this policy and refers to the parent/carer/egal guardian or any other individual bringing their complaint to the attention of the school.

d) **Chair**- unless otherwise stated this refers to the Chair of the Local Governing Body.

e) **Clerk**- Administrative support provided to the LGB, this is usually the LGB clerk or governance professional.

f) All **timescales** within this policy refer to **'working days'** when the school is in session. These therefore exclude weekends, school holidays and INSET days. (See appendix 1)

g) **Independent member of a panel** at stage 3 – this individual must be independent of the management and governance of the school itself and have no knowledge of the complaint. The school may use governors from other schools across both sectors of the United Learning to fulfil this role. An independent lay person may also be used.

h) The school defines **'unreasonable'** as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance.
- refuses to co-operate with the complaint investigation process.
- refuses to accept that certain issues are not within the scope of the complaint's procedure.
- insists on the complaint being dealt with in ways which are incompatible with the complaint's procedure or with good practice.
- introduces trivial or irrelevant information which they expect to be considered and commented on
- raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales.
- makes unjustified complaints about staff who are trying to deal with the issues and seeks to have them replaced.
- changes the basis of the complaint as the investigation proceeds.
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed).
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education.
- seeks an unrealistic or unmeritorious outcome.
- makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being Page 5 of 16 Complaints dealt with.

- uses threats to intimidate.
- uses abusive, offensive or discriminatory language or violence.
- knowingly provides falsified information.
- publishes unacceptable information related to the complaint on social media or other public forums.

Complaint campaigns

This is defined as the receipt of large volumes of complaints which could be all based on the same subject or receipt of numbers of complaints from complainants unconnected with the school.

In these rare instances, the school will seek advice from United Learning central office, and we would expect to provide a response to a complaint campaign **within 30 working days**.

The school may respond using a template response to all complainants. Alternatively, the school may choose to publish a single response on its website.

5. The Complaint Process

a) Stage 1 - Informal 'Listen and respond'

It is to be hoped that most concerns can be expressed and resolved on an informal basis. The LGB encourage those that have concerns to raise them with the appropriate person at the school (e.g., your child's class teacher) and to work constructively with that person towards resolving them. Most concerns can be dealt with without resorting to the formal stages of the complaint procedure. We recognise that the sooner concerns are raised the easier it is for an appropriate resolution to be found.

If you have spoken to the teacher and would like to send a written complaint please send it to office@orchardmeadow.org.

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 3 of the procedure.

The member of staff will acknowledge the complaint as soon as possible, normally within **3 working days** of receipt. They will try to identify areas of agreement and clarify any misunderstandings that might have occurred. They may make a written record of your concern or complaint, the date on which it was received, and then try to resolve the matter themselves or refer you to the appropriate person.

Most matters can be resolved satisfactorily **within 15 working days**. If the issue remains unresolved a request may be made for a formal resolution at stage 2.

b) Stage 2 - Formal. Investigate and Respond

Formal complaints must be made to the headteacher (unless they are about the head teacher), via the school office. This may be done in person, via email or in writing. The school advises complainants to use the complaint form provided at appendix 2.

If the complaint is about the Headteacher it should be made to the Chair of the Local Governing Body (LGB), via the LGB clerk. This can be done by letter to the school office for the attention of the Chair. Alternatively, the contact details for the clerk are via the school office office@orchardmeadow.org.

The head teacher (or LGB Clerk on behalf of the chair) will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) **within 3 working days.**

Within this response, the Headteacher/Chair 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.

It may be necessary for the Headteacher/Chair to carry out further investigation. In Investigating, the headteacher /chair will consider all evidence they deem relevant. This **may** include, but is not limited to:

- obtaining statements from the complainant and those involved with the complaint.
- meeting/speaking with the complainant and those involved in the complaint.
- reviewing relevant correspondence and other documents relating to the complaint

During the investigation, the head teacher/chair (or investigator) will keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the Headteacher/Chair will provide a formal written response **within 30 working days** of the date of receipt of the complaint. If the Headteacher/Chair is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The final written response will detail any actions taken to investigate the complaint, provide a summary of findings and a decision. It must provide a full explanation of the decision(s) made citing evidence from the investigation as necessary.

After considering all matters the Headteacher/Chair considers relevant, the Headteacher/Chair can decide to:

- uphold the complaint and where appropriate direct that certain action is taken.
- uphold the complaint in part (in other words find an aspect or aspects of the complaint to be valid, but not the whole complaint) and where appropriate direct for certain action is taken.
- dismiss the complaint entirely.

The Headteacher/Chair will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

c) Complaints about individual governors or the LGB

Where a complaint concerns a governor or the LGB, the complainant should contact the LGB clerk. The LGB clerk will seek advice from the Head of Local Governance and advise the complainant accordingly.

d) Complaints about the CEO, United Learning officers or members of United Learning central team

Where a complaint concerns a member of United Learning staff, this should be referred to the Company Secretary, Alison Hussain, (Alison.Hussain@unitedlearning.org.uk) who will determine the most appropriate person to review the complaint and advise the complainant accordingly.

e) Stage 3 – Formal Panel Hearing

The complainant is entitled to request a review of the decision and the actions taken at **Stage 2**. This stage provides an opportunity for the panel to review the work of the investigating officer, who should be in attendance. Where the investigating officer is the chair of the LGB, the Headteacher is not expected to attend.

Stage 3 provides for a panel hearing consisting of three people who were not directly involved in the matters detailed in the complaint with one panel member who is independent of the management and running of the school.

This is the final stage of the complaint procedure.

Requests for a review at stage 3 should be made in writing to the school **no later than 15 working days** after receipt of written notification of the decision at Stage 2. Requests made outside of this time frame will only be considered in exceptional circumstances.

The request should include a summary of the complaint, why the complainant it dissatisfied with the outcome of stage 2 and the outcome they are seeking. The school advises that it is helpful to use the complaint form provided at appendix 2.

A Stage 3 panel hearing examines the evidence and actions taken at Stage 2 and provides an opportunity for the complainant to put any remaining concerns forward to the LGB. The panel will 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 panel hearing will be held in private either remotely or face-to-face within the school. 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 Timescale for stage 3 is **30 working days** from receipt of a request to review the decision to the final written outcome.

The following steps are taken at **Stage 3**.

1. The clerk will acknowledge the written request for the complaint to be reviewed within **3 working days** of receipt.

2. The clerk will convene a panel of **three** people who were not directly involved in the detail of the complaint, one of which must be independent of the running and management of the school, to review the complaint.

3. The clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 20 working days of receipt of the Stage 3 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.

4. The complainant or the panel may request further evidence to support the Stage 3 review. Copies of any such information must be supplied to all parties no later than **5 working days** prior to the meeting or **3 working days** if requested after receipt of the full pack of documents. Panels cannot normally consider evidence that is supplied after this time.

5. The panel hearing is not a court case, will be as informal as circumstances allow and conducted in such a manner as at the discretion of the panel. The panel members are not legally trained and therefore cannot make findings as to points of law.

6. The panel **may** speak with the following, either as part of the review meeting, or as part of any further investigation:
   - the complainant
   - The investigating officer who investigated the complaint and made the decision at Stage 2
   - relevant persons involved the complaint.
   - persons whom, in the view of the panel, can provide relevant advice and information relating to the subject of the complaint and the review process at Stage 3

7. All parties invited to attend a panel hearing are entitled to be accompanied by a family member/friend/representative as appropriate. Legal representatives /or representatives from the media Page 9 of 16 Complaints are not permitted to attend the panel meeting. The clerk must be notified at least 3 working days in advance of the hearing of the name and occupation of any accompanying person

8. Complainants are asked to advise the clerk of any relevant disability or accessibility requirement so that the school may provide appropriate support.

9. A panel hearing may proceed notwithstanding the complainant may subsequently decide not to attend, in which case, the panel will consider the complaint in absentia and issue findings on the substance of the complaint, thereby bringing the matter to a conclusion.

10. After due consideration of all facts considered relevant, the panel will make findings as to whether the Stage 2 decision was a reasonable one and accordingly can decide to:
    - uphold the complaint and if appropriate recommend that certain action be taken to resolve it;
    - uphold the complaint in part (in other words find an aspect or aspects of the complaint to be valid, but not the whole complaint) and if appropriate recommend certain action to be taken, or dismiss the complaint entirely.

11. The panel may make recommendations to the school as a result of its deliberations but has no power to compel the school to take action.

12. A letter of outcome will be provided to the complainant within **5 working days** of the date of the review panel hearing. A copy of this letter will also be provided to the headteacher, (or LGB chair as appropriate) who investigated the complaint at stage 2, and, where relevant, the person complained about.

13. The letter of outcome will include relevant information (as appropriate) for appealing to United Learning for review (academies only), the EFSA or

14. A confidential written record of all complaints that are made in accordance with the formal stage of this procedure will be kept by the school. The written record will include whether the complaint has been resolved following a formal procedure and whether it proceeded to a panel review hearing. It will also refer to any action taken by the school, regardless of whether the complaint has been upheld.

15. The school will ensure that, in accordance with the Education (Independent School Standards) Regulations 2014, a copy of the findings and recommendations made at the panel review stage are made available for inspection on the school premises by United Learning and the headteacher. All correspondence statements and records relating to individual 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.

6. Right of Appeal

a) **Appeal to the Central Office of United Learning (Academies only)**

The decision of the stage 3 panel is final. If the complainant is concerned that the complaint procedure has not been followed correctly, they may write to request a review of the LGB's process by a United Learning central office employee. This can be done by emailing Lesley.dolben@unitedlearning.org.uk stating the reason for the request.

The timescale for requesting a review is **15 working days** from the receipt of the letter of outcome at stage 3.

On receipt of a request to review an acknowledgement will be sent. Any review is granted at the discretion of the Head of Local Governance. We aim to make this decision and inform you of this within **5 working days.**

If deemed appropriate to proceed to review a senior colleague will be appointed, usually a Regional Director, to undertake the work as "United Learning Representative". This review is provided as a quality assurance exercise to determine whether the LGB acted appropriately and within the scope of its published complaint policy. In carrying out this work the United Learning representative will not re-open the complaint, begin or commission a fresh investigation or adjust the original determination.

On completion of the review the United Learning representative will provide a written letter of outcome to all parties. We aim to complete this process within 30 working days.

The United Learning representative may either;

- Deem the process to have been **sound and uphold** the outcome at Stage 3.
- Deem the process to have been procedurally **flawed** and **direct the LGB to re-hear** the matter at stage 3.

The decision of the designated United Learning representative is **final and binding**.

Where an LGB is directed to re-hear the matter, an independent chair is to be appointed to a new panel of local governors.

There can be no further request to review the outcome of a complaint that has been re-directed to the LGB.

A copy of the written letter of outcome will be retained on record within the school.

b) **Appeal to the DfE**

If the complainant believes the school 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 DfEESFA after they have completed Stage 3.

The DfE will not normally reinvestigate the substance of complaints or overturn any decisions made by Orchard Meadow Primary School. They will consider whether Orchard Meadow Primary School has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed Part 7 of the Education (Independent School Standards) Regulations 2014.

The complainant can refer their complaint to the DfE online at: https://www.gov.uk/complain-to-dfeor by telephone on: 0370 000 2288 or by writing to:

Ministerial and Public Communication Division
Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD

7. Summary of Requirements

a) The school will take all concerns and complaints seriously and will make every effort to deal with complaints informally, at an early stage, in the spirit of continued respect and partnership.

b) This is a three-stage process. In most cases, any concern or complaint, regardless of whose attention to whom it is initially brought, should be discussed informally at stage 1, before being submitted to a formal process. Complaints concerning the Headteacher may proceed directly to formal process at Stage 2 and will be managed by the chair of the Local Governing Body (LGB).

c) Whilst we endeavour to resolve all concerns and complaints informally, the school cannot compel complainants to use the informal stage 1 and will not refuse to progress a complaint to a formal stage if there has been no informal engagement.

d) The school will accept complaints via email, writing or in person and whilst we advise the complainant to make use of the complaint form at appendix 2, there is no obligation for them to do so.

e) **The timescales** defined for each stage of the process are outline in appendix 1.

f) In exceptional circumstances the timescales for managing a complaint may be extended by mutual consent. These could include and are not limited to the following; request from the complainant to extend the timescale, ill-health of the complainant, significant disruption to school, force majeure, or as the result of enforced government restrictions.

g) Complainants retain the right to appeal at the end of each stage of the process if they remain dissatisfied. The management of the complaint at school level ends at stage 3.

h) **Safeguarding** Wherever a concern indicates that a child's wellbeing or safety is at risk, the school is duty bound to act on this which may include reporting this immediately to the local authority. Any action taken will be in accordance with the school's safeguarding policy.

i) Maintaining confidentiality

Correspondence, statements and records relating to individual complaints are kept strictly confidential except where the Secretary of State or a body conducting an inspection under section 108 or 109 of the 2008 Act requests access to them.

Concerns and complaints will therefore be dealt with confidentially at all stages and at the conclusion of the procedure. Confidentiality should be maintained all times by everyone involved. Complaints are not to be discussed externally by governors, staff or parents, including via social media.

Actions taken in relation to school staff that arise from complaints will remain confidential to the school and the member of staff concerned.

j) Maintaining Records

Notes may be made to support the informal management of complaints and the school may also keep an informal record of any meeting held or any agreed action to be taken. These will be processed by the school in line with the relevant privacy notice. Records taken and used throughout the complaints process, including correspondence, notes of meetings, telephone calls etc., will be kept securely and in accordance with the principles of the General Data Protection Regulation (GDPR) and Data Protection Act 2018.

The record of complaints is kept for at least 7 years and may be kept for longer if there is a safeguarding aspect to the complaint.

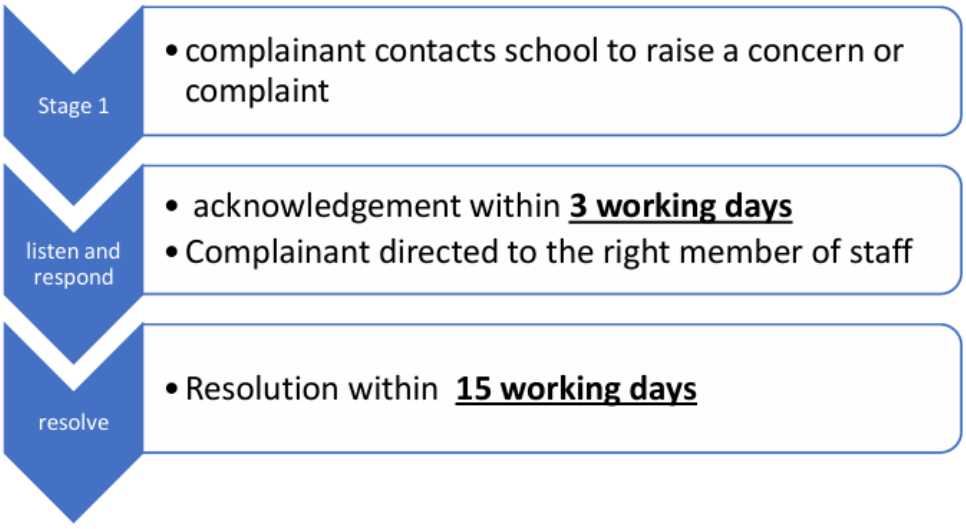
k) Monitoring the implementation of this policy

The LGB is delegated the authority to monitor the implementation of the complaint policy at school level on behalf of the Board of Trustees of United Learning. It will review the log of complaints (Independent schools) at termly intervals. It will review the number of complaints and whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision. It will consider any lessons learned and make recommendations for any revisions to policy.

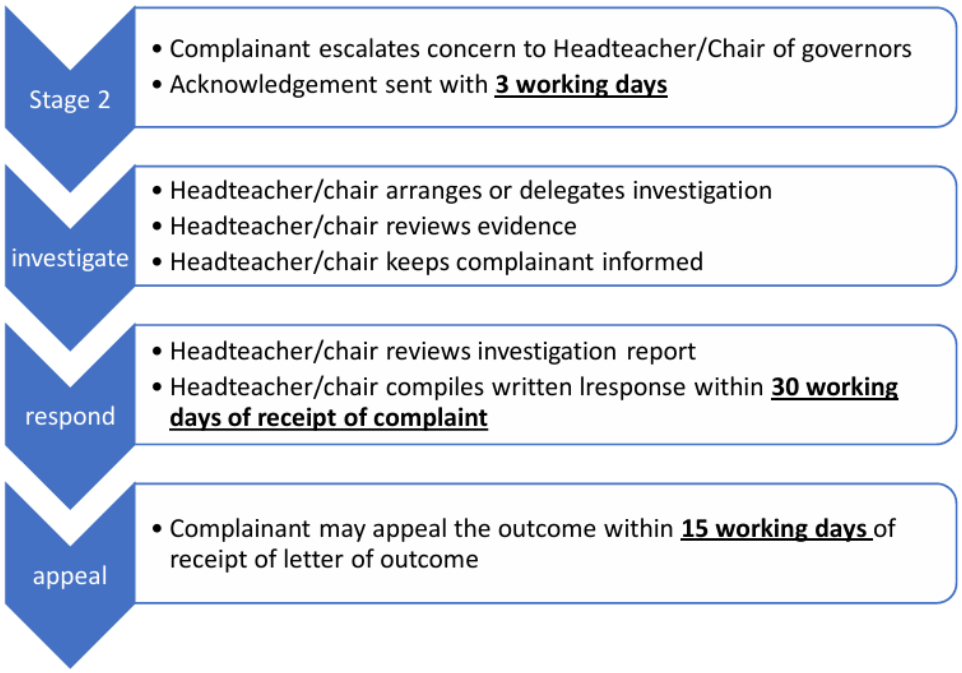
The number of complaints registered under the formal procedure during the preceding school year is available on request from School Business Manager.

