



Parental Complaints Policy

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1. Introduction

- 1.1** The New School (the school) has long prided itself on the quality of the teaching and pastoral care provided to its pupils. However, if parents do have a complaint, they can expect it to be treated by the school in accordance with this procedure.
- 1.2** We aim to resolve any complaints in a timely manner. Timescales for each stage are set out below. When we refer to working days, we mean Monday to Friday, when the school is open during term time. The dates of terms are on the school's website. During school holidays it may take longer to resolve a complaint although the school will do what is reasonably practicable to avoid undue delay.
- 1.3** Separate procedures apply in the event of a child protection issue, or if the Head expels or requires the removal of a pupil from the school (or suspends a pupil for more than 10 days) and the parents seek a Governors' Review of that decision (see 5 below).
- 1.4** This policy only applies to parents of current pupils. Complaints by parents of former pupils will be dealt with under this complaints policy only if the complaint was initially raised when the pupil to which the complaint relates was still registered as a pupil at the school.

2. Stage 1 – Informal Resolution

- 2.1** It is hoped that most complaints and concerns will be resolved quickly and informally.
- 2.2** If parents have a complaint, they should normally contact their child's Class Teacher. In many cases, the matter will be resolved straight away by this means to the parents' satisfaction. If the member of staff who is approached is unable to resolve the matter alone, it may be necessary for them to refer the matter to the Head.
- 2.3** The Class Teacher will make a written record of all concerns and complaints and the date on which they were received. A concern provided in writing will be acknowledged by telephone, e-mail or letter within two working days of receipt.
- 2.4** Should the matter not be resolved within 10 working days or in the event that the Head fails to reach a satisfactory resolution then parents will be advised to proceed with their complaint in accordance with stage 2 of this procedure.
- 2.5** Complaints of discrimination, harassment or victimisation are taken very seriously and may need to be dealt with at stage 2 without action at stage 1.

3. Stage 2 – Formal Resolution

- 3.1** If a parent is dissatisfied with the response to the complaint under stage 1, or the complaint requires investigation or involves dissatisfaction with some aspect of the school's policies or management, the complaint should be made under stage 2. The full details of the complaint should be set out in writing and sent with all relevant documents and full contact details to the Head.

- 3.2** The complaint will be acknowledged by telephone, e-mail or letter within two working days indicating the action that is being taken and the likely time scale.
- 3.3** The Head will ask a senior member of staff (or, if appropriate, a governor or senior leader from Exeter School) to act as investigator. The investigator(s) may request additional information from the parents and may wish to speak to the parents and to others who have knowledge of the circumstances. Written records will be kept of all meetings and interviews held in relation to the complaint. The investigator(s) will prepare a report on the investigation which will be considered by the Head.
- 3.4** Once the Head is satisfied that, so far as is practicable, all the relevant facts have been established, a formal meeting will take place within ten working days of the commencement of the formal resolution stage. At this meeting, the Head will take the parents through all the relevant findings of the formal investigation. The investigator will be present at this meeting. The Head will ensure that the parents have the opportunity to ask any relevant questions.
- 3.5** The Head, after due consideration, will write to the parents with their conclusions and decision. This will be within three working days of the meeting. The Head will also give reasons for their decision. Where there are exceptional circumstances resulting in a delay, the parents will be notified and informed of the new timescales as soon as possible.
- 3.6** For parents with children in Nursery and Reception (EYFS settings) there are additional regulatory requirements and information is provided below under the heading *Complaints about the fulfilment of the EYFS requirements*.
- 3.7** If parents are still not satisfied with the decision, they should proceed to stage 3 of this Procedure.

4. Stage 3 – Panel Hearing

4.1 What is a Complaints Panel hearing?

- 4.1.1** A complaints panel hearing is a forum for the review of the decision(s) taken at stage 2 by the Head (or in circumstances where the formal complaint concerns the Head, a governor appointed to act in his place). The panel will not usually consider any new areas of complaint which have not been previously raised as part of the complaints procedure.
- 4.1.2** The role of the panel is to establish the facts surrounding the complaints that have been made by considering:
- i. the documents provided by both parties and
 - ii. any representations made by the parents and the Head

and to reach a decision, on the balance of probabilities, as to whether each complaint is made out in whole or in part.

