

RIVERSIDE SCHOOL



Complaints Policy

APPROVED BY GOVERNORS

RESPONSIBLE PERSON - HEADTEACHER

1. Introduction

Riverside School takes any concerns relating to the school seriously and would hope to be able to resolve matters without a need for a formal complaint. However, it is important that there is further recourse and the purpose of this Complaints Procedure is to promote satisfaction with Riverside School and to identify areas where services can be improved.

Riverside School believes that any person may make a complaint about any provision of facilities or services, unless separate statutory procedures apply (such as admissions) and that people should have access to a user friendly Complaints Procedure. We acknowledge that it can be difficult to express worries, problems or to challenge the way in which concerns have been handled. This procedure has the starting point that any person dissatisfied with an issue concerning Riverside School has:

- A right to be heard
- A right to complain
- A right to have their complaint looked into
- A right to have their complaint resolved as quickly as possible

2. What is a complaint

A complaint may be generally defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'. A 'concern' may be defined as 'an expression of worry or doubt over an issue considered to be important and for which re-assurances are sought'.

3. How to lodge a complaint

It is in everyone's interest that complaints are resolved at the earliest possible stage and every effort will be made to resolve issues informally without the need to invoke formal procedures. However, there may be times when a complainant would like to raise their concerns formally. Staff will be advised of the Complaints Procedure so they know what to do should they receive a complaint. At Riverside School the Complaints Co-ordinator will be the School Business Manager, who will assist with hearing complaints at the first stage.

A complaint may be made in person, by telephone, by e-mail in writing, or it can be submitted on the form which is attached to the procedure (Appendix 2). Complaints should be made within 6 weeks of any alleged occurrence to enable a reliable investigation to be undertaken. However, in exceptional cases, complaints submitted after this time frame will still be considered. Time also needs to be allowed for the Head Teacher to implement any changes following a complaint being upheld. A flow chart of suggested stages can be found at Appendix 3. The following procedure sets out further details relating to:

- The stages of the process
- Roles and responsibilities and operation of the Complaints Panel
- Details of complaints not covered by the procedure
- Procedures for serial and persistent complainants
- The Role of the school complaints unit (SCU)

4 Reviewing the procedure

The complaints policy will be reviewed every 3 years, taking into account the latest guidance issued by the DfE. This policy has been reviewed in line with best practice issued January 2016.

The responsibility for reviewing the procedure belongs to a committee of the Governing Board, an individual governor or the Headteacher.

Information gathered through reviewing the complaints procedure will be used to continuously improve and develop the process.

The monitoring and reviewing of complaints will be used to help evaluate the school's performance.

Complaints Procedure.

1. Stage One: Complaint Heard by Staff Member

A complaint should be submitted to the School Business Manager or Headteacher who will direct the complainant to the member of staff involved. If the complainant indicates that he/she would have difficulty discussing a complaint with a particular member of staff, the complainant can be referred to another staff member.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the complainant may be referred to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial. Where the complaint concerns the Headteacher, the complainant should be advised to write to the Chair of Governors directly.

Where the first approach is made to a Governor, he or she should refer the complainant to the Head Teacher or Complaints Co-ordinator and advise the parent about the school's procedure.

Individual Governors should not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages, in case they are needed to sit on a Panel at a later stage of the procedure. Most complaints will be resolved at this informal stage.

2. Stage Two: Complaint Heard by Headteacher

The Headteacher will influence the way complaints are handled in the school. At this point, however, as well as pursuing their initial complaint, the complainant may be dissatisfied with the way the complaint was handled at Stage 1. The Head may delegate the task of collating the information to another staff member, but not the decision on the action to be taken.

The Head will investigate the complaint, review all the information and discuss the findings, together with any recommendations or apology, with the complainant in order to achieve reconciliation at this stage.

If the complaint relates to the alleged conduct or capability of a member of staff, which could result in disciplinary action, the complaints process will be replaced by appropriate line management and disciplinary procedures.

As almost all complaints concern the day to day management of the school, few matters should need to go further.

3. Stage Three: Complaint Heard by Governing Board's Complaints Appeal Panel

If the complainant remains dissatisfied, he/she should write to the Chair of Governors giving details of the complaint. The Chair may be able to diffuse the situation at this point, by speaking with or writing to the complainant and reassuring him or her that the school has taken the complaint seriously.

In the event of the complainant not being satisfied, the Chair, or a nominated Governor, will convene a Governing Board (GB) Complaints Appeal Panel. The Panel can be drawn from the nominated members and may consist of three or five Governors.

If the Chair has heard the complaint informally as described above, the Chair will not participate in the Panel Hearing. The Panel may choose its own chair.

Individual complaints should never be heard by the whole GB at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

The Governors appeal hearing is the last school-based stage of the complaints process and the Appeal Panel will be independent and impartial. No governor may sit on the Panel if he/she has had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the Panel, Governors need to try and ensure that it comprises a cross-section of the categories of Governor and is sensitive to issues of race, gender and religious affiliation.

4. The Remit of the Complaints Appeal Panel

a) The Panel can:

- a. dismiss the complaint in whole or in part;
- b. uphold the complaint in whole or in part;
- c. decide on the appropriate action to be taken to resolve the complaint;
- d. recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

(b) The aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that the complainant might not be satisfied with the outcome, if the hearing does not find in his/her favour. It may, however, be possible to establish the facts and make recommendations, which will satisfy the complainant that his or her complaint has been taken seriously.

(c) An effective Panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The Panel Chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting appears appropriate and not adversarial.

(d) The Governors sitting on the Panel need to be aware of the entire complaints procedure.

A checklist for a Panel Hearing is attached at the end of this procedure.

5. Roles and Responsibilities

5.1 The Role of the Clerk

The Complaints Appeal Panel should have an independent clerk. The clerk would be the contact point for the complainant at the third stage and be required to:

- a) set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- b) collate any written material and send it to all of the parties in advance of the hearing;
- c) meet and welcome the parties as they arrive at the hearing;
- d) record the proceedings;
- e) notify all parties of the Panel's decision.

5.2 The Role of the Chair of the Governing Board or the Nominated Governor

- a) to check that the complaints procedure has been correctly followed to this point;
- b) if a hearing is appropriate, to notify the clerk to arrange the Panel.

5.3 The Role of the Chair of the Panel

To ensure that:

- a) no Member of the Panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- b) the remit of the Panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- c) parents and others who may not be used to speaking at such a hearing are put at ease;
- d) the issues are addressed;
- e) key findings of fact are made;
- f) the hearing is conducted in an informal, although structured, manner, with each party treating the other with respect and courtesy;
- g) each side is given the opportunity to state their case and ask questions;
- h) written material is seen by all parties. If a new issue arises all parties should be given the opportunity to consider and comment on it;
- i) the Panel is seen to be open minded and acting independently.

6. Notification of the Panel's Decision

The Chair of the Panel will ensure that the complainant and the Head Teacher are notified of the Panel's decision, in writing. The letter needs to explain that any further appeal should be addressed to the Secretary of State for Education.

7. Interviewing witnesses

Any pupil interview held in order to gather information regarding a complaint, will be conducted in the presence of another member of staff or, in the case of serious complaints, e.g. where the possibility of criminal investigation exists, in the presence of their parents/carers.

Riverside School will ensure that the conduction of interviews does not prejudice a LADO or police investigation.

Riverside School understands the importance of ensuring a friendly and relaxed area which is free from intimidation.

All children interviewed will be made fully aware of what the interview concerns and their right to have someone with them.

Staff are allowed a colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager.

The interviewer will not express opinions in words or attitude so as to not influence the interviewee.

The interviewee will sign a copy of the transcription of the interview.

8. Recording a complaint

A record shall be kept of any complaint made, whether via phone, in person or in writing, detailing the main issues raised, ready to discuss at a later date.

Riverside School holds the right to use recording devices, where appropriate, to ensure all parties involved are able to review the discussions at a later date.

Where there are communication difficulties or disabilities, the school may provide recording devices to ensure the complainant is able to access and review the discussions at a later point

Details of any complaint made shall not be shared with the entire governing board unless completely necessary, in case an independent panel is needed to hear the complaint.

The progress and the final outcome of a complaint will be recorded and kept up-to-date by the Complaints co-ordinator.

Riverside School will hold all records of complaints centrally.

Complainants have a right to access copies of these records under the Freedom of Information and Data Protection Acts.

9. Complaints not covered by this procedure

Complaints regarding the following topics should be directed to the LA:

- Statutory assessments of Special Educational Needs and Disabilities
- School re-organisation proposals
- Matters which may require a Child Protection Investigation
- Admissions to schools
- Complaints concerning admissions should be directed to the appropriate admissions authority.

Complaints about children being excluded from the school should be dealt with by following the process explained at: <https://www.gov.uk/school-discipline-exclusions/exclusions>

Riverside School has an internal whistleblowing procedure for all employees and voluntary staff which is available on our website www.riversideschool.org.uk . Complaints of this nature should not be addressed using this complaints procedure.

Staff grievances and disciplinary procedures will be dealt with using Riverside School's internal grievance procedure. In these cases, complainants will not be informed of the outcome of any investigations.

This complaints procedure is not to be used when addressing any complaints made about services provided by a third party who may use the school premises or facilities. All complaints concerning this should be directed to the service provider.

10. Exceptional circumstances

If the complaint suggests that a child has been at risk of significant harm through violence, emotional abuse, sexual harassment or neglect, it may be referred without further notice to the children's social care, LADO and/or to the LA.

If a social services authority decides to investigate a situation, the Headteacher or Governing Board may postpone the complaints procedure.

Where a matter can be resolved through a legal appeal, it will not be considered as a formal complaint. The key areas are: admissions decisions, certain decisions relating to formal assessment of special educational needs, and decisions to permanently exclude a child.

11. Serial and persistent complainants

- a. The school will act in a manner they believe to be appropriate when dealing with an individual who consistently makes the same complaints or who continuously asks the school to reconsider their position.
- b. If a complainant attempts to re-open an issue which has previously fully completed the complaints procedure, the chair of the governing board will inform the complainant that the matter is now closed.
- c. If the complainant contacts the school regarding the same issue again, the complaint may be classed as 'serial' or 'persistent' and the school does not have an obligation to respond.
- d. The school will ensure that a complaint is not classed as 'serial' before they have fully completed the complaints procedure.
- e. Riverside School will not take the decision to stop responding to an individual lightly. The school will ensure that:
 - They have previously taken every reasonable step to address the problem.
 - They have provided the complainant with a statement of their position.
 - The complainant is contacting the school repeatedly with the same complaint.
- f. If the school believes that the complainant is continuously contacting the school to cause disruption or inconvenience, or if the complainant is being abusive or threatening, the school has the right to not respond to the correspondent.
- g. If Riverside School decides to no longer respond to a complainant, the individual will be informed of this decision in writing.
- h. If the school finds it difficult to deal with a complainant due to their unreasonable behaviour, then their complaint can be directed to the LA. (See also Appendix 4 – Unreasonable complainants)
- i. The complainant has the right to a third party representative, such as the Citizens' Advice Bureau, throughout the complaints procedure.
- j. Any new complaint made by a 'serial' complainant will be responded to.
- k. Complainants hold the right to refer their complaint to their local MP. This would not make the individual a 'serial' or 'persistent' complainant.
- l. Riverside School will not deny any individual access to information that they have a right to under The Education (Pupil Information) (England) Regulations 2005.

12. Barring from the premises

- a. School premises are private property and therefore any individual can be barred from entering the premises.

- b. If a parents/carers behaviour is cause for concern, a school can ask the individual to leave the premises.
- c. The Headteacher or the LA will notify the parties involved via writing, explaining that their implied licence for access to the premises has been temporarily revoked subject to any representations that the individual may wish to make.
- d. The individual involved will be given the opportunity to formally express their views regarding the decision to bar them.
- e. This decision to bar will be reviewed, taking into account any discussions following the incident.
- f. If the decision is made to continue the bar, the individual will be contacted in writing, informing them of how long the bar will be in place.
- g. Anyone wishing to make a complaint regarding a barring order can do so in writing, including email, to the Headteacher or Chair of Governors.
- h. Once the school's complaints procedure is completed, the only remaining avenue of appeal is through the Courts.

13. Role of the school complaints unit (SCU)

- a. If a complainant remains dissatisfied once the complaint procedure has been completed, they have the right to refer their complaint to the Secretary of State.
- b. The Secretary of State will only intervene when they believe that the governing board has acted unlawfully or unreasonably.
- c. The SCU will not overturn a school's decision about a complaint except in exceptional circumstances, such as the school acting unlawfully.
- d. When making a final decision about a complaint, the school reserves the right to seek advice from the SCU on whether they are acting reasonably and lawfully. However, they will not be able to advise on how to resolve the complaint.
- e. Further information can be obtained on the SCU by calling the National Helpline on 0370 000 2288 or going online at www.education.gov.uk/help/contactus



Please complete and return to Mrs Sue Crane, School Business Manager (complaints co-ordinator) who will acknowledge receipt and explain what action will be taken.

Your name:

Address:

Post Code:

Day time telephone number:

Evening telephone number:

E.mail address

Please give details of your complaint:

What action, if any, have you already taken to try and resolve your complaint.
(Who did you speak to and what was the response?)

What actions do you feel might resolve the problem at this stage?

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Are you attaching any paperwork? If so please give details
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Signature

Date

Official use: Date of acknowledgement: By Who:
--

Complaint referred to:

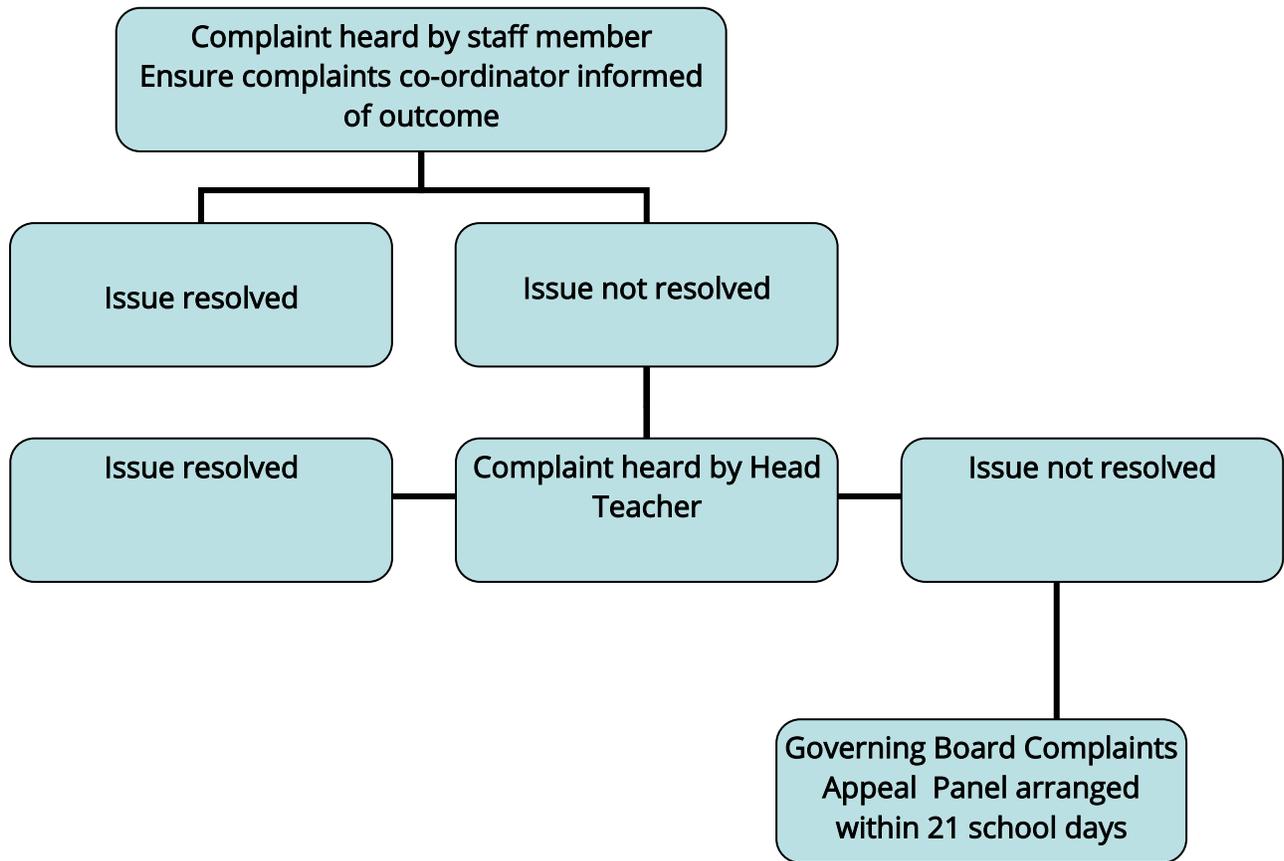
Date:

School Actions with dates:

Final Outcomes:

Date

Complaint Stages Flowchart



Policy for unreasonable complainants

Riverside School 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.

Riverside School 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

Complainants should limit the numbers of communications with a school while a 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.

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 and asking them to change it. For complainants who excessively contact Riverside School causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. 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 Riverside School premises.

Checklist for a Panel Hearing

- The Panel needs to take the following points into account:
- The hearing, while structured, is conducted as informally as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The Head Teacher may question both the complainant and the witnesses after each has spoken.
- The Head Teacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the Head Teacher and the witnesses after each has spoken.
- The Panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The Head Teacher is then invited to sum up the school's actions and response to the complaint.
- Both parties leave together while the Panel decides on the issues.
- The Chair explains that both parties will hear from the Panel within a set timescale.