

RIVERSIDE SCHOOL



Complaints Policy

APPROVED BY GOVERNORS RESPONSIBLE

PERSON – HEADTEACHER

1. Introduction

1.1 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, to identify areas where services can be improved and to support with the successful resolution of any concerns or complaints raised.

1.2 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. Legal framework

2.1 This policy has due regard to all relevant legislation including, but not limited to, the following:

- Education Act 2002
- Freedom of Information Act 2000
- Immigration Act 2016
- Equality Act 2010
- UK General Data Protection Regulation (GDPR)
- Data Protection Act 2018
- The Education (Pupil Information) (England) Regulations 2005
- The School Information (England) (Amendment) Regulations 2016

2.2 This policy has also due regard to guidance including, but not limited to, the following:

- DfE (2021) 'Best practice guidance for school complaints procedures 2020'
- HM Government (2016) 'Code of Practice on the English language requirement for public sector workers'

2.3 This policy operates in conjunction with the following school policies:

- School's GDPR and Data Protection policy (including
- Child Protection and Safeguarding Policy
- Grievance Policy
- Exclusion Policy
- Whistleblowing Policy

3. Definitions

3.1 For the purpose of this policy, a “**complaint**” can be defined as ‘an expression of dissatisfaction’ towards the actions taken or a perceived lack of action taken.

A “**concern**” can be defined as ‘an expression of worry or doubt’ where reassurance is required. For the purpose of this policy, concerns will be classed and addressed as complaints.

3.2 Complaints can be resolved formally, through this procedure, or informally dependent on the complainant’s choice. Any complaint or concern will be taken seriously, whether formally or informally, and the appropriate procedures will be implemented.

A “**grievance**” is an issue raised by a member of staff where they feel the school has not implemented a policy or process fairly or properly. Grievances will be dealt with in line with the school’s Grievance Policy.

3.3 For the purpose of this policy, “**unreasonable complaints**” include:

- Vexatious complaints, which:
 - Are obsessive, persistent, harassing, prolific, repetitious.
 - Insist upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason.
 - Insist upon pursuing meritorious complaints in an unreasonable manner.
 - Are designed to cause disruption or annoyance.
 - Demand for redress which lacks any serious purpose or value.
- Serial or persistent complaints, which:
 - Are duplicated, sent by the same complainant once the initial complaint has been closed.
 - Are new complaints that are submitted additionally, as part of an existing open complaint, by the same complainant.

3.4 Serial or persistent complaints will only be marked as ‘serial’ once the complainant has completed the complaints procedure. It is the complaint that will be marked as ‘serial’, meaning the complainant can complain about a separate issue if necessary.

3.5 For the purpose of this policy, “**duplicate complaints**” are identical complaints received from a complainant’s spouse, partner, grandparent or child. These complaints will not be addressed again, the individual making the second complaint will be informed that the complaint has been dealt with on a local level and if they are dissatisfied with the result, they can appeal to the DfE.

3.6 Any new details provided by a complainant’s spouse, partner, grandparent or child, will be investigated and dealt with in line with the complaints procedure.

4. Roles and responsibilities

4.1 The complainant will:

- Cooperate with the school in seeking a solution to the complaint.
- Express the complaint and their concerns in full at the earliest possible opportunity.
- Promptly respond to any requests for information or meetings.

- Ask for assistance as needed.
- Treat any person(s) involved in the complaint with respect.

4.2 The complaint investigator will:

- Ensure that all parties involved in the complaint are fully updated throughout each stage of the procedure.
- Guarantee that all parties involved in the procedure are aware of any relevant legislation, including the Equality Act 2010, UK GDPR, Data Protection Act 2018 and Freedom of Information Act 2000.
- Keep up-to-date records throughout the procedure – these records will be kept securely on the school's ICT system and retained in line with the school's Records Management Policy.
- Liaise with all parties involved to ensure the complaints procedure runs smoothly, including the headteacher, clerk to governors and chair of governors.
- Ensure, where the complainant is dissatisfied with the response, they are allowed to escalate it to the next formal stage and are provided the opportunity to complete the complaints procedure in full.
- Be aware of issues with regards to sharing third party information.
- Understand the complainant's need for additional support, including interpretation support, and will be aware of any issues concerning this.

4.3 The headteacher, or where the complaint is against the headteacher, the chair of governors, is responsible for:

- Providing a sensitive and thorough interviewing process of the complainant to establish what has happened and who is involved.
- Considering all records, evidence and relevant information provided.
- Interviewing all parties that are involved in the complaint, including staff and pupils.
- Analysing all information in a comprehensive and fair manner.
- Liaising with the complainant and complaint investigator to clarify an appropriate resolution to the problem.
- Identifying and recommending solutions and courses of actions to take.
- Being mindful of timescales and ensuring all parties involved are aware of these timescales.
- Responding to the complainant in a clear and understandable manner.

4.4 The panel chair will:

- Ensure that minutes of the meetings are taken on every occasion.
- Explain the remit of the panel to the complainant.
- Ensure that all issues are addressed and that outcomes are reached based on facts and evidence.
- Help to put at ease and console individuals involved who are not used to speaking at such hearings, particularly any pupils involved.
- Conduct the hearing in an informal manner, ensuring that everyone is treated with respect and courtesy.

- Ensure that the room's layout and setting is informal and non-adversarial, yet still sets the appropriate tone.
- Confirm that no member of the panel has previously been involved in the earlier stages of the procedure or has an external interest in the outcome of the proceedings.
- Give both the complainant and the school the opportunity to state their case and seek clarity without undue interruption.
- Provide copies of any written material or evidence to everyone in attendance of the meeting, ensuring that everyone has seen the necessary material.
- Organise a short adjournment of the hearing if required.
- Continuously liaise with the panel clerk and complaint investigator to ensure the procedure runs smoothly.
- Help to provide the support necessary where the complainant is a child.

4.5 All panel members will be aware that:

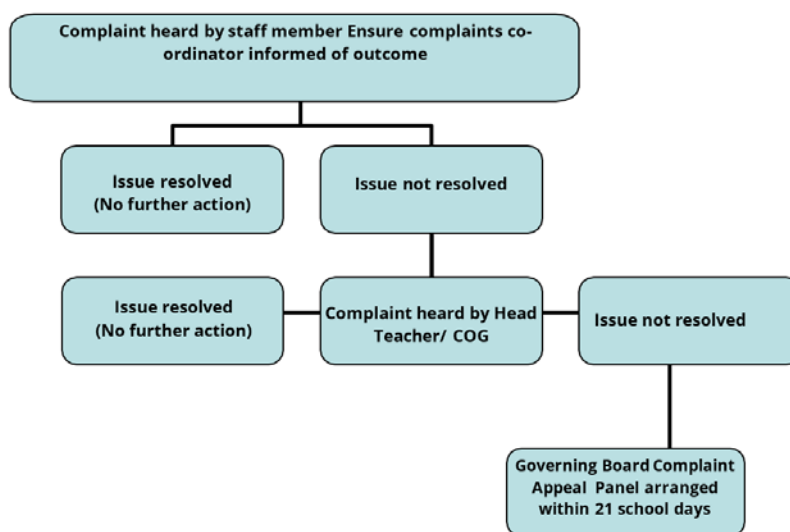
- The review panel meeting is independent and impartial.
- No individual with prior involvement in the complaint, or the circumstances surrounding it, is permitted to sit on the panel.
- The aim of the panel is to achieve a reasonable resolution and, ultimately, attain a harmonious reconciliation between the parties involved.
- Reconciliation between the school and complainant is not always achievable, and that it may only be possible to establish facts and make recommendations to reassure the complainant that their case has been taken seriously.
- The panel can:
 - Dismiss or uphold the complaint, in whole or in part.
 - Decide on appropriate action to be taken.
 - Recommend changes that the school can make to prevent reoccurrence of the problem.
- Complainants may feel nervous or inhibited in a formal setting and, therefore, the proceedings should be as welcoming as possible.
- When a child is present at the hearing, extra care needs to be taken to ensure that the child does not feel intimidated, as well as ensuring the child's view is represented equally.

4.6 The panel clerk will:

- Continuously liaise with the complaint investigator.
- Record the proceedings.
- Set the date, time and venue of all hearings, ensuring that this is appropriate, convenient and accessible to all parties involved.
- Collate all written material or evidence involved and send it to the parties involved in timely advance of the hearing.
- Greet all parties as they arrive at the hearing.
- Ensure that the minutes of the panel hearing are circulated.
- Notify the relevant parties of the panel's decision and any other actions to be taken.

5. Making a complaint

Complaints procedure flow chart



5.1 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.

5.2 Complaints are not restricted to parents of attending pupils – the school will consider all complaints, providing they are not anonymous. The school will ensure the complaints procedure is:

- Easily accessible and publicised on the school's website.
- Simple to understand and put into practice.
- Impartial and fair to all parties involved.
- Respectful of confidentiality duties.
- Continuously under improvement, using information gathered during the procedure to inform the school's SLT.
- Fairly investigated, by an independent person when necessary.
- Used to address all issues to provide appropriate and effective responses where necessary.

5.3 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 **3 months** 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)

5.4 Any complaint made against a member of staff will be initially dealt with by the headteacher, and then by a committee of the governing board if not resolved.

5.5 Any complaint made against the headteacher shall be initially dealt with by a suitably skilled member of the governing board and then by a committee of the governing board.

5.6 Any complaint made against the chair of governors or any other member of the governing board should be made in writing to the clerk to governors. Any complaint made against the entire governing board, or complaints involving the chair of governors and the vice chair of governors, should be made in writing to the clerk to governors. The clerk to governors will then determine the most appropriate course of action, depending on the nature of the complaint. This action may involve sourcing an independent investigator to initially deal with the complaint and then getting the complaint to be heard by co-opted governors from another school.

5.7 Under some circumstances, it may be necessary to deviate from the complaints procedure. Any deviation will be documented, along with the reasons for this. Information about a complaint will not be disclosed to a third party without written consent from the complainant.

6. Reviewing the procedure

6.1 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 **and was updated in June 2022.**

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

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

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

6.5 A copy of this Complaints Procedures Policy will be published on the school website in accordance with the School Information (England) (Amendment) Regulations 2016.

6.6 Please refer to Appendix 1 on page 7 for the School's Complaints procedure.

Complaints Procedure.**1. Stage One: Informal Complaint Heard by Staff Member**

1.1 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.

1.2 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. Please write to Clerk@riverside.bromley.sch.uk

1.3 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.

1.4 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.

1.5 To prevent later challenge or disagreement over what has been said, brief notes of meetings and telephone calls are kept and a copy of any written response is added to the record. The notes are kept securely on the school's ICT system and where appropriate are encrypted or password protected.

1.6 Within 15 school days, the complainant and the relevant member of staff should discuss the issue in a respectful and informal manner to seek a mutual resolution.

1.7 If an appropriate resolution cannot be sought at this informal level, or if the complainant is dissatisfied with the outcome following the initial discussions, the complainant may wish to proceed to the next level of the procedure.

2. Stage Two: Formal Complaint Heard by Headteacher

2.1 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.

2.2 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.

2.3 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.

2.4 Where the Headteacher, or Chair of Governors (if the matter relates to the Headteacher), has made reasonable attempts to accommodate the complainant with dates for a complaint meeting and they refuse or are unable to attend, the meeting will be convened in their absence and a conclusion will be reached in the interests of drawing the complaint to a close.

2.5 To prevent later challenge or disagreement over what has been said, brief notes of meetings and telephone calls are kept and a copy of any written response is added to the record. The notes are kept securely on the school's ICT system and where appropriate are encrypted or password protected.

2.6 Once facts are established the Headteacher shall contact the complainant in writing with an explanation of the decision. The complainant will be advised of any escalation options and will be provided details of this process.

2.7 The complainant will be provided with copies of any minutes on request, subject to any necessary redactions under the Data Protection Act 2018 and the UK GDPR.

2.8 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

3.1 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.

3.2 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 will consist of three Governors.

3.3 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.

3.4 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.

3.5 If the whole governing board is aware of the substance of a complaint before the CAP has been completed, an independent panel should be arranged to hear the complaint.

3.6 To appoint a governor from another school onto an independent complaints panel, the governing board does not have to enter into, or already be in, a formal arrangements under the School Governance (Collaboration) (England) Regulations 2003.

3.7 Where an independent panel is arranged on an ad hoc, informal basis, governors who are suitably skilled and who can demonstrate their independence will be sourced.

3.8 Governors from any category of governor or associate members of another governing board can be approached to take part in an independent panel.

7 school days' notice will be given to all parties attending the CAP.

3.9 The panel hearing will be managed in line with the checklist at Appendix 5.

3.10 The complainant will receive a written response explaining the panel's findings within 15 school days. This letter will also explain any further rights of appeal.

3.11 Where relevant, the person complained about will receive a summary of the panel's finding and recommendations. They will also receive a copy of minutes, subject to any necessary redactions under Data Protection Act 2018 and the UK GDPR.

3.12 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.

Final Stage – Appeal

3.13 If a complainant has completed the school's process and the complainant remains dissatisfied, they have the right to refer their complaint to the Secretary of State using the DfE's online form or in writing to:

Ministerial and Public Communications Division
Department for Education
Piccadilly Gate
Store Street
Manchester M1 2WD

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. Notification of the Panel's Decision

5.1 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 as per the final stage of the process.

6. Interviewing witnesses

6.1 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.

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

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

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

6.5 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.

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

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

7. Recording a complaint

7.1 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.

7.2 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.

7.3 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.

7.4 Recording devices will not be used without the prior consent of all parties.

7.5 The school will not accept as evidence, any recording that were obtained covertly and without the informed consent of all parties being recorded.

7.6 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.

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

7.8 Riverside School will hold all records of complaints securely.

7.9 Complainants have a right to access copies of these records under the Freedom of Information Act 2000 and **UK** GDPR.

8. Complaints not covered by this procedure

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

- Statutory assessments of SEND
- School re-organisation proposals
- Admissions to schools

8.2 Complaints about child protection matters will be handled in line with the school's Child Protection and Safeguarding Policy and in accordance with relevant statutory guidance. Any child protection complaints should be directed to the LADO or the multi-agency safeguarding hub (MASH).

8.3 Complaints concerning admissions will be directed to the appropriate admissions authority.

8.4 Complaints regarding exclusions will be dealt with in accordance with procedure outlined in the Exclusion Policy.

8.5 The school has an internal whistleblowing procedure for all employees, including contractors and temporary staff outlined in the Whistleblowing Policy. Any whistleblowers not wishing to raise the issue with their employer will direct their complaint to the DfE.

8.6 Volunteers who have concerns about the school or a member of staff should make their complaint in line with this policy. Volunteers may also be able to complain to the LA or DfE, depending on what the complaint is about.

8.7 Staff grievances and disciplinary procedures will be dealt with in line with the Grievance Policy. In these cases, complainants will not be informed of the outcome of any investigations; however, they will be notified that the matter is being addressed.

8.8 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. The headteacher will ensure all third-party suppliers have their own complaints procedures in place, and all complaints concerning this should be directed to the service provider.