- 4.1.3** It is not within the powers of the panel to make any financial award, nor to impose sanctions on staff, pupils or parents. The panel may make recommendations on these matters or any other issues to the Head and / or to the Governing Body, as appropriate.

4.2 How to request a Complaints Panel hearing

4.2.1 A request for a hearing before the complaints panel must be put in writing to the Clerk to the Governors within five working days of the decision complained of. The request will only be considered if the procedures at stages 1 and 2 have been completed, unless the matter is in relation to an appeal against an expulsion or removal (see 5 below).

4.2.2 The written request should include:

- i. a copy of all relevant documents and full contact details
- ii. details of all the grounds of the complaint and the outcome desired
- iii. a list of the documents which the parents believe to be in the school's possession and wish the panel to see; and
- iv. whether or not the parents and/or Head will be accompanied to the hearing and by whom (see 4.2.3 below)

4.2.3 The parents may be accompanied to the hearing by another person if they wish. The Head shall also be entitled to be accompanied to the hearing by one other person if they wish. This may be a relative, teacher or friend. The panel hearing is not legal proceedings and this is an internal complaints policy; as such legal representation is not permitted.

4.2.4 If assistance with the request is required, for example because of a disability, the parents should inform the Clerk to the Governors of this and he/she will be happy to make appropriate arrangements.

4.2.5 The Clerk to the Governors will acknowledge the request for a hearing in writing within two working days of receipt during term time and within eight weeks during the holidays.

4.2.6 Every effort will be made to enable the hearing to take place within 15 working days of receipt of the request. However, note that the panel will not normally sit during half terms or school holidays, but in any event will convene a panel hearing within 8 weeks during school holidays.

4.3 Planning the hearing

4.3.1 As soon as reasonably practicable, and in any event at least 10 working days before the hearing, the Clerk to the Governors will send written notification to each party of the date, time and place of the hearing.

4.3.2 Copies of any additional documents that the parents wish the panel to consider should be sent to the Clerk to the Governors to be received at least five working days prior to the hearing.

4.3.3 The Clerk to the Governors will circulate a copy of the bundle of documents to be considered by the panel to all parties at least three working days prior to the hearing.

4.4 Composition of the Panel

4.4.1 The panel will comprise three individuals who were not directly involved in the matters detailed in the complaint, including members of the Governing Body and at least one independent member who has no connection with the governance, management and running of the school.

The panel members will choose one of themselves to be the Chair of the Panel throughout the proceedings.

4.4.2 The parents may ask the Clerk to the Governors to tell them who has been appointed to sit on the panel ahead of the hearing.

4.5 The Panel hearing

4.5.1 The hearing will be conducted in an informal manner. All those present at the hearing shall have the opportunity to ask questions and make comments in an appropriate manner. The hearing is not a legal proceeding, and the panel shall be under no obligation to hear oral evidence from witnesses but may do so and / or may take written statements into account.

4.5.2 All statements made at the hearing will be unsworn. All present will be entitled, should they wish to write their own notes for reference purposes. A clerk appointed by the panel will take a written minute of the proceedings.

4.5.3 During the hearing, the panel may hear from a number of different people and at different times. It may therefore be the case that there are some occasions where someone speaking to the panel may be sharing confidential or compromised information that is helpful to the panel in reaching a conclusion, but it is not necessarily appropriate for all parties to have full access to this information. As such the parents are not entitled to a full transcript of every conversation.

4.5.4 All those attending the hearing are expected to show courtesy, restraint and good manners or, after due warning, the hearing may be adjourned or terminated at the discretion of the Chair. If terminated, the original decision will stand. 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.

4.5.5 The Chair may, at his/her discretion, adjourn the hearing for further investigation of any relevant issue. This may include an adjournment to take legal advice.

4.5.6 A hearing before the complaints panel is a private proceeding. No notes or other records or oral statements about any matter discussed in or arising from the proceeding shall be made available directly or indirectly to the press or other media.

4.6 The decision

4.6.1 The panel will reach a decision on a balance of probabilities, unless there is an agreed position, whether to:

- i. Dismiss the complaint in whole or in part;
- ii. Uphold the complaint in whole or in part; and
- iii. May make recommendations.

