

THE SYDNEY RUSSELL SCHOOL



Complaints Policy

For Parents/Carers of Children at Sydney Russell School

2020-2021



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Complaints Procedure

Date approved: February 2019 – Revised Draft September 2019 – Awaiting approval

Review Frequency: Every three years

Date next review due: February 2022

Scope of Policy: This policy applies to all staff and governors at The Sydney Russell School

1.0 Introduction

Governing bodies are required by law to have a procedure in place to deal with complaints relating to aspects of the school or the provision of facilities or certain services at the school. The procedure outlined in this document is based upon current Department for Education guidance.

A complaint can be brought by a parent of a registered child at the school or any person who has been provided with a service or a facility at the school. This document refers to this person as the complainant. The complainant must feel able to raise concerns and complaints with members of staff without formality, either in person, by telephone or in writing. At first it may be unclear whether a complainant is asking a question or expressing an opinion rather than making an education complaint. A complainant may want a preliminary discussion about an issue to help decide whether he or she wishes to take it further. A concern or unresolved problem becomes a complaint only when the complainant asserts that a school has acted wrongly in some significant decision, action or failure to take action. Even when a complaint has been made it can be resolved or withdrawn at any stage.

Schools may have a nominated member of staff with responsibility for the operation and management of the school complaints procedure. At The Sydney Russell School this nominated member of staff is the Principal.

A written record will be kept of all complaints made, along with details of whether they were resolved following a formal procedure, or progression to a panel hearing. The school will record the action it takes as a result of complaints (regardless of whether they are upheld).

Correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

2.0 Special Circumstances

Any complaint or other notice that suggests that a child has been at risk of significant harm through violence, emotional abuse, sexual abuse or neglect should be referred without delay through the school's safeguarding processes. If Barking and Dagenham social services decide to investigate a situation this may postpone or supersede investigation of the complaint by the school.

Where a matter is capable of resolution through a legal appeal it will not be considered as a formal complaint and the complainant should be directed to the appropriate appeal procedure. The key areas are: admissions decisions; certain decisions relating to formal assessment of special educational needs; and decisions to exclude a child.



3.0 Dealing with Concerns

STAGES OF THE COMPLAINTS PROCEDURE

There are four stages of the school's Complaints Procedure:

- **Stage 1 (informal):** complaint heard by a staff member (who is not the subject of the complaint).
- **Stage 2 (formal):** complaint heard by the Principal
- **Stage 3 (formal):** complaint heard by Chair of Governors
- **Stage 4 (formal):** complaint heard by the Governing Body complaints appeal panel.

If the complaint concerns the conduct of the Principal, it will be dealt with by the Chair of Governors (Stage 3). Complaints against the Chair of Governors or any other Governor should be made using the complaints form (Appendix A) to the Clerk to the Governing Body.

If the complaint has not been resolved after Stage 4 of the procedure, the complainant can contact the Department for Education to take their complaint further. Please see the table in Appendix C for further details about the stages and timescales relating to each stage of the complaints procedure.

STAGE 1 (INFORMAL): COMPLAINT HEARD BY A MEMBER OF STAFF

Any complaint made in writing should be submitted using the complaints form found in Appendix B. If a complaint is received by a member of staff (excluding the Principal), they should pass the complaint to their department or year head within 1 working day. The department head will refer the complaint to the most suitable member of staff for investigation and resolution. Receipt of the complaint will be acknowledged in writing by the department or year head. Any complaints received regarding the Principal should be passed to the Chair of Governors.

The investigative member of staff will be given a copy of the completed complaints form within 2 working days of the complaint being received. They will be advised that all information relating to the complaint is confidential and to discuss it with anyone not involved in the complaint or the investigation process may result in disciplinary action.

The investigation should be concluded and a written response sent to the complainant within 5 working days of the complaint being received. A copy of the response, how it was resolved and any paperwork relating to the complaint should be given to the Principal.



STAGE 2 (FORMAL): COMPLAINT HEARD BY THE PRINCIPAL

If the complainant is dissatisfied with the outcome of the informal investigation, they should write to the Principal within 5 working days of receiving the outcome of the informal complaint, using the complaints form (Appendix A). Receipt of the complaint will be acknowledged in writing by the Principal.

The Principal will investigate the complaint and make their decision known to the complainant in writing within 10 working days of the complaint being received. The Principal may delegate the task of collating the information to another member of staff but not the final decision on the action to be taken. Everyone involved in the investigation process will be advised that all information relating to the complaint is confidential and to discuss it with anyone not involved in the complaint or the investigation process may result in disciplinary action.

STAGE 3 (FORMAL): COMPLAINT HEARD BY THE CHAIR OF GOVERNORS OR NOMINATED PERSON

If the complainant is not satisfied with the response of the Principal or the complaint is about the Principal, the complainant should write to the Chair of Governor using the complaints form (Appendix A) to request that their complaint is considered further. This should be within 10 working days of the complainant receiving the outcome of their Stage 2 complaint. Receipt of the complaint will be acknowledged in writing by the Chair of Governors.

The Chair of Governors will investigate the complaint, taking into account any investigations that have previously taken place. The Chair of Governors will write to the complainant outlining their findings within 20 working days of the complaint being received. The Chair of Governors may delegate the task of collating the information to another member of the Governing Body but not the final decision on the action to be taken. Everyone involved in the investigation process will be advised that all information relating to the complaint is confidential and to discuss it with anyone not involved in the complaint or the investigation process may result in disciplinary action.

STAGE 4 (FORMAL): COMPLAINT HEARD BY THE GOVERNING BODY COMPLAINTS APPEAL PANEL

If the complainant is not satisfied with the outcome of their complaint to the Chair of Governors, they should write to the Clerk of the Governing Body via the school, using the complaints form (Appendix A) requesting that their complaint be heard by the Governing Body Complaints Appeal Panel. The Clerk will convene a panel of three, including two Governors and one panel member who is independent of the management and running of the school, ensuring that those on the panel have not been involved in previous stages. Receipt of the complaint will be acknowledged by the Clerk to the Governing Body.

The panel hearing will be held within 15 working days of the complaint being received and all parties will be given at least 5 working days' notice of when the hearing will take place. The complaint and other relevant paperwork will be submitted to the panel before the hearing takes place. All parties involved in the dispute may be accompanied by a friend, representative or an interpreter and may call witnesses. If witnesses are to be called, the names of the witnesses must be made known to the Clerk at least 5 working days before the hearing takes place.



The following sequence of actions will take place at the hearing:

1. The Chair of the Panel will introduce the panel and make everyone aware that everything that takes place during the hearing is strictly confidential and should not be discussed with anyone not involved in the investigation process.
2. The parties will introduce themselves and their representative and any witnesses they are calling to the hearing.
3. The complainant will present their case and call any witnesses.
4. The panel will have an opportunity to question the complainant and witnesses.
5. The Principal will have the opportunity to respond to the complainant.
6. The Principal (or the Chair of Governors if the complaint is against the Principal) will explain what has already been done to attempt to resolve the complaint and the outcome of any investigation, and call witnesses if appropriate.
7. The panel will have the opportunity to question the Principal and their witnesses.
8. The complainant will have the opportunity to respond to the Principal.
9. The complainant, followed by the Principal, will summarise their positions.
10. The Chair of the panel will bring the hearing to an end and both parties will leave the room.
11. The panel will make their decision and any recommendations that have been agreed. The Chair of the panel will write to the complainant outlining their decision and its reasons within 5 working days of the panel being held. A copy of the response and any paperwork relating to the complaint should be given to Human Resources.

The panel can decide any 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 that problems of a similar nature do not recur.

A copy of the panel's findings and recommendations will be provided to the complainant and, where relevant, the person complained about.

The findings and recommendations of the panel will be available for inspection on the school premises by the proprietor and the head teacher.

The Governing Body should be informed at their next full meeting that a complaint has been received and dealt with. Details should not be divulged to the full Governing Body, nor to any other party not directly involved, as to do so would violate confidentiality.

STAGE 5 (FORMAL): TAKING IT FURTHER

If the complainant is not satisfied by the outcome of the Governing Body Panel investigation they can write to the Secretary of State for Education with copies of relevant correspondence. Complainants are advised to write to The Schools Complaints Unit (SCU) at:

Department for Education
2nd Floor, Piccadilly Gate
Manchester
M1 2WD

What will the Department for Education do?

If a complaint has exhausted the local procedures, SCU will examine if the complaints policy and any other relevant policies were followed in accordance with the provisions set out. SCU also examines policies to determine if they adhere to education legislation.

However, the department will not re-investigate the substance of the complaint. This remains the responsibility of schools

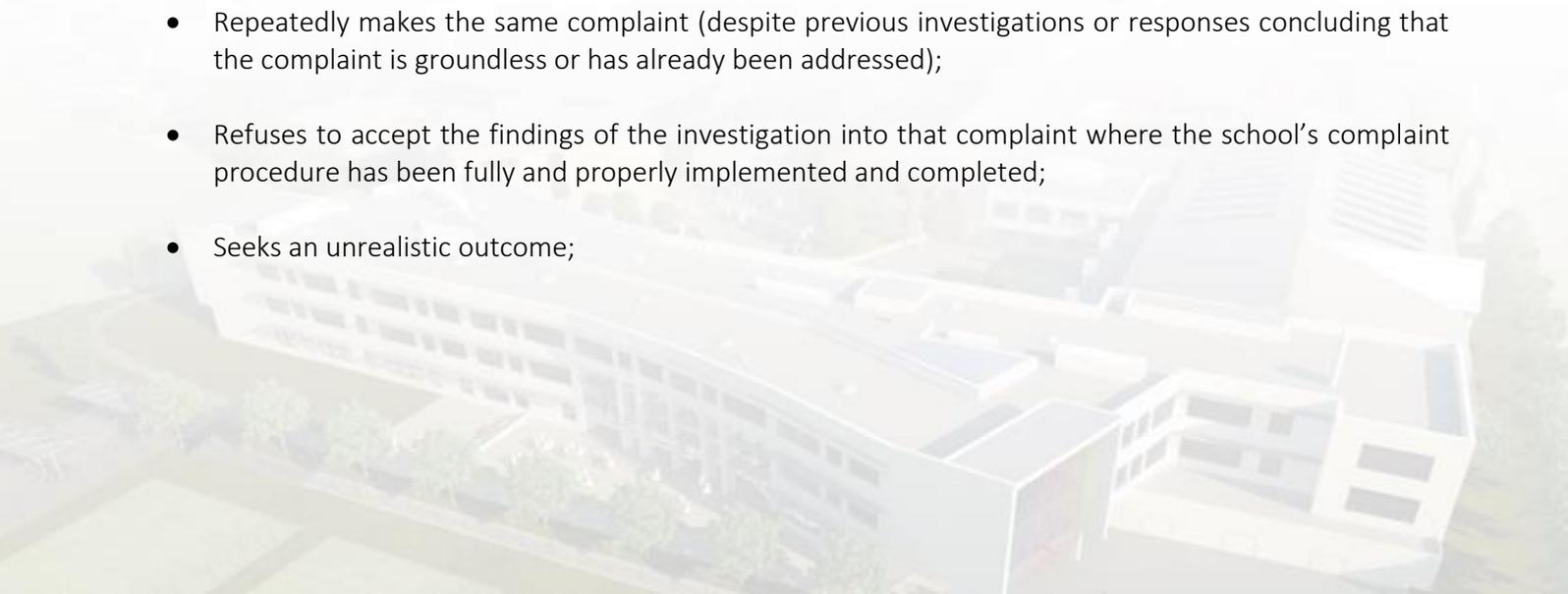
DEALING WITH UNREASONABLE, SERIAL OR PERSISTENT COMPLAINTS

Sydney Russell 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.

Sydney Russell defines unreasonable complainants as *'those who, because of their frequency or nature of their contacts with the school, hinder our consideration of their or others 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 cooperate 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 seek 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 already 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 or by telephone while the complaint is being investigated.

