



# COMPLAINTS POLICY

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## **Complaints Policy**

### **Introduction**

The aim of this policy and accompanying procedure is to achieve a fair, effective and speedy resolution of parental/carer concerns about the education and/or welfare of individual pupils in the care of Orion.

Orion wants to deal with any issues, concerns and complaints as promptly and effectively and encourages in the first instance that concerns go directly to the person who is most appropriate - this will usually be the Head of School.

For non-parents or a guardian of a pupil attending Orion, the Head of School should be contacted.

Orion is required by law to have a complaints procedure that aims to ensure that concerns and complaints are handled in a fair and non-adversarial manner. The procedure is intended to deal with complaints relating to the actions of staff and the application of school procedures where they affect individual pupils except in matters relating to:

- Curriculum
- A particular exclusion,
- A particular child protection issue
- A special needs statementing issue
- An admission issue all of which are dealt with under separate procedures.

All of which are dealt with under separate procedures. Details of these procedures are available at school.

Orion encourages any complainant to make every effort to resolve any concerns informally - taking the following these steps.

Please note:

- Any concern or complaint should be brought to the attention of Orion at the earliest opportunity; any matter raised more than 3 months after the event will only be considered in exceptional circumstances.
- An anonymous complaint will not be dealt with unless there are exceptional circumstances

## **Complaints Procedure**

The complaints procedure will:

- Encourage resolution of problems by informal means wherever possible
- Be easy to obtain and clearly publicised
- Be simple to understand and use
- Be impartial
- Be non-adversarial
- Allow swift handling with clear time-limits for action and keeping people informed of progress
- Ensure a full and fair investigation by an independent person where necessary
- Respect people's desire for confidentiality
- Address all the points at issue and provide an effective response and appropriate redress, where necessary and
- Provide information to the school's Governing Body and Head of School so that services can be improved

Orion will be clear about the difference between a concern and a complaint. We will take concerns seriously at the earliest stage to reduce the numbers that develop into complaints.

### **Stage One: Informal Resolution**

It is hoped that most concerns and complaints will be resolved quickly and informally.

- The main contact person between parents/carers and Orion will always be the teacher. In most cases, the matter should be resolved quickly. If the teacher cannot resolve the matter satisfactorily, it may be necessary for him/her to consult the Head of School.
- Complaints made directly to the Head of School will usually be referred immediately to a pupil's teacher, unless the Head of School deems it appropriate to deal with the matter personally.
- Teachers will make a written record of all concerns and complaints and the date on which they were received. These records will be kept for one (1) year after the pupil leaves school.
- Orion will use its reasonable endeavours to resolve any informal complaints within ten (10) working days of them being raised, except where they are raised in school holidays. The ten working days will start from the first day back after the holiday.

- Should the matter not be resolved as referred to as above, or in the event that the teacher and the parents /carers fail to reach a satisfactory resolution, then parents/carers will be advised to proceed with their complaint in accordance with Stage Two of this procedure.

### **Stage Two: Formal Resolution**

- If the complaint cannot be resolved on an informal basis (as set out above), then parents/carers should put their complaint in writing to the Head of School. Parents/carers should also identify how they wish their complaint to be resolved.
- The Head of School will normally delegate responsibility for undertaking an investigation of the complaint to a nominated staff member unless she deems it appropriate to deal with the matter personally.
- The Head of School will decide, after considering the complaint, the appropriate course of action to take.
- In most cases, Head of School will meet or speak with the parents/carers concerned to discuss the matter. If possible, a resolution will be reached at this stage.
- Head of School will use reasonable endeavours to speak to or meet parents / carers within ten (10) working days of the formal complaint being received, except where the complaint is received in school holidays.
- It may be necessary for the Head of School to carry out further investigations.
- The Head of School will keep a written record of all meetings and interviews held in relation to the complaint.
- Once the Head of School is satisfied that, so far as is practicable, all of the relevant facts have been established, a decision will be made.
- Parents / carers will be informed of this decision in writing, giving reasons for the decision. The written decision should be provided no later than ten (10) working days after speaking or meeting with parents to discuss the matter (See above). The Head of School may also arrange to meet with parents to explain the decision.
- Orion will keep a written record of all formal complaints, including records of meetings and interviews held in relation to the complaint and the school's decision, for which records will be kept for one (1) year after the pupil leaves the school. This

record will state if the complaint(s) was/ were resolved at the preliminary hearing or if they were taken to appeal.

- Where parents/carers are dissatisfied with the outcome of the school's response to their formal complaint, they have the opportunity to have their complaint considered by an independent complaints panel.

