



**THE ELMS**  
EST 1614

### **33a Complaints Procedure - Parents**

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Policy Owner	Headmaster
Governor	Governance SMG
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**We recognise that all members of the school staff, including volunteers and peripatetic staff, share the duty of care for children at the school. We aim to ensure that the health, safety and welfare of all pupils is paramount. This policy should be read in conjunction with the school's Safeguarding policy which includes Child Protection procedures.**

## 1 Introduction

- 1.1 The Elms School 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 Procedure.
- 1.2 The Procedure is drafted in accordance with Part 7 of the Education (Independent School Standards) Regulations 2014.
- 1.3 This Procedure applies to complaints from parents of current pupils and to parents of former pupils if the complaint was raised when the pupil was registered at the School.
- 1.4 This policy, which is available on the School website, can be made available in large print or other more accessible format if required. If you require assistance with making a complaint, for example because of a disability, please contact the Headmaster, Deputy Head, or Chair of Governors who will be happy to make appropriate arrangements.
- 1.5 We aim to resolve any complaints in a timely manner. Timescales for each stage are set out in the relevant paragraphs. When we refer to **working days**, we mean Monday to Friday, when the School is open during term time. The dates of terms are published on the School's website.
- 1.6 Complaints received during the School holidays will be dealt with in as timely a manner as possible. However, this will depend upon the nature of the complaint and the availability of staff at the time the complaint is received. It may not be possible to make full investigations until the next School term.
- 1.7 The complaints procedure only applies to complaints from parents of pupils, i.e. persons for whom education is being provided at the school. Therefore, the process does not apply to complaints from parents of pupils who have left voluntarily or as a result of being excluded (except if the complaints process was started when the pupil was still being educated at the school).

## 2 Management of complaints

- 2.1 The School's Complaints Procedure has three stages:
  - 2.1.1 **Stage 1:** informal raising of a complaint with a member of staff orally or in writing – further details of this procedure are set out in appendix 1.
  - 2.1.2 **Stage 2:** a formal complaint in writing to the Headmaster – further details of this procedure are set out in Appendix 2
  - 2.1.3 **Stage 3:** reference to the Complaints Panel – further details of this procedure are set out in Appendix 3
- 2.2 A flowchart showing the Complaints Procedure is shown in Appendix 4.
- 2.3 Separate procedures apply in the event of a child protection issue, or if the Headmaster expels or asks a pupil to leave and the parents seek a Governors' Review of that decision. Please refer to the School's **Safeguarding Policy** or **Exclusions Policy** (within the **Behaviour Policy**) as appropriate.

- 2.4 Medical complaints referred to the School Doctor will be referred on to the Primary Care Trust where appropriate. The Doctor will advise the Headmaster or Bursar of any complaint which in his opinion should be brought to the attention of the School.

### **3 Record keeping and confidentiality**

- 3.1 A written record will be kept of all complaints, and of whether they are resolved at Stage 2 or proceed to stage 3, including the action taken by the School as a result of the complaints (regardless of whether they are upheld). A copy of the panel findings and recommendations (where applicable) will be available on the School premises for inspection by Governors and the Headmaster. The number of complaints registered under the formal procedure during the preceding School year will be supplied to parents on request.
- 3.2 Correspondence, statements and records relating to individual complaints will be kept confidential except 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.
- 3.3 A complaint about the fulfilment of the School's EYFS requirements will be made available to Ofsted and the Independent School's Inspectorate on request.
- 3.4 In accordance with data protection principles, details of individual complaints will be kept only for as long as is considered to be reasonably necessary in the circumstances.

### **4 Complaints to Ofsted and the Independent Schools Inspectorate**

- 4.1 Although the School is inspected by the Independent Schools Inspectorate (ISI), an independent organisation which reports to the Government on schools, parents of children in the EYFS have the right to contact Ofsted if they have a complaint that has not concluded to their satisfaction through the School's procedure. Such parents can report their concerns to Ofsted on 0300 123 4666.
- 4.2 All other parents have the right to contact ISI if they have a complaint that has not concluded to their satisfaction through the School's Complaints Procedure. Should a parent wish to make a complaint about the School to ISI, the following contact information may be helpful:

Independent Schools Inspectorate  
CAP House  
9 - 12 Long Lane  
London  
EC1A 9HA

- 4.3 It is expected that complaints made under this Policy will go through the School's Complaints Procedure before Ofsted or ISI is contacted.

## **Appendix 1    Stage 1 – Informal Resolution**

### **1        Informal resolution of a complaint**

- 1.1        It is hoped that most complaints will be resolved quickly and informally. For example, dissatisfaction about some aspect of teaching or pastoral care or a billing error should be able to be resolved by the relevant member of staff. Complaints of discrimination, harassment or victimisation are taken very seriously and may need to be dealt with at Stage 2 without action at Stage 1.

### **2        Who to contact**

- 2.1        If parents have a complaint they should normally contact the member of staff directly concerned with the matter in question – e.g. Form teacher, Housemaster, Matron, Housemother. In many cases, the matter will be resolved straightaway by this means to the parents' satisfaction. If the member of staff cannot resolve the matter alone, it may be necessary for him/her to consult the Deputy Head or the Headmaster.
- 2.2        A complaint against the Headmaster should be put in writing to the Chairman of Governors who will follow the procedure set out in Stage 2.
- 2.3        An informal complaint provided in writing will be acknowledged by telephone, email or letter within five working days of receipt during term time and as soon as practicable during the holidays. A matter raised orally will not necessarily be acknowledged in writing. The Deputy Head will make a written record of all complaints and the date on which they were received.
- 2.4        Should the matter not be resolved, or be in progress of resolution, within 28 working days or in the event that the Deputy Head and the parent fail to reach a satisfactory resolution then parents will be advised to notify in writing of a formal Stage 2 complaint using the procedure set out in Appendix 2

## **Appendix 2    Stage 2 – Formal Resolution**

### **1        How to make a formal complaint**

- 1.1        If the complaint cannot be resolved on an informal basis under Stage 1, or the complaint requires investigation or involves dissatisfaction with some aspect of the School's policies or management, the complaint should be made under Stage 2.
- 1.2        The parents should put their complaint in writing with full details and sent with all relevant documents and the parents' full contact details to the Headmaster. **(The Headmaster, The Elms School, Colwall, Malvern, Worcs, WR13 6EF)**. The Headmaster will decide, after considering the complaint, the appropriate course of action to take and will acknowledge receipt within

three working days, indicating the action that is being taken and the likely time scale.

## 2 Investigation

- 2.1 The Headmaster will ask a senior member of staff to act as Investigator and may involve one or more Governors. The Investigator[s] may request additional information from the parents and may wish to speak to the parents personally and to others who have knowledge of the circumstances. If the Investigator needs to meet or speak to the parents concerned he or she will do so as soon as possible. The Investigator will prepare a report on the investigation which will be considered by the Headmaster.
- 2.2 The Headmaster and the Investigator[s] will keep written records of all meetings and interviews held in relation to each complaint and the outcome.

## 3 Decision

- 3.1 Once the Headmaster is satisfied that, so far as is reasonably practicable, all of the relevant facts have been established, a decision will be made and parents will be informed of this decision in writing within ten working days from the receipt of the formal complaint, or as soon as reasonably practicable in the event of difficulty in establishing the facts due to staff or pupils being absent or unavailable for interview. The Headmaster will also give reasons for his decision.
- 3.2 Where there are exceptional circumstances resulting in a delay, the parents will be notified of this and be informed of the new timescale as soon as possible.
- 3.3 **Early Years Foundation Stage:** Parents of pupils in the EYFS setting will be notified of the outcome of the investigation within 28 days of receipt of the letter from the parents.
- 3.4 Please note that any complaint received within one month of the end of term or half term is likely to take longer to resolve owing to the presence of School holidays.
- 3.5 If parents are still not satisfied with the decision, they should make a formal complaint in writing to the Headmaster.

## Appendix 3 Stage 3 – Panel Hearing

### 1 Introduction

- 1.1 A Complaints Panel Hearing (**Hearing**) is a review of the decisions taken at Stage 2 by the Headmaster. The Panel will not consider any new areas of complaint which have not been previously raised as part of the Complaints Procedure.
- 1.2 The Panel's task is to establish the facts surrounding the complaints that have been made by considering

- (a) the documents provided by both parties; and
  - (b) any representations made by the parents and the Headmaster.
- 1.3 If, after establishing the facts the Panel consider that the complaint is valid, they will uphold the complaint. If the Panel consider that the complaint is not valid, they will dismiss the complaint. They will make these decisions on the balance of probabilities.
- 1.4 It is not within the powers of the Panel to make any financial award, nor to impose sanctions on staff, pupils, or parents. The Panel may make recommendations on these or any other issues to the Headmaster or to the full body of Governors as appropriate.

## 2 **How to request a Hearing**

- 2.1 If parents seek to invoke Stage 3 (following a failure to reach an earlier resolution), they must put a request in writing to the Bursar, who is also the Clerk to the Governors (**the Convenor**), who has been appointed by the Governors to call Hearings of the Complaints Panel. ***(The Chairman of Governors, c/o The Clerk to the Governors, The Elms School, Colwall, Malvern, Worcestershire, WR13 6EF)*** This request will usually only be considered if Stages 1 and 2 have been completed.
- 2.2 The written request should include:
  - (a) a copy of all relevant documents and full contact details;
  - (b) details of the outcome desired and all grounds of the complaint;
  - (c) a list of the documents which the parents believe to be in the School's possession and wish the Complaints Panel to see; and
  - (d) whether the parents propose to be accompanied to the hearing by someone who is legally qualified (see paragraph 3.6 below)
- 2.3 If assistance with the request is required, for example because of a disability, the parents should inform the Convenor of this, and he/she will be happy to make appropriate arrangements.
- 2.4 The Convenor, on behalf of the Panel, will acknowledge the request in writing within three working days of receipt during term time and as soon as practicable during the holidays.

## 3 **Planning the Hearing**

- 3.1 The Convenor will then refer the matter to the Complaints Panel for consideration.
- 3.2 The Panel will consist of at least 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. Each of the Panel members shall be appointed by the Board of Governors. The Panel members will appoint one of themselves to be the Chair of the Panel throughout the proceedings.

- 3.3 The Convenor, on behalf of the Panel, will then schedule a Hearing to take place as soon as practicable and normally within ten working days of referral to the Convenor. However, parents should note that the Panel will not normally sit during half terms or school holidays
- 3.4 As soon as reasonably practical and in any event, at least five working days before the hearing, the Clerk will send written notification of the date, time and place of the Hearing, together with brief details of the Panel members who will be present.
- 3.5 The Convenor will circulate a copy of the bundle of documents to be considered by the Complaints Panel, including any further particulars of the complaint or any related matter which the Panel may deem necessary not later than three days prior to the Hearing.
- 3.6 The parents may be accompanied to the Hearing by one other person. This may be a relative, teacher or friend. The Hearing is not legal proceedings and so legal representation will not normally be appropriate. If the parents did not inform the Convenor of their intention to be accompanied by a legally qualified person, and subsequently wish to be accompanied by a legally qualified person, they must inform the Convenor of this at least three working days prior to the Hearing and the parents should note that the Panel will wish to speak to the parents directly. This person will not be permitted to act as an advocate or to address the Hearing unless invited to do so by the Chair of the Panel.

#### **4 The Hearing**

- 4.1 The Hearing will be conducted in an informal manner.
- 4.2 The parties shall have the opportunity to ask questions and make comments in an appropriate manner. The Hearing is not a legal proceeding and the Complaints Panel shall be under no obligation to hear oral evidence from witnesses but may do so and/or may take written statements into account.
- 4.3 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. A clerk appointed by the Complaints Panel will take a handwritten minute of the proceedings.
- 4.4 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.
- 4.5 If possible, the Panel will resolve the parent's complaint immediately without the need for further investigation. Where further investigation is required, the Panel will decide how it should be carried out. This may include an adjournment to take legal advice.

- 4.6 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.
- 4.7 When the Chair of the Panel considers that all the issues have been sufficiently discussed, he/she will conclude the Hearing.

## 5 The decision

- 5.1 After due consideration of the matters discussed at the Hearing, the Panel will reach a decision and may make recommendations, which it shall complete within five working days of the Hearing. The Panel will write to the parents by electronic mail informing them of its decision and the reasons for it. Parents who do not wish to receive the decision by electronic mail will be sent a copy by post. The decision of the Panel will be final. The Panel's findings and, if any, recommendations will also be sent in writing to the Headmaster, the Governors and, where relevant, the person complained of.
- 5.2 The completion of Stage 3 represents the conclusion of the School's Complaints Procedure.

## Appendix 4 Procedural flowchart





