



# **COMPLAINTS POLICY AND PROCEDURE (inc. EYFS)**

Owner	Head
Authorised by	Governors
Dated	Autumn i 2022
Review	Autumn i 2023

## **Policy**

The school has long prided itself on the quality of the teaching and pastoral care provided to its pupils. Each member of the community is valued for his or her individual contributions and we aim to treat everyone fairly and equally. There will inevitably be times, however, when members of the community feel that they have not been dealt with fairly or that the school has failed to reach the high standards which it sets for itself. Our policy is to resolve disputes informally and with a minimum of disruption wherever possible. The procedure for coming to an informal resolution of a complaint is set out below. If a complaint cannot be resolved informally then a more formal complaints procedure exists which is also set out below.

The complaints procedure is for parents of current registered pupils. It may also apply to past pupils but only in cases where the complaint was raised when the pupil was still registered.

Early Years Foundation Stage (EYFS):

- For the EYFS, parents may make a complaint about the provision direct to Ofsted and/or ISI. There is an information sheet displayed in the EYFS area. The details for contacting Ofsted and ISI are as follow:

### Ofsted

Enquiries Ofsted  
National Business Unit  
Royal Exchange Buildings  
St. Ann's Square  
Manchester M2 7LA  
Or online at: <http://live.ofsted.gov.uk/onlinecomplaints>  
Telephone: 08456 404040

### ISI

First Floor  
Cap House  
9-12 Long Lane  
London, EC1A 9HA  
Or email [info@isi.net](mailto:info@isi.net)  
Telephone: 020 7600 0100

- Complaints to school about the EYFS must be investigated and a response given within 28 days and must be made available to Ofsted and ISI on request.
- The record of EYFS complaints is kept for at least three years.

## **Scope and Application**

This policy is a whole school policy including Early Years Foundation Stage (EYFS). All complaints relating to the EYFS will be dealt with within 28 days.

This policy applies to any expression of dissatisfaction however made about the actions or inaction of the School and where a parent wishes the School to take action.

This policy applies to complaints from:

- Parents of current registered pupils;
- Parents of past pupils if the complaint was initially raised when the pupil was still registered.

The scope of this policy does not extend to:

- Requests for financial awards, such as claims for compensation, damages or a refund of fees;

- Parents being entitled to details of any sanctions imposed on staff arising from their complaint, irrespective of the nature of the complaint and whether or not it is upheld.

### **The difference between a concern and a complaint**

Derby High School prides itself on the quality of teaching and pastoral care provided to its pupils. It recognises that parents may, from time to time, have concerns about the progress, achievement, behaviour or welfare of their son or daughter. Parents are encouraged to make those concerns known to staff so that they can be addressed in partnership with the school.

A concern may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'.

A complaint may be defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. Derby High School takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, we will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, we will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, we will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 2 of the procedure.

### **Procedure**

#### **Stage 1 – Informal Resolution**

It is hoped that most complaints and concerns will be resolved quickly and informally.

If parents have a concern/complaint they should normally contact their son/daughter's Form Tutor verbally or in writing. The Form Tutor will aim to resolve any problems to parents' satisfaction as swiftly as possible and usually within 2 school working days. **School working days are defined as those falling in term-time only.** In the Senior School, if the Form Tutor alone cannot resolve the matter within this time frame, it may be necessary for him/her to consult the Head of Key Stage. The Head of Key Stage will usually contact parents about the complaint within 2 school working days of it being referred by the Form Tutor. If the problem remains unresolved it will usually then be referred to the Deputy Head, who will contact parents within 24 hours, as long as this period falls within the school working week, with the aim of finding a resolution. In the Primary School matters which cannot be resolved by the class teacher will be referred to Head of Primary or Assistant Head of Primary (dependent on the nature of the issue), who will contact parents within the same time-frame in order to resolve the concern/complaint.

In the Senior School, complaints made directly to the Deputy Head or the Head will usually be referred to the relevant Form Tutor or Head of Key Stage in the first instance, unless the Deputy Head or the Head deems it appropriate to deal with the matter personally. NB: Even if the complaint is made in writing to the Head, it will initially be dealt with at Stage 1 (informal resolution) of this process and will only escalate to Stage 2 if it cannot be resolved satisfactorily.

A written record of all concerns and complaints and the date on which they were received will be kept and will include a note as to how the matter was resolved. Records of all complaints are kept for at least three years. Should the matter not be resolved within the above time frame or in the event that parents feel that an informal resolution is not possible, they will be advised to proceed with their complaint in accordance with Stage 2 of this Procedure.

### **Stage 2 – Formal Resolution**

If the complaint cannot be resolved on an informal basis, then the parent(s) must restate their complaint in writing to the Head within 10 days of receiving the outcome of Stage 1. The Head will decide, after considering the complaint, the appropriate course of action to take.

In most cases, the Head will speak to the parents concerned, normally within 7 school working days of receiving the complaint, to discuss the matter. If possible, a resolution will be reached at this stage.

If it is necessary for the Head to carry out further investigations, parents will be informed that time will be required to investigate further and that the Head will report back to parents as soon as possible but within 20 school working days as stated below.

The Head will keep written records of all meetings and interviews held in relation to the formal resolution process surrounding the complaint.

Once the Head is satisfied that, so far as is practicable, all the relevant facts have been established, a decision will be made and parents will be informed of this decision in writing as soon as possible and in any case within 20 school working days of having received the complaint. The Head will also give reasons for his/her decision.

If parents are still not satisfied with the decision, they should proceed to Stage 3 of this Procedure within 10 days of receiving the Head's feedback and decision.

In the event of a complaint about the Head, the Head will forward a copy of the letter to the Chair of Governors. The Chair of Governors will acknowledge the formal complaint (via the Clerk to the Governors) within 3 working days of receipt and will set out the next steps and likely timescales. The parents will receive a written response to the complaint within 10 working days. If the matter is not resolved to the satisfaction of the parents they can proceed to Stage 3 – Panel Hearing Stage

### **Stage 3 – Panel Hearing**

The purpose of Stage 3 is to review the handling of the complaint at previous stages to ascertain whether it has been handled appropriately and fairly. If parents wish to proceed to Stage 3 of these procedures then they must put their complaint in writing to the Clerk to the Governors within 10 working days of the complaint being dealt with at Stage 2. The School will consider the complaint closed if no correspondence is received. If there are extenuating circumstances which might have impeded a parent from meeting this timescale then these should be communicated in the written complaint and will be considered by the Clerk to the Governors and the Chair of Governors.

### **Complaints Panel Hearing**

If parents feel that their complaint has not been resolved by Stage 2, they can proceed to Stage 3 and request a Complaints Panel Hearing. A Complaints Panel Hearing (Hearing) is a Hearing to consider those aspects of a Stage 2 complaint that have not been resolved to the satisfaction of parents. The Complaints Panel is not obliged to consider any new complaints that have not already been raised. Stage 3 should be a full-merits hearing of the complaint, not merely a check that process was followed. Parents have the right to request and attend a panel even if they have threatened or initiated legal proceedings.

### **Requesting a Panel Hearing**

A request for a Hearing must be made in writing to the Clerk of Governors. Such a request will only be considered if Stage 2 has been completed and, if this is the case, the request will be acknowledged within 3 working days of the Stage 2 decision letter.

The request for the Hearing should clearly set out the following:

Details of all the grounds for complaint and how parents wish the matter to be resolved,

A copy of all relevant documentation and contact details,

Reference to details/documents held by the School that parents wish the Panel to consider.

The Clerk will acknowledge the request for a Hearing within 3 working days receipt of the request. All reasonable efforts will be made to enable a Hearing to take place within 15 working days of receipt of the request. The only exception to this is that all complaints about the delivery of the EYFS must be completed within a 28 day timescale.

Parents may withdraw their request for a Hearing at any stage up to the date of the Hearing.

### **Planning the Hearing**

In planning for the Hearing, the Clerk will notify all parties and panel members of the date, time and venue of the Hearing at least 10 working days before the Hearing date.

Parents must submit any documents to be considered by the Panel at least 7 working days before the Hearing.

All relevant documents will be issued by the Clerk to all parties within 5 working days of the Hearing. Parents may be accompanied to the hearing by one other person. This may be a relative or friend. Since the Hearing is an internal process, legal representation will not normally be appropriate.

### **Composition of the Panel**

The Panel will consist of at least three people not directly involved in the matters detailed in the complaint, one of whom shall be independent of the management and running of the School. Each of the Panel members shall be appointed by the Board of Governors. The Panel members will appoint one of them to act as Chair of the Hearing.

### **The Hearing**

For compliance purposes, the Hearing should proceed notwithstanding that the parent may subsequently decide not to attend. If necessary, 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. The requirement for the Panel to proceed does not prevent the School from accommodating parental availability for dates or considering comments concerning panel composition.

During the Hearing, each party will have the opportunity to ask questions and make comments in an appropriate manner. There is no obligation on the Panel to hear oral evidence from witnesses or consider written statements, but it may do so at its discretion.

All parties are entitled to take notes during the course of the Hearing, however it is important to point out that the Hearing is a private procedure and therefore no notes or other records of the Hearing are to be disclosed to the media or published on social media.

All those present at the Hearing must show courtesy, good manners and restraint. Where the behaviour of an attendee is inappropriate, the Chair of the Panel may at his/her discretion and after due warning either adjourn or terminate the Hearing.

The Chair of the Panel may also adjourn the Hearing if he/she feels it is appropriate to do so, for example if either party feels that specific legal advice should be sought.

When the Chair of the Panel is satisfied that sufficient consideration has been given to the documents submitted and to the oral representations of all parties, he/she will conclude the Hearing.

### **The Decision of the Panel**

The Panel will make decisions on each element of the complaint and make recommendations to the School where appropriate. The Panel has no power to make financial awards to parents. The Panel has no power to impose sanctions on staff, pupils or parents but may make recommendations as appropriate.

The Panel's decision and recommendations will be issued in writing within 7 working days of the Hearing to the parents.

The Panel's findings and, if any, recommendations will be sent in writing to the Head, the Chair of Governors and, where relevant, the person complained against.

The decision of the Panel will be final.

The Governors receive a report of the outcome of each complaint referred to the Panel and monitor the effectiveness of the procedure and the progress of any recommendations arising from the complaint as part of the School's quality assurance procedures.

### **Managing Serial and Unreasonable Complaints**

Derby High 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 behaviour, including that which is abusive, offensive or threatening.

Derby High School defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact, 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 the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- 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 the Schools 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.

Whenever possible, the Head or Chair of Governors will discuss any concerns with the complainant informally before considering the complainant to be 'unreasonable'.

If the behaviour continues, the Head will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact the School causing significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from the premises.

#### **Written records**

The Head will keep a written record of all complaints made, including those investigated under the formal parts of the procedure (Stage 2 and 3). The record will show whether they were resolved at Stage 2 (Formal Resolution) or whether they proceeded to Stage 3 (Panel Hearing). The record will also detail any action taken by the school as a result of the complaint (regardless of whether the complaint was upheld).

The number of complaints registered under the formal procedure during the previous academic year may be obtained on request. Please contact [headsecretary@derbyhigh.derby.sch.uk](mailto:headsecretary@derbyhigh.derby.sch.uk)

#### **Complaint against Staff**

If a parent has a complaint against a member of staff they should in the first instance contact the Head who will fully investigate the matter and respond accordingly.

In the event of a complaint being made against the Head, the complaint should be made to the Chair of Governors who will be responsible for investigating and responding to the parent concerned.

#### **Complaints received outside of term time**

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

#### **Withdrawal of a Complaint**

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

#### **Data protection**

Complaints relating to data handling will be dealt with according to this policy and in conjunction with the Data Protection policy.

#### **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 where the Secretary of State or a body conducting an inspection under section 108 or 109 of the 2008 Act requires access to them. As detailed in Part 7 paragraph 25(k) of the DfE Education Regulations 2010 (Independent Schools Standards).

**There have been 1 complaints at stage 3 or beyond in the last academic year.**

### **Contact details**

Mrs Amy Chapman, Head

01332 514267

[achapman@derbyhigh.derby.sch.uk](mailto:achapman@derbyhigh.derby.sch.uk)

[headsecretary@derbyhigh.derby.sch.uk](mailto:headsecretary@derbyhigh.derby.sch.uk)

Dr Bharat Lad, Chair of Governors

c/o Clerk to the Governors

[clerk@derbyhigh.derby.sch.uk](mailto:clerk@derbyhigh.derby.sch.uk)

### **Covid 19**

In the event of disruption caused by Covid 19 or the absence of a member of staff relevant to a complaint through illness/self-isolation the School reserves the right to delay the processes outlined here for up to 14 days to enable any required period of self-isolation to have occurred so that a full investigation of the complaint can happen. The same flexibility will be shown to any parent unable to attend a meeting through a period of illness or self-isolation.