Policy Number: RW 7bx
Reviewed by: JMS
Date: Lent 2024
Next Review: Lent 2026

RISHWORTH SCHOOL

RW 7bx COMPLAINTS AND CONCERNS POLICY ISSUES RAISED BY STAFF

Distribution: Staff Policy Library

This procedure applies to staff who are currently within Rishworth School (including the Preparatory School) and to past colleagues where the complaint was initially raised when the colleague was an employee of the School, or was acting officially as a volunteer or as a placement within the School.

Clearly the School hopes that issues arising will be few and far between, but is realistic and knows that there may be occasions where problems need to be resolved. Of the issues that the School is asked to address in the course of a year most are resolved at an informal level. Where at all possible colleagues must seek to resolve matters at an informal level. This is usually best done by discussion and agreement.

This policy applies to all parts of Rishworth School.

1. **Definition of a Complaint:** A complaint is any matter about which a colleague or ex-colleague is unhappy and seeks action by the School within the scope of this policy and procedure.

2. **Initial Expressions of Concern / Complaints (Stage 1)**

2.1 In the first instance, a concern should be raised with the appropriate line manager. Where this course is not deemed sufficient, or where it has been tried but the outcome is considered unsatisfactory, the colleague may refer the matter to a member of the SLT.

2.2 Colleagues can be assured that any complaint will be treated seriously and confidentially. The School wants all colleagues to be happy, and to feel properly supported. No colleague will be disadvantaged for any complaint raised in good faith.

2.3 Where all reasonable attempts to resolve a complaint at an informal level have failed, or where, in exceptional circumstances, an apparently extreme situation would appear to justify a formal complaint immediately, the following procedure should be used.

3. Formal Complaints (Stage 2)

3.1. A colleague wishing to make a formal complaint should have already followed the procedure detailed above regarding informal approaches.

3.2. Colleagues wishing to make a formal complaint should submit the complaint and the grounds for it, to the Head in writing, stating clearly that they wish the matter to be dealt with by formal procedure. As warranted by the nature of the complaint, any matter would be thoroughly investigated, and possible implications and solutions considered. Any investigation would be overseen by an appropriate, senior member of staff or the Head. All parties would be expected to co-operate with an investigation and could expect to be required to give the necessary amount of time (which may be substantial) to assist these investigations. Once an investigation is complete, a meeting between relevant parties and conducted by a senior member of staff or the Head would (unless genuinely too impractical) be held within 13 week-day school days of the receipt of the complaint. Each party may be accompanied by one other person at this meeting. This accompanying person could be a relative, colleagues or friend; this must be notified to the investigating person, in writing within a reasonable time-frame. Notwithstanding the possibility of yet further investigations being required, the ultimate purpose of such a meeting would be to try to obtain a resolution at that stage.

3.3. Once the senior member of staff / Head was satisfied that, so far as is practicable, all of the relevant facts had been established, a decision would be made, of which the complainant and where appropriate, the person complained about, would be advised, with reasons and any recommendations, in writing.

3.4. All of the above (under 'Formal Complaints') must be accomplished within a time-scale aiming to ensure that the period from the date of receipt of the original complaint to the communication to all parties of a final decision does not exceed 28 week-day term-time working days.

3.5. A colleague wishing to make a formal complaint about the Head should follow the above procedure, but submit the written complaint to the **The Chair of Governors, Rishworth School, Oldham Road, Sowerby Bridge, West Yorkshire, HX6 4QA** without informing the Head**.** The Chair would be responsible for ensuring that any such the matter would be dealt with in accordance with the procedure above, but by a person or people appropriate to the situation.

4. Appeal (Stage 3)

4.1 If a colleague is dissatisfied with the conclusion of the Formal Complaint as dealt with in Section 3 of this Policy, they may make an Appeal.

4.2 Colleagues wishing to make an appeal should make their submission in writing, with a clear statement as to the grounds on which the appeal is being requested. This should be addressed to the Head. The Head would then convene, or cause to be convened, an appeal panel. An appeal panel would be convened of at least two individuals not directly involved in the matters that were subject to complaint as appointed by the Head. The Chair of the panel would then acknowledge the complaint and schedule a hearing to take place as soon as practicable and (unless genuinely too impractical) within 13 week-day school days of the receipt of the complaint. Each party would be entitled to be accompanied by one other person at this hearing. This accompanying person might be a relative, colleague or friend as notified to the chair of the panel before the commencement of the meeting. The panel would set a date (normally at least 5 week-day term-time working school days prior to the hearing) by which each party would declare if it wished to be accompanied and, if so, by whom. The panel might also require that further particulars of the complaint or any related matter be supplied in advance of the hearing. Copies of such particulars would be supplied to all parties by a date set by the panel but normally at least 9 week-day term-time working school days prior to the hearing. The persons who have made the request for a formal appeal would be expected to attend any formal appeal hearing.

4.3 If possible, the panel would resolve the complaint immediately without the need for further investigation. If further investigation were required, the panel would decide how this should be carried out. After due consideration of all the facts deemed relevant by the panel, and as soon as would be practicable (but within a time-scale that ensured that the period from the date of receipt of the original complaint to the communication to all parties of the appeal panel's final decision did not exceed 28 week-day term-time working days) the panel's decision, with reasons, together with any recommendations, would be made available in writing to the complainant and, where relevant, the person complained about. This final decision would include (where appropriate) reference to the person complained about, as well as the complainant and would be made available for inspection on the school premises by the Head. The panel's decision would be final.

Notes:

Early Years Foundation Stage: Additional requirements apply for any complaints which might involve, in relevant ways, the EYFS setting, beyond those which apply to the remainder of the School. Written complaints about the fulfilment of the EYFS requirements must be investigated and the complainant notified of the outcome of the investigation within 28 days. This will be done in accordance with the procedures outlined within this policy. The record of complaints will be made available to Ofsted and ISI on request.

If there is a complaint which would involve the Preparatory EYFS setting not meeting the EYFS requirements, Ofsted can be contacted via their helpline on 0300 123 1231. If the School is subsequently inspected it has a responsibility to inform all parents of the fact.

Flexibility: There may be occasions when the complainants or the School consider it appropriate to change or omit parts of the procedure, but any flexibility in respect of this procedure on the part of the School does not include deviation from statutory regulation, specifically from the ISI Regulations found at ISI Regulatory Requirements, Part 7, Paragraph 25, including the notes that follow. The School may amend this procedure from time to time.

Record Keeping: The School maintains, as noted within the ISI Commentary on the Regulations, a Register of Complaints which is a written record of all formal complaints dealt with under this policy (with the outcome), including whether they were resolved at the preliminary stage or at a panel hearing. In line with NMS 18 the Register of Complaints has provision to identify those relating to boarding provision and any action taken by the School to address the complaint whether or not it was upheld.

At the School's discretion, additional records may be kept which may contain the following information:

- Date when the issue was raised
- Name of relevant persons
- Description of the issue
- Records of all the investigations (if appropriate)
- Witness statements (if appropriate)
- Name of member(s) of staff handling the issue at each stage
- Copies of all correspondence on the issue (including emails and records of phone conversations)

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 108 or 109 of the 2008 Act requests access to them.

Non-prejudice and vexatious or time-wasting complaints: No person will be penalised for raising a concern or making a complaint when this is done in good faith, and the School will follow a fair and effective procedure in the event of a complaint being made. However, vexatious or time-wasting complaints are serious matters and may result in serious action being taken by the School. Such serious action may include legal action and/or terminating the School's contract with the vexatious or time-wasting colleague.

Proper consideration and confidentiality: Any concern or complaint (whether formal or informal) will be treated seriously and confidentially. A written record will be kept, with dates and with notes of the level at which resolution was reached, of any complaint and of any meetings, interviews, statements or correspondence arising in relation to a complaint. These will be kept confidential except in so far as is required of the School by Regulation / Law and will remain available for inspection in School.

For any child safeguarding issues, there is a clear responsibility to inform the Designated Safeguarding Lead and/or any other bodies who may be relevant (e.g. the police; social services); for any complaints concerning child welfare in boarding, it is possible to contact ISI by calling 020 7710 9900 or e-mailing concerns@isi.net, or can contact the Local Authority Designated Officer by calling 01422 393296 or in case of problems or distress can call the Children's Rights Director on 0800 528 0731.

Time-scales: In order to ensure due and proper process throughout and to facilitate expeditious progress in consideration of the complaint, both complainants and the School should co-operate with the panel chair in such a way as to ensure that a time-scale set overall for the completion of the treatment of the complaint. It follows that to this end both parties must meet any reasonable deadline set by the person conducting the process (the panel chair) for both a complaint and (if there is one) an appeal.