



# PRESTFELDE

## COMPLAINTS POLICY AND PROCEDURE

Author(s)	N Robinson
Review body	Full Council
Governor approval date (if required)	Autumn 2023
Date of review	October 2023
Date of next review	July 2024
Website requirement	Yes
Inspection folder requirement	Yes

Date	Amendment	Initials
October 2023	Updated in accordance with ISBA template, including changes to Stage 3 process	NR
June 2023	Increase timescales for dealing complaints at stages 1,2,3	NR

## Introduction

Prestfelde 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 with care and in accordance with this Complaints Procedure. Prestfelde makes its Complaints Procedure available to all parents of pupils and of prospective pupils on the School's website and in the School office during the school day, and Prestfelde will ensure that parents of pupils and of prospective pupils who request it are made aware that this document is published or available and of the form in which it is published or available. This procedure is not, however, available for use by prospective parents – 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 when the pupil to which the complaint relates was still registered as a pupil at the School. The only exception to this is if the complaint is a review of a decision taken by the Head to exclude or require the removal of a pupil under the School's Terms and Conditions of Contract in which case such a review must be requested by no later than five working days from the date of the decision to exclude or require the removal of a pupil.

In accordance with paragraph 32(1)(b) of Schedule 1 to the Education (Independent School Standards) Regulations 2014, **Prestfelde will make available to parents of pupils and of prospective pupils and provide, on request, to the Chief Inspector, the Secretary of State or an independent inspectorate, details of the School's Complaints Procedure and the number of complaints registered under the formal procedure during the preceding school year.**

"Parent(s)" means the holder(s) of parental responsibility for a [current] pupil about whom the complaint relates.

## 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 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 [or your child] raise[s] in good faith.**

## The three-stage 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 they should normally contact their child's Form teacher. In many cases, the matter will be resolved straightaway by this means to the parents' satisfaction. If the Form teacher cannot resolve the

matter alone it may be necessary for them to consult a Head of Department or the Deputy Heads

- Complaints made directly to a Head of Department / the Deputy Head / the Head will usually be referred to the relevant Form teacher in the first instance unless it is deemed appropriate for them to deal with the matter personally.
- The staff member receiving the complaint will make a written record of all concerns and complaints and the date on which they were received. Should the matter not be resolved **within 15 working days** (as soon as practicable during holiday periods) or in the event that the staff member and the parent fail to reach a satisfactory resolution then parents will be advised to proceed with their complaint in accordance with Stage 2 of this Complaints Procedure.
- Parents may choose to raise complaints directly with the Head whether raised orally or in writing. If in writing, the School will not automatically treat the complaint as a formal (Stage 2) complaint and the Head will endeavour to resolve the complaint informally under Stage 1 either directly or via the relevant member of the Senior Leadership Team
- If, however, the complaint is against the Head, parents should make their complaint directly to the Chairman of Governors whose contact details are available from the School Office on request.
- The school Senior Leadership Team will monitor records of Level 1 complaints

### **Stage 2 – Formal Resolution**

- Complaints will usually only progress to Stage 2 after first being considered at the informal stage and only then if the parent indicates that they intend to escalate a matter to the formal stage.
- If the complaint cannot be resolved on an informal basis, then the parents should put their complaint in writing to the Head within 15 working days from receipt of the response to their complaint and should include:
  - the complainant's name and full contact details
  - details of the complaint and who it has previously been raised with
  - a copy of any relevant documents
  - the outcome desired.
- The Head may in some circumstances deem it appropriate to nominate a staff member to hear the complaint and manage the Stage 2 complaint process. The Head (or their nominee) will decide, after considering the complaint, the appropriate course of action to be taken

- In most cases, the Head will meet/speak to the parents concerned, **within 7 working days (as soon as practicable during holiday periods)** of receiving the complaint, to discuss the matter. If possible, a resolution will be reached at this stage.
- It may be necessary for the Head, or their nominee, to carry out further investigations.
- The Head will **keep written records** of all meetings and interviews held in relation to the complaint.
- 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 decision in writing. The Head will also give reasons for the decision. In most cases, the Head will make their decision and provide the parents with reasons within 15 working days of the complaint being put in writing.
- If the complaint is against the Head, the complaint should be made to the Chair of Governors. The Chair of Governors will nominate someone to determine the complaint. The Stage 2 process described above will then be followed as if the references to the Head (or their nominee) is to the individual nominated by the Chair of Governors to determine the complaint against the Head.
- If parents are still not satisfied with the decision, they should proceed to Stage 3 of this procedure.

### **Stage 3 – Panel Hearing**

- If parents seek to invoke Stage 3 (following a failure to reach an earlier resolution) they should do so in writing to the Clerk to the Governors (Bursar) within 15 working days of receiving the decision at Stage 2, setting out:
  - the complainant's name and full contact details;
  - details of those aspects of the complaint about which the parent remains dissatisfied
  - copies of any relevant documents which the parent would like the panel to consider;
  - the outcome desired
  - whether the parent wishes to attend the hearing and if so, whether they propose to be accompanied
- To the extent the parents are unable to provide their complaint within the time period stipulated due to extenuating circumstances which have impeded the parents from taking action, the parents should request an extension in writing. Such a request should be made to the Clerk to the Governors (Bursar) in advance of the original deadline, setting out the further time period requested and the reason for this. This will be considered.] [In the event the parents are unable to provide their complaint

within the time period stipulated (including to the extent applicable any extensions if agreed) the School reserves the right to conclude the complaint process and not progress the matter to Stage 3].

- **The Clerk to the Governors (Bursar) who has been appointed by the Governors to call hearings of the Complaints Panel, will then refer the appeal to the Complaints Panel for consideration. The Panel will consist of three persons not directly involved in the matters detailed in the complaint, one of whom shall be independent of the management and running of the School.** The Complaints Panel will appoint one of the Panel members to act as the Chair of the Panel. The Clerk to the Governors (Bursar) on behalf of the Panel, will then acknowledge the complaint **within 5 working days** and every effort will be made to schedule a hearing to take place **within 15 working days of receipt of the request.**
- 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 or further investigation be carried out. Copies of such particulars shall be supplied to all parties **not later than 5 working days** prior to the hearing.
- **The parents may attend the hearing and be accompanied to the hearing by one other person if they wish.** The Stage 2 decision-taker 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 be appropriate, and the companion should not be a lawyer. The Panel will decide whether it would be helpful for witnesses to attend.
- 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.
- 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 role of the complaints panel is to establish the facts surrounding the complaints that remain in issue by considering: the documents provided by both parties; any representations made by the parties; to review the process and the decision reached at Stage 2, and to consider on the balance of probabilities, whether or not to uphold each complaint. After due consideration of the above, **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 5 working days of the hearing** (although additional time may be required if it is necessary to carry out further investigations following the hearing). A copy of the Panel's findings and recommendations (if any) will be sent by electronic mail or otherwise given to the parents, and, where relevant, the person complained about as well as the Chair of

Governors and the Stage 2 decision-taker. 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.

- The decision of the Panel is final. There will be no further opportunity within the School for consideration of the complaint. The completion of Stage 3 represents the conclusion of the School's complaints procedure
- It is not within the powers of the complaints panel to make any financial award, nor to impose sanctions on staff, pupils or parents, although the complaints panel may make recommendations about these issues.
- Any complaint of a decision taken by the Head to exclude or require the removal of the pupil under the School's Terms and Conditions (Parent Contract) will be governed by this Stage 3 of the School's Complaints Procedure. In such circumstances, the Panel may only uphold the complaint if they consider, having regard to the process followed by the Head, that the Head's decision to exclude / require the removal of the pupil was not a reasonable decision for the Head to have taken.

#### Timeframe for Dealing with Complaints

All complaints will be handled seriously and sensitively.

It is in everyone's interest to resolve a complaint as speedily as possible: the School's target is to complete the first two stages of the procedure **within 30 working days during term time**. Stage 3, the Appeal Panel Hearing, will be completed **within a further 15 working days**, unless further investigation is required.

Please note that, for 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. 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.

#### 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 can be regarded as vexatious and outside the scope of the policy.

#### Recording Complaints and use of personal data

**Following resolution of a complaint, the School will keep a written record of all complaints, whether they are resolved at the informal stage, the formal stage or proceed to a panel hearing and any action taken by the School as a result of the complaint (regardless of whether the complaint is upheld).**

The School processes data in accordance with its Privacy Notice. 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 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 of the hearing
- The Panel's written decision

This may include 'special category personal data' (as further detailed in the School's Privacy Notice, but potentially including sensitive data such as information relating to physical or mental health) where this is necessary owing to the nature of the complaint.

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, but in most cases for a period of at least seven years after the pupil leaves the School.

Where there is a safeguarding angle, records concerning allegations of abuse must be preserved for the term of the Independent inquiry into Child Sexual Abuse and at least until the accused has reached normal pension age or for 10 years from the date of the allegation if it is longer.'

**Correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the Education and Skills Act 2008 requests access to them.**

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.

**Prestfelde will provide ISI/Ofsted, on request, with a written record of all complaints made during any 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 six years.**

**Parents may complain directly to Ofsted or to ISI if they believe the provider is not meeting the EYFS requirements. Schools must make available details of how to contact Ofsted and/ or the ISI:**

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

**ISI may be contacted on 020 7600 0100 or by email: [concerns@isi.net](mailto:concerns@isi.net)**

The number of complaints at formal stage or greater for the academic year (Sept 2022 to Aug 23) was: 1