



Old Vicarage School

Complaints Procedure

This procedure applies to the whole school including the EYFS.

Introduction

The Old Vicarage School has long prided itself on the quality of the teaching and pastoral care provided to its pupils. However, if parents of pupils do have a complaint, they can expect it to be treated by the school in accordance with this procedure.

A copy of this procedure can be found on the School's website and is available to parents and staff. The School will ensure that parents of pupils are made aware that this document is published on the website or available on request from the School Office.

In this procedure, the word "parent/s" refers to a current parent, legal guardian or education guardian. It includes a parent whose child has recently left the School if the complaint was raised when the pupil was registered at the school.

Separate procedures apply in the event of a child protection issue.

What Constitutes a Complaint?

A complaint is an expression of dissatisfaction with a real or perceived problem. The School does not distinguish between concerns and complaints and any matter about which a parent of a pupil is unhappy and seeks action by the school is considered to be a complaint and will be treated seriously and confidentially.

Parents can be assured that a pupil will not be penalised for a complaint that they raise in good faith.

Documentation and Record-keeping

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 2008 Act requests access to them.

The School maintains a written record of all formal parent complaints for at least three years for regular review by the Governors and for inspection by inspectors. The record states whether the complaint was resolved at the formal stage or proceeded to a panel hearing. The record will state the action taken as a result of the complaint (regardless of whether they are upheld).

The School will fulfil the information requirements of the Alternative Dispute Resolution Directive 2013. The School will provide ISI or OFSTED, on request, with a written record of all complaints made during any specified period and the action taken as a result of each complaint.

Retention

The School will keep records of formal complaints and panel hearings which do not have safeguarding implications, for a minimum of 7 years. Records concerning allegations of abuse will be kept 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.

Persistent Correspondence

Where repeated attempts are made by a parent to raise the same complaint after it has been considered at all three stages, this may be regarded as vexatious and outside the scope of this policy.

Complaints by EYFS (Early Years Foundation Stage) Parents

Parents of children in the EYFS Classes may complain to the Independent Schools Inspectorate (ISI) and/or OFSTED about any concerns relating to EYFS provision.

ISI (Independent School Inspectorate)

CAP House, 9-12 Long Lane, London EC1A 9HA (telephone 020 7600 0100).

OFSTED

Piccadilly Gate, Store Street, Manchester M1 2WD (telephone 0300 123 1231).

The School must investigate a written complaint relating to its fulfilment of the EYFS requirements and notify parents of the outcome within 28 days of the complaint being received.

In order to comply with this requirement, the time limits specified in the procedure detailed below shall be adapted by the School in relation to such a complaint.

Timescales

The following procedure details specific timescales for the resolution of complaints. In this procedure “working day” means a day which is not a Saturday, a Sunday or a bank holiday in England. The word “normally” is used to introduce flexibility during school holiday periods. Any deviation from the normal timescale will be exceptional and convincingly explained to the parents by the School.

THE PROCEDURE

1. Stage One – Informal Resolution

- 1.1 It is hoped that most complaints and concerns will be resolved quickly and informally at the first stage.
- 1.2 If a parent of any pupil has a concern or a complaint, they should normally contact one of the following:
 - Their daughter’s Form Teacher in the first instance
 - The Head or Deputy Head
 - The Bursar (in relation to financial matters)
 - The Chair of Governing Body (if the complaint is about the Head)
- 1.3 Complaints made directly to the Head or Deputy Head will usually be referred to the relevant Form Teacher unless they deem it appropriate to deal with the matter personally.
- 1.4 If the complaint is about the Head, parents should address their complaint to the Chair of the Governing body. The Chair will consider the complaint and will normally ask the Head to respond. If the parent is not satisfied with the Head’s response, the parent can write again to the Chair in accordance with Stage 2 of this policy.

