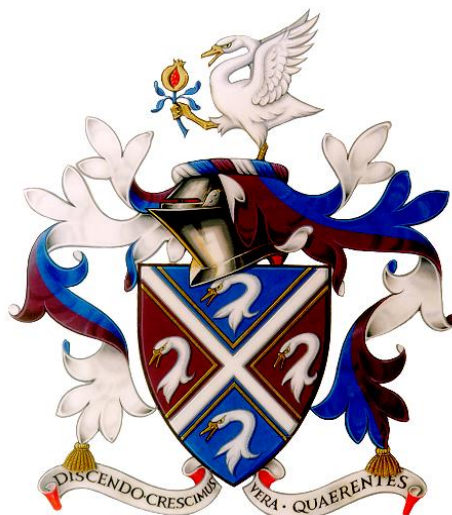


SWANBOURNE HOUSE



33 COMPLAINTS POLICY

Applicable to the Early Years Foundation Stage

Date	November 2019
Review Date	November 2020
Custodian	Head

References:

- A. DfE Best Practice Advice for school Complaints Procedures, January 2016.
- B. Handbook for the Inspection of Schools Commentary on Regulatory Requirements, September 2017.
- C. National Minimum Standards for Boarding Schools, April 2015.
- D. The Statutory Framework for the Early Years Foundation Stage, April 2017.
- E. The Education (ISS) Regulations (2014).
- F. Children Act (2004).

Amendments

[illegible]

1. **Aims**

To demonstrate that pupils' and parent's concerns are treated seriously and confidentially (access may be required for legal obligations or where disclosure is required in the course of inspection), in accordance with a set procedure. Almost all complaints start as a concern expressed by an individual about something that matters to them. If the response is seen as reasonable it is less likely that anything further will develop. No organisation of school operates perfectly all of the time, so concerns or complaints will occur and form important feedback that some practices may need to change.

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. 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 a review must be requested by no later than **5 working days** from the date of the decision to exclude or require the removal of a pupil.

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

2. **Delineation**

- Complaints against the Head are usually first dealt with by the Chair of Governors;
- Complaints against the Chair of Governors or any individual governor should be made by writing to the Clerk to the Governing Body;
- Complaints should not be shared with the whole governing body, except in very general terms, in case an appeal panel needs to be organised.

3. **Complaints Procedure**

- is easily accessible and publicised;
- is simple to understand and use;
- is impartial;
- is non-adversarial;
- enables a full and fair investigation by an independent person where necessary;
- respects people's desire for confidentiality;
- addresses all the points at issue and provides an effective response and appropriate redress, where necessary;
- provides information to the school's senior management team so that services can be improved.

The Procedure has three tiers – see flow chart at **Annex A**:

a. **Stage 1 – Informal Resolution.**

- It is hoped that most concerns will be resolved quickly and informally
- If parents have a concern they would normally contact their son's/daughter's Class Teacher/Tutor or a relevant subject teacher (in most cases matters are resolved straight away). If the Class Teacher/Tutor cannot resolve the matter alone it may be

necessary for them to consult a Head of Department, Head of Lower School, Head of Middle School, Deputy Head or Director of Pastoral Care. The concern will be acknowledged within 48 hours wherever possible.

- Complaints made directly to a Head of Department, Head of Lower School, Head of Middle School, Deputy Head, Director of Pastoral Care or the Head will usually be referred to the relevant Class Teacher/Tutor unless it is deemed appropriate for them to deal with the matter personally.
-
- The Class Teacher/Tutor will make a written record of all concerns and complaints and the date on which they were received.
- Should the matter fail to reach a satisfactory resolution within a 14 day period during term time (during school holidays timescales may vary) then the parent is advised to proceed with Stage 2.
- If the complaint is against the Head, parents should make their complaint to the Vice Chair of Governors via the Bursar who is Clerk to Governors.

b. **Stage 2 – Formal Resolution.**

- If a parent is not satisfied with the response given, he/she should write to the Head, preferably by letter.
- The Head will normally contact the parent within **5 working days** to acknowledge receipt of the letter of complaint and if possible a resolution will be reached at this stage. (Timescales may be longer if a holiday period intervenes.)
- The Head will keep written records of all meetings and interviews.
- 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 the parent informed of the decision, in writing, normally within **10 working days**. This timescale applies to complaints made in writing about the fulfilment of the EYFS requirements.
- If the complaint is against the Head, the complaint should be made to the Vice Chair of Governors via the Bursar who is Clerk to Governors. The Vice Chair of Governors or their nominee will call for a full report from the Head, for all the relevant documents and may also call for a briefing from members of staff and, if necessary, the parents. Once the Vice Chair of Governors or their nominee is satisfied that, so far as is practicable, all the relevant facts have been established the parents will be informed of the decision in writing.
- If the parent is still not satisfied with the decision they can proceed to Stage 3.

c. **Stage 3 – Appeal**

- If a parent seeks to invoke Stage 3 they should write to the Bursar who as Clerk to the Governors is appointed to administer the Governor's Complaints Appeal Panel procedure setting out their grounds of appeal with any supporting evidence which they wish to rely on within **10 working days** of receiving the decision at Stage 2. The Bursar will acknowledge receipt of the written complaint normally within **5 working days**.
- The Complaints Panel will be appointed by the Chair of Governors, who will ensure impartiality and that Panel members have had no prior involvement in the issue.

- The Panel will consist of 3 persons (2 Governors and 1 person independent of the management and running of the school) and will appoint one of the Panel members to act as the Chair of the Panel
- The DfE has given the following guidance on the identity of an independent panel member:
 - "Our general view is that people who have held a position of responsibility and are used to analysing evidence and putting forward balanced arguments would be suitable. Examples of persons likely to be suitable are serving or retired business people, civil servants, heads or senior members of staff at other schools, people with a legal background and retired members of the Police Force might be considered."
- The Bursar will schedule a hearing to take place as soon as possible, normally within **15 working days**, but will allow sufficient time to co-ordinate availability of Panel Members, Head and Appellant.
- The parent may be accompanied by one other person - legal representation is not appropriate.
- If at any time prior to the hearing the parent indicates that they are now satisfied with the Stage 2 decision and do not wish to proceed further, the Appeal Panel will be released following written confirmation of this from the parent.
- The panel hearing will proceed notwithstanding that the parent may subsequently decide not to attend or reasonably engage with the process. In this case the Panel should 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.
- If the Panel deems it necessary, it may require further particulars of the complaint or any related matter to be supplied in advance of the hearing. If this is the case then the Panel timeline will be amended accordingly.
- A written record of the hearing will be kept.
- If possible, the Panel will consider the Parents' complaint without the need for further investigation. Where further investigation is required, the Panel will decide how it should be carried out.
- After due consideration of all facts they consider relevant, the Panel will make findings and may make recommendations, which it shall normally complete within **10 working days** of the hearing, unless the Panel, of its own motion, stipulates that a longer period is necessary.
- These findings and recommendations are final and will be sent by email or otherwise provided to the complainant within **10 working days** of the hearing wherever possible. Where relevant, the findings and recommendations will also be passed to the person complained about. A copy will be available on the premises for Governors and the Head to inspect.
- A statement of the record of complaint will be kept for 3 years. Correspondence, statements and records relating to individual complaints are to be kept confidential other than as previously stated and except where the Secretary of State or a body conducting an inspection requests legitimate access to them under sections 108 or 109 of the 2008 Act.

4. **EYFS.** Parents of EYFS pupils should follow the three stages of this Complaints Policy.

5. **Further Steps.** Parents can make a complaint to ISI or Ofsted if they believe the School is not meeting the requirements of its Complaints Policy, including those regarding EYFS. 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.

Independent Schools Inspectorate
CAP House
9 - 12 Long Lane
London EC1A 9HA
Tel: 020 7600 0100

Ofsted
The National Business Centre
Piccadilly Gate, Store St.
Manchester, M1 2WD
Tel: 0300 123 1231

The Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015 (ADR) requires the School to provide you on conclusion of the final stage of the School's Complaints Policy with the name and address of an alternative dispute resolution provider who has been certified by the Chartered Trading Standards Institutes as competent to resolve consumer disputes. Please note that the School is not obliged to enter into alternative dispute resolution.

6. **Serial and Persistent Complainants.** Swanbourne House will do its best to be helpful to people who contact us with a complaint or concern or a request for information. However, in cases where we are contacted repeatedly by an individual making the same points, or who asks us to reconsider our position, we will need to act appropriately. There will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. It is important to recognise when everything has been done in response to a complaint. It is a poor use of schools' time and resources to reply to repeated letters, emails or telephone calls making substantially the same points. If a complainant tries to re-open the same issue, the Chair of Governors will inform the complainant that the procedure has been completed and that the matter is now closed. If the complainant contacts the school again on the same issue, then the correspondence may be viewed as 'serial' or 'persistent' and the school may choose not to respond.
7. **Unreasonable Complaints.** Swanbourne House 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 complainants have with the school. 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. A complaint may be regarded as unreasonable when the person making the complaint:
- 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 while still wishing their complaint to be resolved;
 - 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;

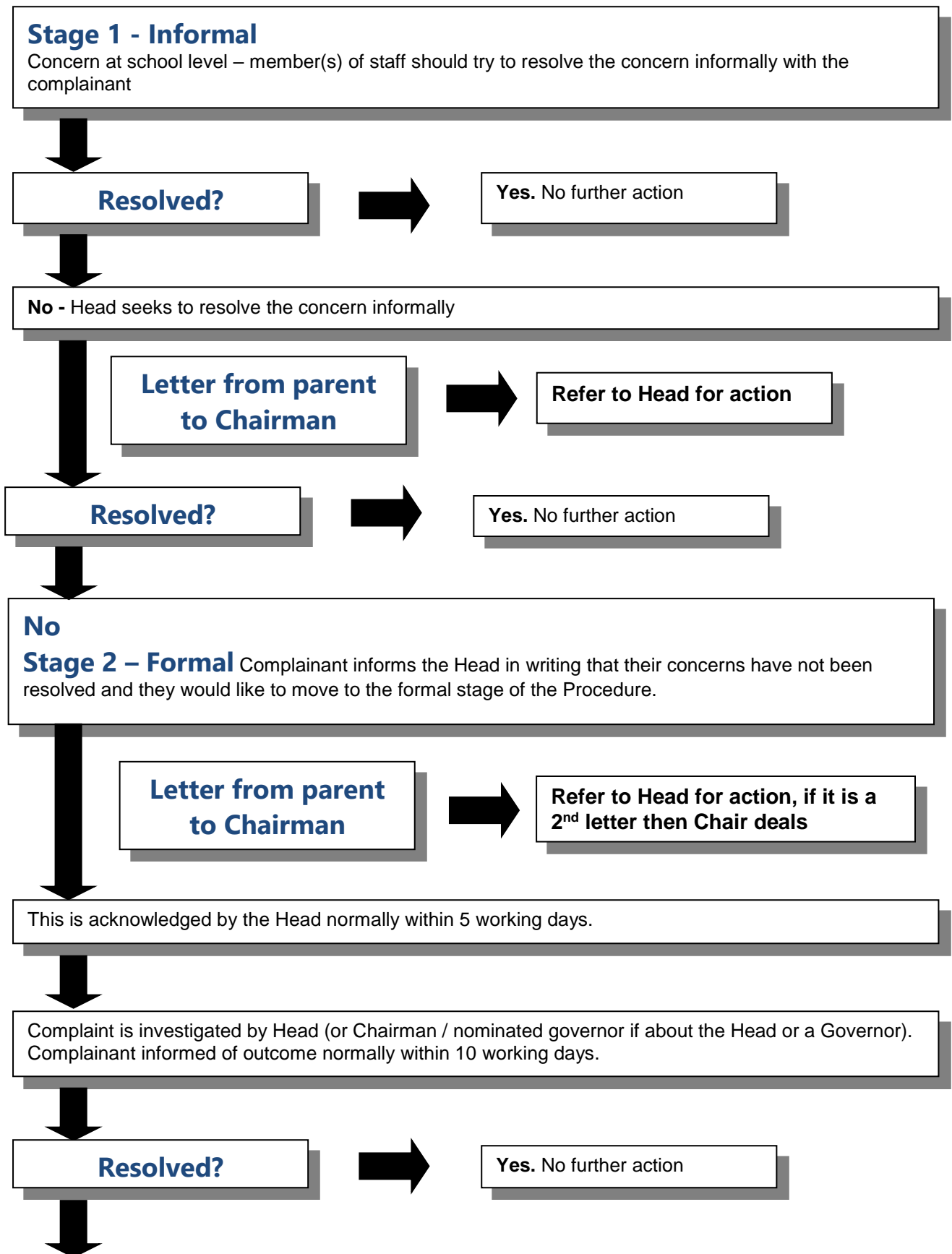
- Makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- Changes the basis of the complaint as the investigation proceeds;
- Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- Refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed;
- Seeks an unrealistic outcome;
- Makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

8. **Complaints Log.** The school Complaints Log is limited to those complaints made in writing under the formal part of the procedure, sub-divided into EYFS, day and boarding issues. The log will contain all paperwork relating to the complaint and its investigation. The log will record whether the complaint was resolved following a formal procedure at Stage 2 or a panel hearing at Stage 3 of the procedure, and what action has been taken by the school as result of these complaints (regardless of whether they were upheld). The record of complaints will be kept in accordance with its Privacy Notice and Retention of Records and will be made available to ISI/Ofsted on request.

Annex A - Flow chart Summary of Procedure



No

Stage 3 – Appeal Complainant wishes to take complaint to Stage 3 of the procedure and informs the Bursar in writing. This is acknowledged by the Bursar normally within 5 working days.

The Appeal Panel are nominated and the hearing is scheduled normally within 15 working days.

The complainant is invited to provide evidence in support of their complaint. Copies of such particulars shall be made available to the Panel not later than 4 days prior to the hearing.

Panel makes a final decision on behalf of the Governing Body and writes to the complainant with its conclusion within 10 working days.

Resolved?

Yes. No further action

No - complainant may decide to write to the Secretary of State for Education, ISI or OFSTED if they feel the school has acted unreasonably or not followed the correct procedures