

## **COMPLAINTS POLICY AND PROCEDURE including EYFS DURHAM HIGH SCHOOL**

### **Introduction**

*Durham High 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. Durham High School makes its Complaints Procedure available to all parents of pupils and of prospective pupils on the School's website and in the School office during the school day, and Durham High School 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, 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) Regulation 2014, Durham High 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.*

*Although this Procedure is made available to parents of prospective pupils, it is not available for use by them; 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 8.11 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.*

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

### **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 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.
- If parents have a complaint they should normally contact their daughter's Form Teacher or Head of Year. In many cases, the matter will be resolved straightaway by this means to the parents' satisfaction. If the Form Teacher or Head of Year cannot resolve the matter alone it may be necessary for him/her to consult the Deputy Head or Head in the case of Junior House.

- Complaints made directly to the Deputy Head or Head of Junior House will usually be referred to the relevant Form Teacher or Head of Year unless the Deputy Head (Head in Junior House) deems it appropriate for her to deal with the matter personally.
- The relevant person make a written record of all concerns and complaints via CPOMS. Should the matter not be resolved **within** 5 working days or in the event that the Form Teacher or Head of Year 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 the complaints are made to the Headmistress on an informal basis, she will consult the relevant people and respond within 5 working days.
- If, however, the complaint is against the Headmistress, or parents are not satisfied her resolution of any informal complaint, parents should make their complaint directly to the Chair of Governors, whose contact details are available from the School on request.

### **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 Headmistress. The Headmistress will decide, after considering the complaint, the appropriate course of action to take.
- In most cases, the Head will meet, write or speak to the parents concerned, **within 10 working days** of receiving the complaint. If possible, a resolution will be reached at this stage.
- It may be necessary for the Headmistress, or their nominee, to carry out further investigations.
- The Headmistress will **keep written records** of all meetings and interviews held in relation to the complaint.
- Once the Headmistress 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 Headmistress will also give reasons for her decision. In most cases, the Headmistress will make her decision and provide the parents with reasons within 15 working days of the complaint being put in writing.
- If the complaint is against the Headmistress, 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 Headmistress 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, write or 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.
- 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 should do so in writing to the Clerk to the Governors within 10 working days of receiving the decision at Stage 2, setting out their grounds of appeal. Any supporting evidence which the parents wish to rely on should also be provided with their grounds of appeal.
- **The Clerk to the Governors, 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 and one of whom shall be independent of the management and running of the School.** The Clerk to the Governors, in consultation with the Chair of Governors, will appoint one Panel member to act as Chair of the Panel. The Clerk to the Governors, on behalf of the Panel, will then acknowledge the complaint within 10 **working days** and schedule a hearing to take place **within 25 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 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.
- **The parents may attend the hearing and be accompanied to the hearing by one other person if they wish.** The Headmistress 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. The Panel will decide whether it would be helpful for witnesses to attend.
- 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 as to whether or not the Stage 2 decision was a reasonable one and accordingly decide whether to:**
  - Dismiss the complaint(s) in whole or in part;
  - Uphold the complaint(s) in whole or in part; 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 Headmistress. 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 Headmistress.**
- Any complaint of a decision taken by the Headmistress to exclude or require the removal of the pupil under clause 8.11 of the School's Terms and Conditions (Parent Contract) will be governed by this Stage 3 of the School's Complaints Procedure. In such circumstances, the Panel may only uphold the complaint and ask the Headmistress to reconsider her decision if they consider, having regard to the process followed by the Headmistress, that the Headmistress's decision to exclude / require the removal of the pupil was not a reasonable decision for the Headmistress to have taken.

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

All complaints will be handled seriously, sensitively and within clear and reasonable timescales. These, however, may have to be extended in the light of the current pandemic and Government guidelines.

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 35 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. 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.

### **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 of Stage 1, 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.

[https://www.dhsgmvc/Documents/policies/Privacy%20Notice%20\(Autumn%202019\).pdf](https://www.dhsgmvc/Documents/policies/Privacy%20Notice%20(Autumn%202019).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 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 and minutes of the 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, 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.

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 and Data Protection Policies.

**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.**

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.

**Durham High 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 the ISI:**

**Ofsted can be contacted on 0300 123 1231 or by email: [enquiries@ofsted.gov.uk](mailto: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](mailto:concerns@isi.net)**

**[ISI, CAP House, 9-12 Long Lane, London EC1A 9HA](#)**

*Autumn 2020*