



# **St Hilary's School**

## **Complaints Policy**

### **Including EYFS, Before and After School Care**

#### **Introduction**

St. Hilary's has long prided itself on the quality of the teaching and pastoral care provided to its pupils. We actively promote democracy, the rule of the law, individual liberty and mutual respect of those with different faiths and beliefs. These are fundamental British Values which underpin all that we offer, as does our School Motto 'Not for oneself but for all.' However, if parents do have a complaint, they can expect it to be treated by the School with care and in accordance with this Complaints Procedure.

St. Hilary's School makes its Complaints Procedure available to all parents of current pupils and past pupils (if the complaint was initially raised when the pupils was still registered) on the School's website and for inspection in the School Office during the school day. The School will take reasonable steps to ensure that parents of current registered pupils who request it are made aware of it. In accordance with paragraph 32(1)(b) of Schedule 1 to the Education (Independent School Standards) Regulations 2014, the School will provide, on request to the Chief Inspector, the Secretary of State or an Independent Inspectorate, details of the Complaints Procedure and the number of complaints registered under the formal procedure during the preceding year.

#### **What Constitutes a Complaint?**

A complaint is an expression of dissatisfaction with a real or perceived problem. It may be made about the School as a whole, about a specific department or about an individual member of staff, and any matter about which a parent is unhappy and seeks action by the school is written within the scope of this procedure. A complaint is likely to arise if a parent believes that the School has done something wrong, failed to do something that it should have done or has acted unfairly. This policy does not cover exclusions.

Parents can be assured that all concerns and complaints will be treated seriously and confidentially. The school is here for your child and you can be assured that your child will not be penalised for a complaint that you (or your child) raise in good faith. Please note this policy does not apply to:

- Exclusions: information regarding exclusions can be found in the Behaviour, Discipline and Exclusions Policy.
- Safeguarding concerns regarding children or allegations of abuse made against teachers, and other staff, including supply teachers and volunteers which are managed under the School's Safeguarding Policy and is distinct from formal staff disciplinary, grievance or capability proceedings: Ref Safeguarding and Child protection Policy

- Appeals against a permanent exclusion, required removal and suspension are managed in accordance with Stage 3 of this procedure. Appeals against admissions are managed under the Admissions Policy. Ref: Admissions Policy
- Where complaints concern a third party the complaint should be made directly to them
- For 'Subject Access Requests' please see the Data Protection Policy
- For whistleblowing complaints please refer to the Whistle Blowing Policy

### **Timeframe for dealing with Complaints**

All complaints will be handled seriously, sensitively, openly and without prejudice. They will be acknowledged within five working days if received during term time and as soon as is practicable during the holiday periods. It is in everyone's interests to resolve a complaint as quickly as possible: The School's target is to complete the Informal Stage (Stage 1) and the Formal Stage (Stage 2) of the Procedure within twenty-eight days if the complaint is lodged in term time and as soon as practicable during holiday periods. Stage 3, the Panel Hearing, will be completed within twenty-eight days of that Stage being invoked if the appeal is lodged during term time and as soon as practicable during school holidays. Please note, that for purposes of this procedure, 'working day' refers to weekdays (Monday to Friday) and does not include Bank Holidays.

### **Recording Complaints**

The School will keep a written record of all formal complaints, whether they are resolved at Stage 2, or proceed to a Panel Hearing, and the action taken by the School as a result of those complaints (regardless of whether the complaint is upheld). In addition, the Appendix provides details of the number of complaints registered, during the preceding school year. At the school's discretion, additional records may be kept which may contain the following information:

- 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 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 body conducting an inspection under section 109 of the Education and Skills Act 2008 requests access to them. Complaint which do not have Safeguarding implications will be retained for at least seven years.

## **Complaints Procedure**

### **Stage 1 – Informal Resolution**

- It is hoped that most complaints and concerns will be resolved quickly and informally.
- If parents have a complaint or concern they should normally contact their son/daughter's Class /Form teacher. In many cases, the matter will be resolved straightaway by these means to the parents' satisfaction. If the Class /Form teacher cannot resolve the matter alone it may be necessary for him/her to consult a Head of Department, the Deputy Head or a member of the Senior Leadership Team.
- Complaints made directly to a Head of Department, Deputy Head, or a member of the Senior Leadership Team, will usually be referred to the relevant Class / Form teacher unless the Head of Department, Deputy Head or member of the Senior Leadership Team deems it appropriate for him/her to deal with the matter personally.
- The Class /Form teacher concerned will make a written record of all concerns and complaints and the date on which they were received on the School Management System. The member of staff will acknowledge the complaint within three working days of receipt. They will try to identify areas of agreement and clarify any misunderstanding that might have occurred. The extent in which the complainant has attempted informal ways of addressing an issue may be taken into consideration when assessing the reasonableness of a complaint during the formal stages of the procedure. If a complaint cannot be resolved informally within fifteen working days, or if the relevant member of staff and the parent fail to reach a satisfactory resolution, then the parents should proceed with their complaint in accordance with Stage 2 of this procedure. The Headteacher should be kept informed throughout and offer guidance as necessary.
- It is expected that if the parents wish to escalate their complaint to the next stage of the procedure, they will generally do so within fifteen working days on the conclusion of the current stage. Depending upon the circumstances, the School may, acting reasonably, treat a complaint as closed if a parent has not proceeded within this timeframe.
- Where a complaint is against a member of staff, the Headteacher will investigate or will delegate responsibility to investigate to a member of the Senior Leadership Team
- Where the subject of the complaint is the Headteacher, parents should make their complaint directly to the Chair of Governors (in hard copy, not email) and send to the Clerk of Governors to forward to the Chair of Governors. Details of the Clerk to the Governors can be obtained from the School Office.
- For reasons of confidentiality, complainants will not be informed of the outcome of any disciplinary action against any member of staff, arising from a complaint.

Please note that the purposes of this procedure, working days refers to weekdays (Monday to Friday) during term time, excluding Bank Holidays. This means that during school holidays it may take longer to resolve a complaint although the School will do what is reasonably practicable to avoid undue delay.

**Timescales:** for investigating and / or responding to a complaint may also need to be extended in the event of a force majeure, a pandemic, or as the result of enforced government restrictions. The School will inform parents if there is to be a delay to the anticipated timescales, for instance because of disruption to the School, staff absence or site closure.

**Records:** the record of complaints is kept for seven years and maybe kept for longer if there is a safeguarding aspect. The number of complaints for the preceding school year is available on request from the School Office. Correspondence, statements, and records relating to individual complaints are kept strictly 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.

**Confidentiality:** complaints will therefore be dealt with confidentiality at all stages and at the conclusion of the procedure. Confidentiality should be maintained at all times by everyone involved. Complaints are not to be discussed externally by parents, including via social media.

**Safeguarding:** wherever a concern indicates that a child's wellbeing or safety is at risk, the School is duty bound to act on this which may include reporting this immediately to the Local Authority. Any action taken will be in accordance with the School's Safeguarding and Child Protection policy.

## **Stage 2 – Formal Resolution**

- If the complaint cannot be resolved on an informal basis, then the parents should put their complaint in writing to the Headteacher (in hard copy and not by email). The Headteacher will decide, after considering the complaint, the appropriate course of action to take.
- In accordance with EYFS legislation the school will resolve any formal complaints regarding pupils in the EYFS setting within twenty-eight days of having received the complaint and will inform the complainants of the outcome.
- In most cases the Headteacher will communicate with the parents concerned, normally within 5 working days of receiving the complaint, to discuss the matter. If possible, a resolution will be reached at this stage.
- It may be necessary for the Headteacher to carry out further investigations. Such investigations will be carried out within seven days of the complaint being received or as soon as possible practicable.
- The Headteacher will keep written records of all meeting and interviews held in relation to the complaint and these will be store as in Stage 1 of this procedure.
- Once the Headteacher is satisfied that, so far as is practicable, all of the relevant facts have been established, a decision will be made and parents will be informed of this decision in writing. The Headteacher will also give reasons for his/her decision.
- If parents are still not satisfied with the decision, they should proceed to Stage 3 of this procedure.

- If the complaint is against the Headteacher, the Chair of Governors will call for a full report from the Headteacher and for the relevant documents. The Chair may also call for a briefing from members of staff and will, in most cases, speak to or meet with the parents to discuss the matter further. Once the Chair is satisfied that, so far as is practicable, all of the relevant facts have been established, the parents will be informed of the decision in writing. The Chair will give his / her reasons for his / her decision.
- If parents are still not satisfied with the decision, they should proceed to Stage 3 of this Procedure.

### **Stage 3 – Panel Hearing**

- Upon receipt of the written decision from the Headteacher or, as the case may be, the Chair of Governors, the parents are to write to them informing them of their decision to invoke Stage 3 of this Procedure. The parents will then be referred to the Clerk of Governors who has responsibility for calling hearings of the Complaints Panel.
- The Panel for the Panel Hearing will consist of 3 persons not directly involved in the matters detailed in the complaint and one of whom shall be independent of the management and running of the school (including the School's solicitor). Each of the Panel members will be appointed by the Chair of Governors. The Clerk to the Governors will then acknowledge the complaint and schedule a hearing to take place as soon as is practicable and normally within fourteen days. If necessary, the Panel will consider the parent's complaint in his / her absence and issue findings on the substance of the complaint thereby bringing the matter to a conclusion. All reasonable steps will be taken to accommodate parental availability for dates and consider comments concerning Panel composition.
- If the Panel deems it necessary, it may require that further particulars of the complaint or any related matter be supplied in advance of the hearing. Copies of such particulars shall be supplied to all parties not later than seven days prior to the hearing.
- The parents may be accompanied to the hearing by one other person. This may be a relative, teacher or friend. Legal representation will not normally be appropriate and this policy does not entitle parents to insist upon legal representation at the hearing. The parent is entitled to attend irrespective of whether they have initiated legal proceedings, or not.
- If the parent decides not to attend the Panel Hearing this does not remove the School's obligation to hold the Panel Hearing according to our Complaints Policy. Our arrangements for the Panel Hearing should be reasonable to enable the parents to attend.
- If possible, the Panel will resolve the parents' complaint at the hearing without the need for further investigation. However, should the Panel decide at the hearing that further investigation is required, the Panel shall decide how such investigations should be carried out and by when they should be concluded.
- After due consideration of all facts they consider relevant, the Panel will make findings and may make recommendations.

- The Panel Hearing will write to the complainant informing them of its decision together with their findings and recommendations. The decision of the Panel will be final.
- A copy of the Panel’s findings and recommendations (if any) will be sent by electronic mail or otherwise given in writing to the Headteacher, Chair of Governors, and, where the complainant relates to an individual, to that individual. In the EYFS, this must be done within twenty-eight days of the original complaint. A hard copy of the Panel’s findings will be held confidentially on the school premises.
- If a parent repeatedly raises the same complaint after it has been considered at all three stages this will be regarded as vexatious and outside the remit of this policy.

### **Footnotes to Complaints Procedures:**

St Hilary’s School is fully committed to ensuring that the application of this policy is non-discriminatory in line with the UK Equality Act (2010). Further details are available in the School’s Equal Opportunity Policy document.

In the event that a complaint involves or relates to a member of staff, then that member of staff will be kept fully informed in writing of the procedure being adopted in relation to the management of the complaint and supplied with copies of all documentation.

In the event of a Panel Hearing, the member of staff will have the right to make representations to the Panel.

### **Footnotes to Complaints Procedure in respect of EYFS**

- St Hilary’s will provide ISI / OFSTED, on request, with a written record of all complaints made during a specified period, and the action which was taken as a result of each complaint. The record of any such complaints will be kept for at least 3 years.
- Parents may complain directly to OFSTED or to ISI if they believe the provider is not meeting the EYFS requirements.

**OFSTED** may be contacted via telephone: 0300 1234 234 or by email: [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk)

**ISI** may be contacted Tel: 0207 600 0100 or by email: [concerns@isi.net](mailto:concerns@isi.net)

Written complaints about the fulfilment of the EYFS requirements must be investigated and the complainant notified of the outcome of the investigation within twenty-eight days.

### **Responding to Complaint Campaigns**

Occasionally schools can become the focus of a campaign and receive large volumes of complaints:

- All based on the same subject
- From complainants unconnected with the School

In these rare, instances, the seek will seek legal advice and may use a template response to all complainants. Alternatively, the School may choose to publish a single response on the School's website. In these circumstances, we would expect to respond to a complaint campaign within thirty working days.

**Appendix 1:**

**Academic Year 2022-2023**

Number of Complaints at Stage 2: 4

Number of Complaints at Stage 3: 0

**Academic Year 2020-2021**

Number of Complaints at Stage 2: 5

Number of Complaints at Stage 3: 0

**Academic Year 2021-2022**

Number of Complaints at Stage 2: 1

Number of Complaints at Stage 3: 0

**Academic Year 2020-2021**

Number of Complaints at Stage 2: 5

Number of Complaints at Stage 3: 0

**Reviewed: October 2019, June 2020, June 2021, June 2022, July 2023**

**Next Review date: June, 2024**

**Person responsible: Jane Whittingham (Headteacher)**