



Complaints Procedure

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Prepared by: JUH/SHCC/KED/JAR

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Authorised by: Governors

This Procedure applies throughout the School from the EYFS to Year 6.

Introduction

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

The Cavendish School prides 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 the procedure set out in this Complaints Procedure. The School makes its Complaints Procedure available to all parents of pupils (and of prospective pupils) on the School's website and from the School Office during the School day. The School 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 made available. This Procedure is not, however, available for use by parents of prospective pupils: 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 whom 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 Headteacher to exclude or require the removal of a pupil under clause 7 of the School's Terms and Conditions (also known as the Parent Contract).

Regulatory framework

In accordance with paragraph 32(1) (b) of Schedule 1 to the *Education (Independent School Standards) Regulations* (2014), the School 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 complaints procedure during the preceding School year. This information is made available to parents on request from the School Office.

Since 1st October 2015, schools have been required by the Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015 to provide parents at the conclusion of the final stage of the Complaints Procedure with the name and address of an ADR entity (such as a mediation or arbitration body) which would be competent to deal with any unresolved dispute, should both parties wish to engage in ADR. Schools are not required to include information about ADR in the Complaints Procedure itself. On providing information about a certified ADR provider, schools are also required to notify the parents whether they are obliged and/or prepared to enter into ADR. Schools are not required to enter into ADR.

What constitutes a complaint?

The *Independent School Standards* and the Department for Education (DfE) do not distinguish between ‘concerns’ and ‘complaints’. Any matter about which a parent of a pupil is unhappy and seeks action by the School is a complaint and is in the scope of this Complaints Procedure whatever the School labels it as.

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 Complaints 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.

Confidentiality and records

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 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 class teacher. In many cases, the matter will be resolved straightaway by this means to the parents’ satisfaction. If the class teacher cannot resolve the matter alone it may be necessary for them to consult their Head of Section, member of the Senior Management Team or the Headteacher
- Complaints made directly to the Headteacher will usually be referred to the relevant class teacher unless the Headteacher deems it appropriate to deal with the matter personally
- The class teacher 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 five working days or in the event that the class teacher 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
- If, however, the complaint is against the Headteacher, parents should make their complaint directly to the Chair of Governors. Correspondence should be sent via the School, addresses c/o Clerk to the Governors.

Stage 2: Formal resolution

- If the complaint cannot be resolved on an informal basis then the parents should put their complaint in writing to the Headteacher if they have not already done so
- Although all formal complaints must be made in writing, this does not mean that the formal stage is automatically triggered whenever a concern is expressed in writing, for example by email
- The Headteacher will decide, after considering the complaint, the appropriate course of action to take
- It may be necessary for the Headteacher to carry out further investigations

- In most cases, the Head of Section, member of SMT or the Headteacher will meet the parents concerned, normally within five working days of receiving the complaint, to discuss the matter. If possible, a resolution will be reached at this stage
- The Governors may participate at this stage of the procedure if the Headteacher deems it appropriate
- The Headteacher and HR & Compliance Officer will keep written records of all meetings and interviews held in relation to the complaint and will file them electronically in the Shared SMT/Complaints folder and in the hard copy complaints file
- If the complaint concerns more than one family or relates to a complaint between two or more families, the Headteacher may deem it most efficient and effective to arrange one meeting when all concerned can attend
- Once the Headteacher 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 or in a meeting. The Headteacher will also give reasons for the decision.
- If the complaint is against the Headteacher, the Chair of Governors will call for a full report from the Headteacher and for all the relevant documents. The Chair 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 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 will give reasons for the decision
- If parents are still not satisfied with the decision, they should proceed to Stage 3 of this procedure
- The Headteacher and HR & Compliance Officer will record whether the complaint was resolved at the Formal Resolution stage or whether it proceeded to Stage 3 of this procedure. The record will be filed electronically in the Shared SMT/Complaints folder and in the hard copy complaints file

