

Complaints Procedure / Policy



RIVERSIDE BRIDGE SCHOOL
'EXCELLENCE FOR ALL'



Ratified by Governors: 6th February 2018
To be reviewed: February 2019



Riverside Bridge School

COMPLAINTS PROCEEDURE / POLICY

Review Frequency: Annually

Date of ratification: February 2018

Date next review due: February 2019

Scope of Procedure / Policy: This Procedure / Policy applies to all staff, students, governors and volunteers at Riverside Bridge School

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1.0 INTRODUCTION

This policy is based on departmental advice from the Department for Education 2016. This advice is non-statutory and has been produced to help governing bodies understand their obligations and duties in relation to Section 29 of the Education Act 2021.

2.0 PURPOSE

This procedure is intended to allow you to raise a concern or complaint relating to the school, or the services that it provides.

3.0 SCHOOL VISION AND PRINCIPLES

- Leading excellence in Special Educational Needs and Disability (SEND) Provision
- Ensuring outstanding person-centred achievement and outcomes
- Including everyone in meaningful and safeguarded life

We value... our pupils and their families. We strive to keep them safe and offer an excellent education, personal development, training and inclusion.

Where we fall short of our 'Vision and Values', we will respond appropriately to your concern or complaint as set out in this policy.

4.0 SCOPE

Any person, including members of the general public, may make a complaint about any provision of facilities or services that a school provides, unless separate statutory procedures apply (such as exclusions or admissions). We will not limit complaints to parents or carers of children that are registered at the school.

An anonymous concern or complaint will not be investigated under this procedure unless there are exceptional circumstances.

To allow for a proper investigation, concerns or complaints should be brought to the attention of the school as soon as possible and usually within 3 months. However, any matter raised more than 3 months after the event, will be considered.

Some complaints fall outside the school's complaints procedure:

- Staff grievances or disciplinary procedures;
- Admissions
- Statutory assessments of Special Educational Needs (SEN)
- School re-organisation proposals
- Exclusion of children from school
- Whistleblowing
- Complaints about services provided by other providers who may use school premises or facilities

5.0 RAISING A CONCERN OR COMPLAINT

A 'concern' may be defined as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*.

A 'complaint' may be generally defined as *'an expression of dissatisfaction however made, about actions taken or a lack of action'*

In line with the Equality Act 2010, complaints can be raised in person, in writing or by telephone.

Records of complaints and their progress through the Stages will be kept by the school office. Complainants will have access to these records under the Freedom of Information and Data Protection Acts.

6.0 INFORMAL STAGE

- It is normally appropriate to communicate directly with the member of staff concerned by letter, by telephone or in person by appointment
- It is anticipated that most concerns or complaints will be resolved by this informal stage
- In the case of serious concerns, address them directly to the Head Teacher [or to the Chair of the governing body, if the complaint is about the Head Teacher]

- Complaints against the chair of governors or any individual governor should be made by writing to the clerk to the governing body
- If you are uncertain about who to contact, please seek advice from the school office or the Clerk to the governing body

FORMAL STAGES

7.0 FORMAL STAGE 1

7.1 Stage 1 – Record of Complaint

- If your concern or complaint is not resolved at the informal stage, you must put the complaint in writing, make arrangements to meet in person or talk over the telephone where written notes will be kept by the school.
- Complaints recorded in writing will be passed to the Head Teacher, [or to the Clerk to the governing body, for the attention of the Chair, if the complaint is about the Head Teacher] who will be responsible for ensuring that it is investigated appropriately.

7.2 Stage 1 - Complaint Form

- A Complaint Form is provided to assist you. (*Appendix 1*)
- Please pass the completed form, in a sealed envelope, to the Head Teacher or to the Clerk to the governing body, as appropriate

7.3 Stage 1 - Meeting

- The Head Teacher [or Chair] may invite you to a meeting to clarify your concerns and to seek a resolution. If you accept that invitation, you may be accompanied by a friend, if you wish, to assist you in explaining the nature of your concerns

7.4 Stage 1 - Outcome Letter

- Your complaint may be resolved at this point and summarised in a letter from the Headteacher or Chair within 5 working days.