However, on receiving an initial complaint about the Head, the Chair of Governors may decide that the matter should be dealt with immediately in accordance with Stage 2 of this procedure.
- 1.5 All complaints will be acknowledged in writing within two working days of receipt.
- 1.6 If the matter is not resolved to the parents’ satisfaction within 5 working days the parents will be advised that they may progress to Stage Two (Formal Resolution) of this procedure.

2. Stage Two – Formal Resolution

- 2.1 If the parent is not satisfied with the resolution of their complaint at the informal stage, they should write to the Head within 5 working days of receiving that decision. The letter should provide details of their complaint and the outcome they are seeking.
- 2.2 If the complaint is about the Head, then the parents should address their complaint to the Chair of the Governing Body who will deal with the matter in place of the Head.
- 2.3 The Head will then either take the case forward herself or appoint a senior colleague who has had no prior involvement in the matter to do so.
- 2.4 All references to the “Head” under Stage Two shall automatically be taken to include any such person as appropriate.
- 2.5 The Head will offer to meet with the parents to discuss the matter, normally within 5 working days.
- 2.6 The parents will be given an estimate of the time that is likely to be required to complete any necessary investigation.
- 2.7 Written records will be kept of all material meetings and interviews held in relation to the complaint.
- 2.8 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 the parents will be informed of the decision in writing. The Head will also give reasons for her decision
- 2.9 If the parents are still not satisfied with the decision, they may proceed to Stage Three (Panel Hearing) of this procedure within 5 working days of receiving written notice of the decision.

3. Stage Three – Panel Hearing

- 3.1 A Complaints Panel Hearing is a review of the decision taken at Stage Two. The Panel will not consider any new areas of complaint which have not been raised previously as part of the procedure. It is not within the powers of the Complaints Panel to make any financial award, nor to impose sanctions on staff pupils or parents. The Complaints Panel may make recommendations to the School on these matters or any other issues as appropriate.
- 3.2 The parents should send written notice to their complaint to The Bursar, Old Vicarage School, 48 Richmond Hill, Richmond upon Thames, TW10 6QX, within 5 working days of receiving written notice of the decision reached at Stage 2. When doing so, the parents should:
 - Give reasonable details of their complaint; and
 - Specify the outcome they are seeking.
- 3.3 The Bursar will acknowledge the parents’ request in writing within 3 working days.
- 3.4 The matter will then be referred to a Complaints Panel which will consist of at least three persons 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.
- 3.5 The Panel will be chaired by the The Revd Canon Tim Marwood, Priest at St Peter’s Church, Petersham. If he is unavailable, the Panel will appoint its own Chairman. The other Panel members will be appointed by the Board of Governors of Old Vicarage School or a nominee of the Board.

If the complaint has been dealt with at Stage Two by the Chairman of Governors, then the Chairman of Governors will not be on the Stage Three Complaints Panel.

- 3.6 The Bursar, on behalf of the Panel Chairman, will schedule a hearing to take place as soon as reasonably practicable and normally within 10 working days of the Bursar's receipt of the complaint. The Panel will not normally sit during half terms or school holidays.
- 3.7 Where a complaint that reaches Stage Three is brought by one parent only, the School will (save in exceptional circumstances) keep informed, and invite to attend the Panel Hearing, any other adult who entered into the contract with the School for the education of the relevant pupil.
- The School also reserves the right to keep informed, and invite to attend the Panel Hearing, any other adult whom the School believes to have parental responsibility for the relevant pupil.
- 3.8 In the case of a complaint regarding a pupil's fixed term or permanent exclusion, the Head shall have complete discretion as to whether to implement the exclusion of the pupil pending the Panel's decision.
- 3.9 Within 3 working days after notifying their complaint to the Bursar in accordance with paragraph 3.2 above, the parents shall send the Bursar copies of all documentation on which they intend to rely at the hearing.
- 3.10 The parents shall produce, within 3 working days of the Bursar's request, any further information and documentation that the Bursar reasonably considers the Panel may require in order to make an informed decision about the complaint.
- 3.11 At least 3 working days before the hearing, the Head shall submit to the Panel a written statement setting out her views. The Bursar shall give a copy of the Head's statement to the parents.
- 3.12 The parents shall (on request) be provided with a copy of the relevant records held on the pupil's school file.
- 3.13 The parents may be accompanied at the hearing by one other person who is over the age of 18. This may be a relative, teacher or friend. Panel hearings are not legal proceedings and so legal representation at the hearing will not be permitted.
- 3.14 A clerk appointed by the Complaints panel will take a handwritten minute of the proceedings. The Chairman of the Panel may decide that the hearing may be recorded or transcribed by a stenographer.
- 3.15 If possible, the Panel will resolve the complaint immediately without the need for further investigation. Where further investigation is required, the Panel will decide how it should be carried out.
- 3.16 A hearing before the Complaints Panel is a private proceeding. No notes or other records or oral statements about any matter discussed or arising from the proceeding shall be made available directly or indirectly to the press or other media. At the hearing both the school and the parents will be asked to confirm their agreement to the hearing taking place on this basis.
- 3.17 If the Chairman of the Panel reasonably believes that the Panel should hear evidence from an individual in private (i.e. in the absence of the person bringing the complaint or any third party), he/she may do so. In those circumstances, the parents will be given reasons for that decision.
- The parents will be given a summary of the individual's relevant evidence after the event if the Chairman believes it to be relevant to the complaint. The Panel may withhold the identity of a pupil who gives evidence in private to the Panel.
- 3.18 The Panel may make decisions by majority vote.
- 3.19 The Panel's findings and recommendations in relation to the complaint shall be documented in the form of a report.

- 3.20 Within 5 working days after the hearing, the Bursar will send the parents and the Head a copy of the Panel's draft report. If the Panel's decision was reached by majority vote and there was a dissenting minority, the dissenting views shall be briefly summarised in the report.
- 3.21 On receipt of the report, if the parent believes that the report is not factually accurate, the parents shall inform the Bursar in writing within 2 working days, giving details of the alleged inaccuracies. If the Head believe that the report is not factually accurate, she will likewise inform the Bursar in writing within 2 working days, giving details of the alleged inaccuracies.
- 3.22 The Panel shall then finalise its report. A copy of the Panel's report will be:
- Sent by electronic mail or otherwise given to the parent and, where relevant, the person complained about; and
 - Made available for inspection on School premises by the Head and Board of Governors of Old Vicarage School.
- 3.23 Subject to the rules set out in this document, the Panel may regulate their proceedings as they see fit.

4 Contractual Disputes – Alternative Dispute Resolution (ADR)

- 4.1 Alternative Dispute Resolution is the name given to different methods of dealing with disputes without going to Court. Common ADR methods include mediation, conciliation, arbitration and adjudication.
- 4.2 Schools and parents are not required to use ADR but schools, as traders, do have a responsibility to make parents aware that ADR is available for all disputes in relation to its contracts with them even if the School does not intend to use it.
- 4.3 If the School has been unable to resolve a contractual dispute through the internal complaints procedure, the school must advise the parents in writing:
- That the school cannot settle the complaint with the parents;
 - That 'Small Claims Mediation (UK) Ltd' at www.small-claims-mediation.co.uk or 'Ombudsman Services' at www.ombudsman-services.org are relevant certified ADR providers and would be competent to deal with the complaint, should the parent wish to use ADR.
 - Whether the school is prepared to submit to an Alternative Dispute Resolution procedure operated by 'Small Claims Mediation (UK) Ltd' or 'Ombudsman Services'.

Information made available in relation to paragraph 33 (K) of the Education (Independent Schools Standards) (England) Regulations 2014.

In the previous twelve months, no formal complaints have been received by the School.

Signed: **Gillian Linthwaite**
Position: **Head**

Greg Caplan
Chair of Governors

Last reviewed: April 2021
Next review date: April 2023