

# Durston House

## Complaints Policy

### Aim of the Policy

- to establish a whole-school approach to receiving and logging complaints that is compliant with relevant regulatory standards. [*The Education (Independent School Standards) Regulations 2014*]

### Objectives of the Policy

- to clarify what a complaint is
- to establish procedures for the receiving and logging of complaints by parents
  - to explain the procedure for staff members when receiving a complaint
  - to explain the procedure for the Senior Management Team (SMT) when receiving and logging complaints.

### Introduction

This policy applies to all areas of the School; the Main School, Junior School and Pre-Prep, including those in Reception and the EYFS setting. It aims to ensure that current pupils, parents and staff of the School are able to raise a concern, air a grievance, or make a formal complaint following a process that is fair, transparent, timely and designed to maximise the chance of a positive resolution.

This procedure applies to parents of pupils currently on the roll of the School. It does not apply in respect of past pupils unless the complaint was initially raised whilst the pupil was still on the School roll.

This procedure does not apply to complaints by prospective parents, including those who have accepted a place in the School in respect of their child but where that child has not yet started in the School.

The School will not normally investigate any anonymous complaints. However, the Headmaster or Clerk to the Governors, as appropriate, will determine whether the complaint warrants an investigation.

Whilst the School is fundamentally committed to providing the best possible education and pastoral care for all children, within a safe and accommodating environment, we accept that unhappiness about that provision may occur from time to time. We are a human organisation; mistakes can occur and differences of opinion arise. We are also a learning community and it is important that the School is seen to practise the self-reflection and determination to improve that we try to instil in our pupils. Accordingly, this policy endorses openness towards listening to suggestions, addressing concerns and dealing seriously with complaints raised.

Those with grievances are encouraged to mention these as early as possible, allowing us the opportunity to try to rectify a problem or to explain the School's position before a matter becomes intractable.

At the heart of this policy is a belief that both parents and staff share the same desire to see pupils flourish in our care. Educational research makes it clear that an important component of a successful education is a strong partnership between parents and teachers. Therefore, regardless of the nature of any complaint, this policy encourages the presentation of a united front to pupils whilst a matter is resolved, so as to avoid damaging mixed messages and an undermining of the authority of either party in their eyes.

### **Guiding Principles**

- Safeguarding and the promotion of pupil welfare will always be the priority in addressing any concerns or complaints.
- Concerns or complaints should be managed sympathetically, discretely, efficiently and with due dignity to all parties.
- Matters raised will be dealt with at the appropriate level and resolved as swiftly as possible, but without undue haste. We recognise that matters that are unresolved risk becoming a cause of resentment, which can erode relationships and confidence in the School.
- The School will try to resolve every concern or complaint in a positive way, with the aim of putting right that which may have gone wrong and, where necessary, reviewing our systems and procedures in light of the circumstances.
- Complainants should never be made to feel that their concerns are trivial, will be taken amiss or will adversely affect any pupil in the School. The policy however distinguishes between a concern or a difficulty which can be resolved informally and a formal complaint which will require investigation.
- This policy has regard to other School policies, some of which may take precedence in certain situations. Examples include, but are not limited to: the Child Protection and Safeguarding Policy, the Exclusion Policy and the Parent Contract (including Terms & Conditions)
- This policy is written with regard to the Independent Schools Standards Regulations (ISSR) 2016 (Part 7) and National Minimum Standards 2015 (standard 18).

### **Terminology**

For the purposes of this policy, the following terms are defined as:

- Pupils: refers to all children enrolled within the School.
- Staff: refers to all staff, teaching and support, in any part of the School.
- Parents: refers to all current parents or legal guardians or education guardians, and may, at our discretion, include a parent whose child has recently left the School.
- Where mention of the Chair of Governors is made, it is recognised that this refers to one or both of the Co-Chairs of Governors.

### **Level of Concern or Complaint**

This policy identifies three levels of concern or complaint, acknowledging that matters can sometimes start at one level and escalate to the next if not satisfactorily resolved:

- Level 1: informal raising of a concern or difficulty, notified orally or in writing to a member of staff
- Level 2: a formal complaint, made in writing to the Headmaster.
- Level 3: a formal complaint, made in writing to the Chair of Governors.

If a parent wishes to raise a complaint directly against the Headmaster, they should commence with Level 3.

### **Safeguarding Concerns**

Any concern relating to the safety of a child falls under the School's Child Protection and Safeguarding Children Policy and its processes take priority over the Complaints Policy, such matters should be notified immediately to the Designated Safeguarding Lead and/or the Headmaster.

### **Procedure**

#### **Level 1 – Informal Resolution**

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

A non-exhaustive list of examples might include:

Dissatisfaction over some aspect of teaching or pastoral care; concern about the allocation of privileges or responsibilities, about a timetable clash or about some other aspect of the School's systems or equipment; a complaint about a billing error.

If Parents have a complaint or concern about an educational issue (i.e. relating to the classroom, the curriculum, or provision for learning difficulties and disabilities/special educational needs) or a pastoral issue (e.g. relating to matters outside the classroom) they should initially contact their child's Form Tutor in Main School or Class Teacher in the Junior School or Pre-Prep.

In many cases, the matter can be resolved straightaway by this means to the Parents' satisfaction. If the Form Tutor or Class Teacher cannot resolve the matter alone or the complaint relates to the Form Tutor or Class Teacher it may be necessary to consult the relevant Head of Department, or a member of the Senior Management Team.

A query relating to financial matters should be submitted in writing to the Bursar.

Complaints made directly to the Deputy Head or to the Headmaster will usually be referred for further action to the Form Teacher, Class Teacher or Head of Department, Head of Pre-Prep, Head of Junior School or Director of Studies unless the Deputy Head or the Headmaster deems it appropriate for an alternative member of staff to deal with the matter.

### **Acknowledgement**

We will acknowledge a written notification by telephone, e-mail or letter within two working days of receipt during term time and as soon as practicable in the holidays. A matter raised orally will not necessarily be acknowledged in writing but will be recorded.

### **Records**

Given the diverse nature of Level 1 complaints, they are not recorded in a central register but rather, in the respective files of Form Tutors/Teachers, Heads of Department, Deputy Heads or other relevant senior staff managers.

### **Resolution**

The School will do its best to resolve concerns to the satisfaction of all parties. Concerns that cannot be resolved by informal means within 10 working days should be notified in writing as a formal complaint, which will then be dealt with in accordance with Level 2 below.

Any complaints regarding fulfilment of the Early Years Foundation Stage (EYFS) requirements will be investigated and a response provided within 28 days of receipt of the complaint.

### **Level 2 - Formal Resolution**

#### **Notification**

A Level 1 concern that is unresolved, or a complaint which needs investigation, or dissatisfaction with some aspect of the School's policies, procedures, management or administration, should be set out in writing. It should include the complainant's contact details, full explanation of the complaint and all relevant associated documents for consideration. The complaint should be addressed to the Headmaster.

#### **Acknowledgement**

Written Level 2 complaints will be acknowledged by telephone, email or in writing within two working days during term time, indicating the action that is being taken and confirming that a response will be provided within fifteen working days, unless a lengthier investigation is required. Written complaints received during holiday breaks will be addressed as soon as is practicable.

#### **Investigation**

The Headmaster will appoint a Complaints Officer to act as "investigator". The investigator may request additional information from the complainant and may also wish to speak to them and to others who have knowledge of the circumstances. The outcome of the investigation will be reported to the Headmaster, who will then notify the complainant in writing of their decision and the reasons for it within fifteen working days of the complaint being acknowledged. If the complaint is received immediately prior to or during a school holiday the Headmaster will report back within ten working days of the start of the new term.

#### **Records**

Written records will be kept of all Level 2 complaints.

These are the responsibility of the Headmaster of the respective schools. A file will contain a register of all Level 2 complaints and a record of the salient documentation related to each one. The register will also identify those complaints relating specifically to EYFS issues.

The record will show whether the complaint was resolved following a formal procedure or proceeded to a Level 3 complaint. It will include details of any actions taken as a result of the complaint, regardless of whether it was upheld.

The record will be made available by the School, on the school premises, for inspection by the Governors.

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 108 or 109 of the 2008 Act requests access to them. That is, 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.

The School will provide ISI, on request, a written record of all complaints made during any specified period and the action that was taken as a result. Therefore, records of complaints will be kept for at least three years to accommodate the inspection cycle.

Any complaints regarding fulfilment of the Early Years Foundation Stage (EYFS) requirements will be investigated and a response provided within 28 days of receipt of the complaint.

### **Level 3 - Referral to Panel Hearing**

#### **Notification**

If a complainant is still dissatisfied with the Headmasters decision and/or explanation their complaint may be renewed in writing to the Chair of Governors, within ten working days of receipt of the decision letter from the Headmaster.

A letter to the Chair of Governors which should include the complainant's contact details, full explanation of the complaint and all relevant associated documents for consideration. The panel will not consider any area of complaint that has not been raised previously in Level 1 or Level 2 of the Complaints Procedure with the exception of an appeal by parents against the School's decision to exclude their child.

#### **Acknowledgement**

Level 3 letters of complaint will be acknowledged by telephone, email or in writing within five working days during term time, indicating the action that is being taken. During holidays, an acknowledgement will be provided as soon as is reasonably practicable.

#### **Action**

The Chair of Governors will determine whether a further investigation of the complaint is warranted. If so, a Complaints Panel will be convened. If not, reasons for not pursuing the Level 3 complaint will be communicated in writing by the Chair of Governors within seven working days of acknowledging the letter of complaint

Complaints Panel Composition:

The Complaints Panel ("Panel") will comprise two School Governors who have no detailed prior knowledge of the complaint and a member who is independent of the governance, management and running of the School.

#### **Response**

The Clerk to the Governors will convene the Complaints Panel as soon as is reasonably practicable. In term-time, that will be within fifteen working days of the Chair of Governors acknowledging and confirming the request for a hearing.

The Panel will not normally sit during half-terms or School holidays. The Clerk will send the complainant written notification of the date, time and place of the hearing together with brief details of the Panel members who will hear it.

### **Attendance**

Complainants will be asked to attend the hearing and may be accompanied by one other person such as a relative, teacher or friend. It is not necessary for that person to be legally qualified but if they do wish to be accompanied by a legally qualified person, acting in their professional capacity, the School must be notified at least seven working days before the hearing. Copies of additional documents that a complainant may wish the Panel to consider should be sent to the Clerk at least three clear working days prior to the hearing.

### **Chair**

The hearing will be chaired by one member of the Panel (chosen by themselves) and will be conducted in a civil manner.

### **Hearing**

All statements made at the hearing will be unsworn. All present will be entitled, should they wish, to write their own notes for reference purposes. The Chair may direct that the hearing is recorded by electronic means by the clerk, to assist the panel with accurate recollection for purposes of the decision. The Panel will be under no obligation to retain tapes thereafter.

The Panel will consider each of the outstanding concerns raised by the parents so far as relevant to:

- What action the parents seek in order to satisfy the complaint in their eyes.
- Whether the facts of the case were sufficiently established. The civil standard of proof, namely “the balance of probability” will apply.
- Whether any further investigation is required.
- If so, by whom and by when

The manner in which the hearing is conducted shall be at the discretion of the Panel. After due consideration of the all the facts they consider relevant the Panel will make findings and may make recommendations.

The Clerk will be asked to take a handwritten minute of the proceedings in any event.

### **Evidence**

The Chair will conduct the hearing in such a way as to ensure that all those present have the opportunity of asking questions and making comments in an appropriate manner. The hearing is not a legal proceeding and the Panel shall be under no obligation to hear oral evidence from witnesses but may do so and/or may take written statements into account.

### **Conduct**

All those attending the hearing are expected to show courtesy, restraint and good manners or, after due warning, the hearing may be adjourned or terminated at the discretion of the Chair. If terminated, the original decision will stand. 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.

### **Adjournment**

The Chair may, at his/her discretion, adjourn the hearing for further investigation of any relevant issue.

### **Decision**

In the absence of a significant procedural irregularity which might lead to a re-hearing, the decision of the Panel will be final. The decision will be recorded and will be available for inspection on the school premises by the Headmaster and the Co-Chairs of Governors. The decision, with reasons, will be notified to those concerned by the Chair of the Panel at the end of the meeting or, if further discussion is necessary, by letter or e-mail by the Chair of the Panel or the Co-Chairs of Governors within five working days of the meeting. If relevant, the person complained about will also receive a copy of the decision. It is not within the powers of the Panel to make any financial award, nor impose sanctions on staff, pupils or parents, although they may recommend these actions to the Headmaster or Governors.

### **Private proceeding**

A hearing before the Complaints Panel is a private proceeding. No notes or other records or oral statements about any matter discussed in or arising from the proceeding shall be made available directly or indirectly to the press or other media.

### **Records**

As with Level 2 complaints, a written record will be kept in the Complaints register of all complaints that proceed to a Panel hearing. The record will show whether the complaint was resolved following a formal procedure or proceeded to a panel hearing, and will include detail of any actions taken as a result of the complaint, regardless of whether it was upheld. The record will be made available by the School, on the school premises, for inspection by the Governors. 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 108 or 109 of the 2008 Act requests access to them. That is, 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.

The School will provide ISI, on request, with a written record of all complaints made during any specified period and the action that was taken as a result. Therefore, records of complaints will be kept for at least three years to accommodate the inspection cycle. In accordance with data protection principles, details of individual complaints will then normally be destroyed following each School inspection. In exceptional circumstances some details will be retained for a further period as necessary.

### **EYFS Complaints**

Any complaints regarding fulfilment of the Early Years Foundation Stage (EYFS) requirements will be investigated and a response provided within 28 days of receipt of the complaint.

### **Whistleblowing**

If, having exhausted all the School's procedures, the parents submitting the complaint do not feel the complaint has been properly addressed, they do have the option of reporting their concerns to the Independent Schools' Inspectorate (ISI): 020 7600 0100 or [concerns@isi.net](mailto:concerns@isi.net)

### **Vexatious and Persistent Complaints**

A sound set of complaints procedures should limit the number of complaints that become protracted or vexatious; and if the procedures are followed correctly to keep the person informed of what is happening, this should not become an issue.

However, occasionally, a complainant may remain dissatisfied despite all the procedures having been followed. It may well be a case of not being able to resolve all their concerns and meet all their wishes. Sometimes it is simply a case of 'agreeing to disagree' and moving on.

If the complainant continues to make representations to the school or attempts to re-open the same issue, the Chair of Governors should inform them, in writing, that the procedures have all been followed and that all reasonable action has been taken to try to resolve the issue and that the matter is now closed. In some cases, it may be necessary to seek legal advice to deal with particularly vexatious or persistent complainants.

Threats involving the media and/or legal action should be treated respectfully, whilst reassuring the person that the school will respond to any letters or approaches from the media or solicitors in the normal way and in line with the appropriate procedures. Occasionally, the behaviour of a complainant can pose a threat to the school community. If this occurs, a warning letter should be sent to the person in which it is made clear that unwelcome and threatening behaviour is not tolerated. If required to do so, the School will engage with the local authority and may take further legal advice.

### **Early Years Foundation Stage (EYFS)**

Special obligations apply to any complaints about the EYFS provision. As well as following the Complaints procedures detailed in this policy, complainants who remain unhappy may make a complaint to the Independent Schools Inspectorate (ISI) or Ofsted.

Details of how to contact ISI and Ofsted are given at the end of this policy. All written complaints will be investigated and the complainant notified by the School of the outcome of the investigation within 28 days of the complaint being received.

OFSTED can be contacted at the following address:

Ofsted  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD  
Telephone: 0300 123 1231

Email: [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk)

ISI can be contacted at the following address:

CAP House  
9 – 12 Long Lane  
LONDON  
EC1A 9HA  
Telephone: 020 7600 0100  
Email: [info@isi.net](mailto:info@isi.net)

Note: The number of Level Three complaints received during the last academic year was zero. The number of level two complaints to the Headmaster was twenty two (22)

### **Evaluation of this Policy**

*This policy will be evaluated annually, by the school, amended where necessary and approved by SMT.*

<i>Created</i>	<i>23 November 2007</i>	<i>WM</i>	<i>Version 1</i>
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