

HOLLAND HOUSE SCHOOL



33a COMPLAINTS POLICY

Applicable to the whole school including the EYFS

Review Arrangements:

Date	Nov 2021
Review Date	Nov 2022
Ratified by Governors	Nov 2020

1. AIMS

To demonstrate that pupils' and parent's concerns are treated seriously and confidentially (access may be required for legal obligations or where disclosure is required in the course of inspection), in accordance with set procedure.

2. POLICY GUIDANCE

This policy refers to and complies with:

- DfE Best Practice Advice for school complaints procedures
- ISI's Commentary on the Regulatory Requirements
- The Early Years Foundation Stage: Statutory Framework
- The Education (ISS) Regulations
- Children's Act

3. POLICY AND PROCEDURE REVIEW

Policy and procedures are adjusted on an ongoing basis on receipt of guidance from DfE, ISI, ISA or local children's social care authorities, or as best practice. The Complaints Policy is formally reviewed annually by the Headmistress and approved by the Governors.

"Complaints" are not defined in the Regulations but, line with them, we do not differentiate between concerns and complaints. Any matter about which a parent of a pupil is unhappy and seeks action by the school will fall under the scope of this procedure. Holland House School interprets the phrase to include any complaint by current parents of pupils, prospective parents and complaints by staff members. Complaints by parents of former pupils of the school or former staff members are only within policy if the complaint relates to events that occurred while the child or staff member was at school and only if the complaints process began when the child was still a pupil at the school or whilst the member of staff was still working for the school.

4. POLICY AVAILABILITY

Holland House Complaints Policy is available:

- On the HHS website
- School Office

5. 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 would normally contact their son's/daughter's Form Teacher or a relevant subject teacher (in most cases matters are resolved straight away). The parents concern will be acknowledged within **48 hours** whenever possible (during school holidays times scales may vary).

- It may be necessary to contact other members of staff to help with the complaint, for example, the DSL, the site manager for buildings and maintenance or cleaning concerns etc.
- The Form teacher or relevant member of staff will make a judgment as to whether the matter should be referred to a senior member of staff for recording and staff are encouraged to keep brief notes themselves as and when appropriate.
- Informal meetings can be held with the parent or member of staff on a one-to-one basis.
- Should the matter fail to reach a satisfactory resolution within **3 working days** during term time (during school holidays timescales may vary) then the parent is advised to proceed with their complaint in accordance with Stage 2.

Stage 2 – Formal Resolution*

- If a parent or staff member is not satisfied with the response to the complaint, he/she should write to the Headmistress. The Headmistress will decide the appropriate course of action.
- The Headmistress will contact the parent within **2 working days**. If possible, a resolution will be reached at this stage. (Timescales may be longer if a holiday period intervenes.)
- The Headmistress will keep written records of all meetings and interviews.
- Once the Headmistress is satisfied that, so far as is practicable, all of the relevant facts have been established, a decision will be made, and the parent or staff member informed of the decision, in writing, normally within **5 working days**.
- If the parent or staff member is still not satisfied with the outcome they should proceed to Stage 3.

Stage 3 – Appeal Panel*

- If a parent or staff member seeks to invoke Stage 3 they will need to write directly to the Chair of Governors via the School Office who will review all the details of the complaint, including records kept and the decisions so far made. The Chair of Governors will respond to the parent or staff member **within two weeks** of receiving the letter.
- A Complaints Panel will be appointed by the Chair of Governors.
- The Complaints Panel will consist of 3 persons (2 Governors and 1 person independent of the management and running of the school). The Chair cannot be part of the panel if he had prior involvement in trying to find a resolution. Governors on the panel hearing cannot have been directly involved in the matters detailed by the complaint.
 - o DfE has given the following guidance on the identity of an independent panel member:

“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.”
- The Chair of Governors will acknowledge the complaint and schedule a hearing to take place as soon as possible, normally **within 14 working days**.
- The parent or staff member may be accompanied by one other person which can be a member of their teaching union. Legal representation is not appropriate.
- If the Panel deems it necessary, it may require further particulars of the complaint or any related matter to be supplied in advance of the hearing. Copies of such particulars shall be supplied to all parties not later than **4 days** prior to the hearing.
- A written record of the hearing will be kept.

- If possible, the Panel will resolve the complaint without the need for further investigation. Where further investigation is required, the Panel will decide how it should be carried out.
- The panel hearing will proceed even if the parents subsequently decide not to attend or reasonably engage with the process. In this case the Panel will consider the parents complaint in his/her absence and issue findings on the substance of the complaint thereby bringing the matter to a conclusion.
- After due consideration of all facts they consider relevant, the Panel will make findings and may make recommendations, which it shall complete within **1 working week**, unless the Panel, of its own motion, stipulates that a longer period is necessary.
- Parents are invited to provide evidence to support their complaint. Copies of such particulars shall be made available no later than **4 days prior to the panel hearing**.
- These findings and recommendations are final and will be sent by email or otherwise provided to the complainant. Where relevant, the findings and recommendations will also be passed to the person complained about. A copy will be available on the premises for the Headmistress and Chair of Governors to inspect.
- A statement of the record of complaint will be kept for 7 years. Correspondence, statements and records relating to individual complaints are to be kept confidential other than as previously stated and except where the Secretary of State or a body conducting an inspection requests legitimate access to them.

Written complaints about the fulfilment of the EYFS requirements will be investigated and the complainant notified of the outcome **within 28 days** of the receipt of the written complaint.

Parents can make a complaint to ISI or Ofsted if they believe the School is not meeting requirements, including those regarding EYFS.

Independent Schools Inspectorate

CAP House
9 - 12 Long Lane
London EC1A 9HA
Tel: 020 7600 0100
concerns@isi.net

Ofsted

The National Business Centre
Piccadilly Gate, Store St.,
Manchester, M1 2WD
Tel: 0300 123 4646
enquiries@ofsted.gov.uk

***COVID-19 CAVEAT CLAUSE WITH REGARD TO TIMINGS**

Holland House School's aim is to handle complaints within the time frames specified in this policy. However, during the course of the COVID-19 pandemic, this may not always be possible. There may be occasions where we will have to make reasonable adjustments to such time frames, as a consequence of the general disruption from the pandemic including possible staff absences and any other related issues.

6. SERIAL OR PERSISTENT COMPLAINTS

Holland House School will do its best to address complaints, concerns or a request for information. However, there will be occasions when, despite all stages of the complaint procedure being followed, the person making the complaint remains dissatisfied eg:

- An individual persistently makes the same point
- If an individual requests that our verdict be reconsidered

It is important to recognise that when everything has been done in response to a complaint, it is poor use of school time and resources to reply to repeated letters, emails or telephone calls making substantially the same points. If a person making a complaint tries to re-open the same issue, the Chair of Governors will inform the person that the procedure has been completed and that the matter is now closed. If the person making the complaint contacts the school again on the same issue, then the correspondence may be viewed as 'serial' or 'persistent' and the school may choose not to respond.

7. UNREASONABLE COMPLAINTS

Holland House 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.

A complaint may be regarded as unreasonable when the person making the complaint:

- Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- 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;

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:

- maliciously;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers

8. COMPLAINTS LOG

The school Complaints Log is limited to those complaints made in writing under the formal part of the procedure. The log will record whether the complaint was resolved following a formal procedure at Stage 2 or a panel hearing at Stage 3 of the procedure, and what action has been taken by the school as result of these complaints (regardless of whether they were upheld). The record of complaints must be made available to ISI or OFSTED on request.

Number of Level 2 and above complaints for the academic year available upon request from the school office.

9. RETENTION OF COMPLAINTS

Formal complaints will be retained for 7 years unless relating to a Safeguarding issue.

Where there is a safeguarding angle, 'Records concerning allegations of abuse must be preserved for the term of the Independent inquiry into Child Sexual Abuse and at least until the accused has reached normal pension age or for 10 years from the date of the allegation if it is longer.'