

### 33a PARENTAL COMPLAINTS POLICY AND PROCEDURE

*Our mission is to develop happy, confident and successful children who are well prepared for their future.*

Version	5
Review Period	Annual or in line with statute or regulation
Independent Schools Inspectorate	Regulation 33
Compliance Review	26.01.24
Headmaster Review	27.01.24
Education Committee	7.03.24
Full Governing Body Review and Approval (annually)	20.03.24

## **POLICY STATEMENT**

1. Westbrook Hay has long prided 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 policy. This policy applies to all phases of education at Westbrook Hay including EYFS.
2. Westbrook Hay makes its Complaints Procedure available to all parents of pupils via the School's website and in the School Office during the school day, and will ensure that parents of pupils who request it are given a copy.
3. In accordance with paragraph 32(1) of Schedule 1 of the Education (Independent School Standards) Regulation 2014, Westbrook Hay will also make available, on request, to the Department for Education (DfE) or the Independent Schools Inspectorate (ISI), details of this Complaints Procedure and the number of complaints registered under the formal procedure during the preceding school year.
4. 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 to was still registered as a pupil at the School.
5. "Parent(s)" means the holder(s) of parental responsibility for a pupil to whom the complaint relates.
6. This policy should be read in conjunction with the [Child Protection and Safeguarding Policy](#).

## **AIMS**

1. The aim of this policy is to ensure that any complaints are managed sympathetically, efficiently, at the appropriate level and are resolved as soon as possible.
2. Parents can be assured that all concerns and complaints will be treated seriously and confidentially. Parents can be assured that their child will not be penalised for a complaint that is raised.
3. The school will seek to resolve every complaint in a positive way and, after the event, will review systems and procedures if appropriate.
4. The school encourages parents to communicate as soon as possible if there is any cause for dissatisfaction to assist the School in achieving a prompt resolution.

## **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 or about an individual member of staff. 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. 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.

## THE THREE-STAGE COMPLAINTS PROCEDURE

### Stage 1 – Informal Resolution

- It is hoped that most complaints and concerns will be resolved quickly and informally.
- In the first instance, parents should contact their child's Form Teacher. In many cases, the matter will be resolved straightaway at this stage.
- If the matter is not resolved to the parents' satisfaction they should contact their child's Head of Year or an Assistant Head for an informal meeting.
- Initial complaints that are made at the wrong level may be redirected unless the recipient of the complaint deems it appropriate for them to deal with the matter personally.
- If an informal complaint is taken directly to the Head Teacher it will either be informally resolved at the meeting, passed to the Deputy Head for investigation or redirected to the appropriate member of staff.
- All teachers receiving a complaint will complete a Significant Conversation Form (SCF) detailing the concerns and complaints and the date on which they were received.
- Should the matter not be resolved, normally within **5 working days**, parents are advised to proceed with their complaint in accordance with Stage 2 of this Complaints Procedure.
- If, however, the complaint is against the Head Teacher, parents should make their complaint directly to the Chair of Governors who can be contacted via the Clerk to the Governors.

### Stage 2 – Formal Resolution

- If the complaint cannot be resolved on an informal basis then parents should put their complaint in writing to the Head Teacher **by completing a Parental Complaint Form**.
- It is most likely that the Head will lead the stage two process. The leader of the Stage 2 process will be known as the Stage 2 decision maker.
- If the complaint is against the Head Teacher, the Chair of Governors or their nominee will act as the Stage 2 decision maker. The Stage 2 process will then be followed as if the references to the Head (or their nominee) is to the individual nominated by the Chair of Governors to determine the complaint against the Head.
- The Stage 2 decision maker will decide, after considering the complaint, the appropriate course of action to take, however, in most cases, the Stage 2 decision maker will meet or speak with the parents concerned. This will be a formal meeting chaired by the Stage 2 decision maker and will normally be held **within 5 working days** of receiving the complaint. If possible, a resolution will be reached at this meeting. However, it is most likely that the Stage 2 decision maker will need to carry out an investigation.
- A school provided note-taker will be present at all formal meetings at Stage Two. An agenda will be sent to parents in advance of the meeting and minutes taken at the meeting will be sent to parents as soon as practically possible after the meeting. Parents will be asked to sign these minutes to ensure that they are an accurate and fair representation of the meeting.
- From their investigation, the Stage 2 decision maker will keep written records of all meetings and interviews held in relation to the complaint.
- Once the Stage 2 decision maker 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 Stage 2 decision maker will give reasons for their decision. In most cases, the Stage 2 decision maker will make their decision and provide the parents with reasons **within 15 working days** of the complaint form being received.
- If parents are still not satisfied with the decision at Stage 2, they should proceed to Stage 3 of this procedure by completing another Parental Complaint Form. This should be sent to

the Chair of Governors, via the Clerk to the Governors, **within 10 working days** of receiving the decision at Stage 2.

### Stage 3 – Panel Hearing

- In a Stage 3 complaint, parents must state the grounds on which they are progressing the complaint and the outcome sought. A mere disagreement with the decision of the Head Teacher or other Stage 2 decision maker, will not in itself be sufficient grounds for reference to the Complaints Panel.
- Any supporting evidence, which the parents wish to rely on, should also be provided with their application.
- 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 to the Clerk to the Governors in advance of the original deadline, setting out the further time period requested and the reason for this. This will 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 Clerk to the panel will then refer the appeal 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. The Chair of Governors will appoint one Panel member to act as Chair of the Panel. The Clerk to the Governors, on behalf of the Panel, will then acknowledge the complaint **within 5 working days** of receipt and schedule a hearing to take place **within 15 working days** of receipt.
- The Panel will review the decision taken by the Stage 2 decision maker. The Panel will not consider any new areas of complaint which have not been previously raised as part of the original Stage 2 complaint.
- 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 or further investigation be carried out. Copies of such particulars shall be supplied to all parties 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 or friend. Stage 2 decision maker shall also be entitled to be accompanied to the hearing by one other person if they wish. Legal representation will not be appropriate and the companion should not be a lawyer. The Panel will decide whether it would be helpful for witnesses to attend.
- The construction (personnel) of the Panel shall be at the discretion of the Chair of Governors and the manner in which the hearing is conducted shall be at the discretion of the Chair 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; and

- make recommendations.
- The Panel will write to the parents informing them of its decision and the reasons for it, **within 10 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 to the parents, and, where relevant, the person to whom the complaint was about as well as the Chair of Governors and the Head Teacher.
- A copy of the Panel's findings and recommendations (if any) will also be available for inspection on the School premises by the Chair of Governors and the Head teacher.

### TIMEFRAME FOR DEALING WITH COMPLAINTS

All complaints will be handled seriously, sensitively and within clear and reasonable timescales. It is in everyone's best interests to resolve a complaint as speedily as possible. The School's target is to complete Stage 1 and Stage 2 within 20 working days and Stage 3 within another 25 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 and half terms. 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. 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.

### PERSISTENT CORRESPONDENCE

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

### RECORDING COMPLAINTS AND USE OF PERSONAL DATA

Following resolution of a complaint, the School will keep a written record of all formal complaints, whether they are resolved at the Stage 1 (informal stage), the formal stage (Stage 2) or proceed to a Panel hearing (Stage 3) 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 and contact details 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; and

- The Panel's written decision.

This may include 'special category personal data' (as further detailed in the [School's Privacy Notice](#), but potentially including, for instance, information relating to physical or mental health) where this is necessary because of the nature of the complaint. This data will be processed in accordance with the School's Data Protection Policy.

The School will keep records of formal complaints and Complaints Panel hearings, as required by regulation. It will do so in accordance with the [Schools Privacy Notice](#), Data Protection Policy and Retention of Records Policy. All records relating to the complaints shall be treated as confidential. In addition to where requested by the Secretary for 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.

### **COMPLAINTS RELATING TO THE REQUIREMENTS UNDER THE STATUTORY FRAMEWORK FOR THE EYFS**

Parents of EYFS children 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. Parents will be notified by ISI or Ofsted of the outcome of the investigation into their complaint within 28 days of the complaint being received.

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 accordance with its Privacy Notice and Retention of Records Policy.

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

OFSTED can be contacted on 0300 123 1231 or by email: [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk)  
Ofsted, Piccadilly Gate, Store Street, Manchester M1 2WD

ISI can be contacted on 020 7600 0100 or by email: [concerns@isi.net](mailto:concerns@isi.net)  
ISI, CAP House, 9-12 Long Lane, London EC1A 9HA

For the academic year 2022-23 there were 0 Stage 3 complaints and 1 Stage 2 complaints.