



## Durham School

### COMPLAINTS PROCEDURE (PARENTS) POLICY (FOUNDATION)

#### 1. Policy Aim

- 1.1 The School prides itself on the quality of the teaching and pastoral care provided to its pupils. If parents do have a complaint, however, they can expect it to be treated by the School in accordance with this policy.
- 1.2 The School will make the complaints procedure available to all parents of pupils and of prospective pupils on the School's website and in the School Office during the day, and the 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 the form in which it is published or available.
- 1.3 The School commits in this policy to observing the principles of the Equality Act 2010 and does not discriminate on any grounds.

#### 2. Relationship to Guidelines, Procedures, other Policies and Legal Requirements

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

Correspondence, statements and records will be kept confidential, except in so far as is required of the School, depicted within the Education Regulations 2003 (Independent Schools Standards), where disclosure is required in the course of the School's inspection, or where any other legal obligation prevails.

#### 3. Policy Statements

##### 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 son/daughter's Housemaster or Housemistress or, at Bow, the Form Teacher or Deputy Head. In many cases, the matter will be resolved straight away by this means to the parents' satisfaction. If the Housemaster/mistress cannot resolve the matter alone, it may be necessary for him/her to consult a Head of Department, Deputy Head or the Headmaster.

Complaints made directly to a Head of Department, a Deputy Head, or the Headmaster will usually be referred to the relevant member of staff unless the Head of Department, the Deputy Head or the Headmaster deems it appropriate for him/her to deal with the matter personally.

Any member of staff receiving a complaint will acknowledge its receipt and will make a written record of the concerns and complaints and the date on which they were received. Should the matter not

be resolved within 10 working days or in the event that the Housemaster/Housemistress, Head of Department, or Deputy Head and the parent fail to reach a satisfactory conclusion, then parents will be advised to proceed with their complaint in accordance with Stage 2 of this Policy.

### **Acknowledgement**

A notification of a complaint will be acknowledged by telephone or in writing within two working days of receipt during term time and as soon as practicable in the holidays. A matter raised orally will not necessarily be acknowledged in writing but will be recorded by the person dealing with the matter.

### **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 Headmaster. The Headmaster will decide, after considering the complaint, the appropriate course of action to take. If the complaint is against the Headmaster, the Chair of Governors will nominate a Governor to lead the formal resolution of the complaint and therefore in the following sections, where reference is made to the Headmaster, the nominated Governor will be substituted.

#### **Acknowledgement**

In most cases, the Headmaster (or the Deputy Headmaster in his absence) will contact the parents concerned, normally within five 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 Headmaster to carry out further investigations. The Headmaster may appoint another senior member of staff, e.g. a Deputy Head, to investigate.

Written records of all meetings and interviews will be kept and held in relation to the complaint.

Once the Headmaster is satisfied that, so far as is practicable, all of the relevant facts have been established, a decision will be made, normally within 10 working days, and the parents making the complaint will be informed of this decision in writing. The Headmaster will also give reasons for his decision.

If the parents are still not satisfied with the decision, they should then proceed to Stage 3 of this Policy.

### **Stage 3 – Panel Hearing**

If the parents seek to invoke Stage 3 (following a failure to reach an earlier resolution), they will be referred to the Chairman of Governors, who has been appointed by the Governors to call hearings of the Complaints Panel. The complaint will only be heard once stages 1 and 2 of this policy have been completed. The appeal to the complaints panel must be referred within 5 working days of the decision reached in Stage 2.

The matter will then be referred to the Complaints Panel for consideration. The Panel will consist of at least two Governors and one person who shall be independent of the management and running of the School. Panel members will not have been directly involved in the matters detailed in the complaint and each of the Panel members shall be appointed by the Governing Body. The Panel Chairman, on behalf of the Panel, will then acknowledge the complaint and schedule a hearing to

take place as soon as practical and normally within 10 working days but within 21 days of the acknowledgement.

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. Any copies of such particulars shall be supplied to all parties no later than three days prior to the hearing. The parent(s) may attend the hearing and be accompanied to the hearing by one other person if they wish. The Panel is not a legal proceeding and as such legal representation is not necessary.

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

Where further investigation is required, the Panel will decide how it should be carried out and after due consideration of all facts they consider relevant, the Panel will reach a decision and may make recommendations, which it shall complete normally within ten working days of the Hearing. The Panel Chairman will write to the parents informing them of the decision of the Panel and the reasons for it; the decision of the Panel will be final. The Panel's findings and, if any, recommendations will be sent in writing to the parents, the Headmaster, the Governors and where relevant, the person to whom the complaint relates to.

A copy of such findings and any recommendations will be retained for inspection on the School premises.

#### **4. Timescales**

The timescales set out above relate to complaints received and being dealt with during term time. During holiday periods the timescales will be determined by the availability of appropriate staff or Governors to acknowledge, investigate and hear the complaint.

