

Policy document control box	
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1. Purpose and Aims

RBNWL seeks to provide a high quality learning experience for all its students. We aim to practise professionally and effectively at all times but acknowledge that, on occasion, we may fail to meet our aim. Under such circumstances we want anyone who feels that the organisation or a specific member of staff has failed to perform their job in a professional manner to understand how to raise their concern, to be able to raise it without fear of negative response, and to understand how the concern will be dealt with.

When responding to complaints we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect the complainants' desire for confidentiality
- Treat the complainants with respect and courtesy
- Ensure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into the RBNWL improvement evaluation process

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

RBNWL will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will ensure we publicise the existence of this policy and make it available on the Red Balloon website.

Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

2. Legislation and guidance

This document meets the requirements set out in part 7 of the schedule of the Education (Independent School Standards) Regulations 2014, which states that we must have and make available a written procedure to deal with complaints from parents of pupils at RBNWL.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on creating a complaints procedure that complies with the above regulations, and refers to good practice guidance on setting up complaints procedures from the Department for Education (DfE).

This document refers to good practice guidance on setting up complaints procedures from the DfE.

3. Definitions and Scope

Since 1 September 2003 governing bodies of all schools in England have been required to have in place a procedure to deal with complaints relating to the school and to any community facilities or services that the school provides. The law also requires that the procedure be publicised. This policy is written to ensure that parents/carers of students at RBNWL, or other persons who wish to raise a concern regarding provision or practice, understand how to do that.

3.1. Definitions

The DfE guidance explains the difference between a concern and a complaint:

- A **concern** is defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'. RBNWL will resolve concerns through day-to-day communication as far as possible.
- A **complaint** is defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'

3.2. Scope

RBNWL intends to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does not cover complaints relating to:

- Admissions
- Safeguarding matters
- Whistle-blowing
- Staff grievances
- Staff discipline

Please see our separate policies for procedures relating to these types of complaint.

RBNWL has a nominated trustee who is responsible for monitoring the way in which complaints are responded to.

RBNWL understands the requirement to ensure that a complaints procedure is drawn up and effectively implemented. In order to comply with statutory requirements, the procedures:

- are made here in writing;
- are available to parents / carers of students on the Red Balloon website or, on request, in writing;
- set out clear time scales for the management of a complaint;
- allow for a complaint to be made and considered initially on an informal basis.

RBNWL will ensure that a written record is kept of all complaints that proceed to the formal stage together with any action taken as a result of the complaints regardless of whether they are upheld. Further we will ensure that correspondence, statements and records relating to individual complaints are kept confidential except where the Secretary of State or a body conducting an inspection under section 108 requests access to them. Any findings reached and / or recommendations made will be available for inspection by the proprietor, the chair of trustees and the Executive Headteacher.

NB Wherever the term parents is used in the policy, that means any person with parental responsibility for the young person.

4. Roles and responsibilities

4.1. The complainant

The complainant will get a more effective and timely response if they:

- Follow these procedures

- Cooperate with the school throughout the process and respond to deadlines and communication promptly
- Treat all those involved with respect
- Not publish details about the complaint on social media

4.2. The investigator

An individual will be appointed by the Executive Headteacher to look into the complaint and establish the facts. They will:

- Interview all relevant parties, keeping notes
- Consider records and any written evidence and keep these securely
- Prepare a comprehensive report to the Executive Headteacher or complaints panel which includes the facts and potential solutions

4.3. Complaints Panel chair

The Panel chair will:

- Chair the meeting, ensuring that everyone is treated with respect throughout
- Make sure all parties see the relevant information, understand the purpose of the Panel, and are allowed to present their case

5. Principles for investigation

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

5.1. Time scales

The complainant must raise the complaint within 2 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 2 months of the last incident.

We will consider exceptions to this time frame in circumstances where there were valid reason for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

When complaints are made out of term time, we will consider them to have been received on the next school day.

If at any point we cannot meet the time scales we have set out in this policy, we will:

- Set new time limits with the complainant
- Send the complainant details of the new deadline and explain the delay

6. Procedures - Stages of complaint (not complaints against the Executive Headteacher or Trustees)

The complaints process

The process has three distinct sections:

- informal (stage 1),
- formal (stage 2),
- panel hearing (stage 3).

