



# Complaints Policy

Person responsible for policy: Chief Executive

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# Complaints Policy

## Introduction

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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 Board of Governors, including elected parent governors, to whom is delegated responsibility for oversight and management of the school/s.

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 deal with 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 numbers 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 or year leader will receive the first approach. If the concern is not handled to the satisfaction of the person who has raised the issue then the relevant 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 Governor nominated by the Chair.

A complaint 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 interview.

#### 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.

If the school rejects the complaint, it is important to re-assure 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 maintaining a 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 not 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 would 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 to evaluating the school's performance. Any discussion of complaints by the Governing Body or others in the school community 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 which the complainant expects 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 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.

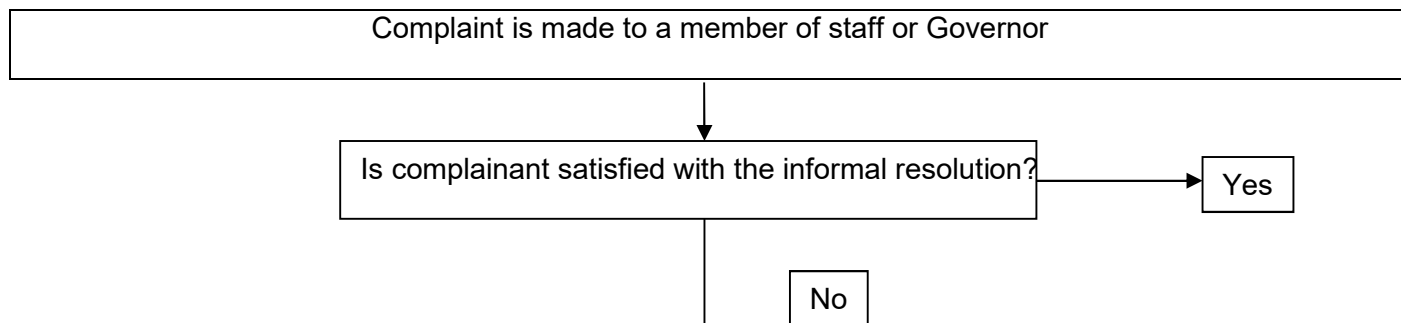
Complainants should limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

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.

**Informal**



**Stage 1**

Complainant is given copy of the complaint form and offer of 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.



**Stage 2**

Complaint expresses wish to invoke Stage 2  
 Complaint form passed to Clerk to Governors within 5 working day of complaint 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

**At any stage mediation may be considered**



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

.....

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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.....  
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Signature:.....

Date:.....

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**Official Use:**

**Date Complaint Received:** .....

**Date of acknowledgement sent:** .....

**By Whom:** .....

**Complaint referred to:** .....

**Date:** .....

**Outcome:**

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.....  
.....  
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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 of governors receives a copy of the complaint form he/she 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 complaint 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.

### **Checklist for a Panel Hearing:**

- The panel needs to take the following points into account:
- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- A designated person from the panel may question both the complainant and the witnesses after each has spoken.
- The Headteacher or a designated person is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the Headteacher or designated person and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The Headteacher or designated person is then invited to sum up the school's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The chair explains that both parties will hear from the panel within five working days.

## **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 Clerk to the River Learning Trust. If you are concerned about the actions or inactions of the River Learning Trust you should contact the Clerk to 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 schools 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 education 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

The school has its own complaints procedures for dealing with these issues.

### **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 education needs (SEN)
- a parent partnership service for parents of children with SEN
- 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 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.