



Complaints Policy

Person responsible for policy: Chief Executive

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Introduction

It is in everyone's interest that complaints about the River Learning Trust are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. To that end, we must be clear about the procedures we will apply when we receive a complaint.

The River Learning Trust is governed by a Board of Directors who are responsible for, and oversee, the management and administration of schools within the Trust. The River Learning Trust appoint a Local Governing Body, including elected parent governors, to whom is delegated responsibility for oversight and management of the school.

The Trust Board and Governors of schools within the River Learning Trust have adopted the following procedure to deal with formal complaints from members of the school community or general public about appropriate matters relevant to the running of the school. This procedure is to be used only when informal attempts to resolve problems have been unsuccessful.

Appendix 1 Sharing your concerns about your child's education (A guide for parents and carers) can be used as a guide for parents/carers on how to proceed with their complaint.

2. Framework of Principles

This procedure is designed to:

- be well publicised and easily accessible
- be simple to understand and use
- be impartial
- be non-adversarial
- allow swift handling with established time limits for action and keeping people informed of the progress
- ensure a fair investigation by an independent person, where necessary
- allow for a hearing of a panel of Governors, where appropriate
- respect people's desire for confidentiality, wherever possible
- address all points of issue, provide an effective response and appropriate redress where necessary
- provide information to the school's Senior Leadership Team so that services can be improved.

3. Initial concerns

We need to be clear about the difference between a concern and a complaint. **Taking informal concerns seriously at the earliest stage will reduce the number that develop into formal complaints.**

The underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures.

In most cases the class teacher/form tutor or year leader/Head of Year will receive the first approach. If the concern is not handled to the satisfaction of the person who has raised the issue then a member of the Senior Leadership Team can be contacted (details on the school website).

4. Making a Formal Complaint

4.1 Stage 1

Where informal attempts have been unsuccessful in resolving a complaint, the matter will be formally investigated by an appropriate person from the school. If the matter is about the day-to-day running of the

school or the interpretation of school policies, by members of staff of the school or the actions or inactions of staff at the school, the matter should be investigated by the Headteacher or a member of senior staff nominated by the Headteacher. If the matter is about school policies as determined by the Governing Body or the actions or inactions of the Governing Body, then the matter should be dealt with by the Chair of Governors or a Governor nominated by the Chair.

A complainant wishing to instigate the formal procedure should be asked to complete a complaint form (**Annex 1**). The school should offer to help an individual to complete the form and the person providing this help should be unconnected with the complaint. It is essential to report the progress of any complaint and the final outcome. It is necessary that at each stage, the person investigating the complaint (the designated person) makes sure that they:

- establish what has happened so far, and who has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them (if unsure or further information is necessary);
- clarify what the complainant feels would put things right.
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct the interview with an open mind and be prepared to persist in the questioning;
- keep notes of the interviews.

4.2 Resolving the Complaint

At each stage in the procedure, we will want to keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology
- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review school policies in light of the complaint.

It would be useful if complainants were encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence. Equally, an effective procedure will identify areas of agreement between the parties. It is also of importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues. Whatever the outcome, it is important to reassure the complainant that the matter has been thoroughly investigated.

4.3 Stage 2

Where the complainant is still not satisfied that their complaint has been dealt with fully and properly, they may choose to take it to a second stage. This stage will be referred to a panel of Governors established as outlined in **Annex 2**.

The Chair of the panel will be elected by the panel members and will be responsible for following the further procedure as outlined in **Annex 2**.

4.4 Timescale

Complaints need to be considered and resolved as quickly and efficiently as possible. An effective complaints process must have realistic time limits for each action within each stage, and this will be communicated to the complainant. Where further investigations are necessary, new time limits can be set

and the complainant sent details of the new deadline and an explanation for the delay.

5. Mediation

If, at any time, throughout the procedure from informal to the final decision of the panel, the school feels that mediation would help resolve the complaint, this can be arranged. By agreement the mediator can be a member of the Governing Body (for complaints not relating to the actions/inactions of the Governing Body) or the Trust Board (for complaints relating to the actions/inactions of the Governing Body).

6. Monitoring Complaints

As well as addressing an individual's complaint, the process of listening to and resolving complaints should contribute to school improvements. When individual complaints are heard, schools may identify issues that need to be addressed. The monitoring and review of complaints by the school and Governing Body can be useful in evaluating the school's performance. Any discussion of complaints by the Governing Body should not name or be able to identify individuals.

7. Policy for Unreasonable Complainants

The River Learning Trust 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 the 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.

The River Learning Trust defines unreasonable complainants as *'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'*.

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, despite offers of assistance;
- 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 and expects it to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same 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 including referral to the Department for Education;
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy, complicated and/or stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

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;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

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

Whenever possible, the Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the School causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the school site.

Flow Chart of Complaint Stages

Informal

Complaint is made to a member of staff or Governor

Is complainant satisfied with the informal resolution? Yes

No

Stage 1

Complainant is given copy of the complaint form and offered support in completing it.

Form received by school: is complaint about areas of:	
Headteacher's Responsibility	Governors' Responsibility
Headteacher deals with matter or designates senior member of staff	Chair deals with matter or designates Governor

Chair of Governors or Headteacher or designated person carries out investigation and seeks resolution and meets or speaks to complainant within 10 days of school receiving form.

Complainant satisfied? Yes

No

Stage 2

Complaint expresses wish to invoke Stage 2
Complaint form passed to Clerk to Governors within 5 working days of complainant expressing wish to go to Stage 2

Clerk sets up panel of Governors and contacts complainant with details of hearing and request for any further information

Panel meets within 15 working days of clerk receiving the form and makes decisions
Outcome letter is sent within 5 working days of the panel hearing

At any stage mediation may be considered

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Your relationship to the school, e.g. parent, carer, neighbour, member of public:

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What actions do you feel might resolve the problem at this stage?

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Are you attaching any paperwork? If so, please give details.

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Signature:.....

Date:.....

Official Use:

Date Complaint Received:

Date of acknowledgement sent:

By Whom:

Complaint referred to:

Date:

Outcome:

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Annex 2: Establishing a complaints panel

- The Clerk to the Governors will make arrangements for the complaints panel to be appointed. The panel will consist of three members, one of whom must be independent of the management and running of the school. This person may be a governor from another LGB in the Trust.
- When the Clerk to the Governors receives a copy of the complaint form they will inform the governing body that a complaint has been received and that it has been passed to the panel to deal with. No further information about the complaint should be shared with other governors.

There are several points which any governor sitting on a complaints panel needs to remember:

- It is important that the complaints panel is independent and impartial and that it is seen to be so. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, governors need to try and ensure that it is a cross-section of the categories of governor.
- The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant.
- The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.
- The governors sitting on the panel need to be aware of the complaints procedure.
- Panel members should not discuss the complaint outside of the meeting.

Checklist for a Panel Hearing:

- The panel needs to take the following points into account:
- Evidence should be provided to the hearing in writing. The clerk is responsible for obtaining papers from both parties. Written papers must be provided to all participants in the panel hearing at least five days prior to the hearing itself.
- The hearing is as informal as possible.
- The complainant has the right to be accompanied to the hearing by another person e.g. a friend or relative who will offer moral support only.
- The attendance of witnesses is not encouraged. Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- It may be necessary to have an adjournment to allow for reflection or to seek additional supporting evidence, it shall be for the Panel Chair to decide if such an adjournment is necessary.

Format of a Panel Hearing

All parties should enter the room together.

- The chair will introduce the panel members and the clerk and outline the process.
- The complainant is invited to explain the complaint.
- The Headteacher may question the complainant.
- The panel will question the complainant.
- The Headteacher is then invited to explain the school's actions.
- The complainant may question the Headteacher. If they feel that the Headteacher's account and explanation of actions was factually incorrect, they can state this at this point.
- The panel will question the Headteacher.
- The complainant is then invited to sum up their complaint.
- The Headteacher is then invited to sum up the school's actions and response to the complaint.
- The chair explains that both parties will hear from the panel within five working days.
- The chair checks that both parties have said all they wanted to say and that they feel they have

had a fair hearing. If either party says 'no' the chair should attempt to rectify that before the hearing ends.

- Both parties leave together while the panel decides on the issues.
- The clerk will remain with the panel.

Notes

The panel may ask questions at any point if an immediate question will help to clarify a point.

The Headteacher must have no contact with members of the governors' complaints panel except when the complainant is present. This means that the Headteacher and complainant must enter and leave the room where the hearing is held together.

The Chair of the panel should discourage the introduction of fresh documentary evidence at the hearing; there should be every encouragement to produce the evidence in advance so that both sides have time to study it. However, if new and relevant evidence is accepted by the Chair, the Chair will adjourn the hearing for a few minutes to allow everyone to read the document. Both parties must leave the hearing room during the adjournment.

The decision letter

The clerk will ensure that they have clear wording stating the panel decision about each of the issues that the panel considered before the panel is allowed to finish.

The findings and recommendations of the panel shall be sent by electronic email or otherwise given to the complainant and, where relevant, the person complained about within five school days of the hearing. They will also be available for inspection on school premises by the proprietor and the Headteacher.

The decisions the panel might make

The panel may decide to do one of the following:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the school's systems or procedures to ensure problems of a similar nature do not recur.

It may also:

- consider and, if appropriate, criticise the way in which an operational decision was communicated – **but it cannot overturn the decision itself;**
- consider the thoroughness with which the Headteacher investigated a complaint about a member of staff – **but cannot expect the Headteacher to provide details about confidential discussions with that staff member;**
- consider the manner in which a complaint about any decision was addressed – **but cannot expect the Headteacher to change the decision;**
- consider and, if appropriate, identify limitations in a policy or procedures – **but cannot make or improve policy.** (It can, however, recommend that the policy be reviewed by the governing body to ensure that problems of a similar nature do not recur, and individual panel members can subsequently play their part in improving the policy.)
- consider whether it should recommend that the governing body offer appropriate redress.

Exceptional circumstances

For the sake of clarity, the description above does not cover exceptional circumstances which might include:

- The Chair of Governors may not be able to find three governors who have no prior knowledge of the case: If a case has become a major talking point around the community, the Chair can nominate three governors with minimal prior knowledge. If there are still insufficient governors able to sit on a panel, the governing body in consultation with RLT will put in place an alternative fair process using independent governors from other, local RLT schools.
- The complaint may not be against the Headteacher: A complaint to the governors' complaints panel will never be against a junior member of staff (it may be against the way the Headteacher handled a complaint against a junior member of staff) but it is conceivable that a senior manager will appropriately stand in for the Headteacher. That would need to be considered very carefully but if agreed the senior manager would be 'the Headteacher' for the purpose of the panel. There may be exceptional circumstances in which the complaint is against the Chair of Governors – e.g. for wilfully refusing to deal with a complaint. In those circumstances the procedure above would be adapted and every reference to 'Headteacher' would be read as 'chair of governors'.
- It is not necessary, and may not be appropriate, for all parties to be present during the whole process but all members of the panel must be present throughout. Having presented their case and answered questions the complainant may be asked to leave the room, should the panel Chair consider it appropriate.
- The complainant may be a pupil at the school: Good schools encourage pupils to raise concerns and would expect to resolve them before it becomes a formal complaint to the LGB. However, if a pupil is the complainant, panel members will wish to ensure that the same process is followed but special consideration given to ensuring that the child is supported and does not feel intimidated. The panel needs to give the views of the child equal consideration to those of adults.

Appendix 1: Sharing your concerns about your child's education (A guide for parents and carers)

The River Learning Trust recognises that at times things can go wrong. This guidance will help you understand how to resolve concerns you may have about your child's education.

