



**Five
Rivers®**

**FIVE RIVERS
CHILDCARE LTD**

School
Complaints
Policy &
Procedure –
Endeavour
House

'Five Rivers is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment'

Policy Owner	Headteacher
Authoriser	Head of Education
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1. School Complaints Policy

1.1 Policy Statement

Complaints are not always easy to define. It is therefore important to keep in mind a distinction between concerns, problems and complaints. They can often arise from the consequences or perceived consequences of resource allocations, operational difficulties, working practices or individual actions.

The School Standards and Framework Act 1998, section 39(1) places a duty on all governing bodies to establish a complaints procedure for parents/carers to make complaints about all matters related to the school that are not covered under other statutory procedures. In addition, there may be circumstances in which they may complain or appeal if they consider that their rights have been ignored, a wrong decision taken or if their child is not being properly taught.

1.2 Terms and Definitions

The below table sets out a number of terms and definitions used within this document:

Term	Definition

1.3 Data Protection

Five Rivers Child Care supports the objectives of the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 and other legislation relating to Data Processing, including the Human Rights Act 1998, Regulation of Investigatory Powers Act 2000 and the Freedom of Information Act 2000. Five Rivers Child Care has a statutory obligation to process personal data in accordance with the provisions of the General Data Protection Regulation (GDPR) and the Data Protection Act 2018

Every member of Five Rivers Child Care has an obligation to ensure that the information they process (use) is collected, maintained and disclosed in accordance with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 and the Five Rivers Child Care Data Protection Policy.

1.4 Disclosure of Information

Any use or disclosure of information held within Five Rivers Child Care, without there being a legitimate purpose or legal basis, will be classed as unauthorised and is a criminal offence under Section 55 of the Act Right of Access (Subject Access Requests).

2. School Complaints Procedure

2.0 Underlying Principles

Complainants will be treated seriously and courteously and given the time they require to be heard. It is important to the school that the complainants have confidence in these procedures and know that their cases will be impartially investigated. Complainants will be advised at the earliest possible stage of:

1. The scope, if any, for pursuing their complaint and the extent of the procedure for dealing with it
2. The way in which the complaint is likely to be handled. Where there are established statutory or other procedures for the dealing with a complaint, these will be followed. These guidelines do not cover those matters already provided for such as:
 - Admissions to schools
 - Exclusions
 - Special Educational Provision
 - School re-organisation
 - Matters concerned with the curriculum
 - Serious complaints against staff
 - Child Protection issues
 - Public examinations

It may be that action under the complaints procedure may lead to action being initiated under other (e.g. statutory) procedures. In these cases, the investigations under the complaints procedure will be suspended until action under the procedure (including appeals) has been concluded. The complainant will be advised that alternative action is being taken but will have to remain confidential until that procedure has been completed. They will also be told the likely delay in the final resolution of their complaint which will result.

2.01 Definition of a Complaint

For schools, a complaint within the terms of the procedures described here, is an expression of dissatisfaction verbally or in writing by parents/carers of children who attend the school. All complaints from parents/carers of children who attend the school will be investigated as such.

After initial investigation of the complaint, a decision might be made to use the discipline, capability (or other appropriate) procedure against a member of staff.

Anonymous complaints would not normally be considered under this procedure.

This procedure outlines the informal and formal stages by which a complaint may be made against the school. At all stages, the aim of the policy is to reach a mutual understanding of the problems so that improvements can be made where necessary.

Where agreement cannot be reached, the aim of the procedure is to ensure that all parties are treated fairly.

Conciliation between school and the parents/carers can be considered at any time, within the informal or formal stages.

2.1 First Stage – Dealing with Concerns and Complaints

Informally

Guidelines

It is hoped that all complaints and concerns are resolved as early and informally as possible. Parents/carers need not only to be listened to but also to feel that they have been listened to.

The vast majority of concerns and complaints can be resolved informally. There are many occasions where concerns are resolved straightaway through the class teacher, schools business manager, Headteacher, Head of Education or Head of Operations (Residential and Education), depending on whom the parents first approach. Parents/carers must feel able to raise concerns with members of staff without any formality, either in person, by telephone or in writing. On occasions it may be appropriate for someone to act on behalf of a parent/carer. At first it may be unclear whether a parent is asking a question or expressing an opinion rather than making a complaint. A parent/carer may want a preliminary discussion about an issue to help decide whether he or she wishes to take it further.

Procedures

- Parents/carers will be given an opportunity to discuss their concern with the appropriate member of staff who will clarify with the nature of the concern and reassure them that the school wants to hear about it. The member of staff may explain to the parents/carers how the situation arose. It may be helpful to identify at this point what sort of outcome the parent/carer is looking for.
- The member of staff will need to respond appropriately, taking into account the seriousness of the complaint. Hopefully, the appropriate member of staff can resolve the matter immediately.
- If the member of staff first contacted cannot deal immediately with the matter, they will make a clear note of the date, the name, and contact address or phone number of the complainant. The Headteacher will be given a copy. ○ Where the concern relates to the Head of Operations, the parent should be advised to contact the Chief Executive at the Salisbury head offices
- The member of staff dealing with the concern or complaint will make sure that the parent/carer is clear what action (if any) or monitoring of the situation has been agreed, putting this in writing if this seems the best way of making things clear.

- Where no satisfactory solution has been found within 10 school working days, parents/carers should be given clear information, both orally and in writing, about how to proceed with their complaint and about any independent advice available to them.
- The person complained about will be given a copy of the recommendations given to the complainant.

2.2 The Second Stage – Referral to the Head of Operations for Formal Investigation

Guidelines

By now it will have become clear that the concern is a definite complaint. In some cases, the Head of Operations will already have been involved in looking at the matter; in others it will be their first involvement. In either case, it will be helpful for the Head of Operations (or member of staff designated to investigate) to use these guidelines to ensure consistency among cases, and to make sure that nothing happens at this stage which could make it difficult for later stages to proceed smoothly.

As the Head of Operations has responsibility for the day-to-day running of the schools, they have responsibility for the implementation of a complaints system, including the decisions about their own involvement at the various stages. One of the reasons for having the various 'stages' in a complaints procedure is to reassure complainants that more than one person is hearing their complaint.

The Head of Operations will make arrangements to ensure that their involvement will not predominate at every stage of a particular complaint. For example, arrangements may be made for other staff to deal with parents/carers concerns at Stage 1, while the Head of Education deals with contacts with parents/carers at Stage 2. Even at that stage the Head of Education may designate another member of staff to collect some of the information from the various parties involved.

Procedures

Complaints should normally be in a written format. In exceptional cases the school will consider progressing an oral complaint where there are sufficient grounds to do so. The Head of Operations (or designated member of staff) will acknowledge the complaint orally or in writing within three working days of receiving the written complaint.

Schools should be sensitive to the needs of the parent/carer who may have literacy difficulties or for whom English is not their first language.

The acknowledgement will give a brief explanation of the school's complaints procedure and a target date for providing a response to the complaint. This will normally be within 10 school working days; if this proves unworkable, a letter will be sent explaining the reason for the delay and giving a revised target date.

It may be possible even at this stage to reach an agreed solution to the problem. The Advice and Conciliation Service of the LA is able to offer advice to parents/carers and may be able to suggest a mediation format to discuss the complaint in private without invoking formal procedures. The aim here is to progress the matter for the good of the child, their parents/carers and the school. Prolonging a complaint longer than is necessary may be harmful to any or all parties involved. Such a route would be seen as an attempt to resolve the complaint informally and would not compromise the complainant's right to move to more formal procedures at any time.

The Head of Operations will provide an opportunity for the complainant to meet with them to supplement any information provided previously. It will be made clear to the complainant that if they wish, they may be accompanied to any meeting by a friend, relative, representative or advocate who can speak on their behalf; and that interpreting facilities are available if needed.

If necessary, the Head of Operations will interview witnesses and take statements from those involved. If the complaint centres on a pupil, the pupil should also be interviewed. In some circumstances, another member of staff with whom the pupil feels comfortable will be asked to attend. In certain circumstances and taking into account the nature of the complaint, it may be appropriate to invite a parent/carer to be present when the Head of Operations interviews a pupil. The Head of Operations will keep written records of meetings, telephone conversations and other contacts.

Once all the relevant facts have been established, the Head of Operations will then produce a written response to the complainant, and/or may wish to meet the complainant to discuss/resolve the matter directly. A written response will include a full explanation of the decision and the reasons for it. Where appropriate, this will include what action the school will take to resolve the complaint. If any action is to be taken against a member of staff, to protect the rights of the staff concerned, the phrase '**Appropriate action has or will be taken**' should be used

The complainant will be advised that should they wish to take the complaint further they should notify the Chair of the School Forum within 10 school working days of receiving the outcome letter. Normally, the Chair will arrange that a School Forum Complaints Committee should investigate on the parents/carers behalf and would also chair the School Forum Complaints Committee unless a chair of that Committee has already been designated by the School Forum.

Where the complaint is against the Head of Operations arrangements should be made for the initial investigation to be conducted by a single School Forum member (usually the Chair of School Forum), or a suitably constituted School Forum Complaints Committee who will carry out all the Stage 2 procedures.

The person complained about will receive a written copy of any findings or recommendations

2.3 The Third Stage – Appeal to the Complaints Committee

Guidelines

Complaints only rarely reach this formal level. It is important that this appeal should not only be independent and impartial but that it is seen to be so. As such the appeal should be dealt with by employees who have had no prior knowledge or involvement in the case.

As this may be the last chance for a solution or compromise to be reached, every effort should be made to **mediate** and **conciliate**. Parents/carers may particularly wish to seek advice from the Advice & Conciliation Officer at this stage if they have not previously made contact.

Complaint appeals should normally be in a written format. In exceptional cases the school will consider progressing an oral complaint appeal where there are sufficient grounds to do so. This complaint should state clearly why the complainant feels their case has not been dealt with and should be based on evidence or supported by witness statements.

All complaints which reach this stage will have done so because the complainant has not been satisfied by the Head of Operations' response at the earlier stage of the procedure or the original investigation by the Complaints Committee if the complaint had been about the Head of Operations

In the unlikely event of pupils needing to be interviewed, extreme care will need to be taken. A single school forum member should interview the child, after gaining parental permission. The parent should be invited to attend but if they are unable, parents/carers could nominate a member of staff to accompany the child.

Procedures

Upon receipt of a written request by the complainant for the complaint to proceed to Stage 3, the procedures outlined below will be followed:

1. The Chair of the Complaints Committee (a senior manager who is separate from the management of the schools, such as the Head of Fostering or the Special Projects Manager, etc.) will write to the complainant to acknowledge receipt of the written request
2. The acknowledgement will inform the complainant that the complaint will be investigated by the Chair of the Complaints Committee or the three members of the Complaints Committee, as appropriate, within 20 school working days of receiving the request
3. The letter will also explain that the complainant has the right to submit any further documents relevant to the complaint
4. Documents must be received in time for them to be sent to the three members of the Committee if the Chair of the Complaints Committee is not conducting the investigation on their own.

If the investigation is being conducted by the Complaints Committee, the Chair of the Complaints Committee will convene a Committee elected from the members of the School Forum. The Committee members will be Forum members who have had no prior involvement with the complaint. Generally, it is not appropriate for the Head of Operations or staff to have a place on the Committee. Members will want to bear in mind the

advantages of having a parent/carer (who is also a member) on the Complaints Committee. Members will also want to be sensitive to issues of race, gender and religious affiliation. The make-up of the Committee should, if possible, reflect the three categories of LEA, Parent/Carer and Co-opted Forum members. **(See NB at end)**

The Chair will ensure that the Committee hears the complaint within 20 school working days of receiving the request. All relevant correspondence regarding the complaint will be given to each Complaints Committee member as soon as the composition of the Committee is confirmed.

The Chair will write and inform the complainant, Headteacher, any relevant witnesses and members of the Complaints Committee at least ten school working days ***in advance, of the date, time and place of the meeting***. The details of the complaint available at that time should also be sent in writing to the Head of Operations.

The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a friend/advocate/interpreter. The letter will also explain how the meeting will be conducted and the complainant's right to submit further written evidence to the Committee, at least five school working days in advance of the meeting. The Chair of the Complaints Committee will invite the Headteacher, to attend the Complaints Committee meeting and prepare a written report for the Committee in response to the complaint.

The Head of Operations may also invite members of staff directly involved in matters raised by the complainant to respond in writing or at the discretion of the Chair to attend the meeting. All concerned, including the complainant, will receive any relevant documents including the Head of Operations' report, at least five school working days prior to the meeting.

It is the responsibility of the Chair of the Committee to ensure that the meeting is properly minuted.

The aim of the meeting will be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that sometimes it may only be possible to establish facts and make recommendations, which will satisfy the complainant that his or her complaint has at least been taken seriously.

The Committee should remember that some parents/carers are unused to dealing with groups of people in formal situations and may feel inhibited when speaking to the Committee. It is therefore recommended the Chair of the Committee ensures that the proceedings are as informal as the situation allows.

If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interests of natural justice to adjourn the meeting so that the other side has time to consider and respond to the new evidence.

At Stage 3 the complainant and the Head of Operations and any other staff should be interviewed separately, so the Committee can form a clear and unbiased view of the complaint.

The interviews, which can be arranged to run consecutively if this is more convenient, should allow –

- The complainant to explain their complaint(s)
- The Head of Operations to explain the school's response
- The Complaints Committee members to have an opportunity to question both the complainant and the Head of Operations
- Any party to have the right to call witnesses (subject to the approval of the Chair) and the
- Committee having the right to question all the witnesses ○ Both parents/carers and Head of Operations and staff to have the right of representation at the interview if they so wish
- The Chair of the Committee will explain to the complainant and the Headteacher that the Committee will consider its decision, and a written response will be sent to both parties within 15 school working days.

The Committee will then consider the complaint and all the evidence presented and

- a) Reach a unanimous, or at least a majority decision on the complaint
 - b) Decide upon the appropriate action to be taken to resolve the complaint
 - c) Where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again.
- Recommendations will be reported to the governing body at an appropriate time.
 - A written statement outlining the decision of the Committee must be sent to the complainant and Head of Operations. If any action is to be taken against a member of staff, to protect the rights of the staff concerned, only the phrase '**Appropriate action has or will be taken**' should be used.
 - The Committee will ensure that a copy of all correspondence and notes are kept on file in the committee's records. These records should be kept separately from the pupil's personal records.
 - The person complained about will receive a written copy of any findings or recommendations

The school will keep copies of all correspondence, statements and records of complaints. These will be kept confidential; however the records will be shown to Ofsted during an inspection. The records will also be available to the Registration Authority if requested.

NB: Suggested members to be selected for the Complaints Committee by the Chair include, but are not limited to:

Headteacher/Teacher in Charge of one of the sister schools (not involved in the complaint), Educational Consultants for one of the sister schools (not involved in the complaint), parents/carers/social workers of children attending one of the sister schools (not involved in the complaint), Chair of School Forum (if not involved in the complaint), local PCSO or Police Officer known to one of the schools, and so on.

The Advice & Conciliation Officer at the LA

Complaints may be referred to the Advice & Conciliation Officer at the LA who is independent of the school.

2.4 The Fourth Stage – Referral to the Secretary of State or Local Government Ombudsman

2.4.1 The Secretary of State

Complaints can be taken to the Secretary of State for Education under Section 496 of the Education Act 1996, on the grounds that a Complaints Committee or LEA is acting or proposing to act unreasonably, or under Section 497 of the same Act, on the grounds that either the Governing Body (School Forum) or the LEA has failed to discharge its duties under the Act. The Secretary of State may contact the Governing Body or the LEA for more information in order to consider the complaint.

2.4.2 The Local Government Ombudsman

Complaints about the maladministration of Local Authority services including the way it operates any general complaint procedure may be made to the Ombudsman.

However, the Ombudsman does not look at internal school management matters and usually expects that thorough attention has been given to a complaint locally before investigation by the Ombudsman.

2.4.3 Relevant names and contact details

For contact with Head of Education, Chair of School Forum or to find the contact details for the Chair of the Complaints Committee, please contact using below Head Office address or telephone number, or email addresses where relevant:

47 Bedwin Street, Salisbury, Wiltshire, SP1 3UT
01722 435750

Head of Education – James Hall

James.Hall@five-rivers.org