8.9 Complaints about the content of national curriculum should be made to the DfE.

8.10 Complaints about how the school delivers the curriculum, including RE and RSE, will be dealt with using this complaints procedure.

8.11 Complaints from parents who are dissatisfied with the handling of a request to withdraw their child from RE or collective worship will be handled in line with this complaints procedure.

8.12 Requests for information and issues with the school's process for dealing with FOI requests, will be dealt with in accordance with the Freedom of Information Policy.

9. Exceptional circumstances

9.1 The DfE expects complainants to have completed the school's complaints procedure before directing a complaint to them. The exceptions to this include when:

- Pupils are at risk of harm.
- Pupils are missing education.
- A complainant is being prevented from having their complaint progress through the school's complaints procedure.
- The DfE has evidence that the school is proposing to act or is acting unlawfully or unreasonably.

9.2 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 SEND, and decisions to permanently exclude a child.

9.3 If a complainant commences legal action against the school in relation to their complaint, the school will consider whether to suspend the complaints procedure, until those legal proceedings have concluded.

10. Managing unreasonable requests

10.1 The 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.

10.2 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 cooperate 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 complaints 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.

10.3 A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone, 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.
- By publishing unacceptable information in a variety of media, e.g. social media websites and newspapers.

10.4 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.

10.5 Whenever possible, the headteacher or chair of governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

10.6 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 the school causing a significant level of disruption, the school may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after six months.

10.7 A decision to stop responding will only be considered in circumstances where the following statements are true:

- Every reasonable step has been taken to address the complainant's concerns.

- The complainant has been given a clear statement of the school's position and their options.
- The complainant contacts the school repeatedly, making substantially the same points each time.

10.8 If the above criteria are met, in making a decision to stop responding the school will also consider if the complainant is often abusive or aggressive in their communication, makes insulting personal comments about or threats towards staff, and if the school believes their intent is to disrupt or inconvenience the school.

10.9 The school will not stop responding to a complainant on the basis that they are difficult to deal with or they ask complex questions.

10.10 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 premises.

11. Complaints campaigns

11.1 For the purposes of this policy, "**complaints campaigns**" are where the school receives large volumes of complaints that are all based on the same subject.

11.2 Where the school becomes the subject of a complaints campaign from complainants who are not connected with the school, a standard, single response will be published on the school's website. If the school receives a large number of complaints about the same subject from complainants who are connected to the school, e.g. parents, each complainant will receive an individual response.

11.3 If complainants remain dissatisfied with the school's response, they will be directed to the DfE.

12. Barring from the premises

12.1 School premises are private property and therefore any individual may be barred from entering the premises.

12.2 If an individual's behaviour is cause for concern, the headteacher or chair of governors will ask the individual to leave the premises.

12.3 The headteacher will notify the parties involved in writing, explaining that their implied licence for access to the premises has been temporarily revoked and why, subject to any representations that the individual may wish to make.

12.4 The individual involved will be given the opportunity to formally express their views regarding the decision to bar them. This decision to bar will be reviewed by the chair of governors or a committee of the governing board, taking into account any discussions following the incident. 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, and when the decision will be reviewed.

12.5 Anyone wishing to make a complaint regarding a barring order can do so in writing, including email, to the headteacher or chair of governors.

12.6 Once the school's complaints procedure is completed, the only remaining avenue of appeal is through the Courts.

13. Standard of fluency complaints

13.1 As members of a public authority, all staff are subject to the fluency duty imposed by the Immigration Act 2016, which requires staff members to have an appropriate level of fluency in English in order to teach pupils.

13.2 The school is free to determine the level of spoken communication necessary in order for staff members to develop effective performance, but it will be matched to the demands of the role in question.

13.3 The school will be satisfied that an individual has the necessary level of fluency appropriate for the role they will be undertaking, whether this is an existing or potential new member of staff. If a member of the school community feels that a staff member has insufficient proficiency in spoken English for the performance of their role, they are required to follow the complaints procedure outlined in the complaints procedure section of this policy.