### **Stage Three: Appeals Panel**

- If parents /carers seek to invoke Stage Three following failure to reach an earlier resolution or where dissatisfied with the Head of School's decision in respect of their formal complaint, parents /carers may write to the clerk of the Governing Body at the school address, and request that their complaint be further considered by an independent complaints panel set up for this purpose.
- This request for further assessment of the complaint will, for the purposes of this procedure, be known as an 'appeal'.
- Parents/carers must lodge their appeal in writing and within ten (10) working days of the date of the school's decision made in accordance with the Stage Two Procedure. Parents /carers should provide details of their complaint(s) made against the school and the reasons why they believe the complaint(s) have been unresolved by the Stage Two Procedure, along with the solutions suggested to resolve the complaint.
- The Complaints Panel is only obliged to consider the complaint(s) lodged in this 'initial submission' although other relevant and related matters that may subsequently arise may be considered at panel members' discretion.
- Where an appeal is received by Orion, Orion will, within five (5) working days, refer the matter to the Clerk to the Governing Body who will act as Clerk to the Complaints Panel. Where the appeal is received by Orion during school holidays, Orion has five (5) working days upon commencement of the school term to refer the matter to the Clerk.
- The Clerk provides an independent source of advice on procedure for all parties.
- Once an appeal has been received by the Clerk, he/she will acknowledge the appeal in writing within five (5) working days, and inform the parents of the steps involved in this Complaints Procedure.

- The Clerk will then endeavour to convene an independent Complaints Panel hearing as soon as possible to consider the matter, normally no later than twenty (20) school days after receipt by Orion of the parents'/carers' letter that they wish to invoke the Stage Three Procedure, dependent upon the availability of the Panel members.
- The independent Complaints Panel will consist of two Governors who have not previously been involved in the complaint, and one person independent of the management and running of Orion. The process used for selecting an independent person will conform to relevant guidance issued by the Department for Education. (DfE).
- The following are entitled to attend a hearing, submit written representations and address the Panel:
  - A. The parent(s)/carer(s) and/or one representative
  - B. The Head of School and/or one representative; and
  - C. Any other interested person whom the Complaints Panel considers having a reasonable and just interest in the appeal and whose contribution would assist the Panel in their decision-making. Legal representation will not normally be appropriate.
- Where the Complaints Panel deems it necessary, it may require that further particulars of the complaint or any related matter be supplied in advance of the hearing. In such cases all parties will be given the opportunity to submit written evidence to the Panel in support of their position, including:
  - A. Documents in support of complaint(s),
  - B. Times and key dates relating to complaint(s), and
  - C. Written submission setting out the complaint(s) in more detail

This evidence will be considered by the Panel, along with the initial submission that was lodged by parents.
- Evidence will be initially sent to the Clerk, who will then circulate the documentation to all parties, including the Panel members, along with an order of proceedings. All written evidence must be received by the Clerk no later than ten (10) working days in advance of the hearing. The Clerk will distribute the written evidence to the relevant parties no later than five (5) working days in advance of the Panel hearing.

- It is for the Panel to decide how to conduct the proceedings of the appeal, which should be reasonably informal so that all parties can present their case effectively. If possible, the Panel will resolve the parents'/carers' complaint immediately without the need for further investigation. Where further investigation is required, the Panel will decide how it should be carried out.
- After due consideration of all the facts they consider relevant, the Panel will reach a decision, and may make recommendations, which it shall complete within ten (10) working days of the hearing. The decision reached by the Complaints Panel is final. Any decision reached that may have financial implications for the school will need the appropriate approval from the relevant authorities e.g. the Governing Body, although any such approval must be compatible with the decision of the Complaints Panel.
- The Panel's findings and recommendations will be sent by the Clerk in writing to the parents/carers, the Governing Body, where relevant, the person complained of. The letter will state any reasons for the decision reached and recommendations made by the Complaints Panel and be available for inspection on the school premises by the proprietor and Head of School.
- Orion will keep a written record of all complaints made whether they are resolved following a formal procedure, or proceed to a panel hearing and any action taken by the school as a result of the complaints (regardless of whether they are upheld).
- Orion will keep correspondence, statements and records relating to individual complaints confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.
- Orion keep a record of all appeals, decisions and recommendations of the Complaints Panel, for one (1) year after the pupil leaves Orion.

### **Unreasonable Complainants**

Orion is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Orion defines unreasonable complainants as 'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's

complaints'. A complaint may be regarded as unreasonable when the person making the complaint:

- 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 while still wishing their complaint to be resolved.
- Refuses to accept that certain issues are not within the scope of a complaints procedure;
- Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- Introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or 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 DfE;
- Seeks an unrealistic outcome;
- Makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:

- Maliciously;
- Aggressively;
- Using threats, intimidation or violence;
- Using abusive, offensive or discriminatory language;
- Knowing it to be false;
- Using falsified information;
- Publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Whenever possible, the Head of School or Chair of Governors will discuss any concerns with a complainant informally. If the behaviour continues, the Head of School will write to the

complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the Orion causing a significant level of disruption, Orion may specify methods of communication and limit the number of contacts.

This will usually be reviewed after 6 months. In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the school site.

### **Barring from the School Premises**

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community. If a parent's behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the Head of School or the local authority can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representation that the parent may wish to make. Schools should always give the parent the opportunity to formally express their views on the decision to bar in writing.

The decision to bar should then be reviewed, taking into account any representation made by the parent, and either confirmed or lifted. If the decision is confirmed the parent should be notified in writing, explaining how long the bar will be in place. Anyone wishing to complain about being barred can do so, by letter or email, to the Head of School or Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education. Once the Orion's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.