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:

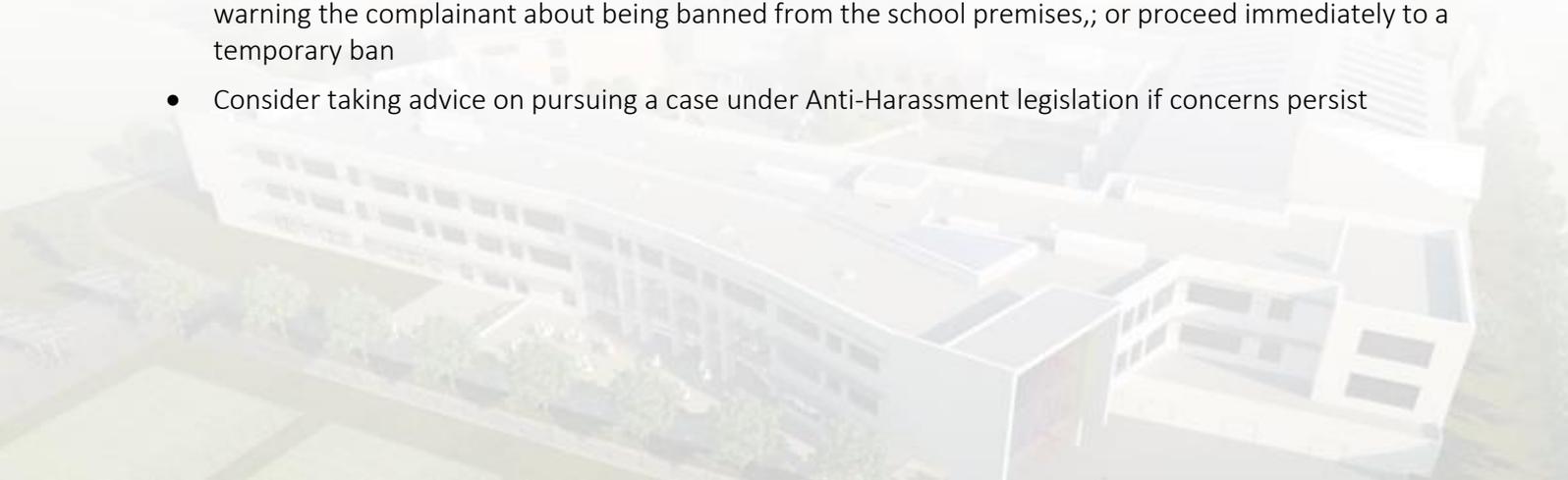
- Maliciously;
- Aggressively;
- Using threats, intimidation or violence;
- Using abusive, offensive or discriminatory language;
- Knowing it to be false;
- Using falsified information;
- Publishing unacceptable information in a variety of media such as social media, websites and newspapers.

Complainants should limit the number of communications with the 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 Principal or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking. In the first instance, the school will verbally inform the complainant that his/her behaviour is considered to be approaching unreasonable/unacceptable and, if not modified, may result in further action being taken in accordance with this policy. This will be confirmed in writing by the Principal (Appendix D Model Letter 1).

If the complainant's behaviour is not modified, the school will take some or all of the following actions as necessary, having regard for the complainant's behaviour and the effect of this behaviour on the school:

- Inform the complainant in writing (Appendix E Model Letter 2) that his/her behaviour is now considered by the school to be unreasonable/unacceptable and therefore, to fall within the terms of this policy.
- Inform the complainant in writing (Appendix E Model Letter 2) that all meetings with any member (s) of staff will be conducted with a third person present and that notes from the meeting may be taken in the interests of all parties
- Inform the complainant in writing (Appendix E Model Letter 2) that, except in emergencies, all routine communication between the complainant and the school should be letter only
- (in the case of physical or verbal aggression) take advice from HR and/or Legal Services, and consider warning the complainant about being banned from the school premises,; or proceed immediately to a temporary ban
- Consider taking advice on pursuing a case under Anti-Harassment legislation if concerns persist



- Consider taking advice from HR and Legal Services about implementing specific procedures for dealing with complaints from the complainants i.e. the complainant will no longer be able to deal directly with any member of the school staff (including the Principal if required). In these cases, a third party will be identified by the Governing Body who will investigate to determine whether or not the complaint is reasonable or vexatious, and will then advise the Principal accordingly

If a complainant's persistent complaining/harassing behaviour is modified and is then resumed at a later date, within a reasonable period of time, then the school may resume the process at a later date and at an appropriate level.



Appendix A - Complaints Form – STRICTLY CONFIDENTIAL

Section 1: Complainant Details

This form should be completed for each stage of the complaints procedure (if the initial concern is taken in person or by telephone, the member of staff listening to the concern should complete this form). **This form will be kept confidentially.**

Name: _____

Address: _____

Contact Number: _____

Email Address: _____

Section 2: Stage of Complaint

Please highlight which stage of the Complaints Procedure you are at:

- **Stage 1 (informal):** complaint heard by a staff member (who is not the subject of the complaint).
- **Stage 2 (formal):** complaint heard by the Principal
- **Stage 3 (formal):** complaint heard by Chair of Governors
- **Stage 4 (formal):** complaint heard by the Governing Body Complaints Appeal Panel.*

Section 3: Details of Complaint

Please detail your complaint overleaf giving details of the following specific details:

- The date that this issue commenced.
- Whether this is a one-off issue, or part of a sequence of events.
- Which policies, procedures or employment legislation do you believe have been breached if any?
- What action/steps you have taken to resolve the issue informally, when and who with.
- Copies of any relevant documentary information.
- What you are looking for as a satisfactory outcome.

Please note that the complaints procedure is not to be used to pursue malicious or vexatious complaints and to do so will be considered inappropriate and dealt with accordingly.

A) Please state your complaint, providing specific details as stated above:

B) Please state what action, if any, have you already take to try and resolve your complaint (i.e. who did you speak to and what was the response)?



C) Please state what you are seeking as a satisfactory outcome to your complaint:

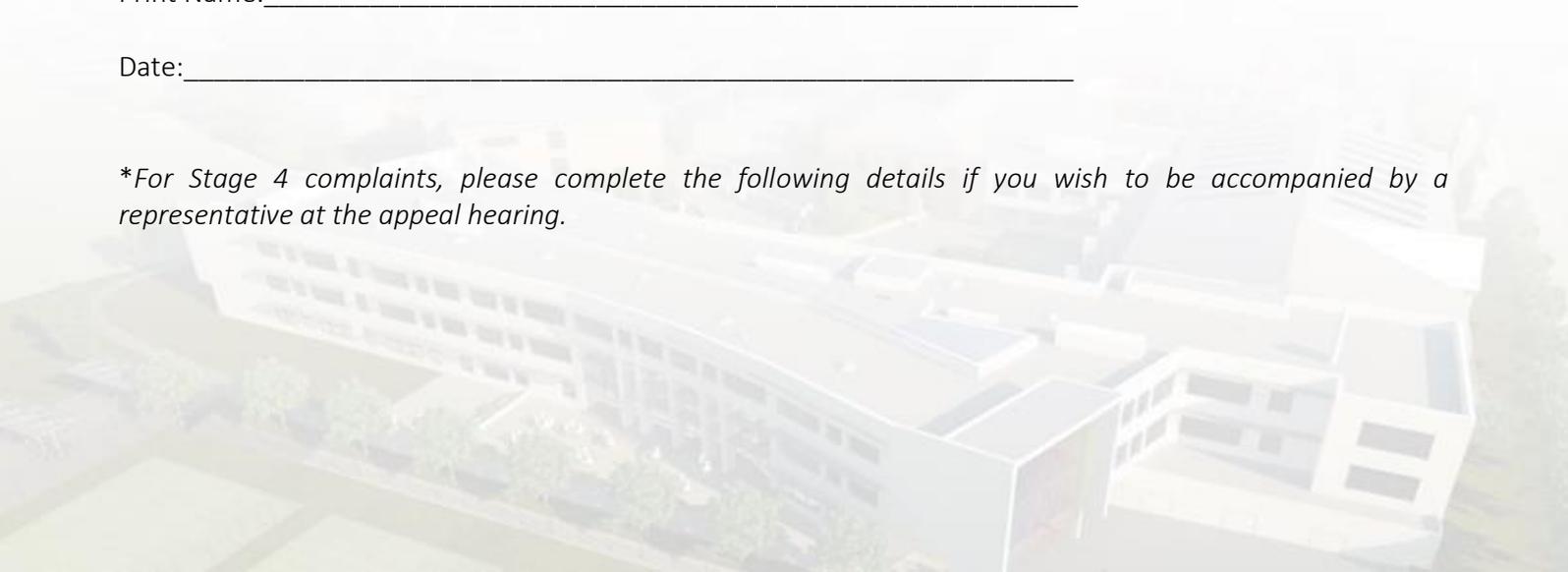
D) Are you attaching any paperwork? If so, please give details.

Signed: _____

Print Name: _____

Date: _____

**For Stage 4 complaints, please complete the following details if you wish to be accompanied by a representative at the appeal hearing.*



Representative Details

Please detail the name of your representative.

Name: _____

Name of Organisation: _____

Contact Information: _____

Please return this form to relevant department head, Sydney Russell School, Parsloes Avenue, Dagenham, Essex RM9 5QT

For HR Office Only:

Date complaint received:

Date acknowledgement sent:

By who:

Complaint referred to:

Date:



Appendix B-INVESTIGATION INTERVIEW FORM-STRICTLY CONFIDENTIAL

This form should be used during all stages of the complaints procedure. It is important to remind the person being interviewed that everything said in the interview is strictly confidential and must not be discussed outside of the interview.

Please complete all of the information below before conducting the interview. Questions should be agreed before the interview and the interviewees responses should be noted on this form during the interview:

Name: _____

Name of Investigating Officer: _____

Date of interview: _____

Stage of complaint: _____

Question 1:

Answer 1:

Question 2:

Answer 2:

Question 3:

Answer 3:



Question 4:

Answer 4:

Question 5:

Answer 5:

Question 6:

Answer 6:

Question 7:

Answer 7:

Question 8:

Answer 8:



Question 9:

Answer 9:

Question 10:

Answer 10:

Any additional comments:



Appendix C SUMMARY TABLE AND TIMESCALES

Stage	Recommended maximum timescale
Stage 1 –informal Complaint heard by member of staff or manager	5 working days from receipt of complaint <ul style="list-style-type: none"> • Ensure HR and TP are informed of the outcome and record is passed to HR.
Stage 2-formal Complaint heard by The Principal (TP)	10 working days from receipt of complaint <ul style="list-style-type: none"> • TP will acknowledge receipt of complaint • TP will write to complainant with outcome of investigation • Offer escalation to Stage 3 if dissatisfied
Stage 3-formal Complaint heard by Chair of Governors (COG) or nominated person	20 working days from receipt of complaint <ul style="list-style-type: none"> • COG will acknowledge receipt of complaint • Write to complainant with outcome of investigation • Offer escalation to Stage 4 if dissatisfied
Stage 4 (formal) Complaint heard by Governors Complaints Appeal Panel	15 working days from receipt of complaint <ul style="list-style-type: none"> • Issue letter inviting complainant to meeting • Issue letter confirming panel decision • Complaint will be deemed to be closed after 15 days of the dispatch of the letter confirming the outcome • Advise escalation routes if dissatisfied

It is reasonable to expect that a complaint should be made as soon as possible. The cut off limit is 3 months for complaints.



Appendix D-Model Letter 1

Initial letter of concern regarding unreasonable/unacceptable behaviour

[Date]

RECORDED DELIVERY

Dear *{insert name of complainant}*

This letter is to inform you that the school considers your actions *[describe actions, dates, and behaviour]* on when you, to be unreasonable/unacceptable *[delete as appropriate]*.

We would ask you to bear in mind the fact that such behaviour on the school site can be disruptive and distressing to students, staff, parents/carers. *[Delete this paragraph if the behaviour did not physically occur on the school site]*

We are aware that you have raised concerns/complaints and would advise that these are currently being dealt with through the school's complaints policy/LA Inclusion Officer/Safer Schools Team *[delete as appropriate]*

At the moment, we are dealing with these issues by *{describe actions being taken to resolve the concern/complaint that has been raised}*.

Please note that the school's Complaints policy includes a section on Persistent or Vexatious Complaints/Harassment and this sets out the standards of behaviour expected of all people in their dealings with the school. These include:

- Behaving reasonably
- Treating others with courtesy and respect
- Resolving complaints using the school's Complaints Procedure
- Avoiding physical and verbal aggression at all times

The Policy also details the steps we will take if these standards are breached. These steps include:

- Making special arrangements for meetings and communication between you and the school; and/or
- Considering banning you from the school premises; and/or
- Considering legal action

I ask you to allow the school time to investigate and resolve your complaint in accordance with the Complaints Procedure or other procedure as appropriate. I assure you that we shall take every step to move this investigation and resolution forward as quickly as possible.

Confidentiality

All correspondence, statements and records of complaints will be kept confidential.

Yours sincerely
Janis Davies
Principal

