

The Orchard School Complaints Policy

**To be adopted by all Sandwell Maintained
Schools**

This policy was approved by The Orchard School Governing
Body on 30/03/22

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1.0 Introduction:

It is in everyone's interests that concerns are resolved/clarified at the earliest possible stage. Where concerns are raised the school will work with the individual who raised the concern to identify what would resolve the situation and then endeavour to find a resolution at the earliest opportunity.

In accordance with **Section 29 of the Education Act 2002**, all local authority maintained schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides.

Initial concerns should be dealt with by an appropriate member of staff. These should be taken seriously, and every effort made to resolve matters as quickly as possible. In certain cases, it may be appropriate to forward these to the Head Teacher (or to the Chair of Governors, if the complaint is about the Head Teacher).

Where it is not possible to resolve concerns informally, the formal complaints procedure can be accessed.

This document outlines how complaints will be dealt with under the Formal Complaints Policy.

Complainants will always be given the opportunity to complete the complaints process in full, regardless of whether it is felt that that the complaint is justified or not.

If the complaints process is ongoing and further enquiries are received regarding the same subject, we will not respond to the new enquires/complaints. This is because it is unhelpful to have more than one investigation ongoing which duplicate the issues being investigated.

2.0 Complaints about services provided by external bodies using a school's premises

Where the school has third party providers offering community facilities or services through the school premise, or using school facilities, the providers must have their own complaints procedure in place. Any complaints made concerning third party providers will be dealt with under their own procedures. The governing body will ensure that providers have the correct processes in place to deal with any concerns or complaints and any issues should be raised with the provider directly.

3.0 Who can make a complaint?

Any person, including members of the public, may make a complaint about any provision of facilities or services that a school provides, unless statutory procedures apply (such as exclusions or admissions, a list is included within the next section).

4.0 Exclusions to the complaints procedure:

The following issues will not be subject to the school's complaints procedure as they are outside of the school's jurisdiction:

- admission to schools;
- exclusions from school;
- special educational needs (SEN Tribunal)
- statutory proposals for school re-organisation;
- claims for damages
- staff grievance or disciplinary matters
- child protection issues;
- claims for damages.

Complaints made against school staff will be considered, however where it is determined that matters should be dealt with under the school's grievance and disciplinary procedures complainants will not be informed of the outcome.

Where a complaint relates to the behaviour of a pupil this may be subject to the school's conduct and disciplinary procedures and the detail will remain confidential to the school and the parents of the child involved.

Complainants can be assured that the complaints will be investigated fully but due to data protection information will not be shared with them in these circumstances.

Where complaints concern child protection matters these should be raised with the school but will not usually be considered as a formal complaint where there is likely to be a Child Protection Investigation.

Where a complaint is received which should not be dealt with as a formal complaint the school will write to the complainant to advise them of this and the reason for the decision. The school will confirm the correct process to be followed.

5.0 Accessibility

The school will ensure that the formal complaints procedure:

- is easily accessible and publicised both within the school and available on the school website;
- is simple to understand and use;
- is impartial and in the spirit of working together co-operatively to reach the best resolution for everyone;
- respectful of confidentiality for all.

6.0 Time limit for making a complaint:

In general, any matter which is raised more than 3 months after the event being complained of, will not be considered.

7.0 Recording Complaints:

Complaints should be made on the form provided by the school, this is to ensure that there is an accurate record of the complaint and it is clearly understood. However, if complainants are unable to complete this form complaints will be accepted in the following ways:

- in person;
- by telephone;
- or in writing.

When a formal complaint is received the school will write to the complainant within 5 school days to confirm what will happen next and the anticipated timescales.

8.0 Keeping people informed

Each stage of the complaints process has agreed timescales which should be adhered to. If for any reason this is not possible the school/governing body will write to the complainant to explain the reasons and confirm when the action will be completed.

9.0 Stages of the complaints process:

The following outlines the stages of the formal complaints procedure, at the end of each stage of the procedure complainants will be advised of how to progress to the next stage if they remain dissatisfied with the way in which the investigation has been conducted.

Formal stage one: a formal complaint will be investigated by the Head Teacher or person nominated by the Head Teacher. The investigation will be completed within 10 school days and at the end of the investigation a full written response will be sent to the complainant.

If the formal complaint is about the Head Teacher, this will be dealt with by the Chair of Governors.

Formal stage two: if stage one has been completed and the complainant remains dissatisfied with how the investigation was conducted the complaint can be referred to a panel of governors. The request for stage 2 should be made to the Clerk to Governors within 10 school days of receiving the stage 1 response in writing.

The governing body panel will be independent and made up of three members of the governing body who have had no awareness or involvement with the complaint previously. The panel will carry out a review of the investigation which has been completed at stage one.

The request to progress to stage 2 should include a statement from the complainant which clearly states why they remain dissatisfied with the conduct of the investigation. If the reasons are not clear the Chair of Governors will write to the complainant to request the additional information required to review the complaint or consider inviting the complainant to attend the panel to present their views in person. The Panel will not usually consider any new issues and will review the investigation that has taken place at stage 1. The request to progress to stage 2 should be requested within 10 school days of receiving the stage 1 response.

