

33: PARENTAL COMPLAINT POLICY

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Reviewed by: BS

This policy takes account of the following documents and guidance:

- The Education (Independent School Standards) Regulations 2019
- The Independent School Standards Commentary on the Regulatory Requirements September 2019
- DfE Guidance
- The Department for Children, Schools and Families Guidance
- OFSTED Guidance on Complaints
- Education and Skills Act 2008

This policy is to be read in conjunction with all other school policies. Please particularly cross refer to the following policies:

- Admissions
- Anti-Bullying (including Cyber and Homophobic Bullying)
- Behaviour and Discipline
- Child Protection and Safeguarding Children
- Children Learning English as an Additional Language
- Children with Special Educational Needs, Learning Difficulties or Disabilities and Inclusion
- Code of Conduct
- Curriculum
- EYFS
- First Aid and Administering Medicines
- Health and Safety including Out of School Activities and Visits
- Missing Child
- PSHEE
- Sex and Relationship Education
- Spiritual, Moral, Social and Cultural (SMSC)

1. INTRODUCTION

At Cameron Vale School, we aim to provide a secure yet welcoming environment in which parents and staff can work in partnership in educating the children. For the purpose of this document a 'complaint' is to be interpreted as 'the expression of concern over any subject connected with the education and /or welfare of any pupil at the school'. Complaints of any nature must be made to the Headteacher or in her absence any member of the Senior Leadership Team. Any problems relating to the welfare and wellbeing of any child at Cameron Vale School will be addressed immediately and absolute priority will be given to any matters causing concern to any parent.

This policy document assumes the following principles:

- That a person making a complaint has a right to state his/her point of view.
- That the person against whom a complaint is made has a right to know immediately or as soon as possible thereafter, that a complaint has been made or that a concern has been expressed.

2. AIMS

1. To ensure openness in regard to the procedures for dealing with any complaint.
2. To inspire the trust and confidence of parents and carers in the procedures adopted by the Headteacher and Senior Leadership Team.
3. To protect the rights and professional integrity of staff members and other employees of the school.

Any complaints received will be investigated according to the Independent School Standards Regulations by the Headteacher or a delegated member of the Senior Leadership Team appropriate to the nature of the complaint.

A written record will be kept of all complaints, including details of at which stage the complaint is resolved and action taken by the school as a result of these complaints (regardless of whether they are upheld).

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 108 or 109 of the 2008 Act requests access to them.

3. THE COMPLAINTS PROCEDURE

Cameron Vale School prides itself on the quality of the teaching and pastoral care provided for its pupils. However, if parents do have a complaint they can expect it to be treated by the school in accordance with the following procedure. (Summary of time scale see Annex A).

STAGE 1 - INITIAL APPROACH (INFORMAL) PROCEDURE

1. Parents should have an opportunity for informal discussion of their concerns with an appropriate member of staff. This discussion should aim to clarify the nature of the parent's/carer's concern and assure them that the school wishes to hear about it. The discussion should also aim to clarify what kind of outcome the parent/carer is seeking.
2. If the member of staff contacted cannot deal with the matter immediately, he/she should make a firm arrangement to deal with it at a future date or refer the matter to the Headteacher or another appropriate member of staff. In either case a note of the name, date and contact details of the complainant should be taken. The first person contacted should check to make sure the referral has been successful. Parents will receive a response within 48 hours.
3. The Headteacher will ensure that staff are provided with guidelines about when to refer a matter and who to.
4. If the concern relates to the Headteacher and the parent feels unable to raise it with her they should be advised to contact any member of the Senior Leadership Team.
5. The staff member/Headteacher dealing with the complaint should make sure that the complainant is clear about what will happen next (if anything). This should be put in writing if it seems the best way of making the next steps or outcome clear.
6. If no satisfactory solution has been found, the complainant should be informed about how they should proceed if they wish to take the complaint further. They should be informed of any advice and support that may be available to them.

N.B. it is hoped that most complaints and concerns will be resolved quickly and INFORMALLY

STAGE 2 – INITIAL APPROACH TO THE HEADTEACHER OR A MEMBER OF THE SENIOR LEADERSHIP TEAM (SLT) (FORMAL) (IF A COMPLAINT CANNOT BE RESOLVED ON AN INFORMAL BASIS THEN THE FOLLOWING PROCEDURE SHOULD BE USED)

PROCEDURE

1. Parents who wish to pursue a complaint at Stage 2 should be asked to put the complaint and their desired outcome in writing to the Headteacher/SLT member. The Headteacher or SLT member should acknowledge the complaint in writing within 5 school days of receipt giving a brief explanation of the complaints procedures and a target date for providing a response. Ideally this should be within 10 school days. If it is not possible to deal with the matter in this time, the complainant should be informed of when it is likely to be concluded.
2. The Headteacher/SLT member may offer an opportunity for the complainant to meet him/her. The complainant should, if he/she wishes, be allowed to be accompanied by a friend or relative who can speak on his/her behalf. Interpreting facilities will be made available if required.

3. If necessary the Headteacher/SLT member should interview any witnesses and take statements from those involved. If the complaint centres around a pupil, the pupil should also be interviewed, normally with the parent/carer present. In some circumstances this may not be possible or appropriate and a member of staff with whom the pupil feels comfortable should attend with him/her. If a member of staff is complained against, the needs of that person should be borne in mind. Advice may need to be sought from an outside school source.
4. The Headteacher/SLT member should keep written records of meetings, telephone conversations and other documentation and whether complaints are resolved following a formal procedure, or proceed to a panel hearing.
5. Once all the relevant facts have been established, the Headteacher or SLT member should either write to the complainant or arrange a meeting to discuss the matter. This meeting should be followed up with a letter summarizing the outcome of the meeting.
6. EYFS – Additional requirements apply for EYFS settings and written complaints about the fulfilment of the EYFS requirements must be investigated and the complainant notified of the outcome of the investigation within 28 days. The record of complaints must be made available to Ofsted and ISI on request.

STAGE 3 – FORMAL COMPLAINT TO THE COMPLAINTS PANEL (IF PARENTS ARE STILL NOT SATISFIED WITH THE DECISION THEY SHOULD BE IN STAGE 3 OF THE PROCEDURE)

PROCEDURE

Upon receipt of a written request from the complainant for the complaint to proceed to Stage 3 the following procedure will be followed. A suitable clerk to the panel should be appointed and a complaints panel formed, comprising of at least 3 members and one of whom is independent of the management and running of the school who were not directly involved in the matters detailed in the complaint.

1. The clerk should write acknowledging receipt of the written request, informing the complainant that it will be heard by the panel as soon as possible but at least within 14 school days of receipt.
2. The clerk should convene a meeting of the complaints panel at a time which is convenient for the complainant of the school.
3. The clerk should ensure that the complainant, Headteacher and any other witnesses are given at least 5 school days' notice in writing, of the date, time, place of the hearing. A shorter timescale may be arranged if all parties are in full agreement. The letter of notification to the complainant should inform him/her of their right to be accompanied by another adult if they so wish. The Headteacher should ensure that interpretation facilities for the hearing are offered and made available if required. The letter should set out the procedure for the conduct of the hearing (see Annex B) and the complainant's right to submit further written evidence to the panel.
4. The clerk should invite the Headteacher to submit a written report for the panel in response to the complaint. The panel may also invite any other members of staff directly involved in matters raised by the complainant to respond in writing and/or in person to the complaint. Any involvement of other staff should be at the discretion of the Headteacher.
5. All relevant documents should be received by all parties (including the complainant) at least 5 days before the meeting of the panel. This provides adequate opportunity to read them prior to the start of the meeting.
6. Personnel from an outside source may be invited to attend the meeting to advise the panel.
7. One member of the panel should be elected to ensure that proper minutes of the meeting are taken.
8. At the conclusion of the representations and questions the panel chair should explain that the panel will consider the issues and write to both parties with their decision or judgement. The complainant will be informed of the outcome of a full investigation within 28 days.
9. The panel and any advisers in attendance should then withdraw to enable them to consider the evidence. This should include: a judgement about the validity of the complaint; appropriate action to be taken by the school and/or parent; and where appropriate, recommendations on changes to the school's systems or procedures to ensure similar problems do not arise in the future.
10. The school should ensure that a copy of all correspondence and notes is kept confidentially on file in the school and kept for three years. The recorded complaint should be kept separate from the pupil's personal records. All records 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.
11. A copy of the panel's findings and recommendations will be provided to the complainant and where relevant the person complained about and will be available for inspection on the school premises.

12. The complaints procedure applies to the parents of current pupils on role at the school. 13. If parents believe that we are not meeting the EYFS requirements they are invited to contact the school in the first instance. Details of how to contact Ofsted and/or ISI are:

OFSTED North Regional Centre
Piccadilly Gate
Store Street
Manchester
M1 2WD
OFSTED general helpline telephone number
0300 123 1231
www.ofsted.gov.uk

Independent Schools Inspectorate
Ground Floor
CAP House
9-12 Long Lane
London EC1A 9HA
Tel: 020 7600 0100
Fax: 020 7776 8849

Number of formal complaints received to date is available on request in accordance with ISI Guidance.

4. RECORDS

A record of all complaints and their outcome which do not have safeguarding implications will be kept by the school for not less than seven years, 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). Where there is a safeguarding angle 'Records concerning allegations of abuse must be preserved Reviewed September 2020 6 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. (DfE September 2020)

At the school's discretion, additional records may be kept which may contain the following information.

- Date and time when the issue was raised
- Name of the complainant
- Name of pupil
- Description of the issue
- The desired outcome of the complainant
- How the complaint is investigated (including written records of interviews held)
- 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, records of phone conversations and minute of any meetings)
- Results and conclusions of investigations
- Any action taken
- The complainant's response (satisfaction or further pursuit of complaint)

5. CLOSURE OF COMPLAINTS

Very occasionally, the School will feel that it needs to close a complaint where the complainant is still dissatisfied. Despite the School's attempts to resolve a complaint, it is sometimes not possible to meet all of the complainant's wishes and there must be an agreement to disagree.

If a complainant persists in making representations to the School, then it can be extremely time-consuming and detract from our responsibility to look after all the children in our care. For this reason the school is entitled to close correspondence (including personal approaches, telephone calls, letters or emails) on a complaint where the School feels it has taken all reasonable action to resolve the complaint and the complaint has exhausted our official process.

Where a complainant tries to re-open the issue with the school after the complaints procedure has been fully exhausted and the school has done everything it reasonably can in response to the complaint, then the Principal (or other appropriate person in case of a complaint about the Principal) will inform the complainant that the matter is closed.

Where a complainant has been through the school's internal complaints procedure and is still unhappy with the outcome or decision, then they may contact the Independent Schools Inspectorate. Email: concerns@isi.net or call 020 7600 0100.

ISI cannot investigate an individual concern, but, as a minimum, all concerns will be logged and shared with the Reporting Inspector before the next inspection of the school. Where the concern suggests that a school is not meeting a regulatory requirement it will also be referred to the Department for Education (DfE).

6. UNREASONABLE COMPLAINTS, AND SERIAL AND PERSISTENT COMPLAINANTS

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 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 behavior, including that which is abusive, offensive or threatening.

The School defines serial and unreasonable complainants as *'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other peoples' complaints'*. Repeated attempts made by a parent to raise the same complaint after it has been considered at all three stages, will also be regarded as vexatious and outside the scope of this policy.

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 cooperate 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 including referral to the Department for Education.
- 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 about the school on social media websites/in newspapers or any other format

Complainants should limit the numbers of communications with the school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, telephone, email or text) as it could delay the outcome being reached. Whenever possible the Head or Proprietor will discuss any concerns with the complainant informally before applying an 'unreasonable' judgement. If the behavior continues, the Head will write to the complainant explaining that his/her behavior is unreasonable and asking him/her to change it. For complainants who excessively contact the school causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the School or removing a pupil from the school roll.

7. CONFIDENTIALITY

Parents can be assured that all concerns and complaints will be treated seriously and confidentially. Correspondence, statements and records will be kept confidential except in so far as is required by Paragraph 33(k) of Part 7 of 'The Education (Independent School Standards) Regulations' 2014 where disclosure is required in the course of the school's inspection; or where any other legal obligation prevails.

The School's complaints procedure is included in information given to new parents and is published on the School's website. A copy of this procedure is also available to view at the School during the school day, in the school.

APPENDIX 1

Number of complaints registered under the formal procedure during the year 2020-2021

Schools are required to publish the number of complaints registered under the formal procedure during the preceding school year.

The number of complaints dealt with at this stage in 2020-2021 was: 0

APPENDIX 2

Summary of Time Scale for the Management of a Complaint

Stage 1

Same day or within 5 school days.

Stage 2

Acknowledgment of complaint in writing within 5 school days. Response to complaint within 10 school days.

Stage 3

The complaint will be heard by the panel within at least 14 school days after receiving written request. The complainant will be informed of the outcome of a full investigation within 28 days.

EYFS

Written complaints about the fulfilment of the EYFS requirements will be investigated and the complainant notified of the outcome of the investigation within 28 days. The record of complaints must be made available to Ofsted and ISI on request.

APPENDIX 3

In line with the Statutory framework for the Early Years Foundation Stage 2017, sections 3.74 and 3.75 state that there should be a written procedure for dealing with concerns and complaints from parents and carers. The procedure for making a complaint is as follows:

The parent

The key person

The manager/deputy manager

Ofsted

Investigation

The complaint will be investigated by the manager who will speak to each person involved. The manager will resolve the situation in a fair, unbiased way. If the situation cannot be resolved to the parent's satisfaction then the parent will be advised to contact the governing body Ofsted, who will then take further action if deemed necessary. Parents will also be informed that they may contact Ofsted directly; the relevant contact details are below.

Ofsted

Piccadilly Gate

Store Street

Manchester

M1 2WD

Ofsted helpline 03001234666

www.ofsted.gov.uk/contact-us/how-complain

<http://live.ofsted.gov.uk/onlinecomplaints/>

Complaints are to be recorded on the EYFS complaints form, this contains the child's details, the nature of the complaint, who was involved, and the areas of the EYFS it relates to. The outcome will also be recorded on the complaints form. All records of complaints are to be kept for at least 3 years after the child has left the EYFS with details being shared with the child's parent/carer or Ofsted, on request.

All complaints will be received and dealt with in confidence with only the relevant people being informed. The manager will inform the parent/carer of the outcome of the investigation within 28 days of having received the complaint, as detailed in section 3.74 of the Statutory framework for the Early Years Foundation Stage 2017.

Concerns regarding child protection will be dealt with in accordance with our safeguarding policy/procedures with the relevant authorities being informed.

The legislation which we work to regarding this policy is as follows:

The Early Years Foundation Stage (Learning and Development and Welfare Requirements) (Coronavirus) (Amendment) Regulations 2020

Statutory framework for the Early Years Foundation Stage 2017

The Equalities Act 2010

Data Protection Act 2018

The Human Rights Act 2000

Every Child Matters – change for children 2004

Disability Discrimination Act 1995

Convention on the rights of the child –UNICEF 1989

Race Relations Act 1976 Sex Discrimination Act 1975 and 1986