RBNWL Complaints Procedure



Stage 1 complaint

Informal discussion with the headteacher who will attempt to resolve the complaint to the best of their ability.

Complaint acknowledged within five working days and responded to within 20 working days.

1



Stage 2 Complaint

Unresolved complaints put in writing to the Headteacher or trustee nominated for complaints.

Complaint acknowledged within five working days and investigation usually completed within 30 working days.

2



Stage 2 Resolution

Investigator arranges meeting to discuss findings with complainant within five working days of completion of investigation.

4



Stage 2 Investigation

Investigation takes place over a usual maximum of thirty working days.

5

Stage 3 Complaint

Unresolved Stage 2 Complaints put in writing to the Chair of trustees, within 5 working days of the completion of stage 2.

Complaint acknowledged within three working days.



Stage 3 Investigation

Chair of Trustees reviews evidence from investigation to date, and carries out further investigation if this is deemed necessary.

This takes place over a maximum period of ten days.



Unresolved complaints

Complainants feeling their complaint has been improperly handled or resolved can take their complaint further to the DfE or ISI if they wish.

6



Stage 3 Resolution

Panel hearing takes place within ten days of receipt of stage 3 complaint.

Panel takes any necessary action and provides complainant with written decision within ten days of the panel hearing date.

RBNWL complaints procedure complete.

7

8

6.1. Stage 1 - informal...

If, for example, a parent is concerned about anything to do with the education that we are providing at our centre they should, in the first instance, either by telephone or through an arranged meeting, discuss the matter with the Executive Headteacher or with a member of staff nominated by the Executive Headteacher. If the complainant is unclear who to contact or how to contact them, they should contact the school office on 020 8864 6433

Most matters of concern can be dealt with in this way. All staff work very hard to ensure that each young person is well provided for at RBNWL, is happy at RBNWL, and is making good progress. They always want to know if there is a problem so that they can take action before the problem seriously affects the young person's progress. All Red Balloon staff involved will listen carefully to any concern expressed, treat the complainant respectfully and make every attempt to ensure that concerns are allayed and / or the matter resolved.

The Executive Headteacher will acknowledge informal complaints within 5 working days and provide a response within 20 working days.

The informal state will usually involve a meeting between the complainant and the Executive Headteacher and/or the subject of the complaint, as appropriate.

If the complaint is not resolved informally, the complainant can escalate to a formal complaint.

6.2. Stage 2 - formal

- what to do if the matter is not resolved through informal discussion.

Formal complaints can be raised:

- By letter or email
- In person
- By a third party acting on behalf of a complainant

The complainant should provide details such as relevant dates, times and the names of witnesses of events, alongside copies of any relevant documents. It is important that they express what would resolve the complaint. In order to do this they should put their concerns into a written form (email is acceptable), submit that to the Executive Headteacher and make an appointment to discuss it formally with the Executive Headteacher). Appendix A provides a template for Stage 2 complaints, although other written forms of complaint are also acceptable.

The Executive Headteacher must then acknowledge receipt of the complaint within five working days of receipt. The Executive Headteacher will supply the complainant with details of the complaints procedure and will then carry out an investigation regarding the complaint.

This may involve interviewing staff or students, examining internet records, checking students' work or any other activity pertinent to the complaint.

The Executive Headteacher must complete this process within 30 working days of receipt of the formal complaint - unless the nature of the complaint requires investigations of exceptional length and detail. She must make coherent records of their investigation and share these with the complainant at the conclusion of the investigation.

The Executive Headteacher will then share details of their findings in the meeting with the complainant, which should take place within 5 working days of the completion of the investigation. The Executive Headteacher will explain whether they consider the complaint to be wholly or partially legitimate or unsubstantiated and explain, if appropriate, how either practice or policy will be amended to ensure best practice in the future.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the Chair of the Trustee Board within 5 working days. Requests received outside this time frame will only be considered in exceptional circumstances.

How to escalate a complaint

Complaints can be escalated by contacting the Chair of the Trustee Board:

- By letter or email % our **Office Manager Joan Reilly at: joan.reilly@nwl.rblc.org.uk**

6.3. Stage 3 - submit the complaint to the review panel

If, following the meeting with the 'investigator', the complainant feels that the complaint has either been not properly investigated or that the response to the complaint is unacceptable, then s/he should submit a further complaint to the Chair of Trustees requesting further investigation within 5 school days.

The Chair will need the details of the complaint in writing. Appendix B of this policy provides a template for this type of complaint. The complainant should state how they feel the previous stage of the process has not addressed their complaint sufficiently and whether the complaint at this point concerns:

- a perceived failure to investigate the initial complaint properly;
- a belief that the findings were correct but have not been appropriately responded to;

a wish to contest the findings..

This will lead to a panel hearing.

The Chair of Trustees must acknowledge receipt of the stage 3 complaint within three working days of receipt. The Chair will ensure a review panel is constituted, comprising 3 members of the Trustee Board (including, if possible, the Trustee with responsibility for Complaints) who do not have direct knowledge of the complaint.

One of the panel members should be 'independent of the management and the running of the school'. DfE advice is that persons suitable for this role are those, "who have held a position of responsibility and are used to scrutinising evidence and putting forward balanced arguments - examples of persons likely to be suitable are serving or retired business people, civil servants, heads or senior members of staff at other schools, people with a legal background and retired members of the police force".

The Trustees will select a panel chair from amongst themselves. These individuals will have access to the existing record of the complaint's progress.

The complainant must have reasonable notice of the date of the review panel; however, the review panel reserves the right to convene at their convenience rather than that of the complainant. The Chair of the Panel will aim to find a date within 20 school days of the request where possible.

The Chair of the panel will invite the complainant to attend the meeting, so that they can explain the complaint in more detail. The Chair of the panel will give the complainant at least five working days notice of the meeting and explain to them that they may be accompanied by a suitable person of their choosing, who is unconnected with the complaint or investigation, if they so wish.

If the complainant rejects the offer of 3 proposed dates without good reason, the Chair will set a date and the hearing will go ahead using written submissions from both parties.

The complainant, school representative(s), the review panel and independent panel member will be given the chance to ask and reply to questions.

After hearing all the evidence, the trustees will consider their decision and the panel chair will inform the complainant about it in writing or in a different format as requested. The findings and recommendations will be provided to the complainant and, where relevant, the person complained about. This will be done as soon as possible, but, at the latest, within 5 working days from the panel hearing. The trustees will do all they can at this stage to resolve the complaint to the complainant's satisfaction, and will ensure that any action identified as required is undertaken.

At this stage the process is complete from a centre viewpoint.

7. Complaints against the Executive Headteacher, a Trustee or the Trustee Board

Stage 1: Informal

Complaints made against the Executive Headteacher or any member of the Trustee board should be directed to the Chair of the Trustee board in the first instance.

If the complaint is about the Executive Headteacher or one member of the Trustee board (including the Chair or Vice-Chair), a suitably-skilled and impartial Trustee will carry out the steps at stage 1 (as set out above).

Stage 2: Formal

If the complaint is about the Chair and Vice-Chair, the entire Trustee board, or the majority of the Trustee board, an independent investigator will carry out the steps in stage 2 (as set out above). They will be appointed by the Trustee board, and will write a formal response at the end of the investigation.

State 3: Review panel

If the complaint is jointly about the Chair and Vice-Chair, the entire Trustee board or the majority of Trustees board, a committee of independent Trustees will hear the complaint. They will be sourced from local schools or independent experts and will carry out the steps at stage 3 (as set out above).

8. Referring complaints on completion of the Centre's procedure

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

We will include this information in the outcome letter to complainants.

9. Persistent complaints

Unreasonably persistent complaints

We will treat all complaints seriously. However a complaint may become unreasonable if the person:

- Has made the same complaint before, and it has already been resolved by following the school's complaints procedure
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- Insists on pursuing a complaint that is unfounded, or out of the scope of the complaints procedure
- Insists on pursuing what may be a valid complaint, but in an unreasonable manner e.g. refuses to articulate complaint, refused to cooperate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the time frame it sets out
- Makes a complaint designed to cause disruption, annoyance or excessive demands on school time
- Changes the basis of the complaint as the investigation goes on

- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value

Steps we will take

We will take every reasonable step to address the complainant's concerns, and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

If the complainant continues to contact the school in a disruptive way, we may put communication strategies in place. We may:

- Give the complainant a single point of contact via an email address
- Limit the number of times the complainant can make contact, such as a fixed number per term
- Ask the complainant to engage a third part to act on their behalf, such as the Citizens Advice
- Put any other strategy in place as necessary

Stopping responding

We may stop responding to the complainant when all of these factors are met:

- We believe we have taken all reasonable steps to help address their concerns
- We have provided a clear statement of our position and their options
- The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

Duplicate complaints

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or another individual, we will assess whether there are aspects that we had not previously considered, or any new information that we may need to take into account.

