Cavendish Education Non-Parental Complaints Policy Template

Prepared by: The Central Team

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1. Introduction

1.1 Abingdon House School is owned and operated by Cavendish Education

1.2 Abingdon House School has long prided itself on the quality of the teaching and pastoral care provided to its pupils. However, if complainants do have a complaint, they can expect it to be treated by the School with care and in accordance with this Complaints Procedure. Abingdon House School makes its Complaints Procedure available to all on the School's website and in the School office during the School day, and Abingdon House School will ensure that complainants who request it are made aware that this document is published or available and of the form in which it is published or available, and of the number of complaints registered under the formal procedure during the preceding School year. In accordance with paragraph 32(1) of Schedule 1 to the Education (Independent School Standards) Regulations 2014, Abingdon House School will also make available, on request, to Ofsted, 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.

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

1.4 Although the School endeavours to manage complaints in an open and transparent manner, complainants 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 complainant), legal or regulatory requirements prohibit disclosure, or withholding information is in accordance with specific instructions from a statutory agency. This list is not exhaustive.

2. What Constitutes a Complaint?

2.1 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 complainant is unhappy and seeks action by the School is within the scope of this procedure. A complaint is likely to arise if a complainant believes that the School has done something wrong, failed to do something that it should have done or has acted unfairly.

2.2 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.

3. The Three-Stage Complaints Procedure

<u>Stage 1 – Informal Resolution</u>
3.1.1 It is hoped that most complaints and concerns will be resolved quickly and informally.

3.1.2 If complainants have a complaint, they should contact the school administration office. If the office staff cannot resolve the matter alone, it may be necessary for them to consult the Head of School.

3.1.3 Complaints made directly to the Headteacher, Head of School or other senior staff will usually be referred to the office staff unless the senior staff member deems it appropriate for them to deal with the matter personally.

3.1.4 The school will make a written record of all concerns and complaints and the date on which they were received. Should the matter not be resolved within 10 working days or in the event that the school and the complainant fail to reach a satisfactory resolution, then complainants will be advised to proceed with their complaint in accordance with Stage 2 of this Complaints Procedure.

3.1.5 If the complaint is against the Head, complainants should make their complaint directly to the Chair of the Local Governing Body whose contact details are available from the School Office on request.

Stage 2 – Formal Resolution

3.2.1 If the complaint cannot be resolved on an informal basis, then the complainants should put their complaint in writing to the Head. The Head may require further information from the complainants to help clarify the scope and nature of their concerns. The Head may, in some circumstances, deem it appropriate to nominate a staff member to hear the complaint and manage the Stage 2 complaint process. The Head (or their nominee) will decide, after considering the complaint, the appropriate course of action to take.

3.2.2 In most cases, the Head (or their nominee) will speak to the complainants concerned, within 10 working days of receiving the complaint, to discuss the matter. If possible, a resolution will be reached at this stage. It may be necessary for further investigations to be carried out. The Head (or their nominee) will determine who should carry out any investigation, and this may be someone external to the School.

3.2.3 Written records will be kept of all formal meetings and interviews held in relation to the complaint.

3.2.4 Once the Head (or their nominee) is satisfied that, so far as is practicable, all of the relevant facts have been established, a decision will be made, and complainants will be informed of this decision in writing. The Head (or their nominee) will also give reasons for their decision. In most cases, the Head (or their nominee) will make their decision and provide the complainants with reasons within 20 working days of the complaint being put in writing (or following the provision of any further clarificatory information about the complaint to the Head, if so requested).

3.2.5 If the complaint is against the Head, the complaint should be made to the Chair of the Local Governing Body. The Chair of the Local Governing Body will nominate someone to determine the complaint. The Stage 2 process described above will then be followed as if the references to the Head (or their nominee) are to the individual nominated by the Chair of the Local Governing Body to determine the complaint against the Head.

3.2.6 If complainants are still not satisfied with the decision, they should proceed to Stage 3 of this procedure.

Stage 3 – Panel Hearing

3.3.1 If complainants seek to invoke Stage 3 (following a failure to reach an earlier resolution), they should do so in writing to the Chair of the Local Governing Body within 20 working days of receiving the decision at Stage 2, setting out their grounds of appeal. Any supporting evidence which the complainants wish to rely on should also be provided with their grounds of appeal.

3.3.2 The clerk to the Panel, who has been appointed by the Governors to call hearings of the Complaints 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, one of whom shall be independent of

the management and running of the School. The Complaints Panel will appoint one of the Panel members to act as the Chair of the Panel. The clerk to the Panel, on behalf of the Panel, will then acknowledge the complaint within 5 working days and schedule a hearing to take place within 20 working days.

3.3.3 Stage 3 is not a new investigation. The Panel's role is to review:

3.3.3a whether the complaints procedure was followed correctly; and
3.3.3b whether the outcome reached at Stage 2 was reasonable and appropriate.

3.3.4 If the Panel or convenor/clerk to the Panel deems it necessary, they 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.

3.3.5 The complainants should attend the hearing and may be accompanied to the hearing by one other person if they wish. The Stage 2 decision-taker may also be invited to attend the hearing and shall also be entitled to be accompanied to the hearing by one other person if they wish. This may be a relative, teacher or friend. Legal representation will not be appropriate, and the companion should not be a lawyer. The identity of the companions should be confirmed to the clerk to the Panel 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.

3.3.6 If the complainants reject three proposed dates without good reason, the Panel's clerk will set a date, and the hearing will proceed on that date. The complainants should have the opportunity to prepare a written submission. For these purposes, "good reason" will generally be limited to circumstances such as short notice of the proposed date or illness, and will not include matters of preference or general unavailability.

3.3.7 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. A copy of any comments on the notes will be appended to the notes.

3.3.8 The remit of the Panel shall be at the discretion of the Chair of the Local Governing Body, and the manner in which the hearing is conducted shall be at the discretion of the Panel.

3.3.9 If possible, the Panel will resolve the complainant's complaint without the need for further investigation. Where further investigation is required, the Panel will decide how it should be carried out.

3.3.10 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:

3.3.10a dismiss the complaint(s) in whole or in part;
3.3.10b uphold the complaint(s) in whole or in part; and
3.3.10c make recommendations for the School to consider.

3.3.11 Stage 3 Panels cannot require that any financial compensation be paid to complainants or otherwise obligate the School to take particular steps.

3.3.12 The Panel will write to the complainants informing them of its decision and the reasons for it, within 5 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 given to the complainants, and, where relevant, the person complained about as well as the proprietor, Chair of Local Governing Body and the Stage 2 decision-taker. A copy of the Panel's findings and recommendations (if any) will also be available for inspection on the School premises by the proprietor, Chair of the Local Governing Body and the Head.

3.3.13 The conclusion of a Stage 3 complaint is the final step in the School's procedures.

3.3.14 If the school place is funded by a local authority, the complainant may choose to share their concerns with the relevant Local Authority Officer / Department overseeing this place.

4. Timeframe for Dealing with Complaints

4.1 All complaints will be handled seriously, sensitively and within clear and reasonable timescales and as set out above.

4.2 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. Stage 3, the Appeal Panel Hearing, will be completed within a further 30 working days of receipt by the School of the complainants' grounds of appeal of Stage 2.

4.3 Please note that, for the purposes of this procedure, working days refer 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 complainants 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.

5. Persistent or Unreasonable correspondence

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

5.2 Most complaints raised will be valid, and therefore, we will treat them seriously. However, a complaint may become unreasonable if the person:

5.2aRefuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
5.2b Refuses to cooperate with the complaints investigation process
5.2c Refuses to accept that certain issues are not within the scope of the complaints procedure
5.2d Insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
5.2e Introduces trivial or irrelevant information which they expect to be taken into account and commented on

5.2f Raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
5.2g Makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
5.2h Changes the basis of the complaint as the investigation proceeds
5.2i Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
5.2j 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, including referral to the DfE
5.2k Seeks an unrealistic outcome
5.2l Makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
5.2m Uses threats to intimidate
5.2n Uses abusive, offensive or discriminatory language or violence
5.2o Knowingly provides falsified information
5.2p Publishes unacceptable information on social media or other public forums

5.3 The above list is not intended to be exhaustive and is for guidance purposes only. It is at the discretion of the school what is deemed to be unreasonable.

5.4 Complainants should try to limit their communication with the school while the complaint is being processed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.

5.5 If complainants contact the School again on the same issue once the complaints process has been exhausted, the correspondence may then be viewed as 'serial' or 'persistent'. We may stop responding to the complainant when the following conditions are met:

5.5a We have taken every reasonable step to address the complainants' concerns;
5.5b The complainants have been given a clear statement of our position and their options; and
5.5c The complainant contacts the school repeatedly, making substantially the same points each time.

5.6 The case to stop responding is stronger if:

5.6a The complainant's communications are often or always abusive or aggressive;
5.6b The complainant makes insulting personal comments about or threats towards staff; or
5.6c We have reason to believe the individual is contacting the School with the intention of causing disruption or inconvenience.

Duplicate Complaints

5.7 If the School resolves a complaint under this procedure and receives a duplicate complaint on the same subject from a partner, family member or other individual, the School will assess whether there are aspects that they had not previously considered, or any new information they need to take into account.

5.8 If the School is satisfied that there are no new aspects, they will:

5.8a Tell the new complainant that the School has already investigated and responded to this issue, and that the local process is complete; and

5.8b Direct the new complainant to the DfE if they are dissatisfied with the School's original handling of the complaint.
5.8c If a duplicate complaint is raised which, in the view of the School, warrants further consideration, the procedure outlined in Stage 1 or Stage 2 (as appropriate) will be repeated.

Complaints campaigns

5.9 Where the School receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the School, we may respond to these complaints by:

5.9a Publishing a single response on the school website
5.9b Sending a template response to all of the complainants
5.9c If complainants are not satisfied with our handling of the situation, they can contact the DfE as per Paragraph 58b of this policy.

6. Recording Complaints and use of personal data

6.1 Following resolution of a complaint, the School will keep a written record of all 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).

6.2 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:

6.2a Date when the issue was raised
6.2b Name of complainant
6.2d Description of the issue
6.2e Records of all the investigations (if appropriate)
6.2f Witness statements (if appropriate)
6.2g Name and contact details of member (s) of staff handling the issue at each stage
6.2h Copies of all correspondence on the issue (including emails and records of phone conversations)
6.2i Notes/minutes of the hearing, and
6.2j The Panel's written decision

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

6.4 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 and Data Protection Policy*. 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 (eg, in response to a subject access request) which prevails over the requirement to maintain the records as confidential.

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

7. Links to other policies

7.1 This policy is linked to our:

a. Safeguarding and Child Protection Policy
b. Special Educational Needs and Disabilities (SEND) Policy
c. Exclusions Policy
d. Anti-Bullying
e. Positive Behaviour Policy
f. Admissions Policy

Contact Information

For any questions or concerns regarding this policy, please contact the headteacher.

Approval & Policy Review

This Policy has been reviewed and approved by:

Policy Approver(s)	Cavendish Education Board of Directors/Senior Leadership Team of the school
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