All complaints received during holiday periods will be acknowledged at the earliest opportunity, it is anticipated that this should be no longer than 15 working days. The acknowledgement in response to complaints received during holiday periods will set out the specific timescale within which it is anticipated that the matter will be dealt with.

#### **5. Unresolved complaints**

A complaint which has not been resolved by informal means within ten working days from the receipt of the complaint can be notified as a formal complaint in accordance with Stage 2 above.

- 5.1 A written record will be kept of all complaints made under the formal part of the procedure and of whether they are resolved at the preliminary stage or proceed to a panel hearing. A record will be kept of all actions taken as a result of any complaint.
- 5.2 Where a complaint refers to the Headmaster it will be forwarded directly to the Chairman of Governors.
- 5.3 Parents can be assured that all concerns and complaints will be treated seriously and confidentially. Correspondence, statements and records relating to individual complaints will be kept confidential except to the extent required by paragraph 6(3)(f) of the Education (Independent Schools Standards) (England) Regulations 2003 (as subsequently amended), by the Secretary of State or where disclosure is required by the ISI under Section 162A of the Education Act 2002 (as amended), or under other

legal authority. All records will be kept confidential except where the Secretary of State or a body conducting and inspection under section 108 or 109 of the 2008 Act requires access to them.

- 5.4 Details of the complaints procedure are published on the School website, and the number of complaints registered under the formal procedure will be made available to parents and prospective parents on request.

## **6. Complaints regarding the welfare of Boarders**

A separate procedure exists, in accordance with Standard 8 of the National Minimum Standards for Boarding Schools, for boarders and their parents to raise complaints, and which is made available to boarders, their parents and staff for their information. Boarders and parents can contact ISI and their Local Authority designated Officer regarding any complaint concerning a boarder's welfare. A written record is kept of serious complaints and their outcome, for regular review by the Head or a senior member of staff. Complaints will be resolved either to the parents' satisfaction, or with an otherwise appropriate outcome which balances the rights and duties of pupils, without unreasonable delay. The complaints procedure should include details of how boarders or parents may appeal against a decision made by the School about their complaint. This states that pupils will not be penalised for making a complaint in good faith.

## **7. Recording complaints**

Following the resolution of a formal complaint, the School will keep a written record of all formal complaints, whether they are resolved at the informal stage, 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. 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 request access to them. Since September 2015, the School has received the following complaints in accordance with this policy:

Stage 1:	4
Stage 2:	6
Stage 3:	1

## **8. Written complaints relating to the requirements under the statutory framework for the EYFS**

Durham School will provide 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 for at least 3 years.

Parents of children in the EYFS are entitled to make a complaint directly to Ofsted and/or to the Independent Schools Inspectorate (ISI), contact details are provided at appendix A.

Parents can also raise concerns related to the quality of education or the welfare health or safety of pupils, by writing to ISI directly, contact details are provided at appendix A.

All written complaints relating to the fulfilment of the EYFS requirements will be investigated and complaints notified of the outcome within 28 days of having received the complaint.

**Policy last reviewed by**

**DJ Leigh (Bursar), 27 September 2018**

## **Appendix A**

### **Contact information**

#### **Ofsted**

Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

General Helpline: 0300 123 1231

Email: [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk)

#### **Independent Schools Inspectorate**

CAP House  
9-12 Long Lane  
London  
EC1A 9HA

General Helpline: 020 7600 0100

Email : [concerns@isi.net](mailto:concerns@isi.net)

## Appendix B

### PERSISTENT OR VEXATIOUS COMPLAINTS / HARASSMENT IN SCHOOL

#### 1. Aims

- 1.1. The Headmaster and Staff deal with specific complaints as part of their day to day management of the school in accordance with the Complaints Procedures (Parents) Policy or the Complaints Procedure (Pupils) Policy as appropriate. The majority of complaints are handled in an informal manner and are resolved quickly, sensitively and to the satisfaction of the complainant. However, there are occasions when complainants behave in an unreasonable manner when raising and / or pursuing concerns. The consequences are that the actions of the complainants begin to impact negatively on the day to day running of the School and directly or indirectly the overall well-being of the pupils or staff. In these exceptional circumstances the School may take action in accordance with this policy.
- 1.2. The Governing Body is responsible for preventing harassment and for taking action to prevent actions which may have a detrimental effect on staff. An employee can make a complaint against the School where they are harassed by someone who does not work for the School, such as a parent. Reasonable and proportionate action should be taken by the School to address the issue.
- 1.3. The aims of this are to:
  - Uphold standards of courtesy and reasonableness that should characterise all communication between the School and persons who wish to express a concern or pursue a complaint;
  - Support the well-being of pupils, staff and everyone who has legitimate interest in the work of the School, including Governors and parents;
  - Deal fairly, honestly, openly and transparently with those who make persistent or vexatious complaints and those who harass members of staff in School while ensuring that other stakeholders suffer no detriment.
- 1.4. Parents / carers / members of the public who raise either informal concerns or formal complaints with the School can expect the School to:
  - Make available to complainants in writing:
    - How and when problems can be raised in the School;
    - The existence of the School complaints policies, and
    - The existence of the Policy for dealing with Persistent or Vexatious Complaints or Harassment in School;
  - Respond within a reasonable time;
  - Be available for consultation with reasonable time limits bearing in mind the needs of the pupils within the School and the nature of the complaint;
  - Respond with courtesy and respect;
  - Attempt to resolve problems using reasonable means in line with the School's complaints policies, other policies and practice and advice from appropriate advisers, keep complainants informed of progress towards a resolution of the issues raised.
- 1.5. The School can expect parents / carers / member of the public who wish to raise problems with the School to:
  - Treat all School staff and others associated with the School with courtesy and respect;
  - Respect the needs and well-being of pupils and staff in the School;
  - Avoid to use, or threatened use, of violence to people or property;
  - Avoid aggression or verbal abuse;
  - Recognise the time constraints under which member of staff in the School work and allow the School a reasonable time period to respond;
  - Recognise that resolving a specific problem can sometimes take some time;

- Follow the School Complaints policy in the case of a complaint.
- 1.6. For the purposes of this policy a persistent complainant is a parent/carer or member of the public who complains about issues, either formally or informally, or frequently raises issues that the complainant believes to be within the remit of the School, and whose behaviour is unreasonable. Unreasonable behaviour may be characterised by:
- Actions which are obsessive, persistent, harassing, prolific, repetitious;
  - Prolific correspondence or excessive email or telephone contact about a concern or complaint;
  - An insistence upon pursuing unsubstantial complaints and / or unrealistic or unreasonable outcomes;
  - An insistence upon pursuing complaints in an unreasonable manner;
  - An insistence on only dealing with the Headmaster (or other Senior member of staff) on all occasions irrespective of the issue and the level of delegation in the School to deal with such matters;
  - An insistence upon repeatedly pursuing a complaint when the outcome is not satisfactory to the complainants but cannot be changed, for example, if the desired outcome is beyond the remit of the School because it is unlawful;
  - Utilising approaches other than the recognised complaints policy to complain about the School or any individual connected with the School, including but not limited to passing information relating to the School to the press or other media, particularly where such actions are interpreted by the School as a breach of confidentiality.
- 1.7. For the purposes of this policy, harassment is the unreasonable pursuit of such actions as in 1.6 above in such a way that they:
- Appear to be targetted over a significant period of time on one more members of School staff and / or
  - Cause ongoing distress to individual members of School staff and / or
  - Have a significant adverse effect on the whole / parts of the School community and / or
  - Are pursued in a manner which can be perceived as intimidating and oppressive by the recipient. This could include situations where persistent demands and criticisms, whilst not particularly taxing or serious when viewed in isolation, have a cumulative effect over time of undermining confidence, well-being and health.
- 1.8. Harassment is not necessarily face to face. It may occur through written communications, visual images, email and phone.
- 1.9. This policy adheres to the philosophy underlying the Equalities Act 2010. The School commits to observing its principles and does not discriminate on any grounds.

## **2. Procedure**

- 2.1. In the first instance the School will inform the complainant that his / her behaviour is considered to be becoming unreasonable / unacceptable and, if it is not modified, action may be taken in accordance with this policy. This will be confirmed in writing.
- 2.2. The Governing Body or the Headmaster may consider barring the parent/carer from the School premises following an incident of misconduct. The Headmaster may impose an immediate ban on a parent / carer without recourse to the Governing Body, where this is the case, the action will be followed up as set out in 2.4 below.
- 2.3. If the behaviour of the individual is not modified the School may take some or all of the following actions as necessary, having regard to the nature of the complainant's behaviour and the effect of this on the school community:
- Inform the complainant in writing that his/her behaviour is now considered to be unreasonable / unacceptable and, therefore, falls under the terms of this policy;
  - Inform the complainant that all meetings with a member of staff will be conducted with a second person present and that notes of meeting may be taken in the interest of all parties;

- Inform the complainant that, except in emergencies, all routine communication with the complainant to the School should be by letter only;
- Consider banning the complainant from the School site, or proceed straight to a temporary ban, this action may in particular be appropriate in cases of physical or verbal aggression;
- Consider taking advice from appropriate external parties / advisers about putting in place a specific procedure for dealing with complaints from this complainant;
- In extreme circumstances the School may use external agencies to assist in enforcing a decision.

2.4. The School will review as appropriate any sanctions applied in the context of this policy. Such sanctions will be reviewed on a termly basis as a minimum.

### **3. Responsibilities**

3.1. The Governing Body is responsible for preventing harassment and for taking action to prevent actions which may have a detrimental effect on staff.