13.4 For the purpose of this policy, a **"legitimate complaint"** is one which is about the standard of spoken English of a member of staff; complaints regarding an individual's accent, dialect, manner or tone of communication are not considered legitimate complaints.

13.5 All legitimate complaints regarding the fluency duty will be handled in line with the processes outlined in this policy.

13.6 In addition to the processes outlined in this policy, the school will assess the merits of a legitimate complaint against the necessary standard of spoken English fluency required for the role in question. To assess the merits, the school will undertake an objective assessment against clear criteria set out in the role specification or, against the level of fluency descriptors relevant to the role in question. If the complaint is upheld, the school will consider what action is necessary to meet the fluency duty; this may include:

- Specific training
- Specific re-training
- Assessment
- Re-deployment
- Dismissal

13.7 Appropriate support will be provided to staff to ensure that they are protected from vexatious complaints and are not subjected to unnecessary fluency testing. Records of complaints regarding fluency will be kept in accordance with the processes outlined in the recording a complaint section of this policy.

14. Role of the school complaints unit (SCU)

14.1 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.

14.2 If a complainant wishes to escalate a complaint of bias, the DfE will require evidence to be submitted with the complaint. The Secretary of State will only intervene when they believe that the governing board has acted unlawfully or unreasonably.

14.3 The SCU will not overturn a school's decision about a complaint except in exceptional circumstances, such as the school acting unlawfully.

14.4 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.

15. Transferring data

15.1 When a pupil changes school, the pupil's educational record will be transferred to the new school and no copies will be kept.

15.2 The school will hold records of complaints separate to pupil records while a complaint is ongoing, so that access to these records can be maintained.

15.3 Information that the school retains relating to a complaint will be stored securely and in line with the school's Records Management Policy.

16. Availability

16.1 A copy of this policy will be published on the school website in accordance with the School Information (England) (Amendment) Regulations 2016.



Appendix 2

Please complete and return to Mrs Naomi Walters (email: naomi.walters@riverside.bromley.sch.uk), 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:

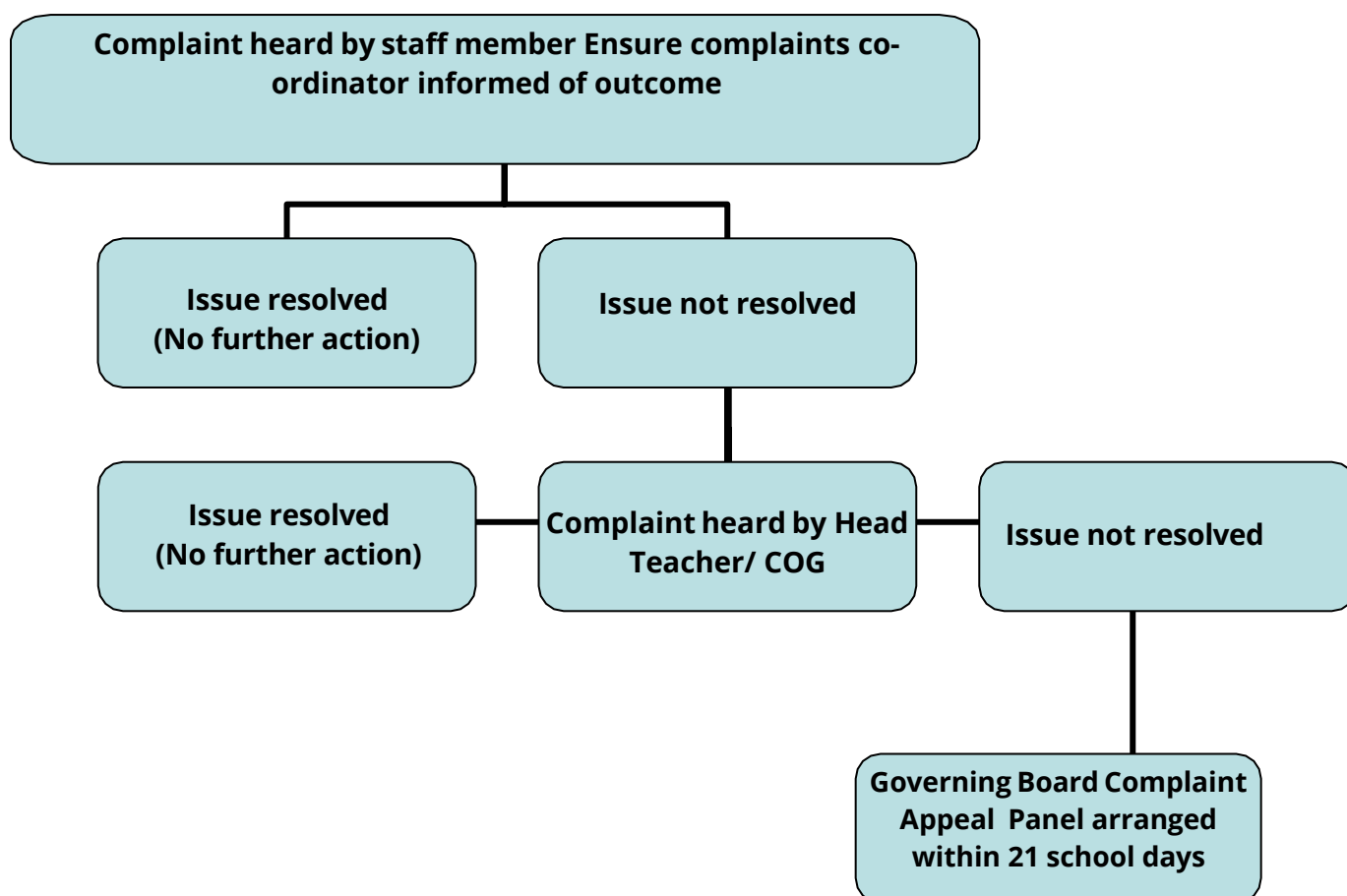
E.mail address

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?)**

<p>What actions do you feel might resolve the problem at this stage?</p>
<p>Are you attaching any paperwork? If so please give details</p>
<p>Signature</p>
<p>Date</p>
<p>Official use:</p> <p>Date of acknowledgement:</p> <p>By Who:</p>
<p>Complaint referred to:</p>
<p>Date:</p>
<p>School Actions with dates:</p>
<p>Final Outcomes:</p> <p>Date</p>

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.

Example Letter to Complainant for a Stage Three Complaint

Address line one

Address line two

Town

County

Postcode

Date

Dear **addressee's name**,

RE: Stage three complaint

Thank you for your letter dated **date** setting out the reasons why you are not satisfied with the **headteacher**'s response to your complaint about **details of the complaint**.

I am writing to let you know that I will be arranging for a complaints appeal panel (CAP) to consider your complaint, in accordance with our school's complaints procedure.

As explained in the procedure, the **chair** of the CAP will advise, in writing, how the CAP intends to consider your complaint.

Yours sincerely,

Chair of the governing board

Example Letter for Complaints Against the Headteacher

Address line one

Address line two

Town

County

Postcode

Date

Dear addressee's name,

RE: Complaint against the headteacher

I have received your complaint against the headteacher of name of school.

I write to let you know that I have forwarded a copy of your complaint to the headteacher, with a request that they respond to the issues raised in the complaint within **10** school days.

A copy of the headteacher's response will be sent to you as soon as possible.

If you are not satisfied with the headteacher's response, I will arrange for a complaints appeal panel (CAP) to consider your complaint in accordance with stage two of the attached complaints procedure. As explained in the procedure, the chair of the CAP will advise you, in writing, how the complaint will proceed.

Yours sincerely,

Chair of the governing board