

6.14 Complaints Policy

2023-24

This policy should be read in conjunction with the school's:

6.15 Confidentiality Policy.

Reviewed annually by: LG	September 2023
Date for next review:	September 2024

Authorised by Governor	
Signed	
Dated	

1. Introduction

Independent schools are legally required to adopt, make available and apply a complaints procedure that complies with the provisions set out in the Independent School Standards (2019).

This policy has been written to also comply with the DfE's Statutory Framework for the Early Years Foundation Stage (2021), the Education and Skills Act (2008), Data Protection Act (2018), the Equality Act (2010). Consideration has been taken of the DfE's Best practice guidance for school complaints procedures 2020 and the policy is consistent with the School's Terms and Conditions 2023-24.

All complaints will be handled seriously and promptly. Timescales are laid out below and when we refer to school days, we mean Monday to Friday, when school is open during term time. The term dates are laid out on the school website.

Complaints treated as constructive suggestions can be used to improve standards or some aspect of the school's organisation.

Parents are informed about our complaint's procedure in the Parent and Pupil Handbook, General Information Booklet and on the school's website. The policy is made available to Parents on request and through the School's website and in the School office during the school day. The School will ensure parents of pupils and of prospective pupils who request it are made aware that this document is published or available, and of the number of complaints registered under the formal procedure during the preceding school year. In accordance with paragraph 32(1) of Schedule 1 of the Independent School Standards 2019, the School will make available, on request, to Ofsted, the Department of Education (DfE) or the Independent Schools Inspectorate (ISI), details of this Complaints procedure and the number of complaints registered under the formal procedure during the preceding school year.

Although this Procedure is available to parents of prospective pupils, it is not available for use by them; it may only be used by parents of current pupils.

Complaints by parents of former pupils will be dealt with under this Complaints Procedure only if the complaint was initially raised regarding the pupil to which the complaint relates was still registered as a pupil at the School.

A complaint about a decision taken by the Head to exclude or require the removal of a pupil, as stated in the School's Terms and Conditions, will be subject to governor review but is not within the scope of this policy – see our Behaviour and Disciplinary policy.

Complaints may be made about other pupils, about the school, about a specific department in the school or about an individual member of staff.

It is made clear to parents that anonymous complaints will be noted by the Head, but action cannot be taken on the basis of anonymous information.

If there is a question of the child's safety or a possible situation involving the police, the procedures in the school's Safeguarding and Child Protection Policy must be followed.

Separate procedures may 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.

Issues that are outside the scope of this policy are, for example: requests for compensation, damages and claims.

Parents are not entitled to details of related sanctions imposed on staff, pupils or parents for reasons of data protection.

Separate procedures apply in relation to:
exclusions,
admissions decisions,
fees disputes,
SARs.

Staff whistleblowing concerns, disciplinary procedures and grievances are dealt with separately by the School and are outside the scope of this policy.

Timeframes stated in this policy only refer to school term times, not school holidays.

Working days are Monday – Friday term time only.

2. What constitutes a complaint?

As stated in paragraph 659 of the ISI's *Commentary on the Regulatory Requirements* (September 2022) a complaint is defined as "Any matter about which a parent of a pupil is unhappy and seeks action by the school."

Parents can be assured that all 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 raise in good faith.

3. Confidentiality

Confidentiality is an important issue for pupils, parents and staff.

Parents can be assured that all complaints will be treated seriously and confidentially. It is essential that any complaint be treated in a confidential manner and with respect. All parties involved with a complaint will only discuss the matter with those directly affected.

Correspondence, statements, and records will be kept confidential except in so far as is required by the school under Independent School Standards; where disclosure is required in the course of a school's inspection; or where any other legal obligation prevails such as when the Secretary of State or a body conducting an inspection under section 108 or 109 of the 2008 Act requests access to them.

The question of confidentiality should be discussed sensitively and on an individual basis with the parents. See Confidentiality Policy

4. The three stage Complaints Procedure

4.1. Stage 1 – Informal Resolution of Complaints

It is hoped that most complaints will be resolved quickly and informally.

If parents have a complaint, they should normally contact their daughter's Form Tutor or Head of Year and put their complaint in writing.

In many cases, the matter will be resolved straightaway to the parents' satisfaction. If the matter is of an academic nature, it is likely that the Head of Department will become involved. If the Head of Year or Head of Department cannot resolve the matter alone, it may be necessary for him/her to consult a member of Senior Leadership Team.

Complaints made directly to a member of Senior Leadership, or the Head may then also involve the relevant Head of Year or Head of Department as necessary to deal with the matter.

All complaints will be recorded, noting all relevant details and outlining the nature of the complaint, action taken and outcomes. This written record will be passed to the Head. A written record/log of all complaints will be kept and monitored to ensure patterns are noticed.

4.1.1. Timeframe of stage 1

Complaints will be acknowledged within **24 hours** and initial investigations and actions normally within **2 working days** in term time. The complaint will be investigated as quickly as possible. Staff will endeavour to inform parents by e-mail what is happening to their complaint and, if a more detailed response is needed, by what date it will be received.

Stage 1 should be concluded within **10 school working days** of receiving the initial complaint.

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. This decision will be at the discretion of the Head.

If, however, the complaint is against the Head, parents should make their complaint directly to the Chair of Governors, through the Clerk to the Governors, via email: clerk@maynard.co.uk

4.2. **Stage 2 Formal Resolution**

If a parent is dissatisfied with the informal response and the actions taken to resolve the complaint in Stage 1, they should put their complaint in writing directly to the Head. Parents should complete the appended Complaint Form to proceed to Stage 2, including any documentation or evidence they would like to be considered. The Head will decide, after considering the complaint, the appropriate course of action to take.

In most cases the Head will meet or speak with the parents concerned within **five working days** of receiving the complaint to discuss the matter. If possible, a resolution will be reached at this stage.

The Head may deal with the complaint directly or may ask a senior member of staff to act as an investigator and report directly to the Head. The investigator may wish to speak to the parent to gain further information about the circumstances.

The Head and the designated investigator will keep written records of all meetings and interviews held in relation to the complaint.

4.2.1. Timeframe of stage 2

The Head will acknowledge the complaint by email or letter within **2 working days** indicating the action being taken and the likely timescale.

Once the Head 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 in writing. The Head will also give reasons for their decision. In most cases, the Head will make their decision and provide the parents with reasons within **20 working days** from receipt of the complaint.

Please note that any complaint received within two weeks of the end of term is likely to take longer to resolve owing to the presence of school holidays and the unavailability of personnel required for the investigation to be properly undertaken however an overall timeframe of three months for resolution will be enforced.

If the complaint is against the Head, the complaint should be made to the Chair of Governors. The Chair of Governors or their nominee will call for a full report from the Head and for all the relevant documents. The Chair of Governors or their nominee 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 of Governors or their nominee 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 of Governors or their nominee will give reasons for his/her decision.

If parents are not satisfied with the school's response to their complaint at stage 2 they can indicate their wish to move to the stage 3. A panel hearing will take place unless the parent later indicates that they are now satisfied and do not wish to proceed further.

4.3. Stage 3 – Panel Hearing

If parents feel that the situation has still not been resolved to their satisfaction, they should apply in writing to the Clerk to the Governors, who has been appointed to call hearings of the Complaints Panel. This can only be considered if Stages 1 and 2 have been completed and the request for a Stage 3 panel hearing is made within **5 working days** of receiving the Stage 2 decision unless the matter is in relation to an appeal against an expulsion or removal.

The written request should include:

- i. a copy of all relevant documents and full contact details
- ii. details of all the grounds of the stage 2 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 will be accompanied to the hearing and by whom

The parents may be accompanied to the hearing by another person, for example a relative, teacher or friend. The Panel hearing is not a legal proceeding, and this is an internal complaint policy as such legal representation is not permitted.

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. Legal representation will not normally be appropriate.

The Clerk to the Governors will acknowledge the request for a hearing in writing within **two working days** of receipt during term time.

If a parent does not exercise the right to attend a panel hearing, this does not remove the school's obligation to hold the hearing in conformity with its complaints policy. The school's arrangements for the panel hearing should be reasonable in order to facilitate the parents exercising the right of attendance. 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 they will be happy to make appropriate arrangements.

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
- iii. consider the conclusions of stage 2 of the process

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

Every effort will be made to enable the hearing to take place within **15 working days** of receipt of the request.

4.3.1. Planning the hearing

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.

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.

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.

4.3.2. Composition of the Panel

The Panel will comprise of 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 will be decided by the Chair of Governors and they will appoint one Panel member to act as Chair of the Panel.

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.

4.3.3. The Panel hearing

The remit of the Panel shall be at the discretion of the Chair of Governors and the manner in which the hearing is conducted shall be at the discretion of the Panel.

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.

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. However, no electronic recording can take place. A clerk appointed by the Panel will take a written minute of the proceedings.

There may be 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.

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.

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

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.

4.3.4. The decision

If possible, the Panel will resolve the parents' complaint without the need for further investigation. Where further investigation is required, the Panel will decide how it should be carried out.

The Panel will reach a decision on a balance of probabilities unless there is an agreed position between both parties.

After due consideration of the merits of the complaint and all facts they consider relevant, the Panel will make findings as to whether or not the Stage 2 decision was a reasonable one and decide whether to:

- dismiss the complaint(s) in whole or in part;
- uphold the complaint(s) in whole or in part; and
- make recommendations.

The Panel will write to the parents informing them of its decision and the reasons for it, within five working days of the hearing (although additional time may be required if it is necessary to carry out further investigations following the hearing).

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 to the parents, normally within ten working days of the hearing and, where relevant, the person complained about as well as the Chair of Governors and the Head.

A copy of the Panel's findings and recommendations (if any) will also be available for inspection on the School premises by the Chair of Governors and the Head.

5. Timescales

Where there are exceptional circumstances resulting in delay to the timescales at any stage of the procedure that the School will notify the parent and inform them of new timescales.

Parents will be expected to bring a complaint within three months of the incident and thereafter the School will consider whether or not it is able to deal with this.

6. Persistent correspondence

Where repeated attempts are made by a parent to raise the same complaint after it has been considered at all three stages, this may be regarded by the School as vexatious and outside the scope of this procedure.

7. Record Keeping

A written record of all serious complaints (which may include notes, correspondence and statements) will be kept at each stage of the procedure, as detailed below, and will include details of whether individual complaints were resolved following a formal or informal procedure or proceeded to a panel hearing. The record will include details of any action taken by the school as a result, regardless of whether they are upheld.

The written record of complaints will be reviewed regularly by the Head.

The School will keep records of formal complaints and Complaints Panel hearings, as required by regulation. It will do so in accordance with its Privacy Notice, Data Protection Policy and Retention of Records Policy.

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 Education and Skills Act 2008 requests access to them.

8. Number of complaints

For the academic year 2022/23 there were two formal complaints received under this policy at The Maynard School.

The number of complaints recorded under the formal procedure during the preceding school year is available to parents of pupils (and prospective pupils) on the school website and on request from the Head's PA.

Records of Complaints are maintained for three years after the pupil has left the school.

9. EYFS

The record of complaints relating to EYFS must be made available to OFSTED on request.

Additional requirements apply for the EYFS setting beyond those which apply to the rest of the school. Written complaints about the fulfilment of the EYFS requirements are investigated and the complainant notified of the outcome of the investigation within 28 days.

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

Details of how to contact ISI or Ofsted will be made available if the parent believes that the school is not meeting the EYFS requirements.

If a parent wishes to contact Ofsted, they may do so by emailing enquiries@ofsted.gov.uk

10. Complaints

The school is inspected by ISI, an independent organisation which reports to the Government on schools. Parents may contact ISI if they have a complaint.

ISI will usually expect parents to have followed and exhausted the school's formal complaints procedure before contacting them.

Independent Schools Inspectorate CAP House, 9-12 Long Lane,

London

EC1A 9HA

Telephone 020 7600 0100

e-mail: concerns@isi.net

Alternative Dispute Resolution (ADR)

Since 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 in Stages 1 – 3, are exhausted without resolution of the matter.

In this unlikely eventuality, the school will write to parents advising them that the school is unable to settle the parental complaint and provide 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.

The Maynard School – Complaint Form

Please read the School's Complaints Policy before completing this form. It provides information on when and how this form should be completed. This form should be completed by those with parental responsibility¹ for a pupil and returned to the Head via head@maynard.org.uk or, if the complaint is against the Head, the Chair of Governors via clerk@maynard.org.uk

Your name(s)	
Name of pupil(s), year(s) and your relationship with them	
Contact address	
Contact telephone number (day)	
Contact mobile	
Contact email address	
Details of the complaint²	

¹Parental responsibility is defined in the Children Act 1989 as "*all rights, duties, powers and responsibilities and authority which by law a parent of a child has in relation to the child and his or her property*". It equates to legal responsibility for the child. If you have any doubts about whether you do or do not have parental responsibility for the child you may wish to seek legal advice.

² Please provide details of the nature of your complaint. If you have more than one ground of complaint we suggest numbering them so that each is considered in turn. If you require more space you may wish to attach an additional page setting out your complaint.

Action taken to date (including staff member(s) who has/have dealt with it so far and solutions offered:

The reason(s) that this was not a satisfactory resolution for you.

What action(s) would you like to be taken to resolve your complaint?

Signature(s)

Date

School use only
Stage in the complaints procedure (circle as appropriate): 1 2 3
Date acknowledgement sent:
By whom:
Complaint referred to:
Action taken:
Date: