Orchard Lea Federation
Complaints Policy

Date agreed: January 2024
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1. Introduction

At Orchard Lea Federation we value the partnership between parents, the wider community and the school. We aim to work closely with our local community to provide mutual support and give children a happy, caring and consistent environment in which to develop. The vast majority of issues raised by parents and the wider community are concerns rather than complaints and are swiftly resolved.

We recognise the need to have an efficient and accessible complaints procedure to help ensure that everyone is aware of the process and the appropriate channels of communication. In this way we hope to develop a shared approach as well as confidence in the school's methods and procedures.

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. We take concerns seriously and will make every effort to resolve the matter as quickly as possible.

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*'.

2. Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to Orchard Lea Federation about any provision of facilities or services that we provide. Examples include a complaint about parking outside the school. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure. Third party providers need to have their own complaints procedures to follow.

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.

3. Scope of this complaints procedure

This policy does not cover complaints about the following issues, for which there are specific statutory regulations and LA appeal mechanisms:

Exceptions	Who to contact
• Admissions to schools • Statutory assessments of Special Educational Needs • School re-organisation proposals	Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Hampshire County Council.
• Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. 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).
• Exclusion of children from school	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.
• Whistleblowing	We have 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 whistleblowers 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. 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.
• 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.
• Complaints about services provided by other providers who may use school premises or facilities	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
• National Curriculum - content	Please contact the Department for Education at: www.education.gov.uk/contactus

4. Underlying Principles of Policy

We aim to:

- Resolve concerns through informal discussions at the earliest stage.
- Be speedy, with well-defined timescales and named contacts.
- Focus on resolution and service rather than blame.
- Be accessible to people with disabilities, special needs or language barriers.
- Be fair.
- Promote confidentiality and discretion.
- Include fair and transparent investigative processes for staff as well as complainants.
- Indicate other sources of advice, for example CAB (Citizens Advice Bureau).

5. Time Scales

We consider a time frame of three months to be a reasonable amount of time for a complaint to be raised and by this we mean within three months of the incident or where a series of incidents have occurred, within the last three months of the last of these incidents. In the event of exceptional circumstances we may review this time frame. If a complaint is received outside of term time, or on the last day of the summer term, we will consider that the complaint has been made on the first school day after the holiday period. If other bodies are investigating aspects of the complaint, for example the Police or the Local Authority, this may impact on our ability to adhere to the timescales within this policy. If a complainant commences legal action against Orchard Lea Federation in relation to their complaint, then we will consider whether or not to suspend the complaints procedure in relation to their complaint until those legal proceedings have been resolved

6. How to raise a concern or a complaint

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

6.2 Concerns should be raised in line with the stages below.

6.3 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 a later stage of the procedure.

6.4 Complaints about the Chair of Governors, any individual Governor or the whole Governing Body should be addressed to the Clerk to the Governing Body via a school office. Please mark them as Private and Confidential.

6.5 For ease of use, a template complaint form is included at the end of this procedure (appendix 1 on page 12). If you require help in completing the form, please contact the school office. You can also ask third party organisations like the Citizens Advice to help you.

6.6 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.

7. Resolving Complaints

At each stage in the procedure, Orchard Lea Federation 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 incident/event 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.

8. The Process - A Staged Approach

There is a staged approach for dealing with complaints which is described below. We recommend following all stages of this process because it is in the early stages of the complaints procedure that responses are full and detailed. Escalating a complaint higher or to an outside body (such as OFSTED) straight away will result in a standard response and may not result in the intended outcome or provide the explanation desired.

9. The Informal Preliminary Stage – an informal approach to raising a concern

Step 1

9.1 We encourage speaking informally with the appropriate or designated member of staff as soon as possible. For example, if the complaint is about the pupil progress then we suggest that parents speak to the Classteacher in the first instance. Members of the public should ask to speak to the Executive Headteacher. Should there be a concern about talking to a specific member of staff then we will respect the views of the complainant and refer them to another member of staff. Similarly, if the member of staff directly involved does not feel able to deal with the concern then the school will refer the complainant to another member of staff.

9.2 If the concern is about the Executive Headteacher, complainants are encouraged to have preliminary discussions between themselves and Executive Headteacher.

9.3 It should be noted that the Executive Headteacher has the responsibility for the day to day management of the school. The Governing Body has a largely strategic role with regard to the management of the school. If the complaint is about the strategic role of the school, a member of the Governing Body or the Governing Body as a whole, complainants may wish to speak to the Chair of Governors informally at this stage.

Step 2

9.4

If after an initial meeting, the complainant remains unsatisfied then the next step would be a meeting with the appropriate Head of School before escalating to the next stage.

10. Formal Stage 1

10.1 Should the concern remain after initial discussions and a meeting with the Head of School, then the next stage is to write to the Executive Headteacher, giving details of the complaint and enclosing any appropriate paperwork. To support with this, we would advise using the form in appendix 1 of this policy (p12).

10.2 The Executive Headteacher will acknowledge receipt of the letter sent out within two school days or the first day back after a school holiday if the letter was sent at the end of term.

10.3 A full response will be put in writing within one working week following the complaint. A meeting may also be suggested in addition to a written response.

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

- 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.

10.5 If the complaint requires an in-depth investigation, the Executive Headteacher will need to acknowledge this and let the complainant know that a full response will take longer than usual. We will aim to investigate the complaint and prepare a full response within three working weeks. We will keep the complainant informed about how the investigation is progressing.

10.6 The Executive Headteacher will follow up any meeting with a written response summarising the main points. This may prevent any misunderstandings and ensure that all parties have a clear record of progress or agreements.

10.7 If a complainant remains dissatisfied, the Executive Headteacher will need to decide when to give a final response and refer to Stage 2 of the complaints process. Complainants should note that once Stage 2 has been started no further discussion of the matter, written or otherwise, will be entered into by the Executive Headteacher. The Executive Headteacher will advise the complainant of how to escalate their complaint to Stage 2 if they remain dissatisfied with the outcome of Stage 1.

10.8 If the complaint is about the Executive Headteacher, or a member of the Governing Body (including the Chair or Vice-Chair), or a suitably skilled governor will be appointed to complete all the actions at this stage.

10.9 Complaints about the Executive Headteacher or member of the Governing Body must be made to the Clerk, via the relevant school 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 then be considered by an independent investigator appointed by the governing body. At the conclusion of their investigation, the investigator will provide a formal written response.

11 Formal Stage 2 – Chair of Governors

11.1 If complainants remain unhappy then they can proceed to this stage of the process. Complainants are invited to send a letter to the Chair of Governors care of the school office, outlining their complaint, **explaining the reasons for pursuing it beyond the Executive Headteacher's response and enclosing any relevant paperwork.** The letter must be sent within **three school days** of receiving the response from Stage 1 or three school days from the start of term if the response was given at the end of term.

11.2 The timescales for acknowledging the complaint and making a response at this stage are as outlined in Stage 1.

11.3 This stage offers an opportunity for achieving conciliation between all parties. Informal discussions between the Chair of Governors and the Executive Headteacher are key to resolving the complaint and agreeing a way forward. This should prevent any further escalation for the disagreement.

11.4 For delegated responsibilities and matters within the remit of the Governing Body, the Chair may look at the whole issue afresh.

11.5 If the matter relates to the Executive Headteacher's conduct, the Chair of Governors will need to decide whether the matter should be dealt with through the complaints procedure or staff disciplinary procedure. The Chair of Governor's decision is final.

11.6 For matters that are the Executive Headteacher's responsibility, the Chair of Governors is only empowered to look at whether the Executive Headteacher's decision or action was reasonable in the light of the information available at the time.

12. Formal Stage 3 – Governing Body's Complaints Panel

12.1 If complainants are still dissatisfied, then they can escalate the complaint to this final stage of the complaints procedure.

12.2 Complainants who wish to appeal to the Governors must request this in writing to the Clerk to the Governing Body. Complainants should describe the issues in detail **and say why they are dissatisfied with the outcomes of the previous stages and how they would like the problem to be resolved.** A request to escalate to this stage must be made to the Clerk within three school days of the response from the previous stage. The Clerk will acknowledge receipt of the complaint in writing (either by letter or e-mail) within five school days or in the first week back to school if the complaint was sent at the end of term.

12.3 Complainants are reminded not to write to all governors individually as this may make it difficult to set up a panel of three governors who have had no prior involvement in the case.

12.4 The Clerk will arrange and facilitate a meeting. They will endeavour to arrange a meeting within 10 days of the Stage 3 request. If this is not possible, the Clerk will 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 submission from both parties.

12.5 The panel will consist of three governors with no prior involvement in the matter and the Chair should be designated before the meeting.

12.6 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.

12.7 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 example, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation. Representatives from the media are not permitted to attend.

12.11 At least three school 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 two school days before the meeting.

12.12 Any written material will be circulated to all parties at least two 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.

12.13 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.

12.14 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.

12.15 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.

12.16 The clerk should inform the complainant in writing of the panel's decision, preferably within five school days following the meeting. The letter will include:

- A summary of the issues.
- An outline of the main points of discussion.
- The reasons for the decision.

When a decision has been made by the panel and has been notified in writing to the parent, no further discussion, written or otherwise will be entered into by the school. Any subsequent communication on the matter will be considered vexatious.

12.17 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 Lea Federation.

12.18 If the complaint is:

- Jointly about the Chair and Vice Chair or
- The entire Governing Body or
- The majority of the Governing Body

Stage 3 will be heard by a committee of independent governors. This may take longer than the timescales given above but complainants will be kept informed.

13 Next Steps

13.1 If the complainant believes the Federation 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.

13.2 The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Orchard Lea Federation. They will consider whether Orchard Lea Federation 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.

14 Handling Complaints

14.1 We aim to handle complaints effectively to ensure that complainants feel confident that staff will respond to any future complaint in a sensitive, non-defensive and sympathetic manner. Parents can be assured of confidentially and that their child will not be adversely affected.

14.2 An individual Governor should not respond to or investigate a complaint unless designated to do so.

14.3 When a member of the community approaches a member of staff about a concern that has not been resolved at the informal stage. It is good practice to:

- Listen without comment.
- Explain the procedures; that is, what will happen next and who will deal with the issue.
- Direct the person to this policy.

14.4 The appropriate member of staff will need to create a file and record the relevant details. It is advisable to keep records in the file of any meetings or conversations, with a chronological record of events.

If a complaint is complex and lengthy, the school will keep complainants informed either by telephone or letter (including e-mail).

At the conclusion, the complainant will receive:

- A specific response rather than a standard reply.
- Feedback on any outcomes such as an improvement in service or an agreement to review or amend a policy.

15 Vexatious Complaints

15.1 In rare circumstances a complainant, having exhausted the complaints procedure, may persist with the complaint.

15.2 Complaints become vexatious when they:

- Repeatedly and obsessively pursue the complaint; are unreasonable or seek unrealistic outcomes; or
- are reasonable but pursue the complaint in an unreasonable manner or
- repeatedly refuse to engage with the school's attempts to reconcile the issues.

15.3 Governors may need to decide whether all future contacts should be:

- Directed to, and only be dealt with by, a named individual.
- Restricted, for example, to letter only.

15.4 If a conclusion has been reached about a complaint but the complainant continues to pursue it, the school will consider writing:

- To say that the matter has been passed to Legal Services in the Chief Executives Department.
- To reiterate that the matter is concluded and there will be no further correspondence.
- To say that, if correspondence continues, it will be read and filed by the clerk to governors but will receive no acknowledgement.

16 Abusive Complaints

16.1 Verbal aggression can be as intimidating as physical aggression. All parties have a right to be treated courteously and with respect. If staff feel threatened, they should report their fears to the Executive Headteacher who will consider:

- Writing to the complainant requesting that the behaviour cease setting restrictions for further contact with staff.
- Reporting the incident to the Police.

Should the aggression be directed towards the Executive Headteacher or a Governor, then the Chair of Governors may write a letter.

If a telephone caller becomes aggressive or offensive, the person taking the call should explain that they will end the call if the behaviour persists. If they need to hang up, they should record this action and any further incidents.

16.3 Repeated abusive or aggressive contacts can be considered as harassment and we will need to consider reporting them to the police. This includes any posts on social media.

16.4 The Federation may seek further advice from Legal Services.

17 Anonymous Complaints

17.1 Generally, schools will not respond to anonymous complaints. Nevertheless, the Executive Headteacher and/or Chair of Governors will need to consider whether:

- The issue and the fear of identification are genuine.
- The issue is one of child protection.

Therefore, in some cases, following an anonymous complaint, an investigation may be necessary.

18 Campaigns or Duplicate Complaints

After closing a complaint at the end of the complaints procedure, we may receive a duplicate complaint from:

i. a spouse
ii. a partner
iii. a grandparent

If the complaint is about the same subject, we will inform the new complainant that the Federation has already considered that complaint and the local process is complete. We will advise the new complainant to contact the Department of Education if they are dissatisfied with the handling of the original complaint.

Should Orchard Lea Federation become the focus of a campaign and receive large volumes of complaints:

iv. All based on the same subject.
v. From complainants unconnected with the school

We will investigate the complaint in line with Stage 1 of this policy and we will respond through either sending a template response to all complainants or through publishing a single response on the school's website.

Orchard Lea Federation

Complaint Form

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address: **Postcode:** **Day time telephone number:** **Evening telephone number:** **e-mail contact:**

Please give details of your complaint, including whether you have spoken to anybody at the school about it and what the school has already done to try to resolve the issue.

Why do you remain unsatisfied?
What actions do you feel might resolve the problem?

Are you attaching any paperwork? If so, please give details.
Signature: **Date:**
Official use
Date acknowledgement sent:
By who:
Complaint referred to:
Date: