



# Complaints Handling Policy

December 2016

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# Complaints Handling Process

## Introduction

Rivers ESC must ensure that our complaints procedure is compliant with The Education (Independent School Standards(England)) Regulations 2010 Schedule 1 Part 7. Under these regulations a school must have a complaints procedure; this must be made available to anyone who asks for it, and it should contain three stages. The stages progress from informal resolution of the complaint to a formal hearing in front of a panel of at least three people who were not directly involved in the matter being complained about and one of whom must be independent of the management and running of the school. The majority of issues raised by parents/carers or pupils, are concerns rather than complaints. The school is committed to resolving all concerns and complaints as quickly as we can and wherever possible will aim to do this informally. Where we are unable to resolve matters informally or where the complainant wishes to make a formal complaint then the formal complaint procedure (as detailed below) will be followed. The prime aim of this policy is to resolve the complaint as fairly and speedily as possible in a sensitive, impartial and confidential manner. This complaints policy is available to parents of pupils at the school and to parents of prospective pupils, on request and is available via the academy's website.

## Compliments

These are always welcome and very encouraging to teachers and staff. The school encourages feedback or opinions from pupils and parents. In practice this dialogue is continuous, sometimes directly and also indirectly. It may not always be possible to act immediately but pupils and the school always benefit so please do not hold back.

## Concerns

It is natural that parents may, occasionally, be concerned about an aspect of their child's education or welfare at the school. This could include issues concerning the school's approach to aspects of the curriculum, homework, behavioural problems or any other issue. Rivers ESC welcomes enquiries from parents about any matter. Teachers and staff are always happy to explain the school practices, policies, and how they affect our pupils. The vast majority of concerns can often be handled by the class teacher or by the subject co-ordinator without needing to commence a formal complaints procedure.

The usual format is to speak to the child's class teacher in the first instance, or to contact the school office to arrange an appointment to discuss your concern with whoever you wish. At all times our staff will aim to deal with your concerns as quickly as possible. If occasionally parents feel they would prefer to make their concern formally, this too is not a problem. The school has defined procedures for handling complaints so don't be embarrassed if you feel an issue warrants more attention.

## The Complaints procedure

The majority of concerns from parents, carers and others are handled under the following general procedures. The procedure is divided into three stages;

### Stage 1

Aims to resolve the concern through informal contact at the appropriate level in the school. The procedure is to speak to the child's class teacher in the first instance, or contact the school office to

arrange an appointment to discuss your complaint so we can identify who is best positioned to deal with your complaint.

### **Stage 2**

Is the first formal stage where written complaints are considered by the headteacher or the chair of the management committee, who has responsibility for dealing with complaints.

### **Stage 3**

Is the final stage and involves your complaint being heard by a panel of at least three people who were not directly involved in the matter being complained about and one of whom must be independent of the management and running of the school.

### **The complaints procedures in detail**

How each of these stages operates is explained below:

#### **Stage 1 (informal stage) – Your initial contact with the school**

1. Many concerns will be dealt with informally when you make them known to us. The first point of contact should be your child's subject teacher.
2. We will see you, or contact you by telephone or in writing, as soon as possible after your concern is made known to us in most cases this will be within three working days. All members of staff know how to refer, if necessary, to the appropriate person with responsibility for particular issues raised by you. He or she will make a clear note of the details and will check later to make sure that the matter has been followed up.
3. We will ensure that you are clear what action or monitoring of the situation, if any, has been agreed. We will confirm this in writing to you.
4. We will ensure that we speak directly to all appropriate persons who may be able to assist us with our enquiries into your concern.
5. We will discuss with you (normally within ten working days of our initial response) the progress of our enquiries. You will have the opportunity of asking for the matter to be considered further, once we have responded to your concern.
6. If you are still dissatisfied following this informal approach, you can request that your complaint is dealt with formally under stage 2 of the school's complaints procedure.

#### **Stage 2 - Formal consideration of your complaint**

This stage in our procedures deals with written complaints. It applies where you are not happy with the informal approach to dealing with your concern, as outlined under Stage 1 above.

1. Normally, your written complaint should be addressed to the headteacher. If, however, your complaint concerns the Principal personally, it should be sent to the school marked "For the attention of the Chair of the Management Committee".
2. We will acknowledge your complaint in writing as soon as possible after receiving it (normally this will be within three working days).
3. We will enclose a copy of these procedures with the acknowledgement.

4. Normally we would expect to respond in full within ten working days, but if this is not possible we will write to explain the reason for the delay and let you know when we hope to be able to provide a full response.

5. As part of our consideration of your complaint, we may invite you to a meeting to discuss the complaint and fill in any details required. If you wish, you can ask someone to accompany you to help you explain the reasons for your complaint.

6. The headteacher or chair of the management committee may also be accompanied by a suitable person if they wish.

7. Following the meeting, the headteacher or chair of the management committee will, where necessary, talk to witnesses and take statements from others involved. If the complaint centres on a student, we will talk to the student concerned and, where appropriate, others present at the time of the incident in question.

8. We will normally talk to students with a parent or carer present, unless this would delay the investigation of a serious or urgent complaint, or where a student has specifically said that he or she would prefer the parent or carer not to be involved. In such circumstances, we will ensure that another member of staff, with whom the student feels comfortable, is present.

9. If the complaint is against a member of staff, it will be dealt with under the school's internal confidential procedures, as required by law.

10. The headteacher or chair of the management committee will keep written/typed, signed and dated records of all meetings and telephone conversations, and other related documentation.

11. Once we have established all the relevant facts, we will send you a written response to your complaint. This will give a full explanation of the headteacher's/chair of the management committee's decision and the reasons for it. If follow-up action is needed, we will indicate what we are proposing to do. We may invite you to a meeting to discuss the outcome as part of our commitment to building and maintaining good relations with you.

12. If we have been unable to resolve your complaint at Stage 2, you may wish to proceed to Stage 3, as described below.

### **Stage 3 - Consideration by an independent complaints review panel**

If your concern has already been through Stages 1 and 2 and you are not happy with the outcome, we may agree to set up a complaints review panel to consider it. This is the final stage of the school's complaints procedures. The purpose of this arrangement is to give your complaint a hearing in front of a panel of at least three people who were not directly involved in the matter being complained about and one of whom must be independent of the management and running of the school. The aim of a complaints review panel is to resolve the complaint and to achieve reconciliation between the school and the parent/carer. We recognise, however, that it may sometimes only be possible to establish facts and make recommendations which will reassure you that we have taken your complaint seriously. The complaints review panel operates according to the following formal procedures:

1. The clerk to the management committee will aim to arrange for the panel meeting to take place within 20 working days.

2. The clerk will ask you whether you wish to provide any further written documentation in support of your complaint. You can include witness statements, or ask witnesses to give evidence in person, if you wish.
3. The headteacher will be asked to prepare a written report for the panel. Other members of staff directly involved in matters raised in your complaint will also be asked to prepare reports or statements.
4. The clerk will inform you, the headteacher, any relevant witnesses and members of the panel by letter, at least five working days in advance, of the date, time and place of the meeting. We hope that you will feel comfortable with the meeting taking place in the school; but we will do what we can to make alternative arrangements if you prefer.
5. With the letter, the clerk will send you all relevant correspondence, reports and documentation about the complaint and ask whether you wish to submit further written evidence to the panel.
6. The letter will explain what will happen at the panel meeting and the clerk will also inform you that you are entitled to be accompanied to the meeting. The choice of person to accompany you is your own, but it is usually best to involve someone in whom you have confidence but who is not directly connected with the school. They are there to give you support but also to witness the proceedings and to speak on your behalf if you wish.
7. With the agreement of the chair of the panel, the headteacher may invite members of staff directly involved in matters raised by you to attend the meeting,
8. The chair of the panel will bear in mind that the formal nature of the meeting can be intimidating for you and will do his or her best to put you at your ease.
9. As a general rule, no evidence or witnesses previously undisclosed should be introduced into the meeting by any of the participants. If either party wishes to do so, the meeting will be adjourned so that the other party has a fair opportunity to consider and respond to the new evidence.
10. The chair of the panel will ensure that the meeting is properly minuted. Please understand that any decision to share the minutes with you, the complainant, is a matter for the panel's discretion and you do not have an automatic right to see or receive a copy. Since such minutes usually name individuals, they are understandably of a sensitive and, therefore, confidential nature.
11. Normally, the written outcome of the panel meeting, which will be sent to you, should give you all the information you require. If, however, you feel that you would like to have a copy of the minutes it would be helpful if you could indicate this in advance. If the panel is happy for the minutes to be copied to you, the clerk can then be asked to maintain confidentiality by redacting any confidential information before sharing the minutes.
12. During the meeting, you can expect there to be opportunities for:
  - you to explain your complaint;
  - you to hear the school's response from the headteacher;
  - you to question the headteacher about the complaint;
  - you to be questioned by the headteacher about the complaint;
  - the panel members to be able to question you and the headteacher;

- any party to have the right to call witnesses (subject to the chair's approval) and all parties to have the right to question all witnesses;
- you and the headteacher to make a final statement.

13. In closing the meeting, the chair will explain that the panel will now consider its decision and that written notice of the decision will be sent to the headteacher and yourself within 10 working days. All participants other than the panel and the clerk will then leave.

14. The panel will then consider the complaint and all the evidence presented in order to:

- reach a unanimous, or at least a majority, decision on the complaint;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend, where appropriate, to the governing body changes to the school's systems or procedures to ensure that similar problems do not happen again.

15. The clerk will send you and the headteacher a written statement outlining the decision of the panel within 10 working days.

16. We will keep a copy of all correspondence and notes on file in the school's records but separate from students' personal records.

### **Time limits**

Every effort will be made to keep to the stated timescales. However, if the complaint requires additional time to investigate thoroughly, we may need to extend the time period of one or more stages of our complaints procedure, you will be notified of any significant change in timescales.

### **Scope of this complaints policy**

This complaints policy will be used to consider a complaint from a parent or carer of a pupil at the school except those which relate to the following areas, which have their own statutory procedures:

- Admissions
- Exclusion of students
- Special education provision
- Complaints covered by the Children Act 1989
- Complaints about the allocation of awards and benefits.

The Complaints Policy will also not cover complaints which are, or have been, the subject of legal proceedings, or complaints being considered by the Secretary of State for Education under any statutory power.

### **Vexatious Complaints**

Where the school considers that a complainant is carrying out unreasonably persistent complainant behaviour, for example making unduly frequent and/or repeated complaints, the school will be entitled to take such action as it thinks appropriate to manage such behaviour. This may include (but is not limited to) placing limits on contact with staff or opting not to invoke this complaints procedure further. Where such action is being considered by the school, the complainant will receive a written warning. Should the behaviour persist, the appropriate action will be determined

proportionately in light of the nature of the behaviour in question and any other relevant circumstances.