



COMPLAINTS POLICY AND PROCEDURE

The OHC&AT Board of Trustees has agreed this Policy and as such, it applies across all OHCAT Academies – 13th July 2023.

Jay Mercer

Chair of OHCAT Board

A handwritten signature in black ink, appearing to read "Jay Mercer", is positioned below the printed name and title.

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 feedback 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.

We encourage parents and carers of OHCAT pupils and students to enter into constructive discussions with their school in order to positively resolve any problems or complaints. Parents/carers can contact their school by telephone, email, via the contact form on the relevant website, and are always welcome to discuss concerns with school staff in person. The Complaints Policy is available via the relevant website or from the school office. Where parents/carers need support to raise a concern or make a complaint about their child's provision, we will work responsively with them to facilitate communication.

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 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 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.

The procedure for complaints from other stakeholders, external bodies or individuals other than parents/carers consists of a single stage. Complaints should be made in writing to the Principal of the school who will investigate and respond in writing within 21 working days. Should the complainant remain dissatisfied after this, they can request that the response is reviewed by writing to the Deputy CEO c/o rtucker@orchardhill.ac.uk

PRINCIPLES

This procedure exists to provide parents/carers 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 to 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 page 8, ‘Complaints about the Academy Trust’. 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 OHCAT Central Teams – telephone 0345 402 0453 or email rtucker@orchardhill.ac.uk.

The exceptions listed below are not covered under the Complaints Procedure because separate procedures exist.

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| <ul style="list-style-type: none"> • Admissions to schools | Concerns about admissions should be handled through a separate process via the local authority. |
| <ul style="list-style-type: none"> • Statutory Assessment of SEN | Concerns about statutory assessments of special educational needs should be raised directly with local authorities |
| <ul style="list-style-type: none"> • Matters likely to require a Child Protection Investigation | Complaints about child protection matters are handled under our Child Protection, Adult Protection & Safeguarding Policy and in accordance with relevant statutory guidance. Contact the Designated Safeguarding Lead at the school in the first instance. |
| <ul style="list-style-type: none"> • Exclusion of children from school* | Further information about raising concerns about exclusion can be found at: a-guide-for-parents-on-school-behaviour-and-exclusion . |

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| | <i>*complaints about the application of the behaviour policy can be made through the Complaints Procedure.</i> |
| <ul style="list-style-type: none"> Whistleblowing | <p>We have separate policy for whistleblowing for staff including temporary staff and contractors.</p> <p>Protect is a useful source of further information.</p> |
| <ul style="list-style-type: none"> Staff grievances | <p>Complaints from staff will be dealt with under the Trust's grievance policy and procedures.</p> <p>Contact your HR contact in the first instance.</p> |
| <ul style="list-style-type: none"> Staff conduct | <p>Complaints about staff will be dealt with under the Trust's disciplinary procedures, if appropriate.</p> <p>You will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, you will be notified that the matter is being addressed.</p> |

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

If your complaint relates to an external service provider used by the school, 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 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, Diversity & Inclusion 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 one calendar month, and requests under the Freedom of Information Act 2000 must be responded to within 20 working days.

Please refer to the Data Protection Policy, Freedom of Information Policy and the relevant Publication Scheme 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/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 relevant Academy's website.

Complaints must be raised within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. Where reasonable or in exceptional circumstances we may consider complaints made outside of this timeframe

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.

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

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 of the informal complaint

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

Resolving complaints

At each stage in the procedure, we want 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 recur
- an explanation of the steps that have been or will be taken
- an undertaking to review school policies in light of the complaint
- an apology

Withdrawal of a complaint

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

COMPLAINTS PROCEDURE

Complaints made about an OHCAT Academy

Stage 1: Informal complaint

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, however a written record of the response will always be kept by the Academy.

Stage 2: Formal complaints

Formal complaint **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 reasonable actions they feel may resolve the issue

The complaint will be investigated by a staff member (not the subject of the complaint) nominated by the Principal. The complaint will be acknowledged within 7 working days. The formal complaint will be investigated and responded to within 21 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.

The response will detail any actions taken to investigate the complaint and provide an explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions to resolve the complaint. The response will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

Formal complaint made about a Principal

OHCAT recognises that in exceptional circumstances parents/carers 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 Deputy CEO, via clerk@ohcandat.org. This written document should include:

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

The complaint will be investigated by a senior member of OHCAT staff nominated by the Deputy CEO. The complaint will be acknowledged within 7 working days. The formal complaint will be investigated and responded to within 21 working days. This timescale may be reasonably extended if the nature of the complaint is judged by the 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 will be maintained at this stage.

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

The response will detail any actions taken to investigate the complaint and provide an explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions to resolve the complaint. The response will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

Stage 3: Final panel stage

The 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 by writing to the Governance Manager at clerk@ohcandat.org. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The OHCAT Governance Manager will convene a panel at the earliest appropriate opportunity, but within 20 working days. The request will 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 7 working days of receipt during term time and as soon as practicable during the holidays.

Constitution of the panel

The Governance Manager will convene a complaint panel as follows:

- The panel will consist of at least three members.
- Typically, at least two members will be OHCAT governors. 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. If the complainant rejects the offer of three proposed dates, without good reason, the Governance Manager 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.

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

The complainant 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 the complainant does wish to be accompanied by someone who is legally qualified, the complainant should have notified the Governance Manager of this in their initial request for a panel hearing. If they did not do so and they wish to be accompanied by a legally qualified person, the complainant 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 panel;
- the respondent (usually the Principal **or** 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 the complainant by email, normally within 7 working days of the hearing. If the complainant

does not wish to receive the decision by email, they should inform the Governance Manager of this and a copy will be given or posted.

A copy of the decision, findings and any recommendations will also be made available to the subject of the complaint, where relevant.

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, Orchard Hill College Academy Trust, 8th Floor Quadrant House, The Quadrant, Sutton SM2 5AS, or via email to clerk@ohcandat.org

SERIAL AND PERSISTENT COMPLAINTS

Serial and persistent complaints are taken seriously as they put a strain on valuable resources and hinder the progress of proper investigations.

If a complainant tries to re-open the same issue, the Academy will inform them that the procedure has been completed and that the matter is now closed.

If the complainant contacts the Academy again on the same issue, the correspondence may be viewed as "serial" or "persistent" and the Academy may choose not to respond.

The Academy will not mark a complaint as "serial" before the complainant has completed all stages of the complaints procedure.

The Academy may consider a complaint to be "frivolous" or "vexatious" if:

- complaints are obsessive, persistent, harassing, prolific, repetitious;
- there is insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason;
- there is insistence upon pursuing meritorious complaints in an unreasonable manner;
- complaints are designed to cause disruption or annoyance; or
- demands for redress lack any serious purpose or value.

Complainants should try to limit their communication with the Academy about the complaint while it is being progressed, as it is not helpful if repeated correspondence is sent (either by letter, phone, email or text) which is likely to delay an outcome being reached.

For complainants who excessively contact the Academy causing a significant level of disruption, we may specify particular methods of communication, provide a single point of contact and/or limit the number of communications which may be made with the Academy in a communication plan. This will usually be reviewed after three months.

The Academy will stop responding to a complainant where:

- the Academy has taken every reasonable step to address the complainant's concerns;
- the complainant has been given a clear statement of the Academy's position and their options; and
- the complainant contacts the Academy repeatedly, making substantially the same points each time.

The case to stop responding will be stronger if any of the following statements apply:

- the complainant's letters, emails, or telephone calls are often or always abusive or aggressive; and/or
- the complainant makes insulting personal comments about or threats towards staff; and/or
- there is reason to believe the individual is contacting the Academy with the intention of causing disruption or inconvenience.

In response to any serious incident of aggression or violence, the Academy will immediately report this to the police for criminal investigation. The Academy may also withdraw the complainant's implied permission to enter or be on the Academy site(s).

If the complainant's behaviour is a cause for concern, the Principal can ask them to leave the school premises and bar individuals from entering. If the Academy makes the decision to bar a complainant from the school premises, it will provide the complainant the opportunity to express formally their views on a decision to bar.

The Principal's decision to bar will be reviewed by the Deputy CEO. If the decision is confirmed, the complainant will be notified in writing, explaining how long the bar will be in place and when the decision will be reviewed.

REPORTING AND RECORDING COMPLAINTS

The OHCAT Complaint Form should be used for all formal complaints. OHCAT is mindful of its obligations under the Equality Act 2010 and will endeavour to facilitate alternative methods of communication where these are necessitated by disability or other unavoidable circumstance.

Once a complaint is received, the school will keep a record of the complaint, the response and any actions taken as a result of the complaint. The Principal is

responsible for ensuring that records are kept. All records of 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.

The Principal will report any complaints to the 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 Development will report any complaints to the CEO as required and termly reports are provided to the Executive Senior Leadership Team.

The Board of Trustees monitors the level of complaints and reviews the outcomes on a regular basis through termly reports to the Board of Trustees.

POLICY REVIEW DETAILS

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| <i>Version:</i> | 2.5 |
| <i>Reviewer:</i> | Lynn Barratt, Rachael Tucker |
| <i>Approval body:</i> | Family Board |
| <i>Date this version approved:</i> | 13 th July 2023 |
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RELATED POLICIES AND PROCEDURES

Child Protection, Adult Protection and Safeguarding Policy and Procedures
Data Protection Policy
Equality, Diversity & Inclusion Policy
Suspension and Permanent Exclusion Policy
Families and Visitors Code of Conduct
Freedom of Information Policy
Positive Behaviour Policy
Staff Code of Conduct
Whistle-blowing 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) | |
| 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, review of policy etc.)