

Parental Complaints Policy

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V1	June 2022	David Stewart	Adopting parts of Cavendish Education (Parental Complaints Policy) post acquisition on 31/10/22. Written in line with our current NMSS status and our new owners – Cavendish Education. References to independent school’s standards have been removed.

Heathermount School is owned and operated by Cavendish Education. Heathermount school is currently a non-maintained special school that is in the process of applying to become an independent special school.

This policy is one of a series of school policies that, taken together, are designed to form a comprehensive statement of the school's aspiration to provide an outstanding education for each of its students and of the mechanisms and procedures in place to achieve this. Accordingly, this policy should be read alongside these policies. In particular, it should be read in conjunction with the policies covering equality and diversity, Health and Safety, safeguarding and child protection.

All of these policies have been written, not simply to meet statutory and other requirements, but to enable and evidence the work that the whole school is undertaking to ensure the implementation of its core value of building confidence and preparing students for life.

While this current policy document may be referred to elsewhere in Heathermount School documentation, including particulars of employment, it is non-contractual.

In the school's policies, unless the specific context requires otherwise, the word "parent" is used in terms of Section 576 of the Education Act 1996, which states that a 'parent', in relation to a child or young person, includes any person who is not a biological parent but who has parental responsibility, or who has care of the child. Department for Education guidance Understanding and dealing with issues relating to parental responsibility considers a 'parent' to include:

- all biological parents, whether they are married or not.
- any person who, although not a biological parent, has parental responsibility for a child or young person - this could be an adoptive parent, a step-parent, guardian or other relative.
- any person who, although not a biological parent and does not have parental responsibility, has care of a child or young person.
- A person typically has care of a child or young person if they are the person with whom the child lives, either full or part time and who looks after the child, irrespective of what their biological or legal relationship is with the child.

The school employs the services of the following consulting companies to ensure regulatory compliance and the implementation of best practice:

- Peninsula BrightHR
- Peninsula BusinessSafe (Health and Safety)
- Atlantic Data (DBS)
- Educare (online CPD)

Heathermount School is committed to safeguarding and promoting the welfare of children and young people and expects all staff, volunteers, pupils and visitors to share this commitment.

All outcomes generated by this document must take account of and seek to contribute to safeguarding and promoting the welfare of children and young people at Heathermount School.

The policy documents of Heathermount School are revised and published periodically in good faith. They are inevitably subject to revision. On occasions a significant revision, although promulgated in school separately, may have to take effect between the re-publication of a set of policy documents. Care should therefore be taken to ensure, by consultation with the Senior Leadership Team, that the details of any policy document are still effectively current at a particular moment.

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1. Regulatory status

This Policy is a regulatory requirement and is configured in accordance with The Education (Independent Schools Standards) Regulations Part 7, as interpreted by The Independent School Standards Guidance for independent schools April 2019 provided by the Government.

2. Introduction

Heathermount School is proud of the quality of teaching and pastoral care provided to its students, and is committed to meeting the needs of its various stakeholders so that any issues or queries can be dealt with positively and proactively. If parents have a concern they wish to complain about, they can expect it to be treated by the school in accordance with the following procedure.

This policy is available on the school website and can be made available in hardcopy upon request to the Headteacher's office. It can also be made available in larger print or in a more accessible format if required. If parents need assistance raising their concern or complaint at any Stage in the procedure, for example because of a disability, they should contact the Headteacher's office who will be happy to make appropriate practical arrangements.

The procedures set out below may be adapted on occasion as appropriate to meet the policy aims and the circumstances of each case.

3. Aim and Outline Summary

The aim of the school's Parental Complaints Policy is to provide a regulatorily compliant structure to ensure that any parental complaint is managed appropriately and effectively.

Parents are assured that the school aims to treat all complaints seriously, sensitively and confidentially, and that a student will not be disadvantaged or penalised for a complaint being raised.

If someone who is not a parent of the school - including a prospective or a previously prospective parent - wishes to make a complaint, they are invited to follow the Complaints (Other than Parents) Policy or to contact the school on email address or phone number. We are always interested to receive feedback and hear any concerns, and we do our best to respond constructively and in a timely way.

This Policy contains a complaints procedure to deal with complaints from parents of pupils which provides for three Stages: informal, formal and a hearing before a panel which includes an independent member. The school may progress a particular complaint more rapidly through stages, where this is appropriate under the circumstances.

A parent with a complaint is asked to follow the three Stages of the procedure in sequence.

4. Confidentiality

All participants (including parents and staff members) utilising the school's Parental Complaints Policy must ensure that correspondence, statements and records relating to individual complaints are 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.

5. Scope

The provisions and entitlements of the school's Parental Complaints Policy apply to parents of pupils, defined regulatorily as persons for whom education is being provided at the School.

The process outlined in this Parental Complaints Policy does not cover the management of complaints from

- parents of a student who has left the School voluntarily or as a result of being permanently excluded (except in cases where the complaints process was started when the pupil was still being educated at the School)
- parents of a prospective students (including making a complaint about the non-admission of a prospective student)
- students regardless of their age
- staff members
- those using services provided by providers other than the School who may use School premises or facilities

who should refer to the Complaints (Other Than Parents) Policy which can be found on the School website.

For regulatory and confidentiality reasons, other than in relevant safeguarding circumstances, the school does not process complaints made by someone on behalf of another parent or another parent's child apart from themselves and their child.

In part because of the regulatory requirement for confidentiality (see Section 4), the school is normally unable to handle group complaints or a complaint presented by one parent in respect of another. In such cases, complaints should be presented by the parent(s) of an individual student in respect of that student.

6. Definition of a 'complaint'

There is no distinction between a "concern" and a "complaint" and therefore, so no such distinction is made in this Complaints Policy. Any matter about which a parent of a students is unhappy and seeks action by the school is a 'complaint' and falls within the scope of this procedure.

7. Offering possible resolution to complaints

Parents using this Complaints Policy are encouraged to share what actions they feel might resolve the problem at any Stage, which may assist the school in making its response.

At each Stage in the procedure the school seeks to keep in mind ways in which a complaint can be appropriately resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part, and it may be appropriate to offer one or more of the following:

- an apology
- an explanation
- an admission that something could have been handled differently or better
- an assurance (where possible) that the event complained of will not recur, with an explanation of the steps that have been taken to reasonably ensure that it will not happen again
- an undertaking to review School policies or practice in light of the complaint
- a dismissal of the complaint in whole or in part, with an explanation why that dismissal is appropriate

An admission that the school could have handled a situation better is not the same as an admission of negligence.

8. Appropriate alternative routes for dealing with a complaint or aspects of a complaint

As indicated above, there are a number of alternative routes which may be appropriate for dealing with a potential complaint or with aspects of a complaint:

- statutory assessments of Special Educational Needs
 - issues with statutory assessments of Special Educational Needs should be raised with the relevant local authority.
- matters likely to require a Child Protection Investigation
 - complaints about child protection matters are handled under the school's child protection and safeguarding policy, which can be found on the school website, and in accordance with relevant statutory guidance.
- whistleblowing
 - the school has an internal whistleblowing procedure for employees, including temporary staff and contractors.
- staff grievances
 - complaints from staff are dealt with under the school's internal staff grievance procedures.
- staff conduct
 - if appropriate, parental complaints about staff are also dealt with under the school's internal disciplinary procedures; complainants are not informed of any disciplinary action taken against a staff member as a result of a complaint, but will be notified that the matter is being addressed appropriately.
- a permanent exclusion
 - the handling of a complaint about a permanent exclusion is dealt with in the school's Behaviour Management / Exclusions Policy/ies.

9. STAGE 1 – Informal Resolution

It is hoped that most complaints will be resolved quickly and informally.

Initiating a Stage 1 complaint: If parents have a complaint, they should normally contact the relevant member of staff. In most cases the matter will be resolved at this point to the parents' satisfaction.

Parents may make the complaint through a telephone call, email, in person or by letter.

Complaints made initially to the Headteacher or other senior staff will usually be referred back to the relevant member of staff in the first instance.

The Stage 1 process will normally be concluded within 10 working days within term time. Stage 1 complaints are unlikely to be processed during the school holidays.

The relevant member of staff will make notes of all complaints and the dates on which they were received and concluded at Stage 1.

All identified Stage 1 complaints are logged centrally by the School.

In the event that the relevant member of staff and the parent do not reach a satisfactory Stage 1 resolution within the time frame above, then the parents will be advised to proceed to Stage 2 below.

A Stage 1 complaint which has not been progressed to Stage 2 within six school weeks of its completion will normally be regarded as fully concluded.

10. STAGE 2 – Internal Resolution

A complaint will usually progress to the internal stage (Stage 2) only after first being considered at the preliminary stage (Stage 1) and only then if the complainant explicitly intends to escalate a matter to the formal stage.

Initiating a Stage 2 complaint: If the complaint cannot be resolved on an informal basis at Stage 1, then the parents should put their complaint in writing to the Headteacher, giving details of their complaint (such as dates / times of events, relevant documentation etc). The Headteacher will acknowledge receipt of the complaint within 3 working school days (or as soon as reasonably practicable during school holidays).

The Headteacher will decide, after due consideration, the appropriate course of action to take. In most cases they or a member of the Senior Leadership Team will meet with the parents concerned within 5 working school days of receiving the complaint, to discuss the matter. If possible, a resolution will be reached at this stage. If further investigation is required, the Headteacher will normally delegate that responsibility to a member of the Senior Leadership Team; that person will report back regarding the facts of the case to the Headteacher, without themselves making a judgement on the complaint.

Once the Headteacher is satisfied that so far as practicable all of the relevant facts have been established, they will review all relevant material, form a judgement and then will confirm the outcome of the Stage 2 to the parent(s) in writing, normally within 15 working school days for receipt of the Stage 2 complaint. If a longer period is required for the Stage 2 process, they will write to the parent(s) to explain the reasons. The letter will provide guidance to the parent on how to progress the matter to a Stage 3, should they consider this necessary.

The Senior Leadership Team will keep written records of all meetings and interviews held in relation to the complaint.

If the parent(s) are not satisfied with the outcome at the end of the Stage 2 process, they should proceed to the formal Stage 3 by contacting the Directors via info@cavendisheducation.com within 5 working school days of their receipt of the formal completion of the Stage 2 process.

A Stage 2 complaint which has not been progressed to Stage 3 within six school weeks of its completion will normally be regarded as fully concluded.

11. STAGE 3 – Formal Resolution

If parents are not satisfied with the Stage 2 outcome and seek to invoke Stage 3, they are referred to a Director who will nominate a Chair of a Panel (which may be themselves) to make arrangements to hear the complaint.

The Panel shall be appointed by the Chair and will consist of at least three people not directly involved in the matters detailed in the complaint. At least one member of the Panel shall be independent of the management and running of the school, which means that they will not only be outside the school's workforce and not a member of the governance body, but also will not be otherwise involved with the management of the school.

Once appointed, the Chair of the Panel will then acknowledge the Stage 3 complaint and schedule a Hearing to take place as soon as practicable and normally within 15 working school days of receipt of the complaint. Reasonable notice will be given so that all parties can attend.

At the Panel Hearing, a parent may be accompanied, for example by a family member or friend, but legal or other representation will not normally be appropriate and there will be no entitlement to have a legal representative to make representations on their behalf at the Hearing.

The Panel Hearing will be conducted in accordance with the guidance outlined in Annex A below.

In the event of a parent stating their intention to initiate or their having initiated legal proceedings with regard to the complaint, the Panel Hearing will usually still go ahead in accordance with this Policy.

