



## **11.35: COMPLAINTS PROCEDURE**

### ***A. Complaints concerning the School***

#### ***Introduction***

##### ***The purpose of the procedure***

- The aim of this procedure is to achieve a fair, effective and as rapid as possible resolution of parental concerns about the education and/or welfare of individual children in the care of Trust schools. It will not normally be an appropriate mechanism for representations in respect of Trust or individual school policy. Parents may always write to the Chief Executive or the Head of the School about these.
- This procedure will not normally apply to circumstances covered by a more specific procedure, whether internal or external. For example, exclusions are dealt with in accordance with the Trust's exclusions procedure, and concerns relating to public examinations are usually dealt with in accordance with the procedures laid down by examination boards.
- The expression 'parents' is used for those having parental responsibility for the child.
- These procedures apply to all parents of pupils and of prospective parents of the school. A copy of this procedure is available on the school's website and can also be obtained on request.

##### ***Time Limits***

Effective and fair resolution of concerns usually requires that they are brought to the School/Trust's attention promptly. To be considered under this procedure, complaints should normally be brought within three months of the relevant event(s). However, even where complaints are made within three months, should it appear to the Chief Executive or Complaints Panel that delay has prejudiced an effective and fair resolution, they may judge it inappropriate to deal with the complaint. This condition applies equally to pupils who have left the school.

##### ***Minor Complaints***

The Chief Executive or Complaints Panel may decline to proceed with a complaint where it appears to them that the issues raised are of a nature that it would be disproportionate for them to be considered at Trust level. In exercising this discretion, the Chief Executive/Complaints Panel will have regard primarily to the importance of the issues in the onward education or welfare of the pupil concerned.

##### ***Professional Judgement***

Where the judgment of a member of the Trust's staff is subject to complaint, the Chief Executive/Complaints Panel will determine whether the judgment was exercised fairly and reasonably according to the Trust's standards. There may be more than one fair and

reasonable response to a situation. The Chief Executive or Complaints Panel will not normally substitute their decision for that of the staff concerned. Accordingly, where a complaint is upheld, the Chief Executive/Complaints Panel will usually make recommendations to be acted upon by the School concerned.

### ***Legal Proceedings***

The Chief Executive/Complaints Panel will not normally proceed with consideration of a complaint under this Procedure whilst legal proceedings exist between the Trust and the parents/pupil, and may decide not to do so where such proceedings are threatened or are likely.

### ***Record Keeping***

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 162A of the 2002 Act requests access to them.

### ***Early Years Foundation Stage***

For complaints relating to pupils in EYFS/Reception parents may also make a complaint to the Independent Schools Inspectorate if they so wish. ISI can be contacted at: Independent Schools Inspectorate, CAP House, 9-12 Long Lane, London EC1A 9HA, by telephone 020 7600 0100 or via their website [www.isi.net](http://www.isi.net) We will also provide the ISI on request, a written record of any complaints made during any specified period and the action which was taken as a result of each complaint.

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

- It is hoped that most complaints and concerns will be made, considered and resolved quickly and informally.
- If parents have a complaint they should normally contact their daughter's form or class teacher/ Head of Year or Key Stage, as appropriate. In many cases the matter will be resolved straightaway by this means to the parents' satisfaction. If the teacher cannot resolve the matter alone, it may be necessary for him/her to consult with other staff within the school.
- The teacher will make a written record of all complaints and the date on which they were received. Should the matter not be resolved within 10 school days or in the event that the member of staff 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 procedure.

## ***Stage 2 - Formal Resolution***

### ***Part A***

#### **School Level**

- If the complaint cannot be resolved on an informal basis, and the parents are not satisfied with the response, then the parents should put their complaint in writing to the Head (or Head of the Junior Department, as appropriate) as soon as possible. The Head (or his or her representative if the Head is not in School) will investigate the complaint. The Head will respond to the parents usually within 10 school days.

- The Head will keep written records of all meetings and interviews held in relation to the complaint. For all complaints relating to EYFS, the record of complaints will be kept for at least 3 years.
- The school will also keep a written record of all complaints and of whether they were resolved at the preliminary stage or proceed to a Panel hearing.
- 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 informed of this decision in writing. The Head will also give reasons for his/her decision.
- Complaints about the Head should be made directly to the Chief Executive (see part B below).