Complainants have the right to request an independent panel if they believe that there is likely to be bias in the proceedings. The School will consider approaching a different school to ask for help or contact the local Governor Services team commissioned by the LA, or the Diocese. The school will consider any such request but ultimately, the final decision is made by the Chair of Governors.

The panel will normally be conducted through consideration of a written submission, but reasonable requests to make oral representations will be considered sympathetically. The final decision will be made by the Chair of Governors.

The panel should take place within 10 school days of receipt of the request and the panel decision will be issued within 5 school working days of the panel being heard.

10.0 Next Steps for complainants who remain dissatisfied with the way in which the investigation was conducted:

Delete as appropriate

Maintained Schools: When stage 2 has been completed this is the end of the school complaints procedure. If complainants are dissatisfied with the way in which the investigation was conducted they may ask for a further review of the process by the local authority.

Academy Schools: When stage 2 has been completed this is the end of the school complaints procedure. If complainants are dissatisfied with the way in which the investigation was conducted they may ask for a further review of the process by the [Education and Skills Funding Agency](#) (ESFA).

If a complainant has completed the local procedures and remains dissatisfied, they have the right to refer their complaint to the Secretary of State for Education. The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing body has acted unlawfully or unreasonably and where it is expedient or practical to do so.

Further information can be obtained from the DfE School Complaints Unit by calling the National Helpline on 0370 000 2288 or going online at: www.education.gov.uk/help/contactus

11.0 Social Media

Individuals who raise concerns are asked to comply with the Schools guidance on social media which should be available on the school website, a complaint can be undermined by:

- Comments made on social media
- Identifying individual staff on social media
- Personal abuse targeted towards individual members of staff
- Physical or verbal threats targeted to individuals or groups of staff

These behaviours amount to harassment and will be dealt with by the Police.

12.0 Serial and Persistent Complainants

The school is committed to working with anyone who raises an issue to take this seriously and work towards finding a solution to concerns. Generally, this should be a straightforward process and the school values the feedback that we receive on services. We accept that complainants may ask difficult questions where they believe that things have gone wrong and have a right to go through the complaints process.

However, in a minority of cases people pursue their feedback in a way which is inappropriate

Where the school is contacted repeatedly by individuals making the same point or asking for reconsideration on our position the school will need to take appropriate action. The school has a Serial and Persistent Complaints Policy for these difficult situations. This policy sets out what is considered to be unreasonable behaviour and the action that will be taken to address this. The procedure is available on the school website.

The application of a 'serial' or 'persistent' marking will be made against the subject of the complaint itself rather than the complainant.

Appendix 1: Model guidance for all parties attending a complaints panel (Stage 2)

Complaint Panel meetings will be heard in the spirit of reconciliation and will focus on finding an acceptable resolution to the issues which have been raised. The Panel is not part of a legal process and no party should feel that they need to have legal representation. The Panel Chairperson will ensure that all parties have the opportunity to have their say and to be understood.

The Chairperson will decide on how the Panel should be run and if it is decided that the complaint will be heard in person by the Panel then both the parent/carer and the stage 1 investigator will be invited to attend.

The following contains guidance for people attending a complaints Panel:

1. Please make every effort to be punctual and arrive on time for the meeting
2. Please make reasonable efforts to be available, if three dates have been offered which cannot be attended the Panel can decide to go ahead and hear the complaint without anyone attending in person
3. If anyone has any special requirements, please inform the Clerk so that suitable arrangements can be made
4. The Panel will want to hear about the complaint and the issues which remain unresolved and will invite everyone to have their say
5. All attendees are requested to show respect to all during the meeting and address any questions through the Chairperson.
6. The minutes of the meeting will be noted by the Clerk to the panel as it is not permitted to record the meeting.
7. Representatives from the media are not permitted to attend
8. Clerk will retain electronic copies and one master copy of the documentation. All other copies will be collected in and shredded.

Appendix 2: Model complaints meeting agenda (Stage 2)

1. The Chair of the Complaints Committee will welcome and introduce all parties
2. The Chair will outline the process to be followed and how the decision will be reached
3. The Chair will invite the parents/carers to present the complaint to the meeting
4. The Chair will invite the Stage 1 complaints investigator to present their view
5. All parties will have the opportunity to ask questions which should be addressed through the Chair
6. All parties will have the opportunity to make any final comments
7. The Chair will ask all to leave the room to allow the Panel to come to their decision. Before everyone leaves the Chair will inform both parties that they should receive a response from the Panel in writing within 5 school days.
8. The Panel will make their decision which will be recorded by the Clerk who will put this in writing for the Panel to be circulated to the complainant.
9. Clerk will retain electronic copies and a single hard copy of the papers used for the panel meeting. All other copies will be handed in to the school for shredding.