

THE RICHARD PATE SCHOOL



Complaints Policy and Procedure

September 2019

1. Introduction

The Richard Pate School encourages open communication with parents and takes seriously complaints and concerns they may raise. This policy will explain how to follow our complaints system.

The School's Complaints Policy is available on the School's website. A paper copy of the Policy is available in the School Office during the 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 available.

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 which 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 Head to exclude or require the removal of a pupil under clause 7 of the School's Terms and Conditions of Contract in which case such a review must be requested by no later than five working days from the date of the decision to exclude or require the removal of a pupil.

In accordance with paragraph 32(1)(b) of Schedule 1 to the Education (Independent School Standards) Regulations 2014, **The Richard Pate 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 procedure during the preceding school year (it can also be found at the end of this policy).**

Under the statutory framework for EYFS, The Richard Pate 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 3 years.

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

What Constitutes a Complaint?

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 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.

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 raises 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 the person most concerned with the issue for example, their son/daughter's class teacher, or in the case of sports concerns the Head of Boy's or Girl's Games. In many cases, the matter will be resolved straightaway by this means to the parents' satisfaction. If the person contacted cannot resolve the matter alone it may be necessary for him/her to consult the Nursery Manager, the Head of the Prep. Department, one of the two Deputy Heads or Head.

The parent may prefer to talk the matter through with a more senior member of staff, and should therefore contact the Nursery Manager, the Head of the Prep. Department, one of the two Deputy Heads or Head. However, ordinarily complaints made directly to Nursery Manager, the Head of the Prep. Department, one of the two Deputy Heads or Head will be referred to the relevant person most concerned with the issue for example, their son/daughter's class teacher, or in the case of sports concerns the Head of Boy's or Girl's Games unless the Nursery Manager, the Head of the Prep. Department, one of the two Deputy Heads or Head deems it appropriate for him/her to deal with the matter personally.

The member of staff contacted will make a written record of all concerns and complaints (on School Manager) and the date on which they were received. Should the matter not be resolved within 10 working days or in the event that a 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 Complaints Procedure.

If, the complaint is against the Head, parents should make their complaint directly to the Chairman of The Richard Pate School Committee (see Complaint against the Head section in Stage 2 below) whose contact details are available from the School Office on request.

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 Head. The Head will decide, after considering the complaint, the appropriate course of action to take.

In most cases, the Head will respond (by e-mail, in a meeting or telephone conversation) to the parents concerned, normally within 5 working days of receiving the complaint, to discuss the matter. If possible, a resolution will be reached within 10 working days.

It may be necessary for the Head, or their nominee, to carry out further investigations.

The Head will **keep written records** of all meetings and interviews (on School Manager) held in relation to the complaint.

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 will be informed of this decision in writing. The Head will also give reasons for his/her decision.

If the complaint is against the Head, the complaint should be made to the Chairman of the Richard Pate School Committee. The Chairman of the Richard Pate School Committee or their nominee will call for a full report from the Head and for all the relevant documents. The Chairman, or their nominee, 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 Chairman of the Richard Pate School Committee or their nominee 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 Chairman of the Richard Pate School Committee or their nominee will give reasons for his/her decision.

If parents are still not satisfied with the decision, they should proceed to Stage 3 of this procedure.

Stage 3 - Panel Hearing

If parents seek to invoke Stage 3 (following a failure to reach an earlier resolution) they will be referred to the Clerk to the Trustees of Pate's Grammar School Foundation ("the Clerk") who has been appointed by the Trustees to call hearings of the Complaints Panel.

The matter will then be referred to the Complaints Panel for consideration. The Panel will consist of two trustees, not directly involved in the matters detailed in the complaint, and one person who shall be independent of the management and running of the school (selected with reference to guidance issued by the DfE from time to time – see Appendix). Each of the panel members shall be appointed by the Board of Trustees. The Clerk, 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 5 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 and may make recommendations.**

The Panel will write to the parents informing them of its decision and the reasons for it, **within 5 working days of the hearing** (although 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, the Head, all Trustees and, where relevant, against whom the complaint has been made. They will also be available for inspection on the School premises by the Chairman of the RPS Committee and the Head.

Any complaint of a decision taken by the Head to exclude or require the removal of the pupil under clause 7 of the School's Terms and Conditions (Parent Contract) 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 Head, that the Head's decision to exclude / require the removal of the pupil was not a reasonable decision for the Head to have taken.

Timeframe for Dealing with Complaints

All complaints will be handled seriously and sensitively. They will be acknowledged within 5 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**. Stage 3, the Appeal Panel Hearing, will be completed **within a further 20 working days**.

Please note that, for the purposes of this procedure, 'working days' refers to weekdays (Monday to Friday) during term time, excluding bank holidays.

EYFS

If a written complaint is received relating to **EYFS** requirements then we will notify the complainants of the outcome of an investigation within **28 days** of having received the complaint.

Parents may complain directly to Ofsted or to ISI if they believe the provider is not meeting the EYFS requirements.

- Ofsted may be contacted on 0300 1234 234 or by email: enquiries@ofsted.gov.uk.
- ISI may be contacted on 020 7600 0100 or by email: concerns@isi.net

Recording Complaints

Following resolution of a complaint, the school will keep a written record of all formal complaints, 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).

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 of parent
- 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 details 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.

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.

Total number of complaints registered under the formal procedure for academic year 2018/2019: 0

Appendix

Complaints Procedure - Independent Member of the Panel

The following guidance comes from the DfE:

Our general view is that people who have held a position of responsibility and are used to analysing evidence and putting forward balanced arguments would be suitable. Examples of persons likely to be suitable are serving or retired business people, civil servants, heads or senior members of staff at other schools, people with a legal background and retired members of the Police Force might be considered.”

Former governors or staff of the School could be appointed as the independent panel member. The ISS 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. Schools should bear in mind the need for independence to be real and should use this guidance as appropriate.

It is assumed that existing governors will, in the normal course of events, qualify for the other places on the panel provided they have not been directly involved in the matters detailed in the complaint - a prerequisite for any panel member.