8.0 FORMAL STAGE 2

8.1 Stage 2 - Investigation and Concluding Letter

- If the complaint remains unresolved at Formal Stage 1, you will receive a letter within 5 working days of the Stage 1 meeting detailing how the school intends to proceed.
- This will include details of the investigation and the date by which you will receive a further letter summarising the conclusions of the investigation, usually within a 10 working days of the first letter. (*ie 15 working days in total from the date of the Stage 1 meeting. Depending on the complexity of the case, these timescales may be extended whilst we keep you fully informed.*)
- Investigation procedures are included in Appendix 2.

9.0 FORMAL STAGE 3

9.1 Stage 3 - Review process

- If you are not satisfied with the manner in which the process has been followed, you may request that the governing body reviews the process followed by the school in handling the complaint. Any such request must be made in writing to the clerk to the governing body, within 10 school days of receiving notice of the outcome, and include a statement specifying any perceived failures to follow the procedure. The procedure described below will be followed.

9.2 Stage 3 - Complaint Review Request Form

- A Review Request form is provided for your convenience.- in Appendix 3.

9.3 Stage 3 Governing Body Panel

- Within 10 school days of receipt of your request

9.4 Formal Stage 3 Outcome Letter

- Within 5 days of Stage 3 Governors Panel

Please see Appendix 4 for details of the Review process

10.0 The School Complaints Unit (SCU), Department for Education

If a complaint has completed the local procedures and the complainant remains dissatisfied, they have the right to refer their complaint to the Secretary of State. The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing body has acted unlawfully or unreasonably and where it is expedient or practical to do so.

The SCU will not overturn a school's decision about a complaint except in exceptional circumstances where it is clear the school has acted unlawfully or unreasonably.

Schools may wish to contact the SCU for advice on whether they have acted reasonably; for example in closing down a complaint from a serial complainant before the local procedure has been completed. However, the SCU will not be able to advise on how to resolve the complaint.

Further information can be obtained from the SCU by calling the National Helpline on **0370 000 2288**

Online at: www.education.gov.uk/help/contactus

By writing to: Department for Education School Complaints Unit 2nd Floor, Piccadilly Gate Store Street Manchester M1 2WD

11.0 Dealing with persistent or serial complaints

There will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. The Department for Education advises that a school need not respond if a complainant raises again an issue that has already

been taken through the complaints procedure.

If the complainant tries to reopen the same issue, the Chair of the Governing Body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed at school level

This does not preclude a complaint being escalated to the Secretary of State for Education who will make an independent judgement about each case.

12.0 Monitoring Complaints

The Governing Body will monitor the level and nature of complaints termly. However, complaints information shared with the whole Governing Body should not name individuals in case an appeal panel needs to be constituted.

The Complaints procedures will inform the Senior Leadership Team of issues so that services can be improved where necessary.

Appendix 1
Riverside Bridge School
Formal Stage 1 Complaint Form

Please complete this form and return it to Headteacher [or Clerk to the Governing Body], who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name:

Relationship with school [e.g. parent of a pupil on the schools roll]:
.....

Pupil's name [if relevant to your complaint]:
.....

Your Address:

Daytime telephone number:

Evening telephone number:

Please give concise details of your complaint to allow the matter to be fully investigated.

Potential Witness name(s):

Dates and times of events:

You may continue on separate paper, or attach additional documents, if you wish.

Number of Additional pages attached =

What action, if any, have you already taken to try to resolve your complaint? [i.e. who have you spoken with or written to and what was the outcome?]

What actions would you like the school to take to resolve your concern at this stage?

Signature:

Date:

Riverside Bridge School use:
Date Form received:
Received by:
Date acknowledgement sent:
Acknowledgement sent by:

Complaint referred to:			
Date:			

Appendix 2

Riverside Bridge School Investigation Procedure

Investigations should aim to clarify what has happened, who has been involved and what the complainant feels would put things right.

The investigation of an allegation or a complaint should always be carried out thoroughly and responsibly, irrespective of whether the complaint appears to be trivial or serious. The outcome of such an investigation will have significance, not only for the complainant, but also for any member of staff against whom a complaint has been made.

Any anonymous complaint will not be investigated, unless there are exceptional circumstances. These would include serious concerns such as Child Protection issues or bullying allegations, where the school should either involve appropriate external agencies or else conduct its own internal review to test whether there is any corroborative evidence which might trigger a formal investigation.

Preparing for an Investigation

It is essential that there is a clear understanding of the complaint. Where necessary the nature of the complaint should be confirmed with the complainant. e.g. through an initial meeting. [If an investigator is appointed there may need to be more detailed follow-up.]

Any member of staff against whom a complaint has been made, should be notified that a complaint has been received and that the appropriate school procedure will be followed. It is usually not appropriate to provide the member of staff with details of the evidence on which the complaint is based until any investigation has been completed. However, the member of staff does need to be able to understand the nature of any allegations against them.

Once any complaint has been confirmed, the school needs to determine which procedure [school or LA] is most appropriate and to select an appropriate person to conduct any investigation.

Conducting the investigation

The investigation must be carried out in accordance with the provisions of the relevant procedure.

Arrangements should be agreed so that accurate notes can be taken of all interviews and the outcome of the investigation be accurately recorded.

The complainant should be given the opportunity to offer documentation and to identify potential witnesses or sources of evidence. The member of staff subject to the complaint should be advised that they may be accompanied by a friend or trade union representative when invited to be interviewed.

Where children are potential witnesses, discretion should be exercised over their involvement. Pupils should only be interviewed when the nature of the complaint is sufficiently serious to warrant it and adult witnesses are not available. Only in extreme circumstances will younger pupils be interviewed.

Any interviews should be conducted as soon as possible to ensure that recollections are as fresh as possible and to minimise the possibility that evidence will become tainted through witnesses discussing alleged incidents with other persons.

In conducting interviews, the investigator should prepare the questions to be asked prior to the interview. These can always be supplemented during the interview. The investigator should allow the interviewee to answer in their own way. Their responses should be listened to attentively. Any temptation to cut an interviewee short or seek to 'lead' them must be resisted. The interviewee should be given the opportunity of providing other relevant information at the end of the interview.

Interviewees should however, be advised that their responses must be confined to the substance of the complaint. Any attempt by the interviewee to introduce information relating to other members of staff or to issues unrelated to the complaint, should be resisted.

The investigator should avoid reaching conclusions or passing judgement until the investigation has been completed and their report is being written.

Concluding the investigation

The report may contain:

- a brief outline of the process that has been followed
- a statement of the complaint/concern
- a summary of the findings linked to the relevant evidence
- any recommendations for future action
- annexes containing copies of witness statements and other evidence collected during the investigation

The report of the investigation will usually be confidential to the school, as it is likely to contain sensitive personal information. If a request is received to release the report, under either the Data Protection Act or Freedom of Information Act, the school should seek legal advice from the Local Authority.

A summary of the process undertaken and the outcome of the investigation may be provided to the complainant. Caution must be exercised in reporting back to the complainant as revealing certain details may prejudice the ability

of an employee to continue in their post.

Following consideration of the report by the relevant body, any final recommendations may also be shared with the parties, unless there is good reason not so to do. Wherever possible, recommendations should be constructive and not punitive.

The complainant should be advised that he/she may, if they are not satisfied that the appropriate procedure has been followed, request a review of that process by the governing body.

Appendix 3
Riverside Bridge School
Formal Stage 3 Complaint Review Request Form

Please complete this form and return it to Headteacher [or Clerk to the Governing Body], who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name:

Your Address:

Daytime telephone number:

Evening telephone number:

Dear Sir

I submitted a formal complaint to Riverside Bridge School on and am dissatisfied by the procedure that has been followed.

My complaint was submitted to and I received a response from on

I have attached copies of my formal complaint and of the response[s] from the school.

I am dissatisfied with the way in which the procedure was carried out, because:

You may continue on separate paper, or attach additional documents, if you wish.

Number of Additional pages attached =

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

Signature:

Date:

Riverside Bridge School use

Date Form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

Request referred to:			
Date:			

Appendix 4 Riverside Bridge School Formal Review Process

Governing Body Complaints Panel Meeting

Review Process

Any review of the process followed by the school will be conducted by a panel of 3 members of the governing body. This will usually take place within 10 school days of receipt of your request.

The review will normally be conducted through a consideration of written submissions, but reasonable requests to make oral representations should be considered sympathetically.

The panel will first receive written evidence from the complainant.

The panel will then invite representatives of the school [usually the Head Teacher or the Chair of the governing body panel that has considered the matter], to make a response to the complaint.

The panel may also have access to the records kept of the process followed. You, and the school representative[s], will be informed in writing of the outcome, usually within 5 school days of the panel meeting. The matter will then be closed as far as the school is concerned.

Complainants have a right to request an independent panel if they believe there is likely to be bias in the proceedings. Governors should consider any such requests but will ultimately make the decision whether to appoint an independent panel.

Governing Body Complaints Panel Meeting

If the school receives a formal complaint about one of the limited number of matters, that is not dealt with by another statutory process and which relates to school or the services that it provides, it may be necessary to convene a Governing Body panel to consider the matter and formulate a response.

The complaint is likely to relate to matters such as:

- the content or the application of a Governing Body policy
- Unreasonable exercise of discretion by Headteacher
e.g. declining to accept a volunteer or to sign a passport application or to authorise a pupil's absence
- Selection of pupils for a school team or play

If a governing body committee already has delegated power with respect to a policy that is being complained of, a panel of members from that committee should be convened. Otherwise the clerk should convene a panel of 3 Governors, who have not previously been involved with the complaint.

The complainant should submit the details of their concerns, in writing, to the clerk. The clerk will seek similar written responses from the school where this is necessary.

A meeting of the panel will take place, usually within 10 school days, to consider the matter. The complainant [who may be accompanied by a friend if they wish] and representative[s] from the school may be invited to attend this meeting in order to clarify the matter. As the panel meeting is intended to be investigatory, rather than adversarial, the persons giving evidence or making representations to the panel will normally attend separately.

When the panel has collected sufficient information, it will deliberate and then inform the complainant, the Headteacher and the Governing Body of the outcome, in writing.

Consideration of the complaint by the Governing Body and the school, save for any actions that are agreed, will terminate at this point.

If the complainant is not satisfied that the appropriate procedure has been followed, they may request a review of that process by another panel of the Governing Body.

Appendix 5
Riverside Bridge School
Letters

a) Response to spurious complainant

Dear

Following receipt of your communications and careful consideration of the same, I regret that I am unable to deal with this matter under the Governing Body's Complaints Procedure as:

It will be appropriate to include SOME of the following statements:

- You have not identified any specific actions of which you might complain
- Your concerns are presented as conclusions rather than specific actions of which you complain.
- The concerns that you identify relate to historical actions and any evidence which might have enabled an objective investigation of your complaint is no longer available.
- The substance of your complaint has been addressed under this procedure already.
- The concerns that you raise do not fall within the scope of this procedure.
- You have not identified any potential sources of evidence which might allow the matter to be investigated.

If you wish my decision to be reviewed then you may take advantage of the procedure set out in the school's Formal Complaint Procedure, by writing to the Clerk to the Governing Body.

Yours sincerely,

Head Teacher
Or Chair of Governing Body

b) **Acknowledgement of receipt of formal complaint and invitation to meet**

Dear

I have received your formal complaint, dated I am grateful that you have brought this to my attention.

The school and Governing Body take any complaint most seriously. Therefore I would like to meet with you, as soon as possible, so that I may understand the details of your concerns more clearly. You are welcome to be accompanied to the meeting by a friend, if you would find this helpful. Please telephone the School office in order to arrange an appointment./ I can offer you an appointment at on ,..... .Please let the Office know if this is convenient.

I hope that we will be able to resolve your concerns through our meeting, but if not I will ensure that the appropriate investigation takes place. This should begin within 5 days of our meeting.

Yours sincerely,

Head Teacher
Or Chair of Governing Body

c) **Acknowledgement of receipt of formal complaint referred by a third party**

Dear

I have received a copy of the documentation that you sent to setting out a complaint about This has been passed to the school as it has responsibility for these matters.

The school and Governing Body take any complaint most seriously. Therefore I would like to meet with you, as soon as possible, so that I may understand the details of your concerns more clearly. You are welcome to be accompanied to the meeting by a friend, if you would find this helpful. Please telephone my secretary, in order to arrange an appointment./ I can offer you an appointment at on ,..... .Please let my secretary know if this is convenient.

Meanwhile I would be grateful if you would complete and return the Formal Complaint Form that is enclosed, along with details of the school's complaints procedure.

I hope that we will be able to resolve your concerns through our meeting, but if not I will ensure that the appropriate investigation takes place. This should begin within 5 days of our meeting.

Yours sincerely,

Head Teacher
Or Chair of Governing Body

d) Acknowledgements of receipt of formal complaint and advising complainant that the matter has been referred

Dear

I have received your formal complaint, dated I am grateful that you have brought this to my attention.

However, the matters that are of concern to you are the responsibility of the governing body/Pupil Discipline Committee/LA/Diocese/service provider, so I have forwarded your documentation to You should be contacted, in the near future, to be advised of how they intend to proceed.

If I can be of any further assistance, please do let me know.

Yours sincerely,

Head Teacher

e) Acknowledgements of receipt of formal complaint and advising complainant that the matter is being dealt with under a confidential school procedure

Dear

I have received your formal complaint, dated I am grateful that you have brought this to my attention.

The school and governing body take any complaint most seriously. Therefore I have begun an immediate investigation. It is possible that the investigator will wish to meet with you to clarify the evidence that you have provided so far. If so, he will write to you to make suitable arrangements.

As your concerns relate to the conduct/capability of a member of staff, the investigation will be carried out under the school's staff conduct/capability procedures. This means that the detail of the procedure and its outcome must remain confidential to the school and the member of staff concerned.

OR

As your concerns relate to the behaviour of a pupil, the investigation will be carried out under the school's pupil conduct and disciplinary procedures. This means that the detail of the procedure and its outcome must remain confidential to the school and the parents of the child concerned.

In due course, I may be able to provide you with some information about the outcomes of the investigation and the processes that have been followed, but in any event will let you know when the matter has been concluded.

If I can be of any further assistance, please do let me know.

Yours sincerely,

Head Teacher
Or Chair of Governing Body

f) NOTIFICATION OF DECISION REGARDING FORMAL COMPLAINT

Dear

Following receipt of your complaint and careful consideration of all the available relevant evidence, I/the panel have/has concluded that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld. If you are able to provide additional evidence forthwith I/we will reconsider this decision.

OR

- The concern is not substantiated by the evidence in that

OR

- The concern was substantiated in part/in full, as The school will review its practices/procedures..... with the intention of avoiding any reoccurrence. Parents will be informed in due course of any policy changes.

OR

- In order to address fully the matters investigated, the school has initiated appropriate internal procedures. Due to the nature of these procedures, their outcome must remain strictly confidential. We are confident, however, that the circumstances that gave rise to your complaint should not recur

OR

- In order to address fully the matters of concern that you identified, the panel recommended that the governing body should review its policy, as a matter of urgency. We are confident that this should prevent similar concerns arising in future.

I hope that we may now put this matter behind us and work together for the benefit of your child's progress.

Yours sincerely,

Head Teacher/Chair of Governing Body/Chair of Panel

g) REVIEW OUTCOME NOTIFICATION

Dear

Having carefully considered your representations in the context of the relevant evidence, the Governing Body Complaints Review Panel has concluded that the school followed the relevant procedure appropriately in respect of your complaint.

Summary of reasons

Therefore, the matter is now closed as far as the school is concerned.

Or

Having carefully considered your representations in the context of the relevant evidence, the Governing Body Complaints Review Panel has concluded that the school followed the relevant procedure appropriately in respect of your complaint except

Therefore, the following action will be taken

Once this action has been completed the school will consider the matter to be closed.

Or

Having carefully considered your representations in the context of the relevant evidence, the Governing Body Complaints Review Panel has concluded that the school followed the relevant procedure appropriately in respect of your complaint except

However the panel determined that this procedural failure did not affect the outcome of the consideration of your complaint so, while we regret this error, we will now consider this matter to be closed as far as the school is concerned.

Yours sincerely,

Chair of Complaints Review Panel
c.c. Head Teacher
Chair of Governors

Appendix 6

Riverside Bridge School

Policy for Unreasonable Complainants

Riverside Bridge 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 Bridge 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 Department for Education
- 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 Bridge 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 Bridge School.

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 Headteacher 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 representations 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 representations 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 Headteacher or Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts. Independent legal advice must therefore be sought. The right to say no is respected.