



# Orchard Junior School

Growing together. **Branching out.**

## Complaints Policy

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Appendix 1 A Staged Approach to Handling Complaints

Appendix 2 Roles and Responsibilities

## **1. Introduction**

1.1 Orchard Junior School is dedicated to providing the best possible education and support for its pupils. This means having a clear, fair and efficient procedure for dealing with any complaints to or against the school, so that any issues that arise can be dealt with as swiftly and effectively as possible.

1.2 This procedure is based on the General Complaints Procedures advocated by the Local Authority and the Departmental Advice issued by the Department for Education (DfE) in August 2014. It has also been created following recent guidelines – January 2021 - Best Practice Advice for School Complaints Procedures 2020 which was also issued by the DfE. Furthermore, it also follows guidance from Section 29 of the Education Act 2002 with regards to complaints around the provision for children with Special Educational Needs (SEND). Please note that the same procedure is followed for complaints from parents of children with SEND.

1.3 This policy explains the steps that will be followed whenever an issue arises that causes concern.

1.4 Any person, including members of the general public, may make a complaint about provision of facilities or services that our school provides, unless separate statutory procedures apply.

### **Underlying principles**

- To prevent concerns from developing into complaints
- To strengthen parent' and carer' confidence should they have concerns or complaints
- To strengthen relationships between parents and carers, the school, and the community
- To recognise that, if there is a problem, the school is committed to resolving it as quickly and effectively as possible.

### **Aims**

- To resolve concerns through informal discussion at the earliest stage
- To act quickly and efficiently, with well-defined timescales and named contacts
- To focus on resolution and review of policies and processes rather than attributing blame
- To ensure confidentiality for all parties
- To ensure fair and transparent investigation processes for complaints, staff and governors

## 2. Identifying a complaint

### The difference between a concern and a complaint

2.1 A **concern** may be defined as “**an expression of worry or doubt over an issue considered to be important for which reassurances are sought**”. Orchard Junior School takes concerns seriously and will make every effort to resolve the matter informally as quickly as possible. This might involve a discussion with a teacher (for learning and management of children) or a member of the senior leadership team, or Headteacher.

2.2 A **complaint** may be defined as “**an expression of dissatisfaction, however made, about action taken, or lack of action**”. A complaint to the school requires a suggestion of action / inaction by a member of staff that is unsatisfactory. To enable a complaint to be addressed, the school asks that a complaint documents the issue, in keeping with the procedure described in this policy.

### Who can make a complaint?

2.3 This complaints procedure is not limited to parents or carers of children registered at the school. Any person, including members of the public, may make a complaint to Orchard Junior School about any provision of facilities or services that we provide. We will follow this complaints procedure unless the complaints are dealt with under separate statutory procedures (such as appeals relating to admissions or exclusions).

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

### Complaints not in scope of the procedure

2.5 The complaints procedure covers all complaints about any provision of facilities or services that the school provides with the exceptions listed below, for which there are separate (statutory) procedures. It is important to note that the school is unable to deal with these and the relevant body should be contacted.

Table 2.6

Exceptions	Who to contact
<ul style="list-style-type: none"><li>• Admissions to schools</li><li>• Statutory assessments of Special Educational Needs (SEN)</li><li>• School re-organisation proposals</li></ul>	<ul style="list-style-type: none"><li>• Concerns should be raised direct with local authorities (LA).</li><li>• For school admissions, it will depend on who is the admission authority (either the school or the LA).</li><li>• Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.</li></ul>
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

Exceptions	Who to contact
	the responsibility for safeguarding (connected with staff) or Hampshire children's services. Contact for these can be found on the Hampshire website or via the school office.
Exclusion of children from school*	Further information about raising concerns about exclusion can be found at: <a href="https://www.gov.uk/government/publications/school-exclusions-guide-for-parents">https://www.gov.uk/government/publications/school-exclusions-guide-for-parents</a> . <i>*complaints about the application of the school Behaviour Policy can be made through the school's Complaints Procedure.</i>
Whistleblowing	Details can be found in the staff handbook
Staff grievances and disciplinary procedures	Details can be found in the staff handbook
Staff conduct	Details can be found in the staff handbook
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. They should be contacted direct.
National Curriculum content	Please contact the Department for Education

2.7 If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

2.8 If a complainant commences legal action against Orchard Junior School in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

### Anonymous Complaints

2.9 The school will not respond to anonymous complaints under this policy. However, the Headteacher and/ or Chair of Governors will consider whether the issue and fear of identification are genuine and is related to Child Protection. (For more information on our school's provision for protecting our pupils, please refer to our **Child Protection** policy which is available on the school website).

### Timescales

2.10 You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

2.11 Timescales for each stage of the Complaints process are listed under each heading. If we cannot meet the timescales set out in our policy, we will provide a clear explanation of the reason for this along with details of the indicative timescales.

## **Complaints received outside of term time**

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

## **Conduct of communication**

2.13 At all times, the school will listen to you and endeavour to resolve your concerns. Our expectation is that staff will treat complainants respectfully and courteously. Likewise, we expect all complainants to treat staff in a similar manner (see also 'Dealing with Unreasonable Complaints' page ).

## **Resolving complaints**

2.14 At each stage in the procedure, Orchard Junior School 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 event complained of 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.

## **Withdrawal of a Complaint**

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

## **3. Informal stage - Informal contact with the teacher**

3.1 We greatly value our relationship with the parents and carers of our pupils and offer a range of opportunities during the school year for parents to discuss any concerns they have about their child's progress or arrangements for learning.

3.2 If concerns arise at other times on any matter relating to the school, parents and carers should contact the school and ask to discuss the matter with the appropriate member of staff, usually the class teacher.

3.3 If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Head Teacher will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Head Teacher will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

3.4 Complaints about the Chair of Governors, any individual governor or the whole Governing Body should be addressed to the Clerk of the Governing Body via the school office (see paragraph 4.11, 4.12). Please mark them as Private and Confidential.

### **3.5 Ways to contact a member of staff**

- Contact the school office in person, by email or by telephone, and request that the teacher contacts the complainant. Teachers spend most of their day teaching but will contact the complainant to discuss their concern, as soon as they are able to. This will be within two school days but is usually on the same day.
  - email [adminoffice@orchard-jun.hants.sch.uk](mailto:adminoffice@orchard-jun.hants.sch.uk)
  - Telephone 02380 843162
- At the end of the day, after the class has been passed safely to adults, teachers are available to meet parents to discuss any concerns.

3.6 We will take the complainant's concerns seriously and make every effort to resolve the matter as quickly as possible. The majority of concerns are resolved quickly and effectively at this stage.

3.7 When a complaint has been received, the complainant may receive a telephone call from the member of staff (or Headteacher, if appropriate) to discuss the concerns raised, or may be invited to attend a meeting with a member of staff (or the Headteacher, if appropriate) to discuss the concerns.

3.8 If invited to a meeting, the complainant is welcome to bring a friend, partner or, in the case of a pupil who has raised a concern, a parent along for support. It may be appropriate for a pupil to attend the meeting if their parent has raised a concern, depending on the nature of the issue.

3.9 Staff have a responsibility to ensure that the complainant understands any future points of action that have been agreed and will make a record of what has been discussed, as well as any outcomes and a plan of action, if one has been agreed.

3.10 All staff will do their best to ensure the complainant's concerns are dealt with appropriately and efficiently, but if an agreement cannot be reached, or if the complainant is dissatisfied with the outcome, the complainant can

- make a formal complaint to the Headteacher (Stage 1 complaint)
- if the complaint is about the Headteacher, the complainant should make the complaint in writing to the Chair of Governors (Stage 2 complaint)
- if the complaint is about the Chair of Governors, any individual governor or the whole Governing Body should be addressed to the Clerk to the Governing Body via the school office (see paragraph 4.11, 4.12).

3.11 Timescales: There is no prescribed timescale for the resolution at the informal stage given the importance of dialogue and informal discussion, although we expect to resolve most issues within **10 school days**.

**3.12 Please note: We believe that teachers and other staff have the right to attempt to resolve an issue. If a complaint is taken straight to the Headteacher or Chair of Governors, they reserve the right to refer it back to the appropriate member of staff if it does not warrant their involvement at this point.**

### **3.13 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 Stage 2 of the procedure.**

3.14 ~~Not a~~ ~~governor~~ ~~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~~ ~~Stage~~ ~~2~~ ~~of~~ ~~the~~ ~~procedure~~.

## **4. Stage 1 – Formal complaint to the Headteacher**

4.1 If the complainant feels that their concern has not been resolved at the informal stage, is unhappy with the outcome of the informal meeting, or feels that the issue is serious enough that it warrants taking it further, they can make a formal complaint to the Headteacher.

4.2 We ask that this is done as soon as is practicably possible after having spoken to the teacher/ member of staff.

4.3 How to make a Stage 1 complaint: To initiate a stage 1 complaint the complainant needs to email the school office. This must be within 10 school days of either the concern or the feedback from the informal stage. They will then be sent a form to complete as per the complaint toolkit. Once this form has been completed, the headteacher, or delegated member of staff, will make contact with the complainant. Complaints can also be made face to face or by telephone, where the complainant can be helped to record the issues raised using the questions from the complaint form.

4.4 Timescales: The Headteacher will acknowledge the complaint in writing or offer a full response within **5 school days**. If it is not possible to resolve the complaint within the 5 school days timescale or if a more detailed investigation is required, then the Headteacher will advise the complainant, in writing. In this case, a full written response to the complainant will be provided within **20 school days**.

*Note: The Headteacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.*

4.5 Upon receiving the complaint, the Headteacher (or investigator) may invite the complainant to attend a meeting to discuss the issue further and seek a resolution/ offer an explanation. Complainants must bring along all related paperwork/ evidence that is related to the complaint. In most cases, complaints will be resolved at this stage.

4.6 If invited to a meeting, the complainant is welcome to bring a friend, partner or, in the case of a pupil who has raised a concern, a parent along for support (see paragraph 6.15). It may be appropriate for a pupil to attend the meeting if their parent has raised a concern, depending on the nature of the issue. The Headteacher (or investigator) will make a record of what has been discussed in the meeting and will ensure that the complainant understands any future points of action that have been agreed, as well as any outcomes, and a plan of action, if one has been agreed. Where appropriate, the Headteacher (or investigator) may invite a third party to attend the meeting to record notes.

4.7 The Headteacher (or investigator) will also keep a record of all further interactions with the complainant, meetings with other staff, and decisions made in reference to the complaint.

4.8 If the complaint is about a member of staff, the Headteacher (or investigator) will discuss the issue with that employee and invoke the relevant procedure, if required. Any



disciplinary measures will be conducted under the schools own Staff Disciplinary Procedure. It will not be appropriate to inform the complainant of the outcome of any school-based investigation in relation to an individual member of staff.

4.9 The Headteacher's written response will outline the full response to the concern together with any action that has or will be taken. If the Headteacher has decided not to take any further action, they will explain what has been decided and how this decision was reached.

4.10 The Headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

4.11 Should a deadline for the complainant to respond pass, then the Chair of Governors will consider the matter closed. No further consideration will be given to the complaint or any further complaints dealing with the same subject matter, from the complainant or any related party unless there is considered good reason to do so.

### **Complaints about the Governing Body**

4.12 Complaints about a member of the Governing Body must be made write to the Clerk to the Governors via the school address in an envelope marked "Private and Confidential" or via email: [clerk@orchardjunior.com](mailto:clerk@orchardjunior.com) . If the complaint is:

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

4.13 Stage 1 will be considered by an independent investigator appointed by the Governing Body. At the conclusion of their investigation, the independent investigator will provide a formal written response. If a complainant is dissatisfied with the outcome of the independent investigator's response then they should refer the matter again to the Clerk via the school office and action would move to Stage 3 of this procedure.

## **5. Stage 2 – Formal complaint to the Chair of Governors**

5.1 If the complainant feels that the Stage 1 response from the Headteacher has not resolved the complaint, the complainant may write formally to the Chair of Governors.

5.2 (Stage 2), the Chair of Governors reserve the right to refer it back to the Headteacher if it does not warrant their involvement at this point or the complainant has failed to follow the complaint procedure

5.3 How to make a Stage 2 complaint: Make contact with the Chair of Governors via email ([governors@orchardjunior.com](mailto:governors@orchardjunior.com)) where the stage 2 complaint form will be sent, as per the complaint toolkit. This needs to be completed in full and submitted within **10 school days** of receiving the Headteacher's response.