8. Appendix 1: Complaint Management Timelines

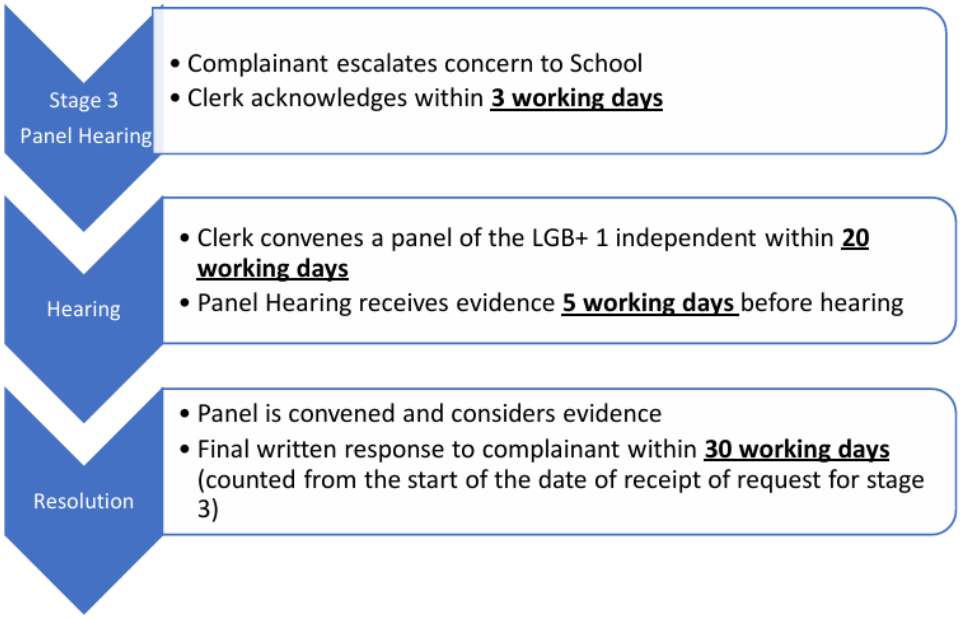
Stage 1- Informal 'Listen and respond'



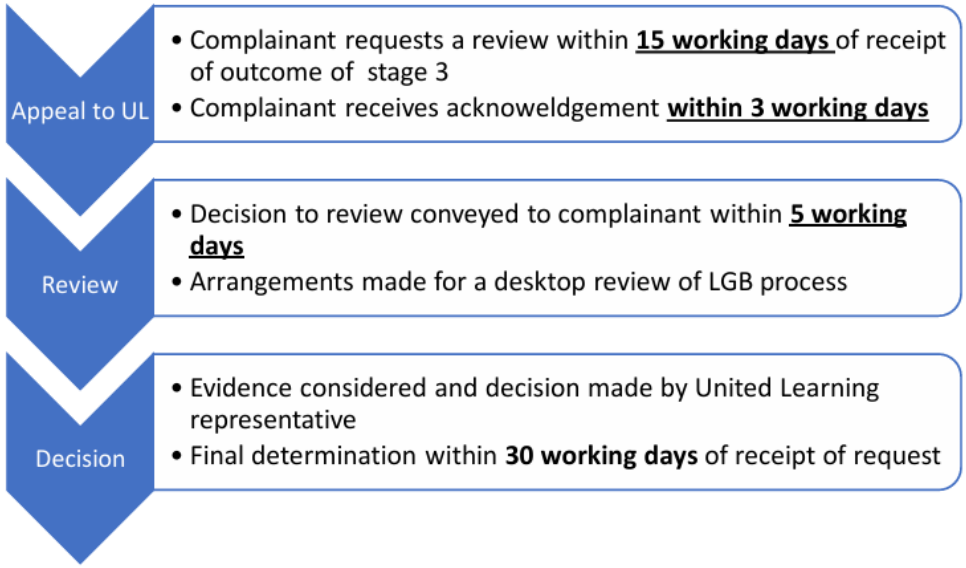
Stage 2 – Formal – Investigate and Respond. (Headteacher/Chair of Governors)



Stage 3- Formal LGB Panel Hearing



Academies only- Appeal to United Learning



9. Appendix 2: Complaint Form

Please complete in BLOCK CAPITALS and return to the Principal who will acknowledge receipt and explain what action will be taken.	
Your name	
Student's name	
Your relationship to the student	
Address	
Postcode	
Contact telephone number (1)	
Contact telephone number (2)	
Please give details of your complaint below	
What action, if any, have you already taken to try and resolve your complaint? (To whom 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?	**YES / NO**
If so, please give details	
Signature	
Date	

For official use only			
Date acknowledgement sent		Complaint resolved at which stage	
Acknowledgement sent by		Complaint recorded in school records	
Complaint referred to			
Complaint referred on (date)			