St Swithun's School Winchester

Incorporating St Swithun's School, St Swithun's Prep School
and the Early Years Foundation Stage

Complaints Procedure

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Reviewed by:

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1. Introduction

The School has long prided itself on the quality of the teaching and pastoral care provided to its students and the relationships it establishes with parents. If current parents do have a complaint, they can expect it to be treated by the School in accordance with this Complaints Procedure. St Swithun's School makes its Complaints Procedure available to all parents of students and of prospective students on the School's website and in the School office during the school day, and will ensure that parents of students and of prospective students who request it are made aware that this document is published or available; of the form in which it is published or available; and of the number of complaints registered under the formal procedure (Stage 2 or Stage 3) during the preceding school year. In accordance with paragraph 32(1) of Schedule 1 to the Education (Independent School Standards) Regulations 2014, St Swithun's 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 (Stage 2 or Stage 3) during the preceding school year.

Although this Procedure is made available to parents of prospective students, it is not available for use by them; it may only be used by parents of current students.

Complaints by parents of former students will be dealt with under this Complaints Procedure only if the complaint was initially raised when the student to which the complaint relates was still registered as a student at the School.

Although the School endeavours to manage complaints in an open and transparent manner, parents should be aware that there may be circumstances which mean that 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 belong to a staff member, student or other parent), legal or regulatory requirements prohibit disclosure, or withholding information is in accordance with specific instructions from a statutory agency. This list is not exhaustive.

"Parent(s)" means the holder(s) of parental responsibility for a student about whom the complaint relates.

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. The School always aims to resolve any complaints swiftly and informally (Stage 1), but we outline below the processes by which a parent may proceed if they feel dissatisfied with the outcomes and wish to move to a more formal level (Stage 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.

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.

2. Timeframe for Dealing with Complaints

All complaints will be handled seriously, sensitively and within clear and reasonable timescales.

They will be acknowledged within five full school days. It is in everyone's interest to resolve a complaint as speedily as possible. The School will complete Stage 1 of the procedure within 15 full school days of receipt of the complaint. If a complaint is escalated to Stage 2 by the parents, the School will aim to complete Stage 2 within a further 15 full school days of that escalation

If a complaint is escalated from Stage 2 to Stage 3, the Panel hearing, we aim for the process to be completed, and the outcome advised within 30 full school days of the request by parents for escalation to Stage 3. In exceptional circumstances, for example, a complex matter that may require the involvement of lawyers or other parties with timeframes over which the School may have limited or no control, the outcome may take longer. In such cases, parents will be informed by the School within the initial 28-day period and a revised time frame agreed. Further details of timings within Stage 3 are given below.

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 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.

3. The Three-stage Complaints Procedure

The following sections cover the process by which any complaint will be addressed.

4. Stage 1 – Informal resolution

a. It is hoped that most complaints and concerns (however initially communicated) will be resolved quickly and informally.

b. Although all formal (Stage 2 or Stage 3) complaints will be made in writing, this does not mean that the formal stage is automatically triggered whenever a concern is expressed in writing, for example, by email. Rather, the School will attempt to resolve it quickly and informally.

c. If parents have a complaint, they should normally contact their daughter's class teacher, head of department, form tutor or housemistress/master as appropriate. 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 headmistress.

d. Complaints made directly to the headmistress or a deputy head will usually be referred to the relevant member of staff unless the headmistress or deputy head deems it appropriate for her / him to deal with the matter personally.

e. Once the outcome of the informal complaint has been communicated to parents, it will be assumed that the matter is resolved unless the parents write to escalate the complaint to a formal complaint (Stage 2).

e. The member of staff will usually make a written record of all complaints and the date on which they were received. Complaints will usually only progress to the formal stage after first being considered at the informal resolution stage and only then if satisfactory resolution cannot be achieved and the complainant intends to escalate the matter to Stage 2 of this procedure.

5. Stage 2 – Formal resolution

a. If the complaint cannot be resolved on an informal basis, then the parents should put their complaint in writing to the headmistress within five full school days of the outcome of the informal complaint being communicated to them. The headmistress will decide, after considering the complaint, the appropriate course of action to take.

b. In most cases, the headmistress will speak to the parents concerned, as soon as possible and within five full school days[1] of receiving the complaint, to discuss the matter. If possible, a resolution will be reached during this meeting or conversation.

c. It may be necessary for the headmistress, or their nominee, to carry out further investigations.

d. The headmistress will keep written records of all discussions and interviews held in relation to the complaint. The records will be kept for a minimum of three years.

e. Once the headmistress is satisfied that, so far as is reasonable, all of the relevant facts have been established, a decision will be made and parents will be informed of this decision in writing. The headmistress will also give reasons for her decision. In most cases, this will be within 15 full working days of the complaint being put in writing.

f. Once the outcome of the formal complaint has been communicated to parents, it will be assumed that the matter is resolved unless the parents write to escalate the complaint to Stage 3 of this Procedure.

6. Stage 3 – Panel hearing

a. If parents seek to proceed to Stage 3 (following a failure to reach an earlier resolution), they should contact the bursar, who has been appointed by Council (St Swithun's board of governors) to call hearings of the Complaints Panel, within five full working days of receipt of the Stage 2 decision. They should set out the grounds for their appeal to Stage 3, based on the decision at Stage 2, alongside supporting materials on which they wish to rely. Parents may request an extension to this time frame if they have extenuating circumstances that prevent them from presenting their complaint or evidence within the required five days.

b. The bursar, on behalf of the Panel, will acknowledge the complaint within five working days and schedule a hearing to take place as soon as practicable and normally within 20 working days. 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, two of whom will be members of Council and the third shall be independent of the management and

[1] This period may be extended during holidays or if either the complainant or headmistress is unavailable during the period following the complaint being raised. In such cases every attempt should be made to minimise delay in responding. If necessary a member of the Senior Leadership Team may deputise for the Headmistress.

running of the School; guidance is offered at Annex A. Each of the Panel members shall be appointed by the Chair of Council.

c. If the Panel deems it necessary, it may require further particulars of the complaint or any related matter to be supplied in advance of the hearing. Copies of such particulars shall be supplied to all parties not later than five working days prior to the hearing.

d. The parents may attend the hearing and be accompanied by one other person. This may be a relative, teacher or friend. The accompanying person is not there to ask or answer questions but to support the parents. Legal representation will not normally be appropriate. The Panel will decide whether it would be helpful for witnesses to attend. The remit of the Panel shall be at the discretion of the Chair of Council and the manner in which the hearing is conducted shall be at the discretion of the Panel. A notetaker nominated by the Chair of Council will be in attendance at the hearing.

e. If the parents decide not to attend the hearing, the panel should consider the complaint in their absence and issue findings on the substance of the complaint, thereby brining the matter to a conclusion. The requirement for the Panel to proceed does not prevent the School from accommodating parental availability for dates or considering comments concerning panel composition.

f. If possible, the Panel will resolve the parents' complaint immediately without the need for further investigation.

g. 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/or
- make recommendations for the school to consider. Panels cannot require that any financial compensation is paid to parents or otherwise obligate the school to take particular steps.

h. The Panel will write to the parent(s) informing them of its decision and the reasons for it, **within five 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 Council and the Stage 2 decision-taker. A copy of notes from the hearing will also be shared with attendees as soon as practicable after the hearing. The notes will not be a verbatim record but rather an accurate reflection of what was discussed. To the extent there is any disagreement about the content of those notes or further comments from the parties, these must be raised within five working days following receipt, and they will be considered and, where possible, resolved by the Chair. A copy of any comments on the notes will be appended to the notes. 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 Council and the headmistress.

i. While the constituent stages of a formal complaint procedure may extend beyond their target timescale, the School will make every effort to ensure that the period between the lodging of a complaint and its resolution does not exceed 30 working days.

j. A written record will be kept, for a minimum of three years, of all complaints that proceed to the formal stage and will include:

i. whether they are resolved following a formal procedure, or proceed to a panel hearing; and

ii action taken by the School as a result of those complaints (regardless of whether they are upheld)

k. The findings of any complaints proceedings together with any correspondence, statements or records relating to individual complaints will be kept confidential, except where the Secretary of State or a body conducting an inspection under Section 108 or 109 of the 2008 Act requests access to them, or where any other legal obligation prevails.

7. Persistent correspondence

Where repeated attempts are made by a parent to raise the same complaint, after it has been addressed within this policy, will be considered vexatious and outside the scope of this procedure.

8. Recording complaints and use of personal data

Following resolution of a complaint, the School will keep a written record of all formal complaints (Stage 2 and Stage 3 complaints), whether they are resolved at 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 [Privacy Policy]. 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 student;
- 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 of the Panel hearing; and
- The Panel's written decision.

This may include 'special category personal data' (as further detailed in the School's *Privacy Notice* and *Data Protection Policy*, and 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*.

The School will keep records of Stage 2 and Stage 3 complaints as required by regulation. The Department for Education has advised that complaints with no safeguarding implications should be retained for a minimum of seven years. Where, however, there are safeguarding implications the records must be preserved at least until the accused has reached normal pension age or for 10 years from the date of the allegation if longer.

The School will keep records 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 (e.g. in response to a subject access request) which prevails over the requirement to maintain the records as confidential.

9. Additional provisions

a. **Complaints against or involving the headmistress.** Complaints against or involving the headmistress should be made to the Chair of Council, whose contact details are given on the school website. The procedures above are then followed by the Chair of Council or a nominee.

b. **Early Years Foundation Stage (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.

St Swithun's 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 Data Protection Policy .

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 ISI:

Ofsted can be contacted on 0300 123 1231 or by email: 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

ISI, CAP House, 9-12 Long Lane, London EC1A 9HA

10. Failure to resolve a complaint

If the complainant remains dissatisfied with the outcome of the Stage 3 Panel hearing, they are entitled to take their complaint to the Independent Schools Inspectorate (ISI) and/or Ofsted. It should be noted that ISI will expect a complainant to have sought redress through the School's own Complaints Procedure before raising a concern. Contact details are as follows:

- **ISI**

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

Tel: +44(0)20 7600 0100
Email: info@isi.net
Website: www.isi.net

- **Ofsted**
  Piccadilly Gate
  Store Street
  Manchester
  M1 2WD

  Email enquiries@ofsted.gov.uk
  Enquiries 0300 123 1231
  About schools 0300 123 4234
  About concerns 0300 123 4666
  Fax 0300 123 3159
  The helpline is open Monday to Friday from 8.00am to 6.00pm.

Details of the number of complaints raised at Stage 2 or Stage 3 are included in Appendix B and will be posted on the school website.

M J Gamble
Bursar

Appendices:

A. Complaints Procedure – Independent Member of the Panel
B. Number of complaints

Appendix A: Complaints Procedure – Independent Member of the Panel

The DfE has given the following guidance on the identity of an independent panel member:

> Our general view is that people who have held a position of responsibility and are used to scrutinising evidence and putting forward balanced arguments would be suitable. Examples of persons likely to be suitable are serving or retired business people, civil servants, heads or senior members of staff at other schools, people with a legal background and retired members of the Police Force might be considered.

Appendix B. Number of Complaints

There has been one senior school complaint and no prep school complaints at Stage 2 or Stage 3 of the Complaints Procedure in the preceding school year.[SB1]