

**PARENTAL COMPLAINTS PROCEDURE (including EYFS)****Introduction**

*Gad's Hill 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 Complaints Procedure. Gad's Hill School makes its Complaints Procedure available to all parents of pupils at the School on the School's website and in the School office during the school day, and Gad's Hill School will ensure that parents of pupils who request it are made aware that this document is published or available and of the form in which it is published or available. This procedure is not, however, available for use by prospective parents – 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 which 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 of 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.*

In accordance with paragraph 32(1)(b) of Schedule 1 to the Education (Independent School Standards) Regulations 2014, **Gad's Hill School will make available to parents of pupils and of prospective pupils and provide, on request, to the Chief Inspector, the Secretary of State or an independent inspectorate, details of the School's Complaints Procedure and the number of complaints registered under the formal procedure during the preceding school year.**

<b>Please note that any appeal against temporary or permanent exclusion of a pupil, or against required removal, will be treated only under Stage 3 of this process.</b>
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"Parent(s)" means the holder(s) of parental responsibility for a current pupil about whom the complaint relates.

**Timeframes**

Any complaints regarding fulfilment of the Early Years Foundation Stage (EYFS) requirements will be investigated and a response provided within 28 days of receipt of the complaint.

In respect of all other complaints, these are managed in the timescales set out in this policy which is by referring to working days. **Working days** refer to weekdays (Monday to Friday) during school time, excluding bank holidays and staff training days. Accordingly, any complaints received during school holidays will be managed in accordance with the timeframes set out in this policy when the School is back in session. Term dates can be found on the School website.

Parents are expected to proceed with their complaint in a timely and reasonable manner. It is expected that if parents wish to escalate their complaint to the next stage of the procedure, they will do so within 10 working days of the conclusion of the current stage. The School may, acting reasonably, treat a complaint as closed if a parent has not proceeded within this timeframe.

## 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, 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 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. The School is here for your child and you can be assured that your child will not be penalised for a complaint that you raise in good faith.**

## The three-stage Complaints Procedure

### Stage 1 – Informal Resolution

#### **Maximum timescales for non-EYFS complaints:**

- **Informal resolution to be reached within 5 working days of Stage 1 complaint**

- It is hoped that most complaints and concerns will be resolved quickly and informally.
- If parents have a complaint they should normally contact their son/daughter's form tutor (or the subject tutor in the case of a subject-specific matter). In many cases, the matter will be resolved straightaway by this means to the parents' satisfaction. If the relevant tutor cannot resolve the matter alone it may be necessary for them to consult a Head of School or Head of Department.
- Complaints made directly to a head of department, the head of school or Headmaster will usually be referred to the relevant tutor unless the head of department, head of school or Headmaster deems it appropriate for him/her to deal with the matter personally.
- The tutor 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 5 working days**, or in the event that the tutor and the parent fail to reach a satisfactory resolution, then parents will be advised to proceed with their complaint in accordance with Stage 2 of this Complaints Procedure.
- If, however, the complaint is against the Headmaster, parents should make their complaint directly to the Chair of Governors via the Bursar who is also Clerk to the Board of Governors.

### Stage 2 – Formal Resolution

#### **Maximum timescales for non-EYFS complaints:**

- **Headmaster to meet with complainant within 5 working days if appropriate**
- **Headmaster or Chair of Governors to respond in writing, with reasons, within 15 working days of Stage 2 complaint**

- If the complaint cannot be resolved on an informal basis then the parents should put their complaint in writing to the Headmaster. The Headmaster will decide, after considering the complaint, the appropriate course of action to take.
- In most cases, the Headmaster will meet the parents concerned, **within 5 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 the Headmaster, or their nominee, to carry out further investigations.
- The Head will **keep written records** of all meetings and interviews held in relation to the complaint.
- 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. The Headmaster will also give reasons for his decision.
- If the complaint is against the Headmaster, the complaint should be made to the Chair of Governors. The Chair of Governors or their nominee will call for a full report from the Headmaster and for all the relevant documents. The Chair of Governors or their nominee 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. Once the Chair of Governors or their nominee is satisfied that, so far as is practicable, all of the relevant facts have been established, the parents will be informed of the decision in writing. The Chair of Governors or their nominee will give reasons for her decision.
- Whether the Stage 2 complaint is handled by the Headmaster or Chair of Governors, they will aim to issue their written response, with reasons, no later than 15 working days after receipt of the Stage 2 complaint.
- If parents are still not satisfied with the decision, they should proceed to Stage 3 of this procedure.

### **Stage 3 – Panel Hearing**

#### **Maximum timescales for non-EYFS complaints:**

- **Panel to meet within 20 working days of Stage 3 complaint**
- **Panel to issue written response within 30 working days of Stage 3 complaint**

- If parents seek to invoke Stage 3 (following a failure to reach an earlier resolution) they will be referred to Mrs Annette Eggleton who has been appointed by the Governors to call hearings of the Complaints Panel.
- **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.** The Governor responsible for complaints, or the Clerk to the Governing Body, on behalf of the Panel, will then acknowledge the complaint and schedule a hearing to take place **within 20 working days**.

- 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 **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, teacher or friend. Legal representation will not be appropriate.
- 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 all facts they consider relevant, **the Panel will make findings and may make recommendations.**
- The Panel will write to the parents informing them of its decision and the reasons for it, **within 30 working days of receipt of the Stage 3 complaint** (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 parents, and, where relevant, the person complained about as well as the Chair of Governors and the Headmaster. 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 Headmaster.**
- Any complaint of a decision taken by the Headmaster to exclude or require the removal of the pupil under clause 6 of the School's Terms and Conditions (Parent Contract) will be governed by this Stage 3 of the School's Complaints Procedure.

### **Timeframe for Dealing with Complaints**

All complaints will be handled seriously and sensitively. They will be acknowledged within five working days if received during term time and as soon as practicable during holiday periods.

Any complaints regarding fulfilment of the Early Years Foundation Stage (EYFS) requirements will be investigated and a response provided within 28 days of receipt of the complaint.

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**.

Please note that, for the purposes of this procedure, **working days** refers to weekdays (Monday to Friday) during term time, excluding bank holidays.

### **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 formal stage or proceed to a panel hearing 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 (<https://www.gadshill.org/wp-content/uploads/2019/05/GHS-Privacy-Notice-May-2019.pdf>). 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 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 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.

Correspondence, statements and records relating to individual complaints will 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 text in this section relates only to complaints regarding the fulfilment of the Early Years Foundation Stage (EYFS) requirements. The EYFS statutory framework relates to the learning, development and care of children from birth to five years of age only.**

Gad's Hill 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 for at least three years.

Any complaints regarding fulfilment of the Early Years Foundation Stage (EYFS) requirements will be investigated and a response provided within 28 days of receipt of the complaint.

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 the ISI:

Ofsted may be contacted on 0300 1234 234, by email [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk) or post: Ofsted, Clive House, 70 Petty France, London, SW1H 9EX

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

**Number of Formal Complaints in the Academic Year 2019/20: 1**

**Staff Responsible:** Barry Golding  
**Reviewed:** February 2021  
**Review Date:** September 2021  
**Governor Responsible:** Vice-Chair of Governors