

Complaints Policy (33a)

Last Updated: January 2024

Review Date: As and when needed

Approved by Governors: 6 February 2024

Status and publication

This policy has been approved by the Headteacher and the Governing Body of Hemdean House School have been informed and reviewed the policy and is addressed to all members of staff and parents. This policy is made available on the school website and can be made available in large print.

Purpose and Aims of the Policy

The school's values are concerned with meeting the needs of pupils, parents and others who have a stake in the school. The Governors believe that constant feedback is an important ingredient in self-improvement and raising standards. Pupils, parents, carers, or other adults who have concerns or complaints should feel that these can be voiced and be confident that they will be considered seriously in a sympathetic, efficient manner and at the appropriate level.

This policy provides guidelines for handling concerns and complaints and is drafted in accordance with the Education (Independent School Standards) (England) Regulations 2014 (SI 2010/1997) and takes account of the school's public sector equality duty under the Special Educational Needs and Disability Act 2014.

Application

This policy applies to all sections of the school. The policy applies to current parents or legal guardians and may at the school's discretion apply to a parent whose child has recently left the school. Separate procedures apply in the event of a child protection issue or in relation to admissions or exclusions. The procedures set out below may be adapted as appropriate to meet the policy aims and circumstances of each case. Please let us know if you have any cause for concern or dissatisfaction as soon as possible. We recognise that a difficulty which is not resolved quickly and fairly can soon become cause of resentment which would be damaging to relationships and to our school culture.

If you are concerned about the safety of your child, you should immediately notify the person you believe is best placed to take urgent action and confirm this in writing to the Headteacher.

Three Stages

This policy sets out a three stage concerns and complaints procedure:

- Stage 1: Informal raising of a concern raised orally or in writing to a member of staff
- Stage 2: Formal complaint in writing to the Headteacher
- Stage 3: Formal complaint in writing to the Complaints Panel

Timescales

We aim to resolve any concerns or complaints in a timely manner. The timescales for each stage of the procedures are set out below. When this policy refers to working days, we mean Monday to Friday, when the school is open during term-time. Some of the procedures are therefore likely to take considerably longer during the holidays when personnel are likely to be on holiday. The dates of terms are published on the school's website.

The Headteacher is responsible for the co-ordination and administration of the complaint's procedure. If the Headteacher is unavailable or is the subject of the complaint, her duties will be carried out by another member of the senior leadership team.

The Headteacher will be the first point of contact while the matter remains unresolved and will:

- Keep records of each complaint and how matters proceed (including noting at which stage each complaint is resolved).
- Co-ordinate the complaints procedure across the school.
- Arrange additional assistance for parents when required, for example because of a disability.
- Maintain an on-going training programme for all school staff regarding the complaints procedures and this policy.
- Monitor the level and type of complaints as well as the keeping, confidentiality and storage of records in relation to complaints, reporting to the Governors on a termly basis.
- Keep the Governing body informed of any complaints being dealt with by the school at Stage 2-3.

Stage 1 - Informal concern/complaint

- **Initial concerns or difficulties:** We expect that most concerns or difficulties can be resolved informally. Examples might include: dissatisfaction with an aspect of teaching provided; a class/group allocation; allocation of responsibilities or privileges; a timetable clash or problem with School equipment or provision. Certain serious complaints such as discrimination, harassment or victimisation are taken very seriously and may need to be dealt with at Stage 2 without action at Stage 1.
- **Notification:** In the first instance and if appropriate please raise your concern or difficulty with the class teacher.
- **Acknowledgement:** We will acknowledge a written notification by telephone, e-mail or letter within three working days of receipt during term-time and as soon as practicable if received during the holidays. A concern raised orally will not necessarily be acknowledged in writing but a written record will be made and a copy kept in the concerns file.

- **Unresolved concerns:** A concern which has not been resolved by informal means within 15 working days should be notified in writing as a formal complaint which will be dealt with in accordance with Stage 2 below.

Stage 2 - Formal complaint

- **Notification:** An unresolved complaint under Stage 1, a complaint which requires investigation, dissatisfaction with some aspect of the school's policies or procedures should be made in writing with full details and sent to the Headteacher with all relevant documents and your full contact details.
- **Acknowledgement:** Your complaint will be acknowledged by telephone, email or letter within three working days during term time, indicating the action that is being taken and the likely time scale. A written record will be made of the acknowledgment by the Headteacher.
- **Investigation:** The Headteacher may ask a senior member of staff to act as Investigator. The Investigator may request additional information from you and will probably wish to speak to you and others involved personally. The outcome of the investigation will be recorded in writing and given to the Headteacher who will then notify you by telephone, email or letter of her decision and the reasons for it. Written records will be kept of all meetings and interviews held in relation to your complaint, including a written record of the Headteacher's decision.
- **Timeframe:** The Headteacher will aim to inform you of the outcome of any investigation and her decision and reasoning within 28 working days from the receipt of the complaint.

Stage 3 - Formal complaint in writing to the Complaints Panel

- **Overview:** A Complaints Panel (Panel) Hearing (Hearing) is a review of the decisions taken by the Headteacher and where relevant other members of the Senior Leadership Team. The Panel will not consider any new areas of complaint which have not been previously raised as part of the complaint's procedure.
- **Notification:** If you are not satisfied with the Head's decision under Stage 2, you must ask for the complaint to be referred to the Complaints Panel by writing to the Chair of Governors within five working days of receiving the Head's decision. Your request will usually only be considered if you have completed the procedures at Stages 1 and 2. Please ensure that you include a copy of all relevant documents and your full contact details with your letter. Please also include a list of all documents you believe to be in the school's possession which you believe to be relevant to your complaint and you wish to Panel to see. If you require assistance with your request, because of, for example, a disability, please include details of this in your letter and appropriate arrangements will be made.
- **Acknowledgement:** The school office will acknowledge your complaint in writing within three working days of receipt. A Panel will be convened and will consist of a minimum of three individuals who have no prior knowledge of the circumstances of the complaint. At least one member of the Panel will be from the Governing Body and one member who is independent of the management and the running of the school. You may ask who has been appointed to sit on the Panel.
- **Notice of Hearing:** Every effort will be made to enable the Hearing to take place within ten working days of the receipt of your request; however, the Panel will not normally sit during

half term or the school holidays. As soon as reasonably practicable and in any event at least seven working days before the Hearing you will receive a written notification of the date, time and place of the Hearing, together with brief details of the Panel members who will be present. 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. The record of complaints must be made available to Ofsted and ISI on request.

- **Attendance:** You will be invited to attend the Hearing and you may be accompanied by one other person such as a relative, teacher or friend. It is not necessary for that person to be legally qualified but if you do wish to be accompanied by a legally qualified person, acting in their professional capacity, please notify the school office at least five working days before the Hearing.
- **The role of the Panel:** The Panel's task is to establish the facts surrounding the complaints that have been made by considering the documents provided by both parties and any representations made by you, the Headteacher or the Chair. If, after establishing the facts, the Panel consider that the complaint is made out, they will uphold the complaint. If the Panel decide that the complaint is not made out, they will dismiss the complaint. They will make these decisions on the balance of probabilities.
- **Hearing:** The hearing will be chaired by one member of the Panel (chosen by themselves) and will be conducted in an informal manner. The hearing will be conducted in such a way as to ensure that all those present have the opportunity of asking questions and making comments in an appropriate manner. The hearing is not a legal proceeding and all statements made at the hearing will be unsworn. Any person who is dissatisfied with any aspect of the way the hearing is conducted must say so before the proceedings go any further and his/her comment will be minuted.
- **Conduct:** All those attending the hearing are expected to be polite and show courtesy, restraint and good manners, or after due warning, the hearing may be adjourned or terminated at the discretion of the chair of the Panel. If terminated, the decision will stand.
- **Adjournment:** The chair of the Panel may, at his/her discretion, adjourn the hearing for further investigation of any relevant issue. This may include an adjournment to take legal advice.
- **Notes:** All present will be entitled to make their own notes for reference purposes if they so wish. A handwritten minute of the proceedings will be taken during the Hearing.
- **Private proceeding:** The hearing is a private proceeding. No notes or other records or oral statement about any matter discussed in or arising from the hearing will be kept confidential, unless the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them and they shall not be made available directly or indirectly to the press or other media.
- **Decision:** After due consideration of the matters discussed at the hearing, the Panel shall reach a decision unless there is an agreed position. The Panel's decision, findings and any recommendations may be notified to you orally at the hearing or subsequently and shall be confirmed in writing or by e-mail to you within seven working days of the hearing, as well as to the Chair of the Governors, the Headteacher and where relevant, any person about whom the complaint has been made. If you do not wish to receive the decision by e-mail, a copy will be given or posted to you. Reasons for the decision will be given and the decision may include recommendations. The decision of the Panel will be final. The decisions, findings and any

recommendations will be available for inspection on the school premises by the Governors and the Headteacher.

Confidentiality

Correspondence, statements and records relating to individual complaints will be kept confidential except to the extent required by law.

Records

A written record will be made about each complaint received by the school and at which stage of the procedure each has been resolved and the action taken as a result of the complaint.

Arrangements for monitoring and evaluation

A summary of complaints received will be included in the Headteacher's termly report to the Governors, with advice on any implications for policy. Details of Registered Formal Complaints are available for the previous academic year on request from the Headteacher.

Formal Complaints

Details of any complaints registered under the formal process during the preceding school year are available from the school office on request.