4.6.2 The decision, findings and any recommendations will be confirmed in writing to the parties including the parents and where relevant, the person complained about as well as the Chair of Governors and the Head, by e-mail, normally within ten working days of the hearing. If the parents do not wish to receive the decision by e-mail, they should inform the Clerk to the Governors of this so that a copy may be given or posted to them.

4.6.3 The decisions, findings and any recommendations will also be available for inspection on the school premises by the Chair of Governors and the Head.

4.6.4 The completion of stage 3 represents the conclusion of the school's complaints procedure.

5. Governors' Review

5.1 Parents may request a review by governors (Governors' Review) of a decision to expel or require the removal of the pupil from the school (but not a decision to suspend the pupil unless the suspension is for 11 school days or more or would prevent the pupil taking a public examination).

5.2 The process for a Governors' Review is set out in the school's Terms and Conditions.

6. Confidentiality and Record Keeping

6.1 Complainants can be assured that all concerns and complains will be treated seriously and confidentially. Correspondence, statements and records will be kept confidential except where the Secretary of State or a body conducting an inspection under section 108 or 109 of the Education and Skills Act 2008 requests access to them.

6.2 The School will provide ISI or Ofsted, on request, with a written record of all formal complaints made during any specified period, and the action which was taken as a result of each complaint.

6.3 A written record of all formal complaints, including EYFS, is kept including details of whether they are resolved following the formal procedure or proceed to a panel hearing. The record of any such complaints will show what action was taken by the school as a result of the complaint, regardless of whether they are upheld.

6.4 The record will be kept for at least seven years.

7. Use of personal data

7.1 The School processes data in accordance with its Privacy Notice, available from the school website. When dealing with complaints the school (including any panel member appointed under the stage 3 process) may process a range of information, which is likely to include the following:

- Date when the issue was raised
- Name of parent
- Name of pupil
- Description of the issue
- Records of all the investigations (if appropriate)
- Witness statements (if appropriate)
- Name and contact details 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)
- Notes and minutes of the hearing, and
- The Panel's written decision

This may include 'special category personal data' (as further detailed in the school's Privacy Notice, and/or Data Protection Policy, but potentially including sensitive data such as, for instance, information relating to physical or mental health) where this is necessary owing to the nature of the complaint. This data will be processed in accordance with the school's Data Protection Policy.

8. Complaints about the fulfilment of EYFS requirements

- 8.1** The School is inspected by ISI, an independent organisation which reports to the government on schools. Parents may contact ISI if they have a concern or complaint.
- 8.2** A written complaint concerning the fulfilment of the EYFS requirements will be investigated and the complainant notified of the outcome of the investigation within 28 days of the complaint being made. Records of any complaint concerning the EYFS will be made available to OFSTED and/or ISI on request. The record of any complaint will be kept for a minimum of three years.
- 8.3** Parents of EYFS children should follow the three stages of this Complaints Procedure. If parents remain dissatisfied and their complaint is about the school's fulfilment of the EYFS requirements, then parents may take their complaint to the ISI or Ofsted. Parents will be notified by ISI or Ofsted of the outcome of the investigation into their complaint within 28 days of the complaint being received.
- 8.4** ISI and Ofsted will usually expect parents to have followed and exhausted the school's formal complaints procedure before contacting them.

Independent Schools Inspectorate

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Telephone: 020 7600 0100

e-mail: concerns@isi.net

Ofsted

Piccadilly Gate, Store Street, Manchester M1 2WD

Telephone: 0300 123 1231

email: enquiries@ofsted.gov.uk

9. Alternative Dispute Resolution (ADR)

- 9.1** From 1 October 2015, under EU regulation, ADR applies to all contracts for services and the school's contracts with parents therefore fall within its scope. ADR takes effect when the school's internal complaint-handling procedures detailed above in stages 1 – 3, are exhausted without resolution of the matter.
- 9.2** In this unlikely eventuality, the school will provide parents in writing advising them that the school is unable to settle the parental complaint and providing them with the name and website address of an ADR provider that could deal with the complaint, if the parent wishes to use ADR. However, the school is not required to submit to an ADR procedure.

For the academic year 2020/2021 there were no formal complaints received under this policy.