Alternatively, a letter, including a valid email address / contact phone number can be handed into the school office / via the school address, addressed to the Chair of Governors, an envelope marked "Private and Confidential" within **10 school days** of receiving the Headteacher's response.

5.4 If the person wishing to make the complaint is not able to access the facility of writing a letter/email then if they contact the school office they can ask for the Chair of Governors to contact them by phone in the first instance. Complainants must ensure that all paperwork/

evidence that is related to the complaint is also disclosed. Complainants may also wish to attach a letter to an email.

**5.5 Timescales:** The Chair of Governors will acknowledge the complaint in writing or offer a full response within **5 school days**. If further investigation is required, the Chair of Governors will acknowledge receipt of the complaint within 5 school days and will advise the complainant that a full response will be provided within **20 school days**.

5.6 The Chair of Governors will review the issues the complainant has raised, along with the Headteacher's response. The Chair of Governors may invite the complainant to attend a meeting to discuss the complaint and seek possible solutions, or to explain what has happened or will happen as a result of the complaint.

5.7 Timescales for responses to letters can be extended but only with the agreement of both parties.

5.8 Should a deadline for the complainant to respond pass, then the Chair of Governors will consider the matter closed. No further consideration will be given to the complaint or any further complaints dealing with the same subject matter, from the complainant or any related party unless there is considered good reason to do so.

**5.9 Important note: The Governing Body has a strategic role in the operation of the School and is responsible for the school's strategic framework.**

**5.10 The Headteacher is responsible for all internal organisation, management and control of the school and for advising on and implementing the Governors' policies. The Headteacher is solely responsible for making day to day decisions.**

5.11 Stage 2 offers an opportunity for achieving conciliation between all parties. Discussions between the Chair of Governors and the Headteacher will be key to resolving the complaint and agreeing a way forward. The Chair of Governors will decide what powers are available to Governors in respect of the particular complaint. In reaching this decision, the Chair of Governors will determine to what extent the issues relate to responsibilities that:

- a) are delegated to the Headteacher by the Governing Body; or
- b) fall within the Governing Body's remit only; or
- c) are within the Headteacher's Terms and Conditions of Employment and relate to the internal organisation, management and control of the school.

5.12 For matters that are the Headteacher's responsibility, the Chair of Governors is empowered only to look at whether the Headteacher's decision or action was reasonable in the light of the information available at the time and whether the Governors' policies were correctly implemented.

5.13 If the complaint is related to responsibilities and matters within the remit of the Governing Body, the Chair of Governors may look at and investigate the whole issue afresh.

5.14 If the complaint relates to the Headteacher's conduct, the Chair of Governors will decide whether the matter should be dealt with through the Complaints Procedure or Staff Disciplinary Procedure. Advice may be sought from the Local Authority and/or Education Personnel Services.

5.15 The Chair of Governors will keep a record of all interactions with the complainant, other members of staff and any decisions made in reference to the complaint.

5.16 If the Chair of Governors has decided not to take any further action, they will explain to the complainant what they have decided and how they reached that decision. The complainant will also be advised of their right to take the matter further if they are not satisfied with the Chair of Governors' response.

## **6. Stage 3 - The Governing Body's complaints panel**

6.1 If the complainant remains dissatisfied with the outcome of the Chair of Governor's investigation (Stage 2), the complainant may request that the Governing Body's complaints panel hears the case.

6.2 If the complainant remains dissatisfied with the outcome of the independent investigator's investigation (Stage 1) where the complaint relates

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

the complainant may request that a committee of independent governors hears the case.

6.3 How to make a Stage 3 complaint: The complainant should write to the Clerk to the Governors via the school address in an envelope marked "Private and Confidential" or via email: [clerk@orchardjunior.com](mailto:clerk@orchardjunior.com), preferably using template Stage 3 Progress of Complaint from Appendix 2 within **10 school days** of receiving the Stage 2 response. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The complainant should include information about:

- the nature of the original complaint
- the steps that have resulted in the complainant taking this course of action (including why the complainant is unhappy with the Headteacher's (Stage 1) and Chair of Governor's (Stage 2) responses)

6.4 Timescales: The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within **5 school days**. The complaints panel will usually be convened within **20 school days** of receiving the request for the complaint to be heard by the Governing Body's complaints panel.

6.5 Where it is not possible to find a mutually convenient date within that timescale, all reasonable steps will be taken to agree a time and date mutually convenient to all parties. 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 submissions from both parties.

6.6 Resolution: The main function of the complaints panel will be to ensure that:

- the complaint has been properly handled by the Headteacher (and Chair of Governors)
- a sufficiently comprehensive investigation has been carried out
- the correct procedure / policies were followed.

6.7 The panel will also review whether the Headteacher (and Chair of Governors) acted reasonably.

6.8 The Clerk to Governors will arrange and facilitate the meeting of the complaints panel. The complainant is entitled to an independent panel to hear the complaint and the complaints panel will consist of three governors who have no former knowledge or involvement in the matter being considered. If there are fewer than three governors from Orchard Junior School available, the Clerk will source any additional, independent governors through another local school or through their LA's Governor Services team, in order to make up the panel.

6.9 The panel 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.

6.10 The Chair of the panel will be nominated from within the group of panel members. All panel members will have access to, and will be familiar with, this Complaints Policy.

6.11 The Clerk to Governors will confirm to all parties in writing, the date, time and venue for the meeting at least **10 school days** in advance.

6.12 The complainant should not introduce new or previously undisclosed evidence relating to the complaint during the meeting. This is because the Headteacher must have the opportunity to respond to any new information, as per Stage 2 of the complaints process.

6.13 However, the Clerk to Governors will request that the complainant supply any additional paperwork that demonstrates that the Headteacher or Chair of Governors has not complied with school policies or has not responded in a reasonable way. The Headteacher (and Chair of Governors) will also be requested to supply copies of their responses to the previous stages of the procedure, along with any further paperwork they consider the panel will require to understand their actions and decisions they made, to help the panel consider the complaint fully. This information must be supplied to the Clerk at least **5 school days** before the meeting. Copies of all paperwork will be distributed to all parties by the Clerk to Governors at least **3 school days** in advance of the meeting.

6.14 The panel 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.

6.15 The complainant, Headteacher and Chair of Governors (if appropriate) are welcome to bring another person to the meeting for emotional support. It is important to note that these guests are there to support the respective parties but should not play an active part in the meeting without prior agreement of all parties. The names of the accompanying adults must be shared with the clerk at least 3 days before the meeting for all parties to agree that there are no conflicts of interest.

6.16 ~~foufwiix% mawfy%fhm%ymjw% nma%rlsny%fsi%wxujhy%~~ The chair reserves the right to eject any party from the face to face meeting if their behaviour is deemed to be unacceptable.

6.17 The Chair of the panel will ensure the meeting is conducted within a relaxed atmosphere whilst keeping to the formal agenda.

6.18 An example of a typical agenda would be:

1. Introductions
2. Oral submissions by the complainant
3. Questions from the school

4. Oral response by the Headteacher and Chair of Governors.
5. Questions by the complainant
6. Brief summary by the complainant, with no new information
7. Brief summary by the school, with no new information

6.19 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.

6.20 The panel can:

- uphold the complaint in whole or part
- dismiss the complaint in whole or part

6.21 If the complaint is upheld in whole or part, the panel 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.

6.22 The Chair of the panel will provide the complainant, the Headteacher and the Chair of Governors with the panel's decision in writing within **5 school days** of the meeting. The letter will include a summary of the issues, an outline of the main points of discussion, the reasons for the decision and the proposed actions or outcomes. The panel may suggest the complainant meet with the Headteacher and / or Chair of Governors again to agree a way forward. The letter may set out recommendations which will be made to the Governing Body.

6.23 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 Junior School.

6.24 If the complaint is:

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

6.25 Stage 3 will be heard by a panel of independent governors.

6.26 The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Orchard Junior School will take to resolve the complaint.

6.27 The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

**6.28 The panel's decision is the final stage in the complaints procedure.**

## **7. Next Steps**

7.1 If the complainant believes the school 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, the complainant may write to the Department for Education after they have completed Stage 3.