Stage 3: Independent panel hearing

- If parents seek to invoke Stage 3 (following a failure to reach an earlier resolution) they will be referred to the convenor who 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 Panel will consist of three persons not directly involved in the matters detailed in the complaint and one of whom shall be independent of the management and running of the School. DfE guidance on the identity of the independent panel member is set out in Appendix 1. The convenor, on behalf of the Panel, will then acknowledge the complaint and schedule a hearing to take place as soon as practicable and normally within 10 working days
- 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 all parties normally not later than five 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. This may be a relative, teacher or friend. Legal representation will not normally be appropriate
- 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
- After due consideration of all facts they consider relevant, the Panel will make findings as to whether or not the Stage 2 decision was a reasonable one and may make recommendations
- The Panel will write to the parents informing them of its decision and the reasons for it, normally within five working days of the hearing (though additional time may be required if it is necessary to carry out further investigations following the hearing). The decision of the Panel will be final. 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 Headteacher. A copy of the Panel's findings and recommendations (if any) will also be made available for inspection on the School premises by the Governors and the Headteacher
- The Panel's letter will include the name and address of a certified alternative dispute resolution (ADR) entity and will indicate whether the School is obliged and/or prepared to enter into ADR
- Any complaint of a decision taken by the Headteacher to exclude or require the removal of a pupil under clause 7 of the School's Terms and Conditions 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 Headteacher, that the Headteacher's decision to exclude/require the removal of the pupil was not a reasonable decision for the Headteacher to have taken.

Timeframe for dealing with complaints

All complaints will be handled seriously and sensitively. They will be acknowledged within five working days if received during term time and as soon as practicable during holiday periods. 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 20 working days if the complaint is lodged during term-time and as soon as practicable during holiday periods. Stage 3, the Appeal Panel Hearing, will be completed within a further 20 working days, if the appeal is lodged during term-time and as soon as practicable during holiday periods.

In respect of EYFS, written complaints about the fulfilment of the EYFS requirements must be investigated and the complainant notified of the outcome of the investigation within 28 calendar days of the School receiving the complaint.

For the purposes of this Complaints Procedure, 'working days' refers to weekdays (Monday to Friday during term time, excluding bank holidays).

Recording complaints and use of personal data

Following resolution of a complaint, the School will keep a written record of all complaints and whether they are resolved at the informal stage, the formal stage or proceed to a panel hearing and the action taken by the School as a result of these complaints regardless of whether they are 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(s) of parent(s)
- 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 six years after the pupil leaves the School (subject to the supervening requirements of the Independent Inquiry into Child Sexual Abuse set out in Appendix 2).

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 or where any other legal obligation prevails.

As required by the statutory framework for the Early Years Foundation Stage (EYFS), the School 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 three years (subject to the supervening requirements of the Independent Inquiry into Child Sexual Abuse set out in Appendix 2).

The School has received no formal complaints in the last three academic 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 ISI:

Ofsted may be contacted on 0300 1234 234 or via <https://contact.ofsted.gov.uk/contact-form>

ISI may be contacted on 020 7600 0100 or by email: concerns@isi.net

APPENDIX 1

Complaints Procedure: independent member of the panel

The DfE has supplied the following advice on the selection of an independent panel member for involvement at Stage 3 of the Complaints Procedure:

“Whilst we do not intend to be prescriptive our general view is that suitable people would be those who have held positions of responsibility and who are used to analysing evidence and putting forward balanced arguments/points. It would add credibility if independent panel members had some standing in the local community. In this connection serving or retired business people, civil servants, heads or senior members of staff at other schools, people with a legal background – perhaps retired members of the Police Force – might be considered suitable by schools. Schools will have their own views and may well have other suitable suggestions to make.

You asked if it would be acceptable to appoint former governors or staff of the school as the independent panel member. The regulations do not preclude this since the stipulation is that the person must be independent of the management and running of the school. Clearly former governors or staff would not have any such involvement. However, schools should bear in mind that they may be subject to criticism that such people would remain too close to the school and would not be truly independent.”

APPENDIX 2

The Independent Inquiry into Child Sexual Abuse

The Independent Inquiry into Child Sexual Abuse was launched at the beginning of July 2015. IICSA will investigate whether public bodies and other non-state institutions have taken seriously their duty of care to protect children from sexual abuse in England and Wales.

Judge Goddard made very clear in her opening statement the importance of retaining records. She wrote to institutions including local authorities and religious organisations on the subject of retaining records but confirmed that the content of those letters should be taken to apply to all institutions which have had responsibility for the care of children.

In view of Judge Goddard’s clear direction to institutions not to destroy records the School will not destroy pupil records after the customary seven year period, as determined in accordance with the data protection principles set out in the General Data Protection Regulation 2018 and associated legislation, but will retain them and all staff records until the enquiry has concluded. IICSA ‘trumps’ any data protection legislation.