Riverside School

COMPLAINTS PROCEDURE

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Riverside School – Complaints Procedure

1.Introduction

From time-to-time parents/carers, or others connected with the school, may become aware of matters which cause them concern. To encourage resolution of such situations the Governing Board has adopted a *Complaints Procedure*.

The procedure is devised with the intention that it will:

- usually be possible to resolve problems by informal means;
- be simple to use and understand;
- be non-adversarial;
- provide confidentiality;
- allow problems to be handled swiftly through the correct procedure;
- address the points at issue;
- inform future practice.

2. Procedure Statement

This Procedure statement sets out our approach to dealing with concerns and complaints about the school including arrangements for handling complaints from parents/carers about their child.

2.1 We value good home-school relations and will, therefore, seek to resolve any concerns or complaints promptly.

2.2 We welcome feedback on what parents/carers and other stakeholders feel as a school we do well, or not so well. We will carefully consider feedback, whether positive or negative, and this informs the review of our policies and practices accordingly.

2.3 We will treat concerns and complaints seriously and courteously and will advise parents and others of the school's procedures for dealing with their concerns. In return, we expect parents/carers and other complainants to behave respectfully towards all members of the school. In particular, *any disagreement with the school should not be expressed inappropriately,* for example in front of students, or on social media.

2.4 Whilst we will seek to resolve concerns and complaints to the satisfaction of all parties, it may not be possible to achieve this in every case. If it becomes clear that a resolution will not be possible, for example when a complainants conduct or communications are unacceptable to the school, we reserve the right to close the procedure before all the processes have been exhausted.

2.5 The school will not deal with the same complaint again concerning the same or very similar issue, then the correspondence may be viewed as 'serial' or 'persistent' and the school may choose not to respond.

3. General principles and aims

Riverside School (the 'School') is a community school in LB Haringey and the Governing Board has overall responsibility for this Procedure. The DFE and the Local Authority (LA) advocate resolution of parental concerns and complaints at school level, in the interests of maintaining good home-school relations. The expectation is that any matters referred to other authorities will have gone through the school's complaints procedures first.

3.1 This Procedure is aligned with the advice issued by the DfE (Department for Education) and the General Data Protection Regulation (GDPR) and the Data Protection Act 2018.

3.2 The School has adopted the DfE (Department for Education) guidance called Best Practice Advice for Schools Complaints Procedures (the "Advice").

3.3 Any person may make a complaint about any provision of facilities or services that a school provides, unless separate statutory procedures apply (such as suspensions or admissions).

3.4 This Procedure applies to any matter which has been raised with the school by parents/carers of students as a complaint, but which has not been capable of informal resolution, and which the complainant or the school considers should be dealt with on a formal basis (i.e. Stage 2 onwards).

3.5 There are exceptions to the complaints that are not dealt with under this Procedure:

Admissions to schools Statutory assessments of Special Educational Needs School re-organisation proposals	Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Haringey Council.
Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled in accordance with relevant statutory guidance and under our Safeguarding and Child Protection Procedures. If you have safeguarding concerns, you should contact the Designated Safeguarding Lead (DSL).
Suspension of children from school	Complaints about the application of the Behaviour Policy can be made through the school's complaints procedure.
Whistleblowing	We have a Whistleblowing Policy for all our employees, including temporary staff and contractors.
Staff grievances	Complaints from staff will be dealt with under the school's Grievance Procedures.
Staff conduct.	Complaints about staff will be dealt with under the school's Disciplinary Procedures as appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint.

	However, the complainant will be notified that a matter is being addressed.
Complaints about services provided by other providers who may use school premises or facilities.	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
National Curriculum - content	The Department for Education (DFE) have their own complaints procedure to deal with complaints about the statutory curriculum.

3.6 This Procedure is based on the principle that complaints expressed should be resolved **informally** as quickly as possible without the need to escalate to the formal stages of the procedure. However, where resolution has not been achieved and the person raising the concern wishes to take the matter further, the formal procedure for dealing with complaints, as laid out in this Procedure, will be followed.

