

## **POLICY AND PROCEDURE FOR PARENTS MAKING COMPLAINTS ABOUT ORCHARD PARK HIGH SCHOOL**

Approved by the Local Governing Body:	<b>28 June 2017</b>
Amended to reflect change of school name under delegated powers:	<b>2 October 2017</b>
Amended to reflect model policy supplied by the Greenshaw Learning Trust, and approved by the Local Governing Body:	<b>29 January 2018</b>
Amended to reflect amended model policy supplied by the Greenshaw Learning Trust	<b>5 March 2018</b>
To be reviewed by the Local Governing Body:	<b>Summer term 2019</b>

**Responsible Person(s): Headteacher**

# Complaints Procedure

**5 March 2018**

This Complaints Procedure applies to Orchard Park High School and all governors and staff of the school must abide by this procedure, which has been adopted in accordance with and pursuant to the Communications Policy of the Greenshaw Learning Trust.

It is the responsibility of the local governing body and Headteacher of the school to ensure that their school and its staff adhere to this procedure. In implementing this procedure school staff must take account of any advice given to them by the Executive Headteacher and/or Board of Trustees.

This procedure is subject to the GLT Communications Policy and the Scheme of Delegation approved for the school. If there is any ambiguity or conflict then the GLT Communications Policy and the Scheme of Delegation and any specific Scheme or alteration or restriction to the Scheme approved by the Board of Trustees takes precedence. If there is any question or doubt about the interpretation of this, the Executive Headteacher should be consulted.

## **Principles**

Orchard Park High School welcomes comments on the service it provides to pupils and parents. Comments enable us to clarify any misunderstanding that arise, and give us the opportunity to review our procedures if necessary. We are also pleased to learn of things that have gone well.

Orchard Park High School will always deal with complaints in a courteous and reasonable manner, and follow its agreed procedures. We ask that those with comments and complaints present them in a similarly reasonable manner. Please bear in mind that senior staff may not always be immediately available.

If you have a complaint, you should telephone the school for an appointment to discuss the matter. At some stage you may wish to make a formal complaint in writing. If the matter remains unresolved, your complaint can be considered by members of the school's Local Governing Body and ultimately by a panel established by the Greenshaw Learning Trust, which has overall responsibility for the School.

## **Introduction and application**

This procedure complies with guidance from the Department of Education (April 2014) and the Education (Independent School Standards) Regulations 2010 and with the complaints procedure of the Greenshaw Learning Trust.

This procedure applies to complaints against the school. There is a separate procedure for complaints about the administration of admissions to the school. School pupils who have comments or complaints should take them up through their class teacher / tutor or head of house, rather than through this Procedure.

Complaints about the conduct of a governor of the school will be referred to the ad-hoc Governor & Trustee Disciplinary Committee.

If any member of the school's Governing Body is contacted directly by a complainant they should refer the matter to the Headteacher to be dealt with under this procedure.

If the complaint is about the Headteacher, where this procedure refers to the Headteacher, the Chair of Governors will act in their place; if the complaint is about the Chair of Governors, where this Procedure refers to the Chair of Governors, the Vice Chair will act in their place and where it subsequently refers to the Chair of Governors, the Vice Chair will act in their place.

### **The four stages of the procedure**

- i. Informal: the complaint is considered in discussion with school staff.
- ii. Formal: if unresolved, a formal complaint can be made in writing to the school.
- iii. Hearing before a complaints committee of the governing body: if the complainant is not satisfied with the response from the formal stage, then they may take the matter before the Complaints Committee appointed by the Orchard Park High School Governing Body.
- iv. Appeal to the Trust: if the complainant is still not satisfied, then they may take the matter to a Panel of the Board of Trustees of the Greenshaw Learning Trust.

If this Procedure has been exhausted and the complaint remains unresolved, the complainant may submit a complaint to the Education and Skills Funding Agency that acts on behalf of the Secretary of State.

A written record will be kept of all complaints and the stages of the Complaints Procedure that were invoked. All correspondence, statements and records relating to individual complaints will be kept confidential.

At any meeting the complainant may be accompanied by a friend and/or interpreter; and the Headteacher or any other member of school staff may be accompanied by a fellow employee or professional representative.

### **Stage 1 - Informal resolution**

It is in everyone's interest that complaints are dealt with as soon as possible and that a resolution is reached that is satisfactory to all involved. Most concerns should be resolved at this informal stage.

In the first instance, if a person has a complaint, they should telephone the school for an appointment to discuss the matter with an appropriate member of school staff. A complainant may find it helpful to write down the main substance of their complaint before contacting the school.

A senior member of school staff will investigate the complaint and seek to find a resolution through discussion and meetings with the complainant, informally.

If it does not prove possible to reach a resolution, the complainant may wish to put their complaint formally in writing under Stage 2.

## **Stage 2 - Formal complaint**

If the complaint has not been resolved informally, the complainant may put their complaint formally in writing, in a letter addressed to the Headteacher.

A complaint will not normally be considered if it is lodged formally in writing more than three months after the incident being complained about took place.

The school will acknowledge receipt of a written complaint within five school days. The Headteacher will investigate the complaint and give a written response to the complainant, and will endeavour to give that response within a further 10 school days. However, the thorough investigation of a complaint may involve a number of members of staff; progress will depend on their availability and timescales are likely to be extended during school holidays. Complainants will be advised of the reason for any delay beyond 10 days.

If the complainant is not satisfied with the response from the Headteacher, they may refer the matter to the Chair of the Governing Body, in writing addressed to the Chair, care of the Clerk of the Governing Body at the school, within 20 school days of the date of the Headteacher's written response.

