



Complaints Procedure

Updated: 12-25
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Next Review: 12-26
Approved by: Governors

This Procedure applies throughout the School from the EYFS to Year 6.

Introduction

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

The Cavendish School 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 the procedure set out in this Complaints Procedure. The School makes its Complaints Procedure available to all parents of pupils (and of prospective pupils) on the School's website and from the School Office during the School 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 made available. This Procedure is not, however, available for use by parents of prospective pupils: it may only be used by parents of current pupils.

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 whom 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 6 of the School's Terms and Conditions (also known as the Parent 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.

The School will be mindful of its obligations under the Equality Act 2010 in the application of this policy.

Although the School endeavours to manage complaints in an open and transparent manner, parents should be aware that there may be circumstances which mean the School is unable to share complete details about how a complaint has been handled by the School, the evidence collated, steps taken in response or other related matters. This could be the case even when a complaint is upheld. For example, this may be because such information constitutes sensitive third-party data (for example belonging to a staff member, pupil or other parent), legal or regulatory requirements prohibit disclosure, or withholding information is in accordance with specific instructions from a statutory agency. This list is not exhaustive.

Regulatory framework

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, the Department for Education (DfE) or the Independent Schools Inspectorate (ISI), details of the School's Complaints Procedure and the number of complaints registered under the formal complaints

procedure during the preceding School year. This information is made available to parents on request from the School Office and updated annually in this document.

Since 1st October 2015, schools have been required by the Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015 to provide parents at the conclusion of the final stage of the Complaints Procedure with the name and address of an ADR entity (such as a mediation or arbitration body) which would be competent to deal with any unresolved dispute, should both parties wish to engage in ADR. Schools are not required to include information about ADR in the Complaints Procedure itself. On providing information about a certified ADR provider, schools are also required to notify the parents whether they are obliged and/or prepared to enter into ADR. Schools are not required to enter into ADR.

What constitutes a complaint?

The *Independent School Standards* and the DfE do not distinguish between 'concerns' and 'complaints'. Any matter about which a parent of a pupil is unhappy and seeks action by the School is a complaint and is in the scope of this Complaints Procedure, whatever the School labels it as.

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 Complaints 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.

Confidentiality and records

Parents can be assured that all concerns and complaints will be treated seriously and confidentially. Correspondence, statements and records relating to individual complaints are to 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. There may also be other circumstances in which the School is required to share information relating to a concern or a complaint in order to comply with its legal or regulatory obligations.

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) raise in good faith.

The three-stage complaints procedure

On the vast majority of occasions, a parent will raise a concern directly with a member of the school staff without any formality. The School very much encourages parents to discuss concerns affecting their daughter with her class teacher at the earliest opportunity. At this stage, it may be unclear whether the parent is making a complaint, seeking information, or has misunderstood a situation. In any event, the School aims to resolve the complaint at this point in a speedy and effective manner.

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 their child's class teacher
- Complaints made directly to the Head will usually be referred to the relevant class teacher, or relevant member of the Senior Leadership Team (SLT), unless the Head deems it appropriate to deal with the matter personally

- The class teacher, or staff member investigating the complaint, will make a written record of all complaints on CPOMS and tag them as complaints and the date on which they were received
- In many cases, the matter will be resolved straightaway by this means to the parents' satisfaction. The staff member dealing with the complaint will check that the parents are satisfied with the outcome
- If a class teacher cannot resolve the matter alone, it may be necessary for them to consult a member of the Senior Leadership Team or the Head. Likewise, if the complaint is not satisfactorily resolved for the parents, they should escalate it to a member of the SLT or the Head
- Should the matter not be resolved within ten working days, or in the event that the staff member dealing with the complaint and the parents fail to reach a satisfactory resolution, then parents will be advised by the staff member dealing with the complaint to proceed with their complaint in accordance with Stage 2 of this Complaints Procedure
- If, however, the complaint is against the Head, parents should make their complaint directly to the Chair of Governors. Correspondence should be sent via the School, addressed c/o Clerk to the Governors

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 if they have not already done so. Parents will be offered the form found in Appendix 1 to complete if they wish, but it is not obligatory to advancing their complaint to Stage 2
- Although all formal complaints must 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
- The Head will decide, after considering the complaint, the appropriate course of action to take
- It may be necessary for the Head to carry out further investigations
- In most cases, a member of SLT or the Head will meet the parents concerned, normally within five working days of receiving the complaint, to discuss the matter. If possible, a resolution will be reached at this stage
- The Governors may participate at this stage of the procedure if the Head deems it appropriate
- The Head and Head of HR & Compliance will keep written records of all meetings and interviews held in relation to the complaint and will file them electronically on the CPOMS system
- If the complaint concerns more than one family or relates to a complaint between two or more families, the Head may deem it most efficient and effective to arrange one meeting when all concerned can attend
- 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 or in a meeting, usually within 5 working days. The Head will also give reasons for the decision
- If the complaint is against the Head, the Chair of Governors will call for a full report from the Head and for all the relevant documents. The Chair 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. The Head will be offered an opportunity for a follow-up discussion with the Chair of Governors to respond to information/opinions presented by any other parties. Once the Chair is satisfied that, so far as is practicable, all of the relevant facts

have been established, the parents, together with the Head, will be informed of the decision in writing within five working days. The Chair will give reasons for the decision

- If parents are still not satisfied with the decision, they should proceed to Stage 3 of this procedure
- The Head and Head of HR & Compliance will record whether the complaint was resolved at the Formal Resolution stage or whether it proceeded to Stage 3 of this procedure. The record will be filed electronically on the CPOMS system

Stage 3: Independent panel hearing

- Complaints only rarely reach this level; however, if parents seek to invoke Stage 3 (following a failure to reach an earlier resolution), they will be referred to the convenor who has been appointed by the Governors to call hearings of the Complaints Panel. This is usually the Bursar
- Parents must put their request in writing to the convenor within 5 days of receiving the decision at Stage 2, setting out their grounds of appeal. Any supporting evidence that the parents wish to rely on should also be provided with their grounds of appeal. To the extent the parents are unable to provide their complaint within the time period stipulated due to extenuating circumstances which have impeded the parents from taking action, the parents should request an extension in writing. Such a request should be made to the Bursar in advance of the original deadline, setting out the further time period requested and the reason for this. This will then be considered. In the event the parents are unable to provide their complaint within the time period stipulated (including, to the extent applicable, any extensions if agreed), the School reserves the right to conclude the complaint process and not progress the matter to Stage 3
- 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 and one of whom shall be independent of the management and running of the School. DfE guidance on the identity of the independent panel member is set out in Appendix 2. The convenor, on behalf of the Panel, will then acknowledge the complaint and schedule a hearing to take place, in person or online, as soon as practicable and normally within 10 working days
- The convenor will appoint one panel member to act as chair of the Panel
- 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 five working days prior to the hearing
- The parents/teacher or Head 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 and the companion should not be a lawyer. The identity of the companions should be confirmed to the convenor as soon as possible and by no later than 2 working days before the hearing. The Panel will decide whether it would be helpful for witnesses to attend
- A note-taker will attend the hearing to take notes. This will not be a verbatim note but an accurate reflection of what was discussed. Notes of the hearing will be shared with attendees as soon as practicable after the hearing. To the extent there is any disagreement about the content of those notes or further comments from the parties, these will be considered by and, where possible, resolved by the Chair of the Panel. A copy of any comments on the notes will be appended to the notes
- The remit of the panel shall be at the discretion of the Co-chairs of Governors and 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 the merits of the complaint and all facts they consider relevant, the Panel will make findings as to whether or not the Stage 2 decision was a reasonable one and decide whether to:
 - Dismiss the complaint(s) in whole or in part
 - Uphold the complaint(s) in whole or in part
 - Make recommendations for the School to consider. Stage 3 Panels cannot require that any financial compensation be paid to parents or otherwise obligate the School to take particular steps
- The Panel will write to the parents informing them of its decision and the reasons for it, normally within five working days of the hearing (though 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, as well as the Co-chairs of Governors and the Head and, where relevant, the person complained about
- The Panel's letter will include the name and address of a certified alternative dispute resolution (ADR) entity and will indicate whether the School is obliged and/or prepared to enter into ADR
- Any complaint of a decision taken by the Head to exclude or require the removal of a pupil under clause 6 of the School's Terms and Conditions will be governed by this Stage of the School's Complaints Procedure. There may be circumstances in which the School consider it necessary and appropriate to deviate from the Stage 3 procedure in the context of appeals for exclusion and required removal, and the School will inform the parents of this. In such circumstances, the Panel may only uphold the complaint and ask the Stage 2 decision-taker to reconsider their decision 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
- The Head and Head of HR & Compliance will record the outcome of the Panel and record all relevant documentation on the CPOMS system