3.7 Complaints should be raised as soon as possible, and within **three (3) months** of the incident or event to which the complaint relates (or, where the complaint relates to a series of incidents or events, within three (3) months of the latest incident or event. Matters raised after this time will not be investigated unless the headteacher or chair of governors decides to wave the time restriction due to exceptional circumstances.

4. Definitions

4.1 This Procedure uses the following definitions (unless otherwise stated):

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

- **School day** – equates to term time day (as deemed by the school)

4.2 The school will address all complaints, which parents/carers and other stakeholders may have in order to resolve them initially on an informal basis (Stage 1) so that they do not escalate into formal complaints (Stage 2 & 3). Informal complaints are generally dealt with by relevant teaching or support staff, but a senior leader or a school appointed investigator may be asked to assist.

5. Complaints Procedure

5.1 The school is committed to dealing with complaints fairly and impartially, and to providing a service to those who complain. We will not usually limit the contact complainants have with the school, but we will take this step if a complainant's conduct, or communications are considered unacceptable by the school. The school does not tolerate unacceptable behaviour and will take action, including legal action if deemed appropriate, to protect staff and students from that behaviour, including that which is abusive, offensive, defamatory or threatening. Unreasonable complainants include, for instance, *those who, because of the frequency, or the nature of the contact with or about, the school, hinder its consideration of their or other people's complaints and/or are considered to be harassment, abusive or offensive.*

5.2 A copy of this Procedure is available on the school's website.

Stage 1 – Informal resolution

5.3 Members of staff can **most frequently** deal with issues of concern to the satisfaction of the complainant, without needing to deal with it formally. We value and encourage informal meetings and telephone discussions as a way of improving our procedures and relations with parents/carers.

5.4 It is a precondition to the operation of this Procedure that the complainant shall have made reasonable attempts to seek an informal resolution and shall have acted in relation to the matter in a reasonable and measured way consistent with the school's vision and values.

5.5 There is no rigid timescale for resolving complaints at this stage. However, it is expected that most complaints will be **typically** addressed within **15 school days**. Should the nature or complexity of the complaint mean that more time is required; the school will contact the complainant informing them of the delay and confirming a revised date for resolution.

Stage 2 – Formal stage: investigation by a senior leader

5.7 Should informal meetings and telephone discussions appear unlikely to resolve the complaint, either party (i.e. the school or the complainant) may initiate a move to the Stage 2 for the complaint to be investigated formally. Any such request must be set out in writing, stating where the complainant remains dissatisfied and lodged **within 10 school days** of the complainant receiving the findings. The school will consider complaints and appeals outside of this timescale if circumstances are considered to be exceptional. The school will also make reasonable adjustments to allow complaints to be made in other ways should the complainant have difficulty expressing themselves in written English.

5.8 The complainant must outline the nature of the complaint, setting out briefly the facts and stating what it is that the complainant considers should have been done or where the school has not met reasonable expectations. A copy of the formal ***Complaint Form*** is shown at ***Annex A*** and additional information should be attached (as required). The form should be submitted to the school office and marked for the specific attention of the headteacher who will decide how the matter will be investigated.

5.9 An investigation will be carried out by a senior leader appointed by the headteacher (or by the headteacher in some circumstances). The investigation may include the offer of a meeting with the complainant. The investigator will speak to others involved. The investigator will put the findings in writing and will indicate what, if any, steps should be taken to resolve the matter. Whenever reasonably possible, this will be done within **20 school days**. Should the nature or complexity of the complaint mean that more time is required; the school will contact the complainant informing them of the delay.

5.10 Once the investigation is complete the senior leader appointed will make recommendations to the headteacher (or the headteacher will make their own recommendations if applicable). The school will subsequently respond to the complainant indicating how the matter has been resolved.

5.11 Any complaint relating to:

- *The headteacher* can be raised in the first instance with the chair of governors, who will decide how the matter will be investigated. Contact with the Chair can be made via the school office with letters marked for the specific attention of the chair of governors.

- *A senior leader* must be raised in the first instance with the headteacher, who will designate another senior leader or another appropriate identified investigator to investigate in the same way as in the second stage of the formal process outlined above. Contact with the headteacher can be made via the school office and letters marked for the specific attention of the headteacher.

- *The chair of governors* or any individual governors are made to the clerk to the Governing Board (the clerk), the clerk should then arrange for the complaint to be heard. This can be done by another member of the governing board or another appropriate identified investigator (stage one) and then a committee of members of the governing board (stage two).

- *The entire governing board* or complaints involving both the chair and vice chair should also be sent to the clerk, who should then determine the most appropriate course of action. This will depend on the nature of the complaint.

Stage 3 – Formal stage: investigation by the governing board

5.12 Where the complainant is dissatisfied, they may request the complaint is dealt with at Stage 3. Any such request must be set out in writing, stating what the complainant is dissatisfied with and lodged **within 10 school days** of the issue of the written Stage 2 findings. An additional copy of the *School Complaint Form (Annex A)* requires completion at this stage and should be marked 'Stage 3 Complaint'. It should be submitted to the school office and marked for the specific attention of the chair of governors.

5.13 At Stage 3 the chair of governors will determine how the matter will be addressed.

5.14 The chair of governors may decide to form a Complaints Panel. Its membership will be made up of governors of the school, though this is not prescriptive, and they may identify governors of other schools as panel members. The panel will be independent and will therefore have not been previously involved in the case.

5.14 The investigation may include the offer of a meeting with the complainant, who may wish to bring along a companion, in which case they **must** inform the Complaints Panel prior to the meeting.

5.15 *Where possible* the hearing will be planned within **25 school days** and after the meeting all parties will be notified of the outcome within **3 school days**.

5.16 **IMPORTANT NOTICE** about the Complaints Panel:

- The Complaints Panel will only proceed if the complainant and their representative (if applicable) attend. If the complainant does not confirm attendance or fails to attend on the day without compelling reasons accepted by the Panel, the Complaints Panel will not proceed, and the complainant will lose their right to the complaint being heard. Any further attempt to re-open the matter will be considered as falling under the serial/persistent complaint section as below.

- If complainants are inclined to bring legal representation, they **must** inform the Complaints Appeal **5 days prior** to the meeting.

- The aim of the Complaints Panel hearing is to independently consider the complaint and achieve reconciliation between the school and the complainant. It is not to respond to: demands for compensation, staff disciplinary action, public apologies, or sanctions of other students within the school.

6. Pursuing the complaint beyond the School's jurisdiction

6.1 The outcome letter from the Complaints Panel exhausts the 3 Stage procedure. If the complainant is dissatisfied with the process followed, they have the right to contact: Department for Education (DFE), Store Street, Piccadilly Gate, Manchester, M1 2WD.

7. Records and associated procedure

7.1 A record will be kept of complaints that were resolved at the formal stage of the complaint's procedure. Records will contain details of whether the complaint was resolved at Stage 2 or Stage 3. The action taken by the school as a result of a complaint (regardless of whether complaints are upheld or not) will also be recorded.

7.2 Records will be securely stored, with the appropriate access in place. Records of complaints will be kept for a period of 6 years after the complaint has been resolved, so that the school can evidence the action taken, and for the purpose of legal defence of any claim, after which they will be destroyed, unless they are needed pursuant to an ongoing legal action in which case the period will be extended until six (6) years after the end of that legal action.

7.3 Any data given will securely transmitted (electronically/otherwise) for use by those entitled to see the information as part of the investigation process. Correspondence, statements, and records relating to individual complaints will be kept strictly confidential except where the Secretary of State or a board conducting an inspection under section 109 of the Education and Skills Act 2008 requests access to them.

7.4 Under the Data Protection Act 2018 and GDPR, the information collected/processed under this Procedure *may* be classified as personal data. The legal bases for processing this personal data will be dependent upon the complaint, but typically be legitimate interest or public task. This data will be processed to fulfil the purposes for which it was collected but may be copied and securely transmitted electronically to authorised persons (as required) as part of the complaints process. The data will be stored confidentially and retained in line with the School Procedure.

7.5 If you have any queries or requests at any time concerning your personal information held by the school or its practices in this regard, please write to the Data Protection Officer, c/o Riverside School.

8. Procedure for unreasonable complainants

8.1 The School is committed to dealing with complaints fairly and impartially. However, the school does not expect its staff to tolerate behaviour that it considers to be unreasonable and will take action, including legal action if deemed appropriate, to protect staff from that behaviour, including for instance that which is perceived as abusive, offensive, vexatious, or threatening.

8.2 The school considers unreasonable complainants to be 'those who, because of the frequency or nature of their contacts with the school, hinder its consideration of theirs or other people's complaints'. And a complaint may be regarded as unreasonable when the person making the complaint:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint.
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- refuses to accept that certain issues are not within the scope of a complaints procedure.
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- introduces trivial or irrelevant information which the complainant expects to be considered and commented on, or raises large numbers of detailed but unimportant questions, and insists they are answered.
- makes unjustified complaints about staff who are trying to deal with the issues, and/or seeks to have them replaced.
- seeks to slander those connected with the case and/or the school for example on social media, websites, or other means.
- changes the basis of the complaint as the investigation proceeds.
- repeatedly makes the same or similar complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed.
- seeks an unrealistic outcome.
- makes excessive demands on school time by frequent, lengthy, complicated, and stressful contact with staff regarding the complaint in person, in writing, by email and/or by telephone.

8.3 A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:

- maliciously
- aggressively
- veraciously
- using threats, intimidation, or violence
- using abusive, offensive, or discriminatory language
- knowing it to be false
- using falsified information
- publishing unacceptable information such as in social media websites and newspapers

8.4 If at any level a complainant attempts to reopen an issue or a similar or related issue that has already been dealt with under this complaints Procedure and procedure, the school will write to the complainant to inform that the procedure has been exhausted and the matter closed. Continued correspondence on the same matter will be viewed as vexatious, and that the school will not respond to any further correspondence on the issue or a closely related issue.

8.5 If the complainant contacts the school again on the same issue, then the correspondence may be viewed as ‘serial’ or ‘persistent’ and the school may choose not to respond, given that such a course of action does not represent a good use of the school’s time or resources.

8.6 Complainants should limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (by letter, phone, email, or text) as it could delay the outcome being reached.

8.7 The school or designate can speak or write to the complainant explaining that their behaviour is unreasonable and ask them to change it. The school may specify methods of communication and limit the method and/or number of contacts. Unreasonable complainants, may for example, make unreasonable assertions, or excessively contact the school, or cause a significant level of disruption.

8.8 In response to any incident of perceived aggression, intimidation or violent conduct, the concerns and actions taken will be put in writing immediately and the Police informed. This may include banning an individual from the school premises.

8.9 Although fulfilling a public function, schools are private places. The public has no automatic right of entry. The school will therefore act to ensure that school remains a safe place for students, staff, and other authorised users. If a complainant or representative’s behaviour is a cause for concern, the school can require them to leave the school premises. In serious cases, the headteacher or designate can notify them in writing that their *implied licence* to be on school premises has been temporarily revoked subject to any representations that the parent/carer may wish to make. The school have authority to formally express the decision to bar individuals from the premises in writing.

Annex A

School Complaint Form

Complainants should use this form when formally complaining to the school.

Complainants Name:	
Complainants Address:	
	Post Code
Contact Telephone Number:	

Name of student:		**Class:**
Complainants relationship to student:		

Please give details of your complaint:

Continue on a separate sheet as necessary

Outline the action(s) you have taken to try to resolve your complaint. For example, who have you spoken to and their response. Please attach and date any relevant correspondence.

Continue on a separate sheet as necessary

Desired outcome: What actions do you feel might resolve the issue at this stage?

Continue on a separate sheet as necessary

Signed:		**Date:**	