On receipt of a written complaint the Chair of Governors may either:

- refer the matter back to the Headteacher for further consideration under the informal or formal stages of this Procedure; or
- arrange a meeting between the complainant, the Headteacher and the Chair or a nominated Governor \*, to seek to find a resolution that is satisfactory to the complainant.

\* The Chair or nominated Governor may not take part in any further consideration of the complaint under stage 3.

The Chair or nominated Governor will then write to the complainant and the Headteacher explaining the outcome of the meeting and any resolution or response to the complaint, and advising the complainant of their right to take the matter to the Complaints Committee. They will endeavour to give that response within a further 10 school days; complainants will be advised of the reason for any delay beyond 10 days.

## **Stage 3 – Governors' Complaints Committee**

If the complaint has not been resolved in previous Stages, the complainant may take the matter to a Complaints Committee appointed by the Governing Body, by writing to the Clerk of the Governing Body, within 20 school days of the date of the written response from the Chair or nominated Governor, enclosing a copy of the original written complaint and indicating which matters remain unresolved. No new complaints may be included.

The Clerk will arrange a meeting of the Complaints Committee at a time convenient for all parties, as soon as possible and within 10-20 school days of receipt of the complainant's letter. Details of the complaint will be sent to the Headteacher and Chair of Governors (or, if the Chair has previously acted as mediator, a governor nominated to act in their place).

The Headteacher will have 5 school days from receipt of this notification to submit their response to the Clerk. Any documents from the complainant or the school to be considered by the Committee and the names of any witnesses who may be called must be received by the Clerk at least 5 school days before the meeting. The Agenda for the meeting and copies of all papers submitted will be sent to members of the Committee, complainant, Headteacher and Chair of Governors (or governor acting in their place). The Headteacher will copy relevant papers to any member(s) of staff named in the complaint.

The Committee will be made up of two Governors who have not been directly involved in the matters detailed in the complaint and one person from outside the school. They will choose one of their number to chair the meeting.

The Committee will consider the complaint on the basis of the papers they receive and what is said at the meeting. Once the Committee has heard from both parties, the Committee will adjourn to consider the matter and agree their response to the complainant. The Chair will aim to complete all the business without the need to adjourn to another day.

In the event of either party not attending the meeting, the Chair of Committee has the discretion to proceed or to adjourn the meeting.

The Clerk will write to the complainant within 10 school days, explaining the outcome of the meeting, and advising the complainant of their right to take the matter to a Complaints Panel of the Trust.

Any staff complained about, the Headteacher and Chair of Governors will be advised in writing or by electronic mail of the outcome of the meeting within 5 school days.

Having come to a decision about the complaint, the Complaints Committee may refer issues of principle or general practice to the Governing Body or to the Headteacher.

#### **Stage 4 - Appeal to the Trust**

If the complainant is not satisfied with the outcome of the Complaints Committee of the LGB or with the way their complaint has been dealt with, they may take their complaint to the Greenshaw Learning Trust, by writing to the Clerk of the Trust within 20 school days of the date of the outcome letter, enclosing a copy of the original written complaint and indicating which matters remain unresolved and/or why they are dissatisfied with how their complaint has been handled. No new complaints may be included.

The Trustees will establish a Complaints Panel made up of at least three people who have not been involved with the matters that are the subject of the complaint, at least one of whom is independent of the management and running of the Trust. The Panel will choose one of their number to chair the meeting.

The Clerk will arrange a meeting of the Trustees' Complaints Panel at a time convenient for all parties, as soon as possible and within 10-20 school days of receipt of the complainant's letter. Details of the appeal will be sent to the Headteacher and Chair of Governors (or governor nominated to act in their place). The Agenda for the meeting and copies of all papers submitted will be sent to members of the Panel, complainant, Headteacher and

Chair of Governors (or governor acting in their place). The Headteacher will copy relevant papers to any member(s) of staff named in the complaint.

The Trustees' Complaints Panel will consider the complaint on the basis of the papers they receive and what is said at the meeting. Once the Trustees' Panel has heard from both parties, it will adjourn to make its decision.

In the event of either party not attending the meeting, the Chair of Panel has the discretion to proceed or to adjourn the meeting.

The Trustees' Complaints Panel may:

- Refer the complaint back to the school to reconsider from any stage of the Procedure;
- Uphold the complaint in full;
- Uphold the complaint in part; or
- Dismiss the complaint.
- Or it may give a more complex response.

Having come to a decision about the complaint, the Panel may refer issues of principle or general practice to the school, the Board of Trustees or the Executive Headteacher.

The Clerk will write to the complainant within 10 school days, explaining the outcome of the Panel meeting, and advising the complainant of their right to take the matter to the ESFA. Any staff complained about, the Headteacher, the Chair of Governors and the Chair of the Board of Trustees will be advised in writing or by email of the outcome of the meeting within 5 school days.

### **Complaints to the Education & Skills Funding Agency**

If a complaint has been considered in accordance with this Procedure, but this has failed to resolve the matter, then the complainant can make a complaint to the Education Funding Agency (ESFA).

The ESFA will normally only consider a complaint after this Complaints Procedure has been exhausted. The ESFA cannot review or overturn decisions about complaints made by the school; they can only investigate whether the school considered the complaint appropriately. If the ESFA finds that the school did not consider a complaint appropriately it can request the school to re-consider the complaint or to review its complaints procedure.

If a complainant wishes to refer their complaint to the ESFA, they should write to:  
Ministerial and Public Communications Division, Department for Education, Piccadilly Gate, Store Street, Manchester M1 2WD.