Should I complain to the School, the Trust or the Local Authority?

If you are concerned about any aspect of your child's education, you should contact the School. If you are concerned about the actions or inactions of the Governing Body you should contact the Chair of the Local Governing Body. If you are concerned about the actions or inactions of the River Learning Trust you should contact the Head of Governance and Compliance of the Trust. If you are concerned about a service that the LA provides directly, then you need to contact the LA. In Oxfordshire, the Local Authority (LA) is Oxfordshire County Council.

When should I complain to the School?

The Headteacher is responsible for making decisions on a daily basis about the school's internal management and organisation. So you should contact the school if you are concerned about a general issue such as:

- your child's academic progress
- special educational needs provision
- your child's welfare
- bullying
- something that has happened in school;

or about wider issues, such as:

- the overall running of the school

- a school policy
- the management of the school budget
- the use of school facilities
- services delivered by the school such as adult learning or childcare

How do I complain to the school?

The school will always want you to speak to a relevant member of staff as soon as you have a concern. If you are unsure who to talk to at this stage please contact your child's class teacher / year leader or the Headteacher's PA. An informal approach is nearly always the quickest and most effective way of resolving your concerns. If you feel that your concern has not been resolved through this route, then it is important to ask the school for their complaints procedure (also available on the school website). This explains what you should do next. The school will use the following process and will advise you:

- to speak to or write to the Headteacher who will look into your concern
- to write to the Chair of Governors if you are unhappy with the Headteacher's response or if the matter concerns governors.

The school's procedures also offer an appeal to the governing body's complaints panel. This panel consists of three governors who have no prior knowledge of your complaint and will consider written and verbal submissions from you and the Headteacher.

Can I take my complaint further?

For most complaints, you cannot take your appeal further than the governing body. The LA cannot investigate school matters on a parent's behalf nor can it review how the school has dealt with your complaint. Please read below about matters that you can complain to the LA about.

If you feel that the school has acted unreasonably or not followed the correct procedures, you can write to the Chair of The River Learning Trust. Further to this you are also able to write to the Secretary of State for Education. The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing body has acted unlawfully or unreasonably and where it is expedient or practical to do so.

When can I complain to the LA?

The LA is responsible for providing a range of services to pupils and their parents or carers such as:

- statutory assessments for special educational needs and disability (SEND)
- a parent partnership service for parents of children with SEND
- assessments, support and advice by the educational psychology, education welfare and behaviour support services
- education other than at school (EOTAS), for pupils unable to attend school
- admission and transfer arrangements
- countywide planning of school places

In some cases, parents may have a legal right of appeal to an independent tribunal or panel. These cases include special educational needs assessments, admissions and exclusions. Staff in the relevant service will explain these procedures to you. In other cases, the LA has its own complaints procedure.

How do I complain to the LA?

If you are concerned about one of the LA services, please ask the school who the appropriate member of LA staff is who should be contacted as soon as possible. Most concerns are successfully and quickly resolved like this.

However, if you are unhappy with the response, you should ask for a copy of the individual service's own complaints procedures or the LA's procedure.

The LA's procedure for investigating and responding to complaints is available as a fact sheet, "Comments, Suggestions and Complaints", which includes a complaints form. Leaflets are available from County Council information centres and local education offices.

Records

The school will keep a written record of all concerns and complaints received whether they were resolved informally or formally at a preliminary stage, or having proceeded to a panel hearing. Action taken by the school as a result of those complaints (regardless of whether they are upheld) shall also be recorded.

The school will keep all correspondence, statements and records relating to individual complaints confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

In line with the GDPR, someone can still make a Subject Access Request (SAR) to view personal information held about them which relates to a complaint. This does not, however, give them the right to view confidential records or other documentation relating to a third party.

Governors involved in a complaints panel meeting should hand their documents back to the school to be shredded following the completion of the process. A master copy of the paperwork will be retained in school.