



COMPLAINTS POLICY AND PROCEDURE

The OHC&AT Board of Directors has agreed this Policy and as such, it applies across all OHCAT Academies – 16th March 2018.

Jay Mercer
Chair of OHCAT Board

A handwritten signature in black ink, appearing to read "Jay Mercer", is written over a thin horizontal line.

Complaints Policy and Procedure

INTRODUCTION

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

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

This policy sets out the procedure for anyone wishing to make a complaint about Trust staff or practice, including parents and carers who wish to make a complaint about the OHCAT Academy attended by their child. Orchard Hill College operates a separate procedure due to the adult nature of its students and the fact that different legislation applies; however, both documents are underpinned by the shared commitment of all members to treat every complaint with fairness, honesty and impartiality, in order to ensure that our pupils and students continue to experience outstanding teaching and learning.

PRINCIPLES

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

The difference between a concern and a complaint

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

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

Concerns can materialise into a complaint if the initial response is perceived as unreasonable or dismissive. A complaint is defined as '*an expression of dissatisfaction*

however made, about actions (or lack of actions) taken'. A complaint includes an element of blame against the school or Trust.

EXCEPTIONS TO THE COMPLAINTS PROCEDURE

This Complaints Procedure covers all complaints about any provision of facilities or services at OHCAT schools. In the event of complaints about non-school based staff, please refer to the Orchard Hill College Complaints Procedure. If there is any doubt about whether an issue should be dealt with as a complaint or through another formal procedure, guidance can be sought from the OHCAT Governance Team.

The exceptions listed below are not covered because separate procedures exist.

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

Exceptions include:

- Allegations of child abuse/other child protection issues, other safeguarding issues
- Statutory Assessment of SEN
- School admissions including appeals
- Pupil exclusions
- Whistleblowing (*for financial or other regulatory malpractice*)
- Staff grievances/disciplinary procedures

OHCAT will not investigate anonymous complaints under the procedure in this Complaints Policy. Anonymous complaints will be referred to the Principal who will decide what, if any, action should be taken.

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

If the issue concerns a serious safeguarding or child protection issue, an allegation of abuse or a matter with serious disciplinary consequences, the Head/Principal should be informed immediately. The appropriate policy and procedures must be followed and the Designated Safeguarding Lead must be informed.

EQUALITY

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

DATA PROTECTION

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

Subject access requests under the Data Protection Act 1998 must be responded to within 40 calendar days, and requests under the Freedom of Information Act 2000 must be responded to within 20 working days.

Please refer to the Data Protection Policy and Freedom of Information Policy for further details.

INDICATIVE TIMETABLES

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

Schools will try to resolve any complaint as quickly as possible, but all concerned must recognise that teachers and support staff have many demands on their time. In complex cases, it might take longer to investigate than is provided for below – the investigator will communicate this to the parent or carer as soon as possible. A complaint will not be upheld solely because a deadline has been missed.

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

Timeline for raising a complaint

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

Stage 1: Informal complaint

- You should raise an informal complaint within 10 working days of the incident in question
- The complaint will be acknowledged within 7 working days of receipt
- The complaint will be investigated and responded to within 21 working days of receipt

Stage 2: Formal complaint

- If you are not satisfied with the response, you should escalate to a formal complaint (following the process described in this document) within 5 working days of receiving the response to Stage 1
- The formal complaint will be acknowledged within 7 working days of receipt
- The formal complaint will be investigated and responded to within 21 working days of receipt

Stage 3: Panel

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

COMPLAINTS PROCEDURE

Complaints made about an OHCAT Academy

Stage 1: Informal complaints

In the first instance, it is essential each complaint is directed at a level appropriate to the nature of the complaint. Therefore, if for example a class teacher, Head of Department or Head of Year cannot resolve an informal complaint, it should be passed to the Principal.

OHCAT recognises that most concerns and complaints can be resolved at an initial informal stage. In this instance the complainant can speak to a member of staff or the Principal.

At this stage, the Principal or staff member must seek clarification on the complaint, identifying the outcome the complainant is requesting. Even though this is likely to be a spoken exchange, it is important that all parties are in agreement on outcomes and agreed actions.

The final resolution to the complainant can be provided orally or through a written response.

Stage 2: Formal complaints

Formal complaints **not** about the Principal

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

- The complaint
- Any attempts made to raise/resolve the complaint (including who they have communicated with)
- Any actions they feel may resolve the issue

The complaint will be investigated by a staff member nominated by the Principal. This staff member (not the subject of the complaint) will be required to acknowledge and investigate the complaint within 7 working days. This timescale may be reasonably extended if the nature of the complaint is judged by the Principal to be of a complex nature. Where there are exceptional circumstances resulting in a delay, the complainant will be notified of this and informed of the new timescales as soon as possible.

An accurate log must be maintained at this stage.

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

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

Formal complaints made about a Principal

OHCAT recognises that in exceptional circumstances parents/carers, other stakeholders or external bodies or individuals may wish to complain formally about a Principal.

If all attempts to resolve the issue remain unsuccessful, the complainant may then follow the formal process by placing their complaint in writing to the Executive Head (Quality and Development)/Deputy CEO. This written document should include:

- The complaint
- Any attempts made to raise/resolve the complaint (including who they have communicated with)
- Any actions they feel may resolve the issue

The complaint will be investigated by a senior member of OHCAT staff nominated by the Executive Head (Quality and Development)/Deputy CEO. This staff member (not the subject of the complaint) will be required to acknowledge and investigate the complaint within 7 working days. This timescale may be reasonably extended if the nature of the complaint is judged by the Executive Head (Quality and Development)/Deputy CEO to be of a complex nature. Where there are exceptional circumstances resulting in a delay, the complainant will be notified of this and informed of the new timescales as soon as possible.