If a parent does not exercise the right to attend a Panel Hearing, the School will nevertheless hold the Hearing in conformity with this Policy. The School will use all reasonable endeavours to facilitate a parent exercising the right of attendance.

The Panel will confirm the outcome of the Hearing in writing to the parent(s) within 5 working school days.

In all cases of a complaint reaching Stage 3, the school will take the opportunity, outside of the Complaints Procedure, formally to look beyond the immediate complaint to ensure that it does not represent a deeper problem that needs to be remediated.

12. What a parent should do if dissatisfied with the Stage 3 outcome

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

If parents remain dissatisfied with the school's response at Stage 3 or feel that intervention at a higher level is appropriate, they may lodge a complaint to external agencies as follows.

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

If the school place is funded by a parent, the Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015 invite a school to provide parents, on conclusion of Stage 3 of the school's Complaints Procedure and in the event of their still being dissatisfied, with the name and address of an alternative dispute resolution provider who has been certified by the Chartered Trading Standards Institute as competent to resolve consumer disputes. The school recommends CEDR whose contact details can be found at www.cedr.com. Please note that the school is not obliged to enter into alternative dispute resolution and reserves the right not to do so.

For schools regulated by the Independent Schools Inspectorate (ISI), they may choose to share their concerns with ISI at CAP House, 9-12 Long Lane, London EC1A 9HA Tel: 020 7600 0100 and Email: concerns@isi.net

For Schools regulated by Ofsted, they should register their complaint through the Ofsted contact form on the website <http://live.ofsted.gov.uk/onlinecomplaints/> (or email enquiries@ofsted.gov.uk).

13. Potential impacts on timeframes

If other bodies are investigating aspects of the complaint - for example the police, local authority safeguarding teams or Tribunals - this may impact on the school's ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations. Where any such delay can be avoided, it will be.

14. Managing serial and unreasonable complaints

The school is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. The school does not normally limit the contact complainants have with the school. However, the school does not expect staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour including that which is discriminatory, abusive, offensive or threatening.

The school defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school.

For complainants who excessively or unreasonably contact the school, the school may specify methods of communication and limit the number of contacts in a "communication plan", which is reviewed after six months.

In response to any serious incident of aggression or violence, the school will take decisive action to safeguard all involved, including where necessary, contacting the police and/or considering barring an individual from the school, and communicate as appropriate their actions in writing.

15. Recording Complaints

The school keeps a written record of all complaints which may include the date, the Stage, the circumstances of the complaint, description of the issue, records of all the investigations (if appropriate), witness statements (if appropriate), name of staff member(s) handling the issue at each Stage, copies of all correspondence on the issue (including emails and records of phone conversations), the action taken by the school as a result of the complaint and whether these complaints were resolved at which Stage.

The record of complaints also identifies those complaints relating to boarding / residential provision, and the action taken by the school as a result of those complaints (regardless of whether or not they are upheld).

All records of complaints are retained by the school in accordance with the School's obligations under the Data Protection Act. All correspondence, statements and records relating to individual complaints are kept confidential except where the Secretary of State or a body conducting an inspection under section 162A of the 2002 Act requests access to them.

From September 2020, the DfE has advised that complaints which do not have safeguarding implications should be retained for a minimum of 7 years (a period determined by the 6-year inspection cycle with allowance for unforeseen circumstances). Where there is a safeguarding angle, the advice is: 'Records concerning allegations of abuse must be preserved for the term of the Independent inquiry into Child Sexual Abuse and at least until the accused has reached normal pension age or for 10 years from the date of the allegation if it is longer.'

16. Exceptions to procedure

Where there is a particularly serious complaint that needs to be raised, then it is possible for the parent to take it directly to the Headteacher, circumventing Stage 1.

A particularly serious complaint in this context might include matters of Child Protection, personal safety, confidential health or family issues or when there is a significant allegation made against a member of staff. In such instances, it may be appropriate / necessary to initiate other(s) of the School's policies and procedures.

17. A complaint against the Headteacher

A complaint against the Headteacher should be made via info@cavendisheducation.com to the Directors at Cavendish Education. The Group Managing Director will nominate an individual, who will normally manage it as a Stage 2 Complaint in the first instance, giving the complainant the opportunity to progress to Stage 3 thereafter should they so decide. In the latter instance, the Director who dealt with the Stage 2 process will not be involved in the Stage 3 process.

A significant allegation against the Headteacher will be managed directly either as a Stage 3 Complaint (without going through Stage 2) or separately under the terms of the school's Safeguarding Policy.

18. Withdrawing a complaint

Parent(s) are entitled to halt their Complaint at any point in the procedure if they so wish; if so, they are asked to confirm this decision in writing.

19. Non-compliance with this Policy

Government guidance emphasises generically that, in the event of it being found that the regulatory Complaints requirements have not been met by a school because of the way a particular complaint has been handled, the Secretary of State has no power to compel a school to alter its decision on that complaint, only to take regulatory action designed to address the failure to meet the complaints standard.

20. Numbers of Stage 3 Complaints in the Academic Year 2021/22

There were no formal (Stage 3) complaints resolved under the school's Parental Complaints Procedure during the Academic Year 2021/22.

There were no formal (Stage 3) complaints initiated under the school's Parental Complaints Procedure during the Academic Year 2021/22 which at the end of the academic year had not been completed.

The contents of this paragraph (Paragraph 20) are presented as a separate linked document on the 'Policies' page of the school website.

21. Review of implementation

The implementation of this Policy is reviewed annually by the school's Senior Leadership Team in consultation with staff and a report is made to the Governance Body.

The school may submit to Cavendish Education proposals for amendments to this Policy.

22. Annex A Conduct of the Stage 3 Panel

Before the Stage 3 Panel Hearing, the Chair of the Hearing Panel in a timely manner:

- is appointed by the Cavendish Education Managing Director directly upon receipt of the complaint
- assembles the other Panel members and a Minutes-taker in accordance with this Policy
- arranges a date, time and location for holding the Panel Hearing that is mutually convenient for all participating parties within the timeframe given in the Policy
- draws up and shares
 - the Agenda for the Panel Hearing on the basis of the parental response to the Stage 2 outcome
 - the list of documents presented to the Panel for the Hearing, confirming with the parent(s) that there are no further relevant documents for presentation

At the Stage 3 Panel Hearing, the Chair:

- introduces all participants to one another
- identifies any practical points for the conduct of the Hearing, including any necessary time limitation in effect
- reminds the parents that the focus of the Panel is to hear the parents themselves and that, other than in exceptional circumstances, the person accompanying the parent(s) is there to support and if necessary advise the parent(s) but not to speak in their stead as their representative
- rehearse the Agenda for the Hearing, including the documents presented to it
- explains that
 - in addition to reviewing any procedural issues in the previous handling of the complaint, the Panel will fully consider the complaint on its merit
 - newly introduced items of complaint not already the subject of Stages 1 and 2 within the same process will not normally be considered by the Panel
 - on reaching the end of the Hearing, the expectation is that the Hearing is concluded but that the Chair reserves the right to reconvene the Hearing at a future date, in the event that circumstances so require it
- confirms that an outcome will not be provided during the Hearing itself, because the Panel will require further time for deliberation and, if necessary, further investigation
- invites the parent(s) to speak to each item on the Agenda
- in collaboration with other Panel members, ensures that the Panel members have a full understanding of what is being said to them, asking questions for clarification where appropriate
- without prejudice to the outcome of the Hearing, invites the parent(s) to define the outcome they would regard as satisfactory

After the Stage 3 Hearing, the Panel members:

- consider all that has been presented to them during the Hearing
- conduct any further investigation if required
- deliberate together on the merits of the complaint put to them
- reconvene the Hearing if appropriate (the pattern of Panel actions then being reiterated)
- agree and appropriately distribute a response (which may include recommendations) in conformity with this Policy, confirming that this response concludes the School procedure with regard to the complaint