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## COMPLAINTS POLICY

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This policy relates to all sections and activities of the school e.g. the Senior School, the Junior School (including EYFS), Wrap Around Care, Offsite Activities and School run Holiday Activities or Clubs.

Red House School welcomes suggestions and comments from parents, and takes seriously concerns or complaints which may arise, as they can help us to improve the educational experience that we provide.

### 1 AIMS

- 1.1** The School aims to inspire and nurture pupils so as to engender in them a deep enthusiasm for learning and a love of life. Red House pupils will be challenged to be the best that they can be and to become responsible citizens of their community and the world. It is central to our School aims that our pupils will value every individual equally with respect and openness of mind. They will go out into the world empowered with self-confidence and equipped with the academic qualities and emotional intelligence to make the most of life.
- 1.2** The aims of this policy and related procedures are to provide a framework for the resolution of complaints which:
- Allows for their resolution informally and sets out the School's formal procedures where this is not achievable.
  - Is easily accessible and publicised, simple to understand and use and impartial and non-adversarial.
  - Enables a full and fair investigation where appropriate.
  - 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 (SMT) so that services can be improved and any systemic issues can be identified and addressed.
  - Helps to create a culture of safety, equality and protection.

### 2 SCOPE, APPLICATION AND PURPOSE

- 2.1** This policy applies to the whole school including the Early Years Foundation Stage (EYFS).
- 2.2** 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 Red House School.
- 2.3** This policy applies to any expression of dissatisfaction however made about actions taken, or a lack of action, by the School where a parent seeks action by the School.
- 2.4** This policy applies to complaints from each of the following:
- A parent or parents of current pupils.
  - A parent or parents of former pupils, if the complaint was initially raised when the pupil was registered at the School.
  - References to a parent, in relation to a child or young person, includes any person who is not a parent but who has parental responsibility, or who has care of a pupil as defined in legislation and/or published guidance.
- 2.5** The School will not normally investigate anonymous complaints.
- 2.6** If appropriate, the School will acknowledge that a complaint is upheld, wholly or in part. In addition, it may offer an:
- Explanation.
  - Admission that it could have been handled differently or better.
  - Assurance that the School will try to ensure that the event complained of will not happen again and an explanation of the steps taken in this respect.
  - Undertaking to review policies and/or procedures.
  - Apology.

- 2.7** Requests for financial awards, such as claims for compensation, damages or fee refunds, are beyond the scope of the School's Complaints Policy.
- 2.8** All parents should be aware that regardless of the nature of a complaint and whether or not it is upheld, parents are not entitled to details of any related sanctions imposed on staff, pupils or parents for reasons of data protection and confidentiality.
- 2.9** There may be occasions when it is necessary or reasonable to deviate from this Complaints Policy, if this is reasonable and justified. Complainants will be notified of the changes.
- 2.10** The School encourages anyone else with any concerns about the School's operation to raise them with the School. They are asked to do so by writing to the Head or Chair of Governors, setting out their concerns and the action sought.

### **3 REGULATORY FRAME WORK**

**3.1** This policy has been prepared to meet the School's responsibilities under:

- Part 7 of the Education (Independent School Standards) Regulations 2014 (ISSR) updated in September 2022
- Statutory framework for the Early Years Foundation Stage (DfE, 2014, last updated: September 2021)
- Education and Skills Act (2008)
- Children Act (1989)
- Childcare Act (2006)
- Data Protection Act (2018) and UK General Data Protection Regulation (UK GDPR) (last updated 2021)
- Equality Act (2010)

**3.2** The following School policies, procedures and resource materials are relevant to this policy:

- Parent Contract
- Parent Code of Conduct Policy
- Admissions Policy
- Anti-Bullying Policy
- Behaviour Management Policy
- Equality, Diversity and Inclusion Policy
- GDPR Policy

### **4 TIME SCALES**

- 4.1** The School aims to resolve all complaints efficiently and promptly and parents are encouraged to bring any matter causing concern to the School's attention as soon as possible.
- 4.2** Whenever possible, a complaint should be raised within three months of the incident. Complaints may be heard after this time if the Chair of the Board of Governors considers that the delay has not prejudiced an effective and fair resolution. A complaint raised after three months should include details of the issues which led to the delay.
- 4.3** It is expected that the management of every complaint will progress in a timely manner. Where there are exceptional circumstances resulting in a delay to the timescales for a stage of the complaints procedure (such as other bodies investigating aspects of the complaint), the School will notify the parent and inform them of the new timescales as soon as possible.
- 4.4** Complaints which are raised in the School holidays will usually be deemed to have been received on the first working day after receipt.
- 4.5** References to working days mean Monday to Friday, when the School is open during term time. The dates of terms are published on the School's website. In the event that the application of this definition is likely to introduce excessive delays, due to intervening School holidays, the School's approach is to take sensible and reasonable steps so as to minimise any hardship or unfairness arising from such delays.
- 4.6** If a parent commences legal action against the School in relation to their complaint, the Head or Chair of Governors will consider whether or not to suspend the complaints procedure until those proceedings have been concluded.

### **5 PUBLICATION AND AVAILABILITY**

**5.1** This policy is published on the School website.

**5.2** This policy can be made available in large print or other accessible format if required and the School will make other reasonable adjustments required to enable complainants to access and complete this procedure, such as holding meetings in accessible locations.

**5.3** Information regarding the number of complaints registered under the formal procedure of this policy during the preceding school year is available to parents of pupils and parents of prospective pupils and, on

request, to the Chief Inspector, the Secretary of State or an independent inspectorate. The School makes this available by noting the number at the end of this policy, which is published on the School website.

## **6 MANAGEMENT OF COMPLAINTS**

**6.1** The School's policy allows for complaints to be considered at three stages:

- Stage 1: Informal raising of a complaint. Further details of this procedure are set out in Appendix 1.
- Stage 2: A formal complaint in writing. Further details of this procedure are set out in Appendix 2.
- Stage 3: Reference to a complaints panel. Further details of this procedure are set out in Appendix 3.

## **7 EXPECTED STANDARDS OF BEHAVIOUR**

**7.1** While the School will not normally limit the contact complainants have with the School, attention is drawn to the information included in Appendix 4 which is drawn from:

- DfE's Best Practice Advice for School Complaints Procedures (2021).
- DfE's guidance Controlling Access to School Premises (2018).

## **8 RECORD KEEPING AND CONFIDENTIALITY**

**8.1** All records created in accordance with this policy are managed in accordance with the School's policies that apply to the retention and destruction of records.

**8.2** The School keeps a written record of all formal complaints, including the following:

- Specific information relating to the complaint (which may include but is not limited to):
  - Date when the issue was raised
  - Name of parent
  - Name of pupil
  - Brief statement of issues
  - Details of staff member handling the issue
- Whether they were resolved at Stage 2 or Stage 3.
- The action taken by the School as a result of the complaints (regardless of whether they are upheld).

**8.3** The records created in accordance with this policy may contain personal data. The School has a number of privacy notices which explain how it will use personal data about pupils and parents. The privacy notices are published on the School's website.

**8.4** School staff will ensure that they follow the School's data protection policies and procedures when handling personal data created in connection with this policy. This includes the School's GDPR policy.

**8.5** In accordance with data protection principles, details of individual complaints will be kept only for as long as is considered to be reasonably necessary in the circumstances.

**8.6** Complaints which do not have safeguarding implications will be retained for a minimum of seven years (a period determined by the six-year inspection cycle with allowance for unforeseen circumstances).

**8.7** Correspondence, statements and records relating to individual complaints will be kept confidential except where access is requested by the Secretary of State or where disclosure is required in the course of an inspection or under other legal authority or court order.

## **9 COMPLAINTS TO THE INDEPENDENT SCHOOLS INSPECTORATE (ISI) AND OFSTED**

**9.1** Parents of children in the School's Early Years Foundation Stage have the right to contact the Office for Standards in Education (Ofsted) and/or the Independent Schools Inspectorate (ISI) if they believe the School is not meeting the EYFS requirements. The School will investigate written complaints relating to the fulfillment of EYFS requirements and notify complainants of the outcome of the investigation within 28 days of having received the complaint.

**9.2** Details for making a complaint to Ofsted and/or ISI are as follows:

### **Ofsted**

Piccadilly Gate  
Store Street  
Manchester  
M1 2WD  
Tel: 0300 123 1231  
Email: [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk)

### **ISI**

CAP House  
9-12 Long Lane  
London  
EC1A 9HA  
Tel: 020 7600 0100  
Email: [concerns@isi.net](mailto:concerns@isi.net)

## **10 TRAINING**

**10.1** The School ensures that regular guidance and training is arranged on induction and at regular intervals thereafter so that staff and volunteers understand what is expected of them by this policy and have the necessary knowledge and skills to carry out their roles.

**10.2** The level and frequency of training depends on the role of the individual member of staff.

**10.3** The School maintains written records of all staff training.

A record of all complaints involving EYFS children is kept for a minimum of three years. In 2021-2022, there were four complaints at Stage 2 and no complaints at Stage 3.

Reviewed by: Dr R Ashcroft  
May 2023

Ratified by: The Management Committee of the Board of Governors  
May 2023

## **APPENDIX 1: STAGE 1 – INFORMAL COMPLAINT**

### **1 INFORMAL RESOLUTION OF A COMPLAINT**

**1.1** We hope and expect that most complaints can be resolved informally without the need to use the formal stages of the complaints procedure. For example, dissatisfaction about some aspect of teaching or pastoral care or a billing error should be able to be resolved by the relevant member of staff.

### **2 WHO TO CONTACT**

**2.1** Where appropriate, complaints should initially be raised as follows:

- Educational issues: if the matter relates to the classroom, the curriculum or special educational needs, please speak or write initially to the pupil's class teacher/form tutor. Your complaint may be passed to a more senior member of staff if appropriate.
- Pastoral care: for complaints relating to matters outside the classroom, please speak or write to the appropriate Key Stage Co-ordinator (Junior School) or Head of Year (Senior School).
- Disciplinary matters: a problem over any disciplinary action taken or a sanction imposed should be raised first of all with the member of staff who imposed it, and then either the Head of the Junior School or the Deputy Head (Head of the Senior School).

**2.2** An informal complaint will usually be acknowledged by telephone, email or letter within three working days of receipt, indicating the action that is being taken and the likely timescales. Such action may include an investigation and / or a meeting with the parent.

**2.3** Wherever appropriate, the School will ask the parent at the earliest stage what they think might resolve the issue.

**2.4** The parent will usually receive a response to the complaint within 15 working days.

**2.5** If the parent is dissatisfied with the response to the informal complaint or in the event that the complaint cannot be resolved by informal means, the parent may make a formal complaint under Stage 2 of this procedure as set out in Appendix 2.

### **3 COMPLAINTS ABOUT THE HEAD**

**3.1** The procedure for dealing with an informal complaint about the Head is set out below:

- Parents may choose to raise complaints directly with the Head if they feel that the matter is capable of resolution informally. The complaint may be 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.
- The Head will usually acknowledge informal complaints within three working days and will seek to resolve the matter under this Stage 1 by means of direct conversation or a meeting with the parents, to be held within 15 working days of the initial complaint.
- If the parent is dissatisfied with the Head's response to the informal complaint or in the event that the complaint cannot be resolved by informal means, the parent may make a formal complaint under Stage 2 of this procedure as set out in Appendix 2.

**3.2** Alternatively, parents may choose to make their complaint about the Head in writing marked 'Private and Confidential' to the Chair of Governors via the School. In this case, the complaint will be treated as a formal complaint under Stage 2 of this procedure as set out in Appendix 2.

### **4 COMPLAINTS ABOUT THE GOVERNORS**

**4.1** Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to the Head of Finance and Compliance, via the School Office. Please mark them as 'Private and Confidential'.

## **APPENDIX 2: STAGE 2 – FORMAL COMPLAINT**

### **1 HOW TO MAKE A FORMAL COMPLAINT**

- 1.1** 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.
- 1.2** The formal complaint should be in writing addressed to the Head usually 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; and the outcome desired.
- 1.3** The complaint will usually be acknowledged within three working days, indicating the action that is being taken and the likely timescales.

### **2 INVESTIGATION**

- 2.1** The subject matter of the complaint will be investigated in the most appropriate manner, which may include some or all of the following steps:
- Delegation of the investigation to a senior member of staff or third party.
  - Involvement of one or more Governors.
  - Request for additional information from the parent, including what they think might resolve the issue (if not already requested under Stage 1).
  - Request for a conversation and/or a meeting with the parent personally and / or others with relevant knowledge of the circumstances to define the scope of the complaint and or assist in the investigation.
- 2.2** Written records will be kept of all meetings and interviews held in relation to the complaint. Where the investigation is conducted by someone else they will prepare a report on the investigation which will usually then be considered by the Head. Personal data may be redacted and names anonymised or cyphered in line with data protection principles.

### **3 DECISION**

- 3.1** The parent will be notified by email or letter of the Stage 2 decision and the reasons for it, usually within 15 working days from receipt of the formal complaint.
- 3.2** If the parent is dissatisfied with the Stage 2 response to the complaint, the parent can request that the complaint be referred to a complaints panel under Stage 3, using the procedure set out in Appendix 3.
- 3.3** Early Years Foundation Stage (EYFS): Parents of pupils in the EYFS setting will be notified of the outcome of the investigation within 28 calendar days of the complaint being received.

### **4 COMPLAINTS ABOUT THE HEAD**

- 4.1** The procedure for dealing with a formal complaint about the Head of the School is set out below:
- The complaint should be put in writing marked 'Private and Confidential' to the Chair of Governors. The complaint should include the same information referred to above.
  - The Chair of Governors will usually acknowledge the complaint within three working days of receipt and indicate the action that is being taken and the likely timescale. Such action may include an investigation and/or a meeting with the parent. The parent will usually receive a response to the complaint within 15 working days.
  - If the parent is dissatisfied with the response to the complaint, the parent can request that the complaint be referred to a complaints panel under Stage 3, using the procedure set out in Appendix 3.

## **APPENDIX 3: STAGE 3 – COMPLAINTS PANEL**

### **1 COMPLAINTS PANEL HEARING**

- 1.1** If a parent is dissatisfied with the Stage 2 response to the complaint, they can request a Complaints Panel Hearing.
- 1.2** A Complaints Panel Hearing (Hearing) is a Hearing to review those elements of the decision made at Stage 2 about which the parent remains dissatisfied. The panel is not obliged to consider any new complaints at this stage.

### **2 HOW TO REQUEST A HEARING**

- 2.1** A request for a Hearing must be put in writing to the Chair of Governors and will usually only be considered if the procedure at Stage 2 has been completed.
- 2.2** The written request should usually be made within 7 working days from receipt of the Stage 2 decision and should include:
- 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; and the outcome desired.
  - Whether the parent wishes to attend the hearing and if so, whether they propose to be accompanied.
- 2.3** If assistance with the request is required, for example because of a disability, please inform the Chair of Governors who will be happy to make appropriate arrangements.
- 2.4** The Chair of Governors will acknowledge the request for a Hearing in writing within three working days of receipt.
- 2.5** Every effort will be made to enable the Hearing to take place within 15 working days of receipt of the request.

### **3 PLANNING THE HEARING**

- 3.1** The Chair of Governors will send written notification to each party of the date, time and place of the Hearing at least ten working days before the date of the Hearing.
- 3.2** Copies of any documents (additional to those specified above in part 2) that the parent wishes the Complaints Panel to consider should be sent to the Chair of Governors to be received at least seven working days prior to the Hearing.
- 3.3** The Chair of Governors will circulate a copy of the bundle of documents to be considered by the Complaints Panel to all parties at least three working days prior to the Hearing.
- 3.4** The parent may be accompanied at the Hearing, for example by a relative or friend. The Hearing is an internal proceeding, not legal proceedings, and legal representation is unnecessary. The parent should inform the Chair to the Governors if they wish to be accompanied at the Hearing at least five working days prior to the Hearing.
- 3.5** The parent should note that the Complaints Panel will wish to speak to him/her directly. If they are accompanied by a legally qualified person, that person will not be permitted to act as an advocate or to address the Hearing unless invited to do so by the Chair of the Complaints Panel.
- 3.6** A person will be appointed to take a minute of the Hearing.

### **4 COMPOSITION OF THE COMPLAINTS PANEL**

- 4.1** The Complaints Panel will comprise at least three individuals who have no detailed prior knowledge of the circumstances of the complaint, including at least one panel member who is independent of the management and running of the School.
- 4.2** The parent may ask the Chair of Governors to inform them who has been appointed to sit on the complaints panel ahead of the Hearing. Fair consideration will be given to any reasonable objection to a particular member of the panel.
- 4.3** The Chair of the Governors or the Complaints Panel members in agreement will usually appoint one of the panel members to be the Chair of the Complaints Panel throughout the proceedings.

### **5 ROLE OF THE COMPLAINTS PANEL**

- 5.1** 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.