### ***Part B*** **Trust Level**

- If parents are not satisfied with the Head's response, the parents should write within 10 working days of the Head's response to the Chief Executive of the Trust at 100 Rochester Row, London SW1P 1JP. The complaint should clearly identify the main issue(s) of concern, and if possible, indicate the nature of the resolution that they are seeking.
- If the complaint is about the Head, parents should write directly to the Chief Executive of the Trust at 100 Rochester Row, London SW1P 1JP. The complaint should clearly identify the main issue(s) of concern, and if possible, indicate the nature of the resolution that they are seeking.
- The Chief Executive will investigate the matter and aim to respond to the parents within 15 school days of receiving the complaint. Written records will be kept of all complaints received and of the steps taken to investigate the complaint. In particularly complex cases, the Chief Executive will advise parents of any extra time needed to properly investigate.
- If a complaint is made to the Chief Executive before a formal complaint has been made to the Head, the Chief Executive may refer the matter to the Head for resolution.
- If parents are still not satisfied with the decision, parents are able to proceed to Stage 3 of this Procedure for those matters which are within the responsibilities of the school or of the Trust. Where the complaint is against the decision of an external agency or third party, such as an examination board or higher education institution, parents will be advised on the appropriate route for their complaint and, where possible, given information and advice about progressing their concerns.

### ***Stage 3 - Panel Hearing***

- If parents wish to have their complaint considered at a Panel Hearing, they should write to the Chairman of the Council of the Trust at the address above, setting out their complaint.
- If a request for a Complaints Panel is made without the matter having previously been investigated by the Chief Executive, then the Chairman will refer the matter for investigation under Stage 2 of this procedure.

- In the interests of resolving the complaint expeditiously, complaints should focus on the main issues. It is helpful if the complainant is able to indicate the nature of the outcome which they are seeking as a means of resolving their complaint.
- The Chairman will then convene a Complaints Panel. The Panel will consist of at least 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 Trust. Each of the Panel members shall be appointed by the Chairman of the Council, and shall normally include two members of Council who are not directly involved with the relevant school.
- The Clerk of the Panel will deal with administrative issues prior to the hearing. The Clerk will normally be the Trust's Director of People, or their nominee, but will not provide legal advice to the Panel on any substantive matters. The Clerk's role at the hearing will be limited to advice on procedure.
- A hearing will be scheduled to take place as soon as practical and normally within 25 school days of receipt of the parents' letter. If, despite the best efforts of Trust personnel, a hearing cannot be arranged within this time period the Clerk of the Panel will write to the parents before the expiry of the 25 day period setting out the likely timeframe for the hearing. The hearing will normally be held at Trust Office, but in cases where it is not reasonable to ask parents and staff to travel long distances, efforts will be made to hold the hearing at premises near the school.
- The parents should supply copies of their previous written complaint to the Head and Chief Executive and any other documentation they may wish to rely on to the Clerk for circulation to the Panel and Head not more than 7 school days after the date of notification of the hearing. Documentation must be relevant to those matters set out in the complaint.
- The parents will be supplied with copies of any statements and supporting/background documentation provided by the Head to the Panel not less than 10 school days before the hearing.
- The Panel may refuse to consider matters of which written notice has not been given if doing so appears to them likely to be prejudicial to a fair and effective consideration of the complaint.
- 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 shall be supplied to the Chairman's PA not less than 5 school days prior to the hearing, for circulation to all parties.
- The parents may attend the Panel hearing and may be accompanied to the hearing by one other person. This may be a relative, teacher or friend. Legal representation will not normally be appropriate.
- The Head will be accompanied by the Chairman (or another appropriate member) of the Local Governing Body.
- Conduct of the hearing shall be at the Panel's discretion which will be exercised in the interests of a fair, effective, and appropriately rapid resolution of the complaint. The Chairman of the Panel, or their Clerk, will normally write to the parents before the hearing, having considered the nature of the complaint and the documentary material, to state how the hearing will be conducted. Prior to the hearing, decisions relating to procedure may be dealt with by the Chairman of the Panel acting alone.

Should the parents have any questions concerning the Panel's procedure, they should address them to the Chairman of the Panel at Trust Office.

- After due consideration of all relevant facts, the Panel will reach a decision and may make findings and recommendations.
- The Panel will write to the parents normally within 5 working days informing them of its decision and the reasons for it. The Panel's findings, and (if any) recommendations will also be sent in writing to the Head, the Chief Executive, the Chairman of Council and, where relevant, the person(s) against whom the complaint was made.
- The findings and recommendations referred to may be sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about.
- The Head and the Trust's Legal Director (on behalf of the Council) will keep a copy of the findings and recommendations for all complaints which have been dealt with at a Panel hearing under this procedure.

Parents can be assured that all concerns and complaints will be treated seriously and confidentially. Correspondence, statements and records relating to individual complaints will be kept confidential except where disclosure is required in the course of the school's inspection or where any other legal obligation prevails.

### ***B. Complaints concerning Trust Office***

- In the event of a complaint which the parents have been unable to resolve satisfactorily with the person concerned, or her or his line manager, the parents should put the complaint in writing to the Chief Executive as soon as possible. The Chief Executive will investigate the matter and respond within 10 working days.
- If the parents are not satisfied with the response or if the complaint is about the Chief Executive, the parent should write to the Chairman of the Council of the Trust at 100 Rochester Row, London, SW1P 1JP within 10 working days of the Chief Executive's response. The Chairman will obtain a report from the Chief Executive and determine what future action (if any) should be taken regarding the complaint.

Updated October 2010