

# Habs

HABERDASHERS'  
ELSTREE SCHOOLS

## Complaints Policy

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# 1 Related Information

## 1.1 Availability of Statutory Policies

All statutory policies are available on the School's website.

## 1.2 Regulatory Framework

This statutory policy has been prepared to meet the School's responsibilities under

- The Education and Skills Act 2008;
- Data Protection Act 2018;
- Equality Act 2010;
- The Statutory Framework for the Early Years Foundation Stage; and
- Paragraph 33 of the Education (independent School Standards) Regulations 2014, set out as follows:

33. The standard about the manner in which complaints are handled is met if the proprietor ensures that a complaints procedure is drawn up and effectively implemented which deals with the handling of complaints from parents of pupils and which—

- (a) is in writing;
- (b) is made available to parents of pupils;
- (c) sets out clear time scales for the management of a complaint;
- (d) allows for a complaint to be made and considered initially on an informal basis;
- (e) where the parent is not satisfied with the response to the complaint made in accordance with sub-paragraph (d), establishes a formal procedure for the complaint to be made in writing;
- (f) where the parent is not satisfied with the response to the complaint made in accordance with sub-paragraph (e), makes provision for a hearing before a panel appointed by or on behalf of the proprietor and consisting of at least three people who were not directly involved in the matters detailed in the complaint;
- (g) ensures that, where there is a panel hearing of a complaint, one panel member is independent of the management and running of the school;
- (h) allows for a parent to attend and be accompanied at a panel hearing if they wish;
  - (i) provides for the panel to make findings and recommendations and stipulates that a copy of those findings and recommendations is—
    - (i) provided to the complainant and, where relevant, the person complained about; and
    - (ii) available for inspection on the school premises by the proprietor and the head teacher;
- (j) provides for a written record to be kept of all complaints that are made in accordance with sub-paragraph (e) and—
  - (i) whether they are resolved following a formal procedure, or proceed to a panel hearing; and
  - (ii) action taken by the school as a result of those complaints (regardless of whether they are upheld); and
- (k) provides that correspondence, statements and records relating to individual complaints are to be kept confidential except where the Secretary of State or a body conducting an Inspection under section 109 of the 2008 Act requests access to them.

### 1.3 Related Documents

The following School policies are referenced in this policy:

Safeguarding Policy
Expulsion and Suspension Policy
Data Protection Policy
Privacy Notice for Parents
Privacy Notice for Older Pupil
Privacy Notice for Parents of Younger Pupil

### 1.4 Terminology

**Head**, where not explicitly defined, means either the Head of the Girls' School or the Head of the Boys' School.

**Parent(s)** includes the parent(s) or legal guardian(s) or any person who is not a parent but who has parental responsibility for, or care of, a current student or a former student if the complaint was initially raised while the student was registered at the School.

**School** means Haberdashers' Aske's Elstree Schools Limited as Trustee of Haberdashers' Aske's Charity trading as Haberdashers' Girls School **and/or** Haberdashers' Boys' School, as now or in the future constituted (and any successor).

**School Day** means any day between Monday and Friday during term time (as published on the School's website).

**Student** or **Students** means any student or students of any age currently registered at the School or registered at the School when the complaint was initially raised.

**Stage** refers to either Stage 1 (informal resolution), Stage 2 (formal complaint and resolution) or Stage 3 (panel hearing).

## 2 Introduction

The School has long prided itself on the quality of the teaching and pastoral care provided to its students. 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 Policy. The School makes its Complaints Policy available to all Parents of students and of prospective students on the School's website and in the School office during the school day, and the School will ensure that Parents of students and of prospective students who request it are made aware that this document is published or available and of the form in which it is published or available, and of the number of complaints registered under the formal procedure during the preceding school year.

Complaints by Parents of former students will be dealt with under this Complaints Policy only if the complaint was initially raised when the student to which the complaint relates, was still registered as a student at the School.

The procedure outlined below is not a legal procedure and it does not take the place of any alternative remedy which a complainant may have as a matter of law.

### 3 What Constitutes a Complaint?

The School considers any matter about which a Parent or a Student is unhappy and seeks action by the School to be a complaint. 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 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.

**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 raise in good faith.**

#### 3.1 Child Protection

Separate procedures apply in the event of a child protection issue- please refer to the School's Safeguarding policy.

#### 3.2 Decisions made by the Head under the Expulsion and Suspension Policy

The Complaints Policy does not apply with regards to decisions made by the Head to exclude or suspend a Student from the School. Parents seeking a review of a decision made by the Head under the Expulsion and Suspension Policy, may seek a Governor review in accordance with that Policy.

#### 3.3 Admissions Policy

The Complaints Policy only applies to Parents of current students and therefore complaints from Parents of prospective Parents relating to the application of the School's Admissions Policy and entrance procedures are not within the scope of this policy.

### 4 Timeframe for Dealing with Complaints

All complaints will be handled seriously, sensitively and within clear and reasonable timescales. If a complaint relates to a matter which may have an immediate adverse impact on a Student (for example proposed disciplinary action by the School in relation to the Student) all effort will be made to address the complaint as promptly as possible having regard at all times to the Student's best interests.

As set out above, **School Days** refers to weekdays (Monday to Friday) during term time, excluding bank holidays. The dates of terms are published on the School's website. 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. It may also take longer to resolve a complaint during periods of significant disruption to School life or as a consequence of unavoidable staff absence, however deviation from the normal timescale for resolving a complaint during term time will only occur on an exceptional basis, and the School will take all reasonable steps to limit any such delay. If this happens, amended timelines will be communicated to Parents. Should Parents provide notification of a complaint outside of the

stated timeframes for any Stage, they should include details of the circumstances that prevented the notification being given sooner for consideration along with the notification.

## **5 The Three-Stage Complaints Procedure**

### **5.1 Stage 1 - Informal Resolution**

The Parents should, in the first instance, always approach the School, dealing directly with the appropriate member of staff who will make every effort to find a satisfactory resolution, normally within 5 School Days during term time.

The appropriate members of staff are responsible for dealing with the following types of concern:

#### **5.1.1 Pastoral Matters**

- Habs Boys Senior: The Heads of House at the Boys' School
- Habs Boys Preparatory School: The Head of Pre-Prep or the Deputy Head (Pastoral) at the Boys' Preparatory School
- Habs Girls Senior School: Heads: The Form Tutor
- Habs Girls Junior School: The Phase Leader or Class Teacher

#### **5.1.2 Academic Matters**

- Habs Boys Senior: The Head of Department
- Habs Boys Preparatory School: The Head of Pre-Prep or the Deputy Head (Academic) at the Boys' Preparatory School
- Habs Girls Senior School: Heads of Department
- Habs Girls Junior School: The Phase Leader or Class Teacher

#### **5.1.3 General School Matters**

- Habs Boys Senior: The Head of Section
- Habs Boys Preparatory School: The Head of Pre-Prep or the Deputy Head (Academic) or Deputy Head (Pastoral) at the Boys' Preparatory School
- Habs Girls Senior School: Heads of Department
- Habs Girls Junior School: the Deputy Head of Junior School.

If, however, the complaint concerns a decision or action of the Head, Parents should make their complaint directly to the Chair, Girls' School Advisory Group or Chair, Boys' School Advisory Group whose contact details are available from the School Office on request.

If the complaint is about the Head of the Boys' School Preparatory and Pre-Preparatory School or the Head of Girls' Junior School, then it should first be raised with the Head of the respective Senior School. Should the matter not be resolved within 5 School Days, or Parents feel that a satisfactory resolution has not been reached, they should proceed with their complaint in accordance with Stage 2 of this procedure.

Complaints about the Chair of a School Advisory Group, or any individual Advisory Group member or the whole Advisory Group should be addressed to the Clerk to the Governors via the School office. Please mark them as Private and Confidential.

## **5.2 Stage 2 – Formal Complaint and Resolution**

If the complaint cannot be resolved on an informal basis, including complaints from Boys' Prep and Pre-Prep and Girls' Junior School, then Parents should set out their complaint in writing to the respective Heads of the Boys' or Girls' Senior School. The Head will decide, after considering the complaint, the appropriate course of action to take.

In most cases, the Head will meet with or speak to the Parents concerned to discuss the complaint, as soon as is reasonably practicable and within 5 School Days of receiving the complaint if at all possible, to discuss the matter. If possible, a resolution will be reached at this stage.

It may be necessary for further investigations to be carried out, in which case the Head will appoint a senior member of staff to investigate the matter. The senior member of staff may wish to speak with the Parents and with others who have knowledge of the circumstances. The outcome of the investigation will be reported to the Head.

Once the Head is satisfied that, so far as is practicable, all the relevant facts have been established, a decision will be made and the Parents will be informed of the decision in writing. The Head's aim would be to inform the Parents of the outcome of the investigation and resolution of the complaint within 15 School Days of the receipt of the complaint (although any complaint received within the School holidays is likely to take longer to resolve owing to the unavailability of personnel).

The Head will keep written records of all meetings and interviews held in relation to the complaint unless the complaint is about themselves. In which case, records will be kept by the Chair, Boys' School Advisory Group or Chair, Girls' School Advisory Group. Please refer to the section on Record of Complaints.

If the complaint relates to a decision or action of the Head, the complaint should be made to the Chair of the appropriate School Advisory Group. The Chair of the Advisory Group or their nominee will call for a full report from the Head and for all the relevant documents. The Chair of the Advisory Group 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 the Advisory Group 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 the Advisory Group or their nominee will give reasons for his/her decision.

If Parents are not satisfied with the decision made by the Head, they should proceed to Stage 3 of this procedure.

A written record is kept of all complaints that require formal action, the action that has been taken by the School as a result of this formal complaint, and whether or not they are resolved at this point or proceed to a panel hearing.

## **5.3 Stage 3 – Panel Hearing**

If Parents are not satisfied with the outcome of Stage 2 of this procedure, they should write to the Chair of the appropriate School Advisory Group within 7 School Days of the decision being communicated to the Parents. Parents must ensure that a copy of all relevant documents and full contact details accompany the letter to the Chair of the School Advisory Group. If the complaint is about a member of a School Advisory Group, Parents should write to the Clerk to the Governors within the time frame referred to above.

Parents must state in their letter the outcome that they desire and all the grounds of the complaint. It is essential that Parents send a list of the documents which they believe to be in the School's possession and wish the Panel to see. If you require assistance with your request, for example, because of a disability, please contact the Chair of the School Advisory Group (or Clerk) who will be happy to make appropriate arrangements.

The Chair of the School Advisory Group has been appointed by the Governors to call hearings of the Complaints Panel. The matter will then be referred to the Complaints Panel for consideration. The matter will usually only be considered if Stages 1 and 2 have been completed. A Complaints Panel hearing is a hearing to review those elements of the decision made at stage 2 about which the Parent remains dissatisfied. The Panel is not obliged to consider any new complaints at this stage.

The Panel's task is to establish the facts surrounding the complaint that have been made considering the documents provided by both parties and any representations made by the Parents or the School.

If, after establishing the facts, the Panel consider that the complaint is valid, they will uphold the complaint. If the Panel consider that the complaint is not valid, they will dismiss the complaint. They will base these decisions on the balance of probabilities.

The Panel will consist of two Governors not directly involved in the matters detailed in the complaint. In addition, an independent person will sit on the Panel. This person will not be involved in the management of the School, the running of the School or with its Governing Body. The Panel Chair (or Clerk) will then acknowledge the complaint within 10 School Days of the receipt of your request and Parents will be offered a date for the hearing to take place which will normally be within 20 School Days. The Panel Chair (or Clerk) will send you a written notification of the date, time and place of the hearing, together with brief details of the Panel members who will be present; this communication will provide further detail on the overall conduct of the Hearing.

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 will normally be supplied to all parties not later than 5 School Days prior to the hearing.

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

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

### **5.3.1 Attendance**

The Parents may be accompanied to the hearing by one other person. This may be a relative, teacher or friend. The hearing is not a legal proceeding and there is no need for the parties to be legally represented at the hearing. If the Parents do wish to be accompanied by a legally qualified person, this must be requested within 7 School Days prior to the hearing and the decision to allow this person to attend sits with the Panel Chair. The Panel will decide whether it would be helpful for witnesses to attend.

### **5.3.2 Non-attendance**

When Parents have indicated a wish to continue to Stage 3, a Panel hearing should take place unless Parents later indicate that they are now satisfied and do not wish to proceed further. In the event that Parents subsequently decide not to attend the hearing, the Panel will consider the Parents complaint in their absence and issue findings on the substance of the complaint, thereby bringing the matter to a conclusion.

### **5.3.3 Hearing**

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. The Clerk will be asked to take a minute of the proceedings. Hearings can be held in person or remotely if this is agreed by Parents or is otherwise reasonably necessary.

### **5.3.4 Evidence**

The Panel Chair will conduct the hearing 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 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.

### **5.3.5 Conduct**

The Parents will be asked to summarise the complaint and the Panel will be invited to ask questions. Similarly, the School's representative(s) will be asked to summarise their response to the complaint and to answer any questions from the Panel.

Where there is more than one ground for complaint, the Panel Chair will determine how these will be considered, normally each ground will be considered in turn. The Parents will set out their case for each specific ground and the School will respond to each ground.

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 Panel Chair. If terminated by the Panel Chair due to the conduct of the Parents, 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.

### **5.3.6 Adjournment**

The Panel 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.

### **5.3.7 Decision**

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.

Where further investigation is required, the Panel will decide how to carry out the investigation and may adjourn the hearing if necessary.

After due consideration of all facts they consider relevant, the Panel will form a decision and may make recommendations, which it shall complete within either 7 School Days of the hearing or 7 School Days of any further investigation being conducted. The decision of the Panel will be final. A copy of the Panel's findings and, if any, recommendations, will be sent in writing to the Parents (by email unless the Parents notify the Panel otherwise), the Head and the Chair of the School Advisory Group within 10 School Days of the Hearing. A copy will be kept on the School premises, for inspection by the Chair of Governors and the Head.

### **5.3.8 *Private Proceeding***

A hearing before the Complaints Panel is a private proceeding. No recording devices may be used by those attending the hearing. 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, other media, or any third party.

## **6 Unreasonable complaints**

The School is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact Parents have with us. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

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

Unreasonable complaints are taken seriously by the School as they put a strain on valuable resources and hinder the progress of proper investigations.

We adopt the Department for Education's definition of unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the School, such as if the complainant:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant

questions, and insists they are fully answered, often immediately and to their own timescales;

- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the School's complaints procedure has been fully and properly implemented and completed;
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with;
- uses threats to intimidate;
- uses abusive, offensive or discriminatory language or violence;
- knowingly provides falsified information;
- publishes unacceptable information on social media or other public forums.

A complaint may also be considered unreasonable if it is manifestly unjustified, inappropriate, or an improper use of formal procedure.

In assessing this, the School shall have regard to all the circumstances of the case and the nature of the complaint itself rather than the nature of the complainant. In assessing all of the circumstances of the case the School will consider a range of factors including:

- whether a complaint has reasonable foundation;
- the history and context of the complaint (and any evidence where relevant);
- whether the time and cost of investigating the complaint is proportionate to the issue(s) complained of;
- whether an investigation of the complaint is likely to cause a disproportionate or unjustified level of disruption, irritation or distress;
- unexplained delay in raising a complaint or issue;
- if the purpose of the complaint is to obtain an outcome which is unavailable via the complaints procedure, such as a claim for compensation, damages or a refund of fees paid;
- any evidence of a complaint being brought for an improper purpose.

Whenever possible, the Head and / or Chair of Governors will discuss any concerns with the Parents informally before dismissing a complaint as unreasonable.

## **7 EYFS Complaints Procedure**

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 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 Learning from Complaints**

Where there are lessons to be learnt from any complaint these will promptly be considered by the relevant Head and discussed where appropriate with Governors to ensure that any appropriate changes are made as promptly as possible. Where any complaints concern a similar trend the root cause of those complaints will be discussed with Governors and appropriate changes will be made to address any such root causes.

## **9 Recording Complaints and Confidentiality**

All records created in accordance with this policy are managed in accordance with the School's policies that apply to the retention and destruction of records.

The School keeps a written record of all formal complaints, including the following:

- whether they were resolved at Stage 2 or Stage 3;
- the action taken by the School as a result of the complaints (regardless of whether they are upheld);

The records created in accordance with this policy may contain personal data. The School has a privacy notice which explains how it will use personal data about pupils and Parents. The privacy notice is published on the School's website.

School staff will ensure that they follow the School's Data Protection Policies and privacy notices which include procedures when handling personal data created in connection with this policy.

In accordance with data protection principles, details of individual complaints will be kept only for as long as is considered to be reasonably necessary in the circumstances.

Complaints which do not have safeguarding implications will be retained for a minimum of seven years (a period determined by the six-year inspection cycle with allowance for unforeseen circumstances).

Correspondence, statements and records relating to individual complaints will be kept confidential except where access is requested by the Secretary of State or where disclosure is required in the course of an inspection or under other legal authority or court order.

## **10 Record of Stage 2 or Stage 3 complaints:**

The following table lists the number of formal complaints received during each of the academic years and the Stage at which they concluded:

Academic Year	Girls' School		Boys' Prep and Pre-Prep		Boys' Senior	
	Stage 2	Stage 3	Stage 2	Stage 3	Stage 2	Stage 3
2016/17	0	0	0	0	0	1
2017/18	3	0	0	0	0	0
2018/19	2	0	0	0	1	1
2019/20	3	10	1	0	2	1
2020/21	3	0	0	0	0	0
2021/22	1	1	0	0	2	0

The School also records separately informal complaints for the purposes of identifying and dealing effectively with informal complaints.

## 11 ISI and Ofsted

Parents of children in the School's Early Years Foundation Stage have the right to contact Ofsted and / or ISI if they believe the School is not meeting the EYFS requirements:

ISI: CAP House, 9-12 Long Lane, London EC1A 9HA  
 Telephone: 020 7600 0100  
 Email: [concerns@isi.net](mailto:concerns@isi.net)

Ofsted: Ofsted, Piccadilly Gate, Store Street, Manchester, M1 2WD  
 General Helpline: 0300 123 1231  
 Text phone: 0161 618 8524  
 Email: [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk)