'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'

Complaints Policy

Five Rivers Child Care Ltd

Policy Owner	Headteacher
Authoriser	Head of Education
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1. Policy

1.1 Policy Statement

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.

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.

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

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

The Five Rivers Group supports the objectives of the United Kingdom General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018 (DPA 2018) and other legislation relating to Data Processing, including the Human Rights Act 1998, the Safeguarding of Vulnerable Groups Act 2006 and the regulations that underpin our services. The Five Rivers Group has a statutory obligation to process personal data in accordance with the provisions of the United Kingdom General Data Protection Regulation (UKGDPR) and the Data Protection Act 2018.

Every member of The Five Rivers Group has an obligation to ensure that the information they process (use) is collected, maintained and disclosed in accordance with the United Kingdom

General Data Protection Regulation (UKGDPR), the Data Protection Act 2018, the Five Rivers Group Data Protection Policy and The Five Rivers Group Data Retention Policy.

1.4 Disclosure of Information

It is a criminal offence for a person to knowingly or recklessly sell, disclose or retain personal information outside of the Five Rivers Group under section 170 DPA 2018 without a legitimate purpose and legal basis. The Five Rivers Group considers these actions unauthorised and will take all necessary action to ensure personal data is not disclosed, retained or sold without a valid legal reason including referral to the criminal investigations team of the information commissioner's office (CRIT ICO)

2. School complaints procedure (in line with Five Rivers data protection and complaints policy)

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 dealingwith 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

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.

2.1 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 thosecases, our complaints procedure will be followed.

2.2 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 about school. Allcomplaints will be investigated as such.

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 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
- pupils
- members of the public

In accordance with administrative law principles, complainants will be given the opportunity to complete the complaints procedure in full.

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.

Complaint campaigns

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

- 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

We may feel it necessary to signpost complainants to the Department for Education if they're dissatisfied with your response.

The school is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. We will not normally limit the contact complainants have with our 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. It is possible that there can be times when there is nothing further which can reasonably be done to assist the complainant or to rectify a real or perceived problem.

Recording complaints

We will comply with our obligations under the Equality Act 2010. It's common practice to ask forcomplaints to be made 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 athird 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:

- logged on the complaint's log
- kept securely

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 inadvance 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 thepurposes 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 needto 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.

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.

2.3 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. Complainants 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 member of staff or Headteacher, 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.

Informal Resolution Procedures

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 complainant 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 Education, the parent should be advised to contact the Director of Education.

The member of staff dealing with the concern or complaint will make sure that the complainant 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, complainants should be given clear information, both orally and in writing, about how to proceed with their complaint.

If it is about a specific staff member, they will be given a copy of the recommendations given to thecomplainant.

2.4 Second stage – referral for formal investigation

Guidelines

By now it will have become clear that the concern is a definite complaint. In some cases the Head 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 Head 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.

As the Head 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.

The Head 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.

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 Education (or designated member of staff) will acknowledge the complaint orally or in writing within 3 working days of receiving the written complaint.

Schools should be sensitive to the needs of the complainant 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.

- We will ask the complainant at the earliest stage what they think might resolve the issue - anacknowledgement that the school could have handled the situation better is not the same asan admission of unlawful or negligent action.

- When responding to a complaint, we will advise the complainant of any escalation options ateach 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.

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. 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 maynot 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 purposeat this point, the complainant will not be prevented from moving to the next investigative stageof the complaints procedure.

The Head 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 thatif 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 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 Head of Education interviews a pupil. The Head of Education will keep written records of meetings, telephone conversations and other contacts.

Once all the relevant facts have been established, the Head 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' shouldbe used.

The complainant will be advised that should they wish to take the complaint further they should notify the Director of Education within 10 school working days of receiving the outcome letter. Normally, the Director of Education will arrange to investigate on the Complainants behalf and would also chair the panel unless a chair of that panel has already been designated by the Director of Education.

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

Where the complaint is against the Head of Education arrangements should be made for the initial investigation to be conducted by the Director of Education or a suitably constitutedpanel 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 impartialmember of the Board (stage 1) and then a panel 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 onthe 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.

The person complained about will receive a written copy of any findings orrecommendations.

Any decision made by our school, will be made in line with the principles of administrative law. Thismeans 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 Act2010
- rational
- reasonable
- fair
- proportionate.

2.5 Third stage – appeal to the complaints panel

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 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.

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 Director of Education's response at the earlier stage of the procedure or the original investigation by the Panel if the complaint had been about the Director of Education.

In the unlikely event of pupils needing to be interviewed, extreme care will need to be taken. A single panel 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.

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:

- The Chair of the Panel (a senior manager who is separate from the management of the schools, such as the Head of Fostering or Residential 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 Panel within 20 school working days of receiving therequest
- The letter will also explain that the complainant has the right to submit any further documents relevant to the complaint

The Panel's chair, who is nominated in advance of the complaint meeting, will ensure that:

- An independent person has been invited to be a part of the panel
- All relevant parties are asked to provide any additional information relating to the complaint by a specified date in advance of the meeting
- The meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- Complainants who may not be used to speaking at such a meeting are put at ease.
- The remit of the Panel is explained to the complainant
- Written material is seen by everyone in attendance, provided it does not breach confidentiality or GDPR.
- If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting
- Both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- The issues are addressed
- Key findings of fact are made
- The Panel is open-minded and acts independently
- No member of the Panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- The meeting is minuted

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

The Chair will write and inform the complainant, Headteacher, any relevant witnesses and members of the Panel at least 10 school working days *in advance, of the date, time and place of the meeting*.

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 Panel, at least 5 school working days in advance of the meeting. The Chair of the Panel will invite the Headteacher, to attend the Panel meeting and prepare a written report for the Panel in response to the complaint.

All concerned, including the complainant, will receive any relevant documents including the Director of Education 's report, at least 5 school working days prior to the meeting.

It is the responsibility of the Chair of the Panel 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 Panel should remember that some Complainants are unused to dealing with groups of people in formal situations and may feel inhibited when speaking to the Panel. It is therefore recommended the Chair of the Panel 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 Director of Education and any other staff should be interviewed separately, so the Panel 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 Director of Education to explain the school's response
- The Panel 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 Panel 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.

The Chair of the Panel will explain to the complainant and the Headteacher that the Panel will consider its decision, and a written response will be sent to both parties within15 school working days.

The Panel 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.

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

A written statement outlining the decision of the Panel must be sent to the complainantand 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' shouldbe used.

The Panel will ensure that a copy of all correspondence and notes are kept on file in the panel'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 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.

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

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 panel of our members, we recommend that neither party bring legal representation. These panels are not a form of legal proceedings. The aim of the panel 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 orlegal 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 leftthe 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.

3. Relevant names and contact details

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

47 Bedwin Street, Salisbury, Wiltshire, SP1 3UT01722 435750

Head of Education – Chris Sweeney

Chris.sweeney@five-rivers.org

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 aview on any relevant legislative underpinning, but we can explain what options may be open to aschool 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.

Staff Complaints

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 t raise a complaint themselves.

Appendix:

School Complaints Policy; Number of complaints

Online school have had 0 complaints in the last academic year.