



# Notting Hill Preparatory School

## 5.3 Policy for Complaints

### (EYFS & KS1-3)

Reviewer responsible: **Head**

Date of last review

(with revisions):

**11/17**

Reviewed by:

**MM**

Date of next review:

**09/18**

## **POLICY FOR COMPLAINTS**

### **Introduction**

Notting Hill Prep 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 this procedure.

### **1. Legal framework for the policy**

In executing this policy, NHP will have due regard for the statutory procedure for managing complaints as set out in Part 7 of the Education (Independent School Standards) Regulations 2014 linked to ISSR 33.

In addition, the school respects its legal obligations under EYFS requirements 3.74 and 3.75 (as they link to ISSR 33), pursuant to the new EYFS framework which came into force on April 3 2017. It also has due regard for the DfE Best Practice Advice for School Complaints Procedures 2016.

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 complaints procedure and the number of complaints registered under the formal procedure during the preceding school year.

### **1.2 What is difference between a concern, a complaint and an allegation?**

**The aim of the School in drawing the distinctions below is to guide us in making sure we respond appropriately to the substance and style of each set of facts presented, that is, whether they should thereupon be defined as concern, complaint or allegation. It is not to limit the definitional scope of a complaint, or to limit the availability of the statutory complaints process to parents.**

A concern may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'. We take any concern seriously and act immediately to avoid it escalating into a formal complaint.

A complaint is 'an expression of dissatisfaction, however made, about actions or a lack of action'. 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. An allegation is made against an individual, that is, where there is an imputation of harm done to a child by a member of staff (see **Policy for Allegations against Staff** – a copy of which can be requested from the School Reception).

The procedure we follow in each case - concern, complaint or allegation - will be defined by the substance of what is reported to us by the parent(s) in a particular instance. That is, objectively, without reference to how the parents wish us to proceed or any other personal considerations. If we are in any doubt as to whether we should follow complaint or allegation procedure, we will consult the LADO.

Parents can be assured that all concerns and complaints will be treated seriously and confidentially. The school is here for their child and they can be assured that their child will not be penalised for a complaint that is raised by a child or parent in good faith.

### **1.3 Scope of the policy**

The complaints' procedures set out in this policy apply to pupils currently registered at the school. The procedures do not apply to past pupils unless the complaint was initially raised when the pupil was still registered.

## **2. The Three-Stage Complaints Procedure**

The school will provide a comprehensive, open, transparent and fair consideration of the complaint through:

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

- It is hoped that most complaints will be resolved quickly and informally through sensitive and supportive consultation with the parents concerned, ensuring that their complaint has been fully aired and understood and a satisfactory resolution has been achieved
- A parent may direct a complaint to a form or subject teacher at first instance. The complaint could be aired at a formal meeting, during a conversation, or via email. Although parents are requested to only email vital, personal information to teachers (see Appendix 2 of Policy for Communication with Parents), it is possible that they may voice a complaint indirectly during an email. It is the substance of what is reported which makes it a complaint, not the manner in which a parent describes it, or the medium by which it is raised.
- Teachers are requested to pass on complaints to a member of SMT, who will lead the investigation. The evidence gathering may well include conversations with the teacher who passed on the complaint, and other staff members as required
- Complaints made directly to the Head or a member of SMT or the Head will be dealt with in the same way
- The SMT member, in conducting their investigation, will make a written record of all complaints, the date on which they were received, of meetings that were held and any actions taken. Should the matter not be resolved within five working days or in the event that the SMT member and the parent fail to reach a satisfactory resolution or agree a plan of action to ameliorate the situation, then parents will be advised that they can arrange a further meeting with the Head, or proceed directly to Stage 2 of this procedure
- If the complaint is against the Head, parents should make their complaint directly to the Chairman of Governors, c/o Notting Hill Prep and marked 'private and confidential'

#### **2.1.1 Further particulars requested from the 'complainant' parent**

It may be that the Head or member of SMT investigating the complaint needs to go back to the 'complaining' parent for evidence to substantiate the complaint. If the parent provides these further particulars, the investigation will proceed in the normal way. It may be that school needs to give that parent extra time to respond. In this case, the 'five working days' may be extended to a reasonable timeframe to accommodate them. The parent will be told what that extended timeframe is.

If the parent declines to provide the further particulars, or ignores the request, the school will nonetheless investigate the complaint, having confirmed with the parent that they have nothing further to say at this stage. There may well be important lessons for the school to learn even if the parent appears to have dropped their interest in the matter.

The Head or member of SMT investigating will write to the parent informing them of the outcome of their investigation, confirming for them that the matter has been resolved at Stage 1 of our Complaints Procedure, and that this resolution has had to be achieved without them.

If the parent subsequently revives their interest, it would be strongly arguable that they now wish to escalate and the school will proceed to Stage 2 on that basis.

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

- If a complaint cannot be resolved by informal resolution then the parents should put their complaint in writing to the Head (even if a meeting with the Head has taken place during the informal stage of this procedure). The Head will decide, after considering the complaint, the appropriate course of action to take
- Although all formal complaints will 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. Complaints will only progress to Stage 2 after first being considered at Stage 1 and only then if the parent intends to escalate the matter to formal Stage 2

- In most cases, the Head will speak with the parents concerned to discuss the matter within five working days of receiving the complaint, If possible, a resolution will be reached at this stage.
- It may be necessary for the Head to carry out further investigations, which may include asking the 'complainant parent' for further particulars\*\*. These investigations will be completed in seven days or as soon as is practicable after the initial meeting has taken place, and the complainant will be advised of any revised deadline.
- The Head will keep written records of all meetings and interviews held in relation to the complaint and they will be stored in a secure place and kept confidential.
- 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 give reasons for his/her decision.
- If the complaint is against the Head, the Chairman of Governors will call for a full report from the Head and for all the relevant documents. The Chairman 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 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 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

\*If the complainant declines to provide the better particulars, or ignores the request, the school will nonetheless investigate the complaint at Stage 2, having confirmed with the parent that they have nothing further to say at this stage. The Head or member of SMT investigating will write to the parent informing them of the outcome of their investigation, confirming for them that the matter has been resolved at Stage 2 of this Complaints Procedure, and that this Stage 2 resolution has had to be achieved without them.

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

**At any time when a panel hearing is invoked, the school will act to ensure the panel has clear terms of reference, is fully and appropriately briefed, operates via clear process and is directed to reach a final decision within the timescales specified below.**

**The guidance below constitutes clear guidance to the panel should Stage 3 be reached.**

- If parents seek to invoke Stage 3 (following a failure to reach an earlier resolution) they will be referred to a designated Panel Clerk will be appointed by the Governors to call hearings
- 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, one of whom shall be independent of the management and running of the school. The Panel Clerk, on behalf of the Panel, will then acknowledge the complaint and schedule a hearing to take place within ten working days.
- Suitable panelists might include people who have held a position of responsibility and are used to scrutinising evidence and putting forward balanced arguments, such as 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
- 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 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.
- 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 five 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, and, where relevant, the person complained about as well as the Chairman of Governors and the Head. A copy of the Panel's findings and recommendations (if any) will also be available for inspection on the school premises by the Chairman of Governors and the Head.

If a parent indicates a wish to take the complaint to Stage 3, the panel hearing should go ahead *unless* the parent later indicates that he/she is now satisfied and does not wish to proceed further. Therefore a panel hearing should proceed notwithstanding that a parent may subsequently decide not to attend. If necessary, the panel can hear the complaint *in absentia* and issue its findings on the substance of the complaint, thereby bringing matters 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 the composition of the panel.

### **3.1 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. 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.

### **3.2 Complaints and EYFS:**

This policy is consistent with the new EYFS framework (April 3 2017) in that:

- The school has a written procedure for dealing with complaints and concerns from parents and/or carers and will keep a written record of any complaints and their outcome (please see below under Recording and Storing Complaints)
- Section 3.74 of the framework requires schools to 'investigate written complaints relating to the fulfilment of the EYFS requirements and notify complainants of the outcome of the investigation within 28 days of having received the complaint'
- Notwithstanding the 28-day rule above, the school will endeavor to resolve complaints arising under its EYFS provision within its own 20-day time limit for resolving complaints. The school will notify parents of the outcome of their investigations in writing. In any case, the school will not exceed the 28-day limit required by the EYFS framework
- Record of complaints arising under the school's EYFS provision will be made available to Ofsted on request

### **3.3 Government Framework for Complaints about Independent Schools**

All schools, private or maintained, are required to have a complaints' procedure following a three-step protocol.

The Department for Education is not empowered to investigate individual complaints against schools. But it does have regulatory powers to intervene if the school is not meeting the standards it lays down in these areas:

- education
- pupil welfare and health and safety

- school premises
- staff suitability
- making information available to parents
- spiritual, moral, social or cultural development of students

The DfE can investigate any serious failure to meet the standards, and can ensure failings are dealt with by arranging an emergency inspection to look into the health, welfare and safety of children. If the school were subject to such an emergency inspection from Ofsted, we will notify parents/carers and will provide a written report to parents/carers after the inspection is over.

The DfE can also order the Independent Schools Inspectorate to take minor complaints into account when a school is next inspected.

Parents and/or carers who believe that the school is not meeting the DfE standards for health, welfare and safety of pupils, and/or is failing to meet the EYFS requirements, can register their complaints by following the links below:

<https://www.gov.uk/complain-about-school/private-schools-enquiries@ofsted.co.uk>

Ofsted  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

#### **4. Recording Complaints**

Following resolution of a complaint, the school will keep a confidential written record of all complaints, whether they are resolved at the informal stage, the formal stage or proceed to a panel hearing. In addition, for complaints resolved at Stages 2 or 3, the written record will detail by what means and at what stage the complaint was resolved and any action taken by the school as a result of the complaint (regardless of whether the complaint is upheld).

At the school's discretion, additional records may be kept which may contain the following information:

- 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) GUIDELINES FOR INTERVIEWING STAFF
- 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)
- Resolution

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.

The school will provide parents, further to a written request, with the number of complaints registered under the formal procedure (Stages 2 and 3) during the preceding school year. The response to the request will also be made in writing. The details of individual complaints will not be disclosed during this process.

NHP will provide ISI, 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

#### **4.1 Storing Complaint Records**

All concerns are logged on the school's Pass system.

All complaints, irrespective of the Stage at which they have been resolved, will be logged on the complaints log\*\* (on the SMT drive of the school network) and/or Pass.

Complaints will not be additionally logged on Pass if they contain sensitive information which should not be viewed beyond the SMT.

\*\* Tabs along the bottom of the complaints log split it into complaints from parents/complaints from staff/serious pupil behaviour records (e.g ongoing behaviour issues causing complaints/upset)

#### **5. Review of Procedures**

After a complaint has been lodged and dealt with, our procedures will be reviewed by the SMT, even if it only reached the Informal Resolution Stage, to see if there are any lessons to be learned, systemic improvements to be made or policy changes required.

#### **6. Other related policies**

Whilst some issues and concerns will be appropriate to address through the Complaints Procedure, allegations against staff will be addressed in line with the school's **Safeguarding and Child Protection Policy**, the **Policy for Managing Allegations against Staff** and the school's **Code of Conduct** included in the **School's Employment Manual**.

For a complaint concerning exclusion, see our **Policy for Exclusion**

#### **7. Publication of the policy**

NHP makes its complaints procedure available to all parents of pupils and of prospective pupils on the school's website and in the OB and JCB Reception areas during the school day. We 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.