Timeframe for dealing with complaints

All complaints will be handled seriously, sensitively and within clear and reasonable timescales. 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 if the complaint is lodged during term-time and as soon as practicable during holiday periods. Stage 3, the Appeal Panel Hearing, will be completed within a further 20 working days if the appeal is lodged during term-time and as soon as practicable during holiday periods.

In respect of EYFS, written complaints about the fulfilment of the EYFS requirements must be investigated and the complainant notified of the outcome of the investigation within 28 calendar days of the School receiving the complaint.

For the purposes of this Complaints Procedure, 'working days' refers to weekdays (Monday to Friday during term time, excluding bank holidays and half term). This means that during School holidays, it may take longer to resolve a complaint, although the School will do what is reasonably practicable to avoid undue delay.

It may also take longer to resolve a complaint during periods of significant disruption to School life or as a consequence of unavoidable staff absence; however, deviation from the normal timescale for resolving a complaint during term time will only occur on an exceptional basis, and the School will take all reasonable steps to limit any such delay. The School expects parents to engage in the process in a reasonable, constructive and responsive manner to help ensure matters can be dealt with in a timely way and in line with the targets set out in this Procedure.

Persistent correspondence

Where repeated attempts are made by a parent to raise the same complaint after it has been dealt with at all three stages, this may be regarded by the School as vexatious and outside the scope of this Complaints Procedure.

Recording complaints and use of personal data

Following resolution of a complaint, the School will keep a written record of all complaints and whether they are resolved at the informal stage, the formal stage or proceed to a panel hearing and the action taken by the School as a result of these complaints, regardless of whether they are upheld. Trends and patterns of complaints will be shared with Governors in the Head's termly report.

The School processes data in accordance with its Privacy Notice, a copy of which is available on the School website. 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(s) of parent(s)
- 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/minutes of the hearing
- The Panel's written decision

This may include 'special category personal data' (as further detailed 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.

All records relating to complaints shall be treated as confidential. In addition to where requested by the Secretary of State or an inspector (see above), there may be other circumstances where disclosure of the substance of a complaint or particular confidential records relating to it is required, for example, where there is a legal, regulatory, safeguarding or data protection obligation (e.g., in

response to a subject access request) which prevails over the requirement to maintain the records as confidential.

EYFS Complaints

Parents of EYFS pupils should follow the three stages of this Complaints Procedure. If parents remain dissatisfied and their complaint is about the School's fulfilment of the EYFS requirements, then parents may take their complaint to the ISI or Ofsted. The School will notify the parents about the outcome of the investigation into their complaint within 28 days from the date the complaint was received.

As required by the statutory framework for the Early Years Foundation Stage (EYFS), the 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 in line with our Privacy Notice and Retention Schedule.

Parents may complain directly to Ofsted or to ISI if they believe the provider is not meeting the EYFS requirements. Schools must make available details of how to contact Ofsted and/or ISI:

Ofsted may be contacted on 0300 1234 234 or by email: enquiries@ofsted.gov.uk
Ofsted, Piccadilly Gate, Store Street, Manchester M1 2WD

ISI may be contacted on 020 7600 0100 or by email: concerns@isi.net
ISI, CAP House, 9-12 Long Lane, London EC1A 9HA

The School has received one stage 3 complaint in the last three years.

Linked policies

- Privacy Notice
- Retention Schedule

APPENDIX 1

Notification of Stage 2 complaint

Name of the pupil to whom the complaint relates:.....

Name of the parent/guardian making the complaint:.....

Details of complaint (Please be as specific as possible)

(Please attach a continuation sheet if required)

What would you like to see done to resolve your complaint and bring the matter to an acceptable close?

Signed Date

***Please return the completed form to the Head via the Heads Executive PA via:
secretary@cavendish-school.co.uk***

APPENDIX 2

Complaints Procedure: independent member of the panel

The DfE has, in the past, given the following advice on the selection of an independent panel member for involvement at Stage 3 of the Complaints Procedure:

“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.”