## **6 THE HEARING**

- 6.1** Unless prior to the commencement of the Hearing, a parent confirms that they are satisfied with the outcome of their complaint, the Hearing will proceed notwithstanding that the parent may decide not to attend. In these circumstances, the Complaints Panel will consider the parent's complaint in his/her absence and issue findings on the substance of the complaint.
- 6.2** The panel will usually hear representations from the Stage 2 decision-maker and the parent(s).
- 6.3** The Hearing is not a legal proceeding and the complaints panel shall be under no obligation to hear oral evidence from witnesses to the issues complained of, but may do so and / or may take written statements into account.
- 6.4** All statements made at the Hearing will be unsworn. The parties will be entitled to write their own notes for reference purposes.
- 6.5** All those present are expected to show courtesy, restraint and good manners. If they fail to do so and after due warning, the Hearing may be adjourned or terminated at the discretion of the Chair. Any person who is dissatisfied with any aspect of the way the Hearing is conducted must say so before the proceedings go any further and his/her comment will be minuted.
- 6.6** The Chair may, at his/her discretion, otherwise adjourn the Hearing if he/she considers it appropriate to do so. This may include an adjournment for welfare reasons, to enable additional information to be obtained and/or considered or for the parties to take legal advice on a specific issue arising.
- 6.7** When the Chair of the Complaints Panel is satisfied that sufficient consideration has been given to the documentation provided and any representations made by the parties, he/she will conclude the Hearing.
- 6.8** A Hearing before the Complaints Panel is a private proceeding. No notes or other records or oral statements relating to the complaint or any matter discussed in or arising from the proceeding shall be published or otherwise made available directly or indirectly to the press, social media or other media.

## **7 THE DECISION**

- 7.1** The Complaints Panel will make findings about each complaint on the balance of probabilities and may make recommendations.
- 7.2** 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.
- 7.3** The minutes of the Complaints Panel hearing, together with the Complaints Panel's findings and any recommendations will usually be provided in writing to the parents and, where relevant, the person complained about, within five working days of the Hearing.

## **8 NEXT STEPS**

- 8.1** 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.
- 8.2** The School will however ensure that the panel decision is recorded appropriately and that any recommendations made in the course of a complaint are properly considered and actioned as appropriate.
- 8.3** The Complaints Panel's findings and any recommendations including any actions taken to implement them will also be available for inspection on the School premises by the Head.



## **APPENDIX 4: UNREASONABLE COMPLAINTS**

- 1.1** Red House School are 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 us. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect Red House staff from that behaviour, including that which is abusive, offensive or threatening.
- 1.2** 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.
- 1.3** Unreasonable complaints are taken seriously by the School, as they put a strain on valuable resources and hinder the progress of proper investigations. We adopt the DfE's definition of unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the School, such as if the complainant:
- 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.
  - 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 complaints procedure has been fully and properly implemented and completed.
  - Seeks an unrealistic outcome.
  - Makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.
  - Uses threats to intimidate.
  - Uses abusive, offensive or discriminatory language or violence.
  - Knowingly provides falsified information.
  - Publishes unacceptable information on social media or other public forums.
- 1.4** A complaint may also be considered unreasonable if it is manifestly unjustified, inappropriate, or an improper use of formal procedure.
- 1.5** In assessing this, the School shall have regard to all the circumstances of the case and the nature of the complaint itself rather than the nature of the complainant.
- 1.6** In assessing all of the circumstances of the case the School will consider a range of factors including:
- Whether a complaint has reasonable foundation.
  - The history and context of the complaint (and any evidence where relevant).
  - Whether the time and cost of investigating the complaint is proportionate to the issue(s) complained of.
  - Whether an investigation of the complaint is likely to cause a disproportionate or unjustified level of disruption, irritation or distress.
  - Unexplained delay in raising a complaint or issue.
  - If the purpose of the complaint is to obtain an outcome which is unavailable via the complaints procedure, such as a claim for compensation, damages or a refund of fees paid.
  - Any evidence of a complaint being brought for an improper purpose.
- 1.7** Whenever possible, the Head and/or the Chair of Governors will discuss any concerns with the complainant informally before dismissing a complaint as unreasonable. If the behaviour continues, the School will write to the complainant explaining that their behaviour is unreasonable and ask them to change it.
- 1.8** In response to any serious incident of aggression or violence, the School will immediately inform the police and communicate its actions in writing. This may include barring an individual from the School.