7.2 The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Orchard Junior School. They will consider whether Orchard Junior School 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: <http://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

## **8. Unreasonable and persistent complaints**

### **8.1 Unreasonable complaints**

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- Refuses to co-operate with the complaints investigation process
- Refuses to accept that certain issues are not within the scope of the complaints procedure
- Insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- Introduces trivial or irrelevant information that they expect to be taken into account and commented on
- Raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- Makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- Changes the basis of the complaint as the investigation proceeds
- Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- Refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed, including referral to the Department for Education
- Seeks an unrealistic outcome
- Makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- Uses threats to intimidate
- Uses abusive, offensive or discriminatory language or violence

- Knowingly provides falsified information
- Publishes unacceptable information on social media or other public forums

**Please note:** the above list is not intended to be exhaustive and is for guidance purposes only. It is at the discretion of the school what is deemed to be unreasonable.

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

### **Steps we will take**

- We will take every reasonable step to address the complainant's comments and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.
- Whenever possible, the headteacher or chair of governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking. If the behaviour continues, the headteacher will write to the complainant explaining that their behaviour is unreasonable, refer them to this policy and remind them to act in accordance with it. For complainants who excessively contact the school causing a significant level of disruption, we may:
- Give the complainant a single point of contact via an email address
- Limit the number of times the complainant can make contact, such as a fixed number per term
- Ask the complainant to engage a third party to act on their behalf, such as [Citizens Advice](#)
- Put any other strategy in place as necessary
- In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from school premises and ensuring appropriate measures of support are provided to staff where they are the subject of aggression and/or violence.

### **8.2 Serial/persistent complaints**

If the complainant contacts the school again on the same issue, the correspondence may then be viewed as 'serial' or 'persistent'. We may stop responding to the complainant when the following conditions are met:

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

The case to stop responding is stronger if:

- The complainant's communications are often or always abusive or aggressive
- The complainant makes insulting personal comments about or threats towards staff
- We have reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience

Where we decide to stop responding, we will inform the individual that we intend to do so. We will also explain that we will consider any new complaints they make provided the concerns raised are materially different to those raised previously and/or are unconnected to the previous concern

### 8.3 Duplicate complaints

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and that the local process is complete
- Direct them to the DfE if they are dissatisfied with our original handling of the complaint
- If a duplicate complaint is raised, which in the view of the school, warrants further consideration, the procedure outlined in section 6 or 7 (as appropriate) will be repeated.

### 8.4 Complaint campaigns

Where the school receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school may respond to these complaints by:

- Publishing a single response on the school website
- Sending a template response to all of the complainants

If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the normal procedures will apply.

## 9. Accessibility

9.1 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.



## **10. Governing Body review and monitoring of complaints**

10.1 The Headteacher will report annually to the Governing Body on the number of formal complaints received and the levels at which they have been resolved. No details identifying the complaint or any member of staff will be published.

10.2 The Governing Body will review and evaluate all complaints no matter how far they are taken or what the outcome to ensure that similar problems are avoided in the future or to see if they could have been managed any more efficiently.

## **11. Staff Complaints**

11.1 Staff who have a concern about a colleague or volunteer in school should refer to the school's Procedure for Protected Disclosures (Whistleblowing) Policy which is available on Google Drive

11.2 The procedure for dealing with any other staff complaint or employment grievance is set out in the school's **staff disciplinary, code of conduct and resolving workplace issues** policies which are available from the school office and on Google Drive.

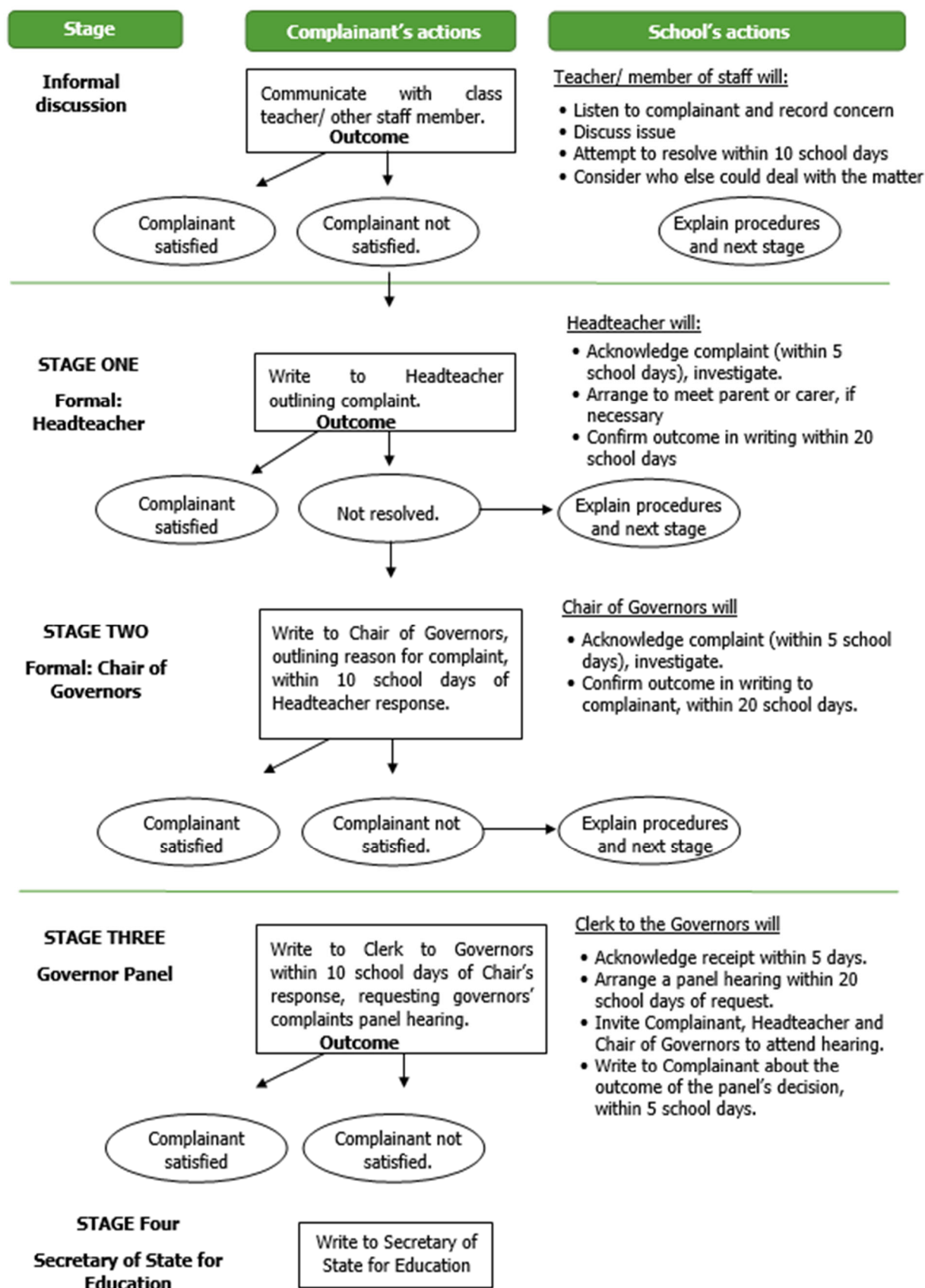
## **12. Complaints Policy Review**

12.1 The Governing Body of Orchard Junior School will review this policy, at least, annually, or sooner if there are any legislative changes.

12.2 The Governing Body of Orchard Junior School will also review this policy following a complaint panel meeting to ensure that it met the requirement to provide a clear, fair and efficient complaints procedure.

## Appendix 1 A Staged Approach to Handling Complaints

FLOW DIAGRAM



## **Appendix 2 Roles and Responsibilities**

### **Complainant**

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

### **Investigator**

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
  - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
  - interviewing staff and children/young people and other people relevant to the complaint
  - consideration of records and other relevant information
  - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
  - keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
  - ensure that any papers produced during the investigation are kept securely pending any appeal
  - be mindful of the timescales to respond
  - prepare a comprehensive report for the Headteacher or complaints panel that sets out the facts, identifies solutions and recommends courses of action to resolve problems.
- The Headteacher or complaints panel will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

## **Clerk to the Governing Body**

The Clerk is the contact point for the complainant and the committee and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example Stage 1/Stage 2/Stage 3 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision.

## **Chair of the Complaints Panel**

The Chair of the panel, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR

If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting

- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk.

## **Committee Member**

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so no governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant

We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.

- many complainants will feel nervous and inhibited in a formal setting

Parents/carers often feel emotional when discussing an issue that affects their child.

- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting

Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.

The committee should respect the views of the child/young person and give them equal consideration to those of adults.

If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.

However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.

- the welfare of the child/young person is paramount.