If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and the local process is complete
- Direct them to the DfE if they are dissatisfied with our original handling of the complaint

If there are new aspects, we will follow this procedure again.

RBNWL has a responsibility to protect its staff against unacceptable behaviour and provide a working environment that is safe, respectful and tolerant. Consequently it is expected that

students, their representatives and staff members should act reasonably and fairly towards each other and treat the process with respect. Behaviour that is unreasonable, aggressive or abusive, verbal or written, will not be tolerated and may result in your access to the complaints procedure or to staff connected with your complaint being limited or withdrawn.

The decision to limit or withdraw access is not taken lightly. In the event that this decision is taken we will provide this in writing, including the reason(s) why this decision has been taken.

In the event that your access to staff or to the complaints procedure is limited or withdrawn you may appeal the decision by submitting your grounds in writing to the Chair of Trustees who will review the appeal and respond to you within 5 working days. The Chair of Trustees has the final decision.

10. Monitoring and review

The trustees monitor the complaints procedure in order to ensure that all complaints are handled properly. The Executive Headteacher ensures that all complaints received by the centre are logged and that records are kept detailing how they were resolved. The trustee responsible for complaints examines this log annually.

From 2015 a written record of complaints is limited to those made under the formal part of the procedure. In each case the centre will record whether the complaint has been resolved and at what stage that happened. RBNWL will also keep a separate record of any informal complaints to enable any patterns of concern to be monitored.

Centres will also record any action taken as a result of these complaints (regardless of whether they are upheld), and ensure that correspondence, statements and records relating to individual complaints are kept confidential except where the Secretary of State or a body conducting an inspection under section 108 or 109 of the 2008 Act requests access to them.

Trustees will take into account any local or national decisions that affect the complaints process, and will ensure any necessary modifications are made to this policy.

The number of formal complaints registered under the formal procedure during the preceding year will be displayed on each centre's website.

This policy will be reviewed by the full Trustee Board every 3 years.

At every review, the policy will be approved by the full Trustee Board.

Links with other policies

Policies dealing with other forms of complaints include:

- Safeguarding
- Admissions policy

- Exclusions policy
- Staff grievance policy
- Staff disciplinary policy
- SEND
- Data protection and data security
- Subject Access Request
- Whistleblowing

Appendix A: Template for making a Stage 2 complaint

Please complete and return to the Executive headteacher, who will acknowledge receipt and explain what action will be taken.

(Please try to provide as much detail as possible, if using a word processor, the boxes expand)

Your name:

Student's name:

Your relationship to the student:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

E-mail address:

Please give details of your complaint.

What action, if any, have you already taken to try and resolve your complaint?

(eg: who did you speak to and what was the response?)

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

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

Signature:

Date:

Official use

Date acknowledgement sent:

By whom:

Complaint referred to:

Date:

Appendix B: Template for making a Stage 3 complaint

Please complete and return to the chair of trustees, who will acknowledge receipt and explain what action will be taken.

(Please try to provide as much detail as possible, if using a word processor, the boxes expand)

Your name:

Student's name:

Your relationship to the student:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

E-mail address:

Which of the following best describes your reason for requesting that trustees investigate your complaint?

- *You think we have failed to properly investigate the complaint you made.*
- *You think that the complaint was properly investigated, that the conclusions reached were correct but that we have not taken sufficient action to remedy the situation*
- *You think that the conclusions that were reached in response to your written complaint were incorrect*

Please give details of your complaint.

What action, if any, have you already taken to try and resolve your complaint?

(eg: who did you speak to and what was the response?)

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

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

Signature:

Date:

Official use

Date acknowledgement sent:

By whom:

Complaint referred to:

Date: