



**Five
Rivers®**

**FIVE RIVERS
CHILDCARE
LTD**

Education
Complaints
Policy

'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	Director of Education
Date Policy Created	01/09/2022
Date of Last Review	01/09/2024
Date of Next Review	01/09/2025
Version	V2

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1. School Complaints Policy

1.1 Policy Statement

- 1.1.1 The School Standards and Framework Act 1998, section 39(1) places a duty on all governing bodies to establish a complaints procedure for Complainants 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.
- 1.1.2 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.
- 1.1.3 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.

This policy has been written in accordance with ‘Best practice guidance for school complaints procedures 2020’

1.2 Terms and Definitions

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

Term	Definition
Complainants	Complainants/members of the public

1.3 Data Protection

- 1.3.1 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.
- 1.3.2 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

- 1.4.1 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

2.1 Complainants will be advised at the earliest possible stage of:

- The scope, if any, for pursuing their complaint and the extent of the procedure for dealing with it
- 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

2.2 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.

2.2.1 The difference between a concern and a complaint

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

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

It's in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to follow formal procedures.

However, there will be occasions when complainants want to raise their concerns formally. In those cases, your complaints procedure should be followed.

2.3 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 Complainants of children who attend the school. All complaints from Complainants of children who attend the school will be investigated as such.

- 2.3.2 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.
- 2.3.3 Anonymous complaints would not normally be considered under this procedure.
- 2.3.4 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.
- 2.3.5 Where agreement cannot be reached, the aim of the procedure is to ensure that all parties are treated fairly.
- 2.3.6 Conciliation between school and the Complainants can be considered at any time, within the informal or formal stages.

Who can make a complaint?

Anyone can make a complaint about any provision of facilities or services that our school provides, unless separate statutory procedures apply (such as exclusions or admissions). This includes:

- parents or carers of children no longer at the school
- members of the public

In accordance with administrative law principles, complainants will be given the opportunity to complete the complaints procedure in full, unless we possess clear evidence that the complaint meets the serial complaint criteria.

If the complainant contacts us again on the same issue, the correspondence may then be viewed as 'serial' or 'persistent' and we may choose not to respond.

We will not mark a complaint as 'serial' before the complainant has completed the procedure.

Complaints where the matter which caused rise to the complaint is longer than one year ago then it will only be investigated at the discretion of the Chair of the Complaints Committee.

Complaint campaigns

Occasionally, one of our schools may become the focus of a campaign and receive large volumes of complaints:

- all based on the same subject
- from complainants unconnected with the school

In this situation, we will seek advice and may consider

- sending a template response to all complainants
- publishing a single response on the school's website

We may feel it necessary to signpost complainants to the Department for Education if they're

dissatisfied with your response.

Recording complaints

We will comply with our obligations under the [Equality Act 2010](#). It's common practice to ask for complaints to be made using a complaint form or in writing. However, complainants may have communication preferences due to:

- disability
- learning difficulties
- difficulties using English

We will therefore allow alternative methods of contact.

How can a complaint be raised

A complaint may be made:

- in person, by telephone or in writing
- by a third party acting on behalf of the complainant

We will make sure you have written consent from the complainant before disclosing information to a third party.

Take brief notes

To prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls will be taken and will be:

- kept securely
- encrypted where appropriate

A copy of any written response will be added to the record.

Recording meetings

Where there are communication difficulties, we may wish to use recording devices to ensure the complainant is able to access and review the discussions at a later point. All parties should agree in advance to being recorded.

Schools are data controllers in their own right, therefore have the discretion via our policies to decide for ourselves whether to allow complainants to record meetings, if it's not required for the purposes of a reasonable adjustment.

We will also ensure that there is a fair and reasonable purpose for allowing complainants to record meetings, as there may be various levels of identifiable personal information recorded. We will need to consider:

- how any decision to allow recordings may affect any third parties called to act as witnesses
- the impact and consequences on the individuals involved in the complaint in the event recordings are lost or leaked

Audio or video evidence

Complainants should make sure they obtain informed consent from all parties present before recording conversations or meetings.

Unless exceptional circumstances apply, the Dfe will support schools who refuse to accept, as evidence, recordings of conversations that were obtained covertly and without informed consent of all parties being recorded.

Recording complaint progress

We will

- record the progress of the complaint and the final outcome
- determine who is responsible for these records and make sure the data is kept secure

Under the General Data Protection Regulations, data must not be kept longer than is necessary.

2.4 First Stage – Dealing with Concerns and Complaints

2.4.1 Informally - Guidelines

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

2.4.1.2 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 or Director of Education depending on whom the parents first approach. Complainants 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.

2.4.2 Informal Resolution Procedures

2.4.2.1 Complainants 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 Complainants how the situation arose. It may be helpful to identify at this point what sort of outcome the parent/carer is looking for.

2.4.2.2 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.

- 2.4.2.3 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.
- 2.4.2.4 Where the concern relates to the Director of Education, the parent should be advised to contact the Chief Executive at the Salisbury head offices.
- 2.4.2.5 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.
- 2.4.2.6 Where no satisfactory solution has been found within 10 school working days, Complainants 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.
- 2.4.2.7 The person complained about will be given a copy of the recommendations given to the complainant.

2.5 Second Stage – Referral for Formal Investigation

2.5.1 Guidelines

- 2.5.1.1 By now it will have become clear that the concern is a definite complaint. In some cases the Director of Education 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 Director of Education (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.
- 2.5.1.2 As the Director of Education 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.
- 2.5.1.3 The Director of Education 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 Complainants concerns at Stage 1, while the Headteacher deals with contacts with Complainants at Stage 2. Even at that stage the Headteacher may designate another member of staff to collect some of the information from the various parties involved.

2.5.2 Procedures

- 2.5.2.1 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. Director of Education (or designated member of staff) will acknowledge the complaint orally or in writing within three working days of receiving the written complaint.

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

2.5.2.3 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.

- We will ask the complainant at the earliest stage what they think might resolve the issue - an acknowledgement that the school could have handled the situation better is not the same as an admission of unlawful or negligent action
- When responding to a complaint, we will advise the complainant of any escalation options at each stage of the procedure - for example, when communicating the outcome of the stage 1 process, we will include the details of the stage 2 process

2.5.2.4 It may be possible even at this stage to reach an agreed solution to the problem. The aim here is to progress the matter for the good of the child, their Complainants 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.

Mediation

While this can be useful in reaching an agreement and moving forward, there are times when it may not be the most appropriate course of action.

Mediation can:

- provide a helpful mechanism for discussion when a concern is raised
- help to rebuild the relationship between parties once all of the investigative stages of the complaints procedure have been completed

It will not be used as a substitute for an investigation during the formal stages of the complaints procedure.

If neither the complainant nor the school considers that mediation will serve any practical purpose at this point, the complainant should not be prevented from moving to the next investigative stage of the complaints procedure.

2.5.2.5 The Director of Education 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.

2.5.2.6 If necessary, the Director of Education 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 Director of Education interviews a pupil. The Director of Education will keep written records of meetings, telephone conversations and other contacts.

2.5.2.7 Once all the relevant facts have been established, the Director of Education 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

2.5.2.8 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 Complainants behalf, and would also chair the School Forum Complaints Committee unless a chair of that Committee has already been designated by the School Forum.

Complaints against school staff will be dealt with by the headteacher (stage 1), then the Director of Education (stage 2)

2.5.2.9 Where the complaint is against the Director of Education arrangements should be made for the initial investigation to be conducted by a nominated Board member or a suitably constituted Complaints Committee who will carry out all the Stage 2 procedures.

Complaints against Board members are made to the PA to the Board, the PA will then arrange for the complaint to be heard. This can be done by a suitably skilled and impartial member of the Board (stage 1) and then a committee of members of the Board (stage 2)

Complaints against the entire Board or complaints involving the chair should also be sent to the PA, who will then determine the most appropriate course of action. This will depend on the nature of the complaint

This may involve sourcing an independent investigator to complete stage 1 and co-opted governors from other schools to hear the complaint at stage 2.

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

Any decision made by our school, will be made in line with the principles of administrative law. This means a decision is:

- lawful - it complies with education and other law, including human rights and equality law, such as the Human Rights Act 1998 and the Equality Act 2010
- rational
- reasonable
- fair
- proportionate

2.6 Third Stage – Appeal to the Complaints Panel Committee

2.6.1 Guidelines

- 2.6.1.1 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.
- 2.6.1.2** As this may be the last chance for a solution or compromise to be reached, every effort should be made to **mediate** and **conciliate**.
- 2.6.1.3 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.
- 2.6.1.4 All complaints which reach this stage will have done so because the complainant has not been satisfied by the Director of Education's response at the earlier stage of the procedure or the original investigation by the Complaints Committee if the complaint had been about the Director of Education.
- 2.6.1.5 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, Complainants could nominate a member of staff to accompany the child.

2.6.2 Procedures

- 2.6.2.1 Upon receipt of a written request by the complainant for the complaint to proceed to Stage 3, the procedures outlined below will be followed:
- 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
 - The acknowledgement will inform the complainant that the complaint will be investigated by the Complaints Committee within 20 school working days of receiving the request
 - The letter will also explain that the complainant has the right to submit any further documents relevant to the complaint
- 2.6.2.2** The Chair of the Complaints Committee will convene a Committee elected from the members of the School Forum. The Committee members will be members who have had no prior involvement with the complaint. 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 LA, Parent/Carer and Co-opted Forum members. **(See NB at end)**
- 2.6.2.3 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.

- 2.6.2.4 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.***
- 2.6.2.5 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.
- 2.6.2.6 All concerned, including the complainant, will receive any relevant documents including the Director of Education 's report, at least five school working days prior to the meeting.
- 2.6.2.7 It is the responsibility of the Chair of the Committee to ensure that the meeting is properly minuted.
- 2.6.2.8 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.
- 2.6.2.9 The Committee should remember that some Complainants 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.
- 2.6.2.10 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.
- 2.6.2.11 At Stage 3 the complainant and the Director of Education and any other staff should be interviewed separately, so the Committee can form a clear and unbiased view of the complaint.
- 2.6.2.12 The interviews, which can be arranged to run consecutively if this is more convenient, should allow:
- The complainant to explain their complaint(s)
 - The Director of Education to explain the school's response
 - The Complaints Committee members to have an opportunity to question both the complainant and the Director of Education
 - 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 Complainants and Director of Education and staff to have the right of representation at the interview if they so wish.
- 2.6.2.13 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.

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

- Reach a unanimous, or at least a majority decision on the complaint
- Decide upon the appropriate action to be taken to resolve the complaint
- Where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again.

2.6.2.15 Recommendations will be reported to the proprietor body at an appropriate time.

2.6.2.16 A written statement outlining the decision of the Committee must be sent to the complainant and Director of Education. 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, only the phrase '**Appropriate action has or will be taken**' should be used.

2.6.2.17 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.

2.6.2.18 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 and these will be made available to the headteacher and proprietor. 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:

2.6.2.19 Headteacher of one of the sister schools (not involved in the complaint), Educational Consultants for one of the sister schools (not involved in the complaint), Complainants/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.

Legal representation

In the event that a complaint progresses to a committee of our members, we recommend that neither party bring legal representation. These committees are not a form of legal proceedings. The aim of the committee should be:

- reconciliation
- to put right things that may have gone wrong

We recognise there are occasions where legal representation may be appropriate.

Example, If a school employee is a witness in a complaint, they may be entitled to bring union or legal representation.

If a complainant commences legal action against our school in relation to their complaint, we may consider suspending the complaints procedure, until those legal proceedings have concluded.

Transferring data

There may be occasions where complaints are made or continue to be escalated after a child has left the school. On changing schools, the pupil's educational record is transferred to the new school and no copies are retained. Schools can consider holding records of complaints separate to their pupil records (while a complaint is ongoing) so that access to them can be maintained.

Personal data should only be kept for as long as is necessary for the immediate purpose of processing. The data will be stored securely and, where appropriate, encrypted to maximise security.

2.7 Relevant Names and Contact details

2.7.1 For contact with Director of Education 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

Director of Education – James Hall

James.Hall@five-rivers.org

General assistance from the Dfe

Schools can contact us for general assistance on complaint handling by:

- calling the National Helpline on 0370 000 2288
- using DfE's [contact form](#)
- writing to us at the address below

School Complaints Unit
Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD

We will not provide explicit advice on what a school should do, unless we are asked to provide a view on any relevant legislative underpinning, but we can explain what options may be open to a school to choose from.

We can also consider complaints about the actions of local authorities in relation to the exercise of their functions under education law if they are brought to our attention.

3.0 Staff Complaints

3.1.1 Any Staff/Volunteers working within Five Rivers Child Care Education Services, should also refer to the Whistleblowing Policy and the HR Grievance Policy for further information if wishing to raise a complaint themselves.