

CROSFIELDS SCHOOL

COMPLAINTS PROCEDURE POLICY

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| Person Responsible: | Head, Bursar |
| Review Date: | 14 September 2022 |
| Next Review Due: | September 2023 |

Please note that, for the purposes of this procedure, 'working days' refers to weekdays (Monday to Friday) during term time. During holiday periods, complaints will be acknowledged as soon as is practicable.

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Regulatory Framework

This policy has been prepared to meet the Schools responsibilities under:

- Education (Independent School Standards) Regulations 2019;
- Statutory framework for the Early Years Foundation Stage (DfE, Sept 2021)
- Education and Skills Act 2008;
- Children Act 1989 as amended Childcare Act 2006;
- General Data Protection Regulation (GDPR);
- Equality Act 2010;
- Responsibilities under Working Together to Safeguard Children and Keeping
- Children Safe in Education guidance as regularly updated.

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This procedure applies to all departments of the school and is inclusive of EYFS pupils

Introduction

Crosfields 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. Crosfields makes its complaints procedure available to all parents of pupils and prospective pupils on the school's website and from the School Office during the school day, and 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 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.

We consider a complaint for these purposes to be one made formally in writing where it has not been resolved by Stage 1 of the process set out below. A complete record of formal complaints (from Stage 2) and actions will be kept.

For the purpose of this policy a “Parent” shall include a guardian, carer or any other person with parental responsibility for a child at the School.

Responsibility, Review & Training

This policy has been approved by the Head and the Chair of Governors on behalf of the Governing body. The policy is reviewed annually. Separate procedures apply if the Head expels or asks a pupil to leave and a parent seeks a review by Governors of that decision.

The School ensures that regular guidance and training is arranged on induction and at intervals thereafter so staff and volunteers understand what is expected of them by this policy and have the necessary knowledge and skills to carry out their roles.

Number of formal complaints made to the school during the academic year 2021/22: 3

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

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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. Correspondence, statements and records will be kept **confidential** except as required by the school by paragraph 33 (k) of Schedule 1 to the Education (Independent Schools Standards) Regulations 2014; namely, where the Secretary of State or a body conducting an inspection under section 108 or 109 of the Education and Skills Act 2008 requests access to them, or where any other legal obligations prevail. 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 raises in good faith.

The Three-Stage Complaints Procedure:

Stage 1 - Informal Resolution

- It is hoped that most complaints and concerns will be resolved quickly and informally.
- Informal complaints may be by letter, telephone call, email, verbally or during a meeting.
- If parents have a complaint they should normally contact their son/daughter's Form Teacher. In many cases, the matter will be resolved straightaway by this means to the parents' satisfaction. If the Form teacher cannot resolve the matter alone it may be necessary for him/her to consult their Pastoral Lead, a Head of Department, a Deputy Head or the Head.
- Complaints made directly to another member of staff will usually be referred to the relevant Form teacher or Pastoral Lead unless it is more appropriate for him/her to deal with the matter personally.
- The member of staff receiving the complaint should acknowledge it within 24 hours and aim to resolve the matter within **5** working School days. If this is not going to be possible, the parents must be informed of the reason and given an indication of the length of time expected to resolve the matter. This meeting may prompt further investigation or wider consultation but, in any event, this stage of complaints process should be completed within 10 working days* of the complaint being acknowledged.
- The Form Teacher will make a written record of all concerns and complaints and the date on which they were received. This is to be passed to the Pastoral Lead.
- If parents remain unsatisfied with the outcome, they will be advised to proceed with their complaint in accordance with stage 2 of this procedure.
- If the complaint is against the Head, parents would be welcomed to the School to discuss their concerns with the Head directly. Should they feel the matter was not resolved, parents should make their complaint to the Chair of the Board of Governors via the Clerk to the Governors. In this case the complaint will be treated as a formal complaint under stage 2 of this procedure.

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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. The Head will decide, after considering the complaint, the appropriate course of action to take. The Head may deem it appropriate for another member of staff to handle the complaint.
- Formal Complaints will be acknowledged by the Head (or any other member of staff allocated by the Head) within **2** working days of being received. In most cases, the Head (or any other member of staff allocated by the Head) will meet or speak to the parents 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 the Head/another member of staff managing the complaint to carry out further investigations after this meeting.
- Written records will be kept of all meetings and interviews held in relation to the complaint. The complainant will be informed if due to exceptional circumstances any additional time is necessary to complete the investigation.
- Once the person managing the complaint 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. Reasons will be given for his/her decision.
- The person managing the complaint will endeavour to provide a response within **10** working days after the initial meeting but the nature of the complaint and the requirement for further investigations may necessitate a longer period of time being required. Parents will be kept informed of the progress of their complaint.
- A parent wishing to make a complaint about the Head may do so by contacting the Chair of the Board of Governors via the Clerk to the Governors. The Clerk will acknowledge receipt of the complaint in writing within two working days, indicating what action is being taken and the likely time scale. The procedures and time scales that apply to any other formal complaint (see above) will be followed.
- If parents are still not satisfied with the decision, they should proceed to Stage 3 of this procedure.

Stage 3 - Panel Hearing

- If parents seek to invoke Stage 3 (following a failure to reach an earlier resolution) they will be referred to the Clerk to the Governors who will call a hearing of the Complaints Panel. In the written request for a Panel Hearing, the parent should state the grounds of the complaint and the outcome desired. He/she should also send a list of all the documents that they

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believe to be in the school's possession that they consider relevant in the matter and that they wish the Panel to see. Copies of all such documents shall be supplied to all parties not later than five working days before the hearing

The Clerk to the Governors will then acknowledge receipt of the complaint within **5** working days and will schedule a hearing to take place within **10** working days thereafter. The School will take all reasonable steps when making the arrangements for the hearing to facilitate the parent exercising their right to attend. If, having indicated they wish to proceed to Stage 3 of this complaints procedure, the parent decides not to attend the hearing, the hearing will take place in their absence. Under these circumstances, the Panel will make findings on the substance of the complaint on the basis of the evidence available.

- 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 day to day management and running of the school . Members of the Panel may be Governors, members of senior staff or persons with appropriate professional experience with no or little connection to the school.
- 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 normally be appropriate.
- The manner in which the hearing is conducted shall be at the discretion of the Panel.
- The hearing will be confidential in nature. This relates to documents, correspondence, discussions taking place during the hearing and the formal record of the hearing. Information cannot be shared with third parties, with the exceptions of the person accompanying the parent to the hearing, or for the purpose of seeking professional legal advice. Parents will be asked to confirm their acceptance of the terms of confidentiality.
- 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 as to whether or not the Stage 2 decision was a reasonable one and may 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 given to the parents, and, where relevant, the person complained about as well as the Chair of Governors and the Head. 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.

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Timeframe for Dealing with Complaints

All complaints will be handled seriously and sensitively. Where timescales are given in 'working days', this is defined as Monday – Friday during term time (the dates of which are available on the School's website). Complaints received during Holiday periods will be dealt with as soon as is practicable but are likely to take longer to resolve due to the unavailability of relevant staff. Under such circumstances the complainant will be notified of any extension to the timescales and the reason(s) why an extension is necessary when the complaint is acknowledged. In exceptional circumstances some flexibility will be required in acknowledging and responding to complaints, this includes but is not limited to instances of staff absences and School closures out of its control.

Alternate Dispute Resolution

In the event that the School and parents are unable to resolve a contractual dispute via the Complaints Procedure, the School will identify a relevant Alternate Dispute Resolution (ADR) provider. The parents will be informed:

- That the School cannot settle the complaint with the parent;
- Of the name and website address of an ADR entity which would be competent to deal with the complaint, should the parent wish to use ADR; and
- Whether the School is prepared to submit to an alternative dispute resolution procedure operated by that ADR entity.

Recording Complaints

Following resolution of a complaint (stage 2 and beyond), 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 record will be held by the PA to the Head.

The School processes data in accordance with its Privacy Notices and Data Protection policies. These are 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 of parent
- Name of pupil
- Description of the issue

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- 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)

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.

Parents can be assured that all concerns and complaints will be treated seriously.

Correspondence, statements and records will be kept confidential except as required by the school by paragraph 33 (k) of Schedule 1 to the Education (Independent Schools Standards) Regulations 2014; namely, where the Secretary of State or a body conducting an inspection under section 108 or 109 of the Education and Skills Act 2008 requests access to them, or where any other legal obligations prevail. Records of individual complaints will be retained for at least seven years thereafter, in accordance with data protection principles, only for as long as is considered to be reasonably necessary in the circumstances. Senior leaders and Governors will maintain oversight of these records in order to determine the appropriate implementation of this policy and to respond to any patterns of complaints which may be apparent.

Managing serial and persistent complaints

Crosfields will do its utmost to be helpful to parents who make contact with a concern, complaint or request for information. However, there may be occasions when, despite all stages of the complaints procedure having been followed, the complainant remains dissatisfied. If a complainant attempts to re-open the same issue, the School will inform them that the procedure has been completed and that the matter is now closed. If the complainant contacts the School again on the same issue, the correspondence may then be viewed as 'serial' or 'persistent' and the School may choose not to respond. However, this will not occur until the complainant has completed the three stages of the complaints procedure. The application of a 'serial or persistent' designation for a complaint will be against the subject of the complaint rather than the complainant themselves.

Monitoring and review of complaints policy and procedures

Senior leaders and Governors will maintain oversight of these records in order to determine the appropriate implementation of this policy and to respond to any patterns of complaints, which may be apparent. The complaints log will be reviewed annually by a member of the Board of Governors who will monitor the number and type of complaints received and the operation of the procedures set out in this policy.

Retention

Please note that, for the purposes of this procedure, 'working days' refers to weekdays (Monday to Friday) during term time. During holiday periods, complaints will be acknowledged as soon as is practicable.

Records of individual complaints will normally be retained for at least **7 years**. Thereafter, in accordance with data protection principles, only for as long as is considered to be reasonably necessary in the circumstances. Complaints relating to concerns about safeguarding, child protection, bullying, welfare, allegations of failure to diagnose special educational needs, incidents where a pupil comes to harm must be retained for at least **25 years** for insurance purposes. Such records will be held securely by PA to Head.

Complaints about the fulfilment of EYFS requirements

Additional regulatory requirements apply to written complaints regarding the fulfilment of EYFS requirements. Specifically, the complainant will be notified of the outcome of any investigation by the School into their complaint within **28 days**. The School's record of complaints will be made available to Ofsted and ISI on request. In the event of dissatisfaction with the above actions, the complainant may refer the matter to the Office for Standards in Education (Ofsted) or the Independent Schools Inspectorate (ISI). The contact details for these organisations as follows:

Ofsted
Piccadilly Gate
Store Street
Manchester
M1 2WD
www.ofsted.gov.uk
enquiries@ofsted.gov.uk
0300 123 1231

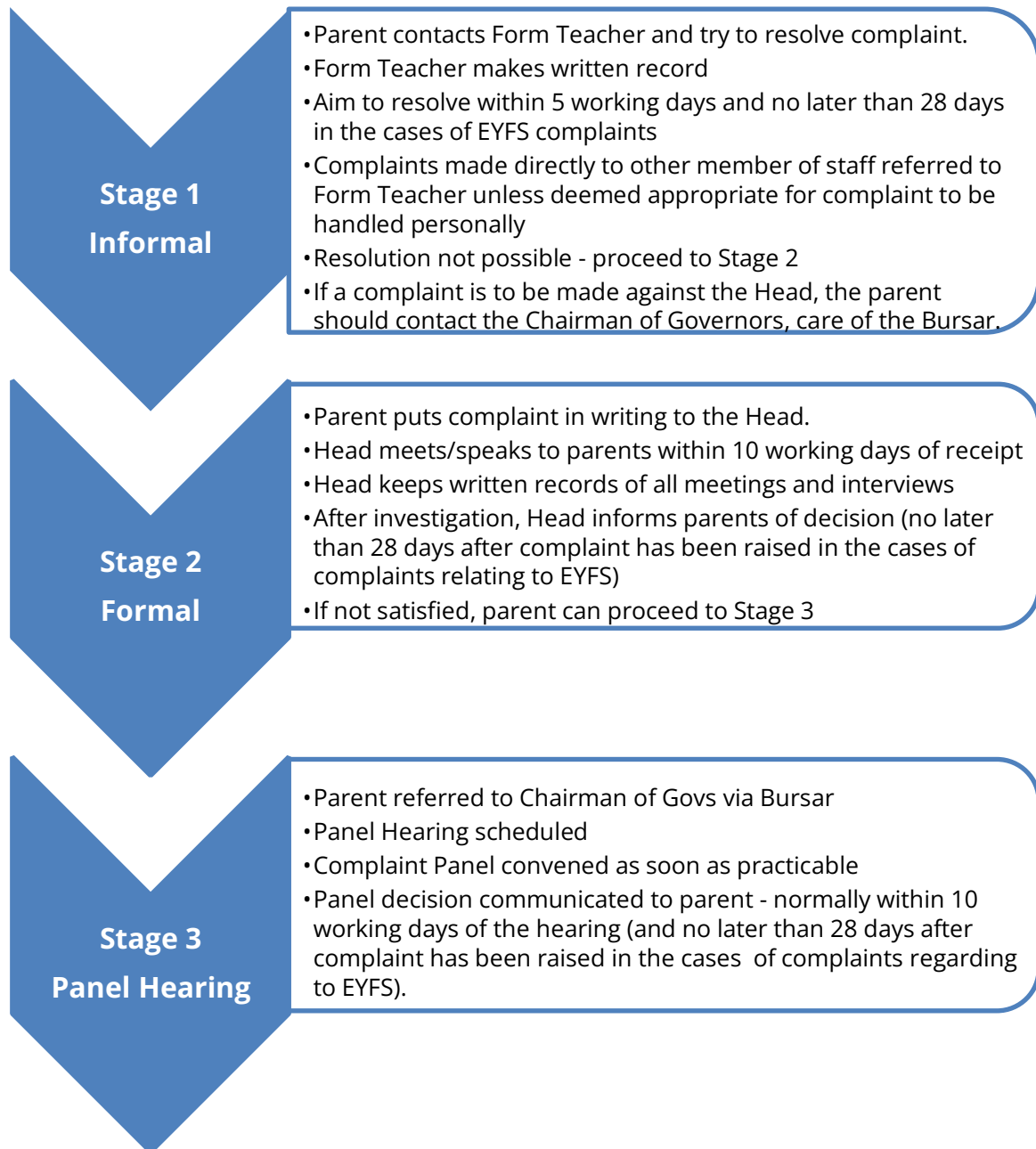
Independent Schools Inspectorate
CAP House
9-12 Long Lane
London
EC1A 9HA
www.isi.net
concerns@isi.net
0207 600 100

Anonymous Complaints

It is at the Head's discretion what action, if any, should be taken in response to any anonymous complaints.

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COMPLAINTS PROCESS FLOW CHART



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