An accurate log must be maintained at this stage.

The resulting investigatory report will be presented to the Executive Head (Quality and Development)/Deputy CEO for final determination. The Executive Head (Quality and Development)/Deputy CEO will then respond in writing to the complainant.

Stage 3: Final panel stage

The very last stage of the OHCAT complaints process is a referral to a Complaint panel. The complainant must request this within 10 working days of receiving the response to Stage 2 of the process. The OHCAT Governance Manager will convene a panel at the earliest appropriate opportunity, but within at least 20 working days. The request will usually only be considered if the procedures at Stages 1 and 2 have been completed.

The written request should include:

- a copy of all relevant documents and full contact details;
- details of all the grounds of the complaint and the outcome desired;
- a list of the documents which the complainant believes to be in the Academy's possession and wishes the panel to see; and
- whether the complainant proposes to be accompanied to the hearing by someone who is legally qualified.

If assistance with the request is required, for example because of a disability, please inform the Governance Manager of this so that appropriate arrangements can be made.

The Governance Manager will acknowledge the request for a hearing in writing within two working days of receipt during term time and as soon as practicable during the holidays.

A panel considers complaints on behalf of the Board of Directors. This is made up of Local Governing Body governors, OHCAT staff and external members.

Constitution of the panel

The Governance Manager will convene a complaints panel as follows:

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

Planning the hearing

As soon as reasonably practicable, and in any event at least 10 working days before the hearing, the Governance Manager will send written notification to each party of the date, time and place of the hearing.

Copies of any additional documents you wish the panel to consider should be sent to the Governance Manager to be received at least 10 working days prior to the hearing.

You may be accompanied to the hearing by another person, for example a relative, teacher or friend. The panel hearing is not legal proceedings and so legal representation is not usually necessary. If you do wish to be accompanied by someone who is legally qualified, you should have notified the Governance Manager of this in your initial request for a panel hearing. If you did not do so and you wish to be accompanied by a legally qualified person, you must inform the Governance Manager of this at least 5 working days prior to the hearing.

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

Proceedings of the panel

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

- the complainant;
- the respondent (usually the Principal **or** Executive Head, Quality & Development/Deputy CEO in the case of complaints about the Principal);
- any other staff/witnesses who will be invited to make representations concerning the complaint. The appeal will be closed to the public.

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

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

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

The panel will remember that some parent/carers are unused to dealing with groups of people in formal situations and may feel inhibited. Parents/carers may also feel

emotional about discussing an issue that affects their child. The Chair of the panel will ensure that the proceedings are as informal as the situation allows.

Remit of the panel

The panel can:

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

The decision

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

The decision, findings and any recommendations will be confirmed in writing to you by email, normally within 5 working days of the hearing. If you do not wish to receive the decision by email, please inform the Governance Manager of this and a copy will be given or posted to you.

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

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

If you remain unsatisfied, you may complain to the Education Skills Funding Agency (ESFA). Guidance on how to do this is available from the ESFA website: <https://www.gov.uk/government/publications/complain-about-an-academy>

Complaints about the Academy Trust

Complaints about operational aspects of the Academy Trust and/or non-school based OHCAT staff will be managed using the same three step process above. Complaints of this type should be addressed to the CEO, unless the complaint is about the CEO in which case complaints should be addressed to the Chair of OHCAT Board c/o the Clerk to the Board.

VEXATIOUS, PERSISTENT OR UNREASONABLE COMPLAINTS

OHCAT is committed to dealing with all complaints fairly and impartially. Whilst contact between the school/Academy Trust and the complainant will not be limited, we do not expect our teaching and operational staff to tolerate unacceptable behaviour deemed abusive, threatening or offensive. Please refer to the Families and Visitors Code of Conduct for further details.

In the case of vexatious or persistent complaints, if the complainant remains dissatisfied after all stages have been properly followed, the OHCAT Governance Manager will inform the complainant in writing that the procedure has been exhausted and the matter is now closed.

Should an individual's approach to their complaint become disturbing, intimidating or harassing, legal advice may be sought. OHCAT has a duty of care to its employees and this will be upheld.

REPORTING AND RECORDING COMPLAINTS

The OHCAT Complaint Form should be used for all formal complaints and, once received, the school will record all issues, with the Principal holding responsibility for ensuring staff consistently and accurately record all complaints.

The Principal will report any complaints to the Executive Head, Quality & Development/Deputy CEO on a monthly basis.

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

Complaints about the Trust will be recorded as above. The OHC&AT Executive Director of Services will report any complaints to the CEO on a regular basis or as required.

The Trust Board of Directors monitors the level of complaints and reviews the outcomes on a regular basis through the mechanism of performance and data reporting.

POLICY REVIEW DETAILS

<i>Version:</i>	2.1
<i>Reviewer:</i>	OHC&AT ESLT
<i>Approval body:</i>	Family Board
<i>Date this version approved:</i>	16.03.18
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RELATED POLICIES AND PROCEDURES

Child Protection, Adult Protection and Safeguarding Policy and Procedures
Data Protection Policy
Equality & Diversity Policy
Exclusions Policy
Families and Visitors Code of Conduct
Freedom of Information Policy

Positive Behaviour Policy
Staff Code of Conduct
Whistleblowing Policy

APPENDIX 1: OHCAT COMPLAINT FORM

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

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