

Parental Complaints Procedure

(Reviewer: Darren Carpenter, August 2022)

Applicable to College (including EYFS setting)

1. Background

Hurst 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 College with care and in accordance with this procedure.

Hurst makes its complaints procedure available to all parents of pupils and of prospective pupils on the College's website and 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 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, Hurst 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 of College to exclude or require the removal of a pupil under clause 7 of the School's Terms and Conditions 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 or prospective pupil about whom the complaint relates

2. What Constitutes a Complaint?

A complaint is an expression of dissatisfaction with a real or perceived problem. It may be made about the College 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 College is within the scope of this procedure. A complaint is likely to arise if a parent believes that the College 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 College 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.

3. Timeframe for Dealing with Complaints

All complaints will be handled seriously and sensitively. They will be acknowledged within five working days if received during term time and as soon as practicable during holiday periods. It is in everyone's interest to resolve a complaint as speedily as possible: the College's target is to complete

the first two stages of the procedure within 28 days if the complaint is lodged during term-time and as soon as practicable during holiday periods. In the case of a particularly complex complaint, the College may need to extend the timescale to conduct a suitable investigation.

Stage 3, the Appeal Panel Hearing, will usually be completed within a further 28 days if the appeal is lodged during term-time and as soon as practicable during holiday periods.

4. The 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 initially contact the person most closely concerned with the issue. This could be either the Form teacher (in the Junior and Senior Prep Schools), the Head of Year or Head of Department (for academic matters), the Housemaster/mistress (for pastoral matters), or the Director of Finance (for fee-related matters).
- In the majority of cases, the matter will be resolved straightaway by this means to the parents' satisfaction, but if the person contacted cannot resolve the matter alone it may be necessary for them to consult the Head or Deputy Head of the Senior school, or the Heads of the Prep Schools, or the Chief Financial Officer.
- Complaints made directly to the Head or a Deputy Head of the Senior school, or the Heads of the Prep Schools, or the Chief Financial Officer will usually be referred to the relevant Form teacher/Head of Year/Head of Department/ Housemaster/Housemistress unless the Head/Deputy Head/Chief Financial Officer deems it appropriate for him/her to deal with the matter personally.
- The person receiving the complaint will make a written record of all concerns and complaints and the date on which they were received. Should the matter not be resolved within a reasonable time frame, usually ten working days, or in the event that the person receiving the complaint 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 procedure.
- Where the complaint is against the Head or Deputy Head of the Senior or the Heads of the Prep Schools, parents should make their complaint to the Head of College.
- Where the complaint is against the COO or the CFO, parents should make their complaint to the Head of College.
- If however, the complaint is against the Head of College, parents should make their complaint directly in writing to the Chair of Governors, who may be contacted via the Chief Financial Officer in his role as Clerk to Governors.

Stage 2 – Formal Resolution

- If the issue cannot be resolved on an informal basis, then the parents should put their complaint in writing to the Head of College. The Head of College will decide, after considering the complaint, the appropriate course of action to take. This may involve delegating the matter to the Head of College, Head of the Senior School or Heads of the Prep School if they have not been involved at that point.

- In most cases, the Head of College will meet with the parents concerned, normally within 5 working days of receiving the written complaint, to discuss the matter. If possible, a resolution will be reached at this stage.
- If further investigations are necessary, the Head of College (or another appropriate senior member of staff appointed by him) will undertake these.
- The person undertaking the investigations will keep written records of all meetings and interviews held in relation to the complaint.
- Once the Head of College 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 Head of College will also give reasons for his/her decision.
- If the complaint is against the Head of College, the Chair of Governors will call for a full report from the Head of College and for all the relevant documents. The Chair may also call for a briefing from relevant members of staff, and will in most cases, speak to or meet with the parents to discuss the matter further. Once the Chair 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 will give reasons for his/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 contact the Chair of Governors within five 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 Governors will 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 College. The Chair of Governors will appoint one Panel member to act as Chair of the Panel. The Chair of Governors, on behalf of the panel, will then acknowledge the complaint and schedule a hearing to take place as soon as practicable and normally within 20 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. Copies of such particulars shall be supplied to all parties normally 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. This may be a relative, teacher or friend. 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 Governors and 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 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
 - make recommendations.
- The Panel will write to the parents informing them of its decision and the reasons for it, normally within 5 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 Head of College. 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 Head of College.

5. Recording Complaints

The College will keep a written record of all formal complaints (i.e., those not resolved at stage 1) and whether they are resolved at stage 2 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).

The School processes data in accordance with its Privacy Notice. 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 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/minutes of the hearing and the panel's written decision
- At the College's discretion, additional records may be kept of other complaints.

This may include 'special category personal data' as further detailed in the College's 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 Data Protection Policy and Retention of Records Schedule.

6. Unreasonable and unreasonably persistent complaints

The College is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

A complaint may be regarded as unreasonable when the person making the complaint:

- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- publishes unacceptable information on social media or other public forums.

Whenever possible, the Head of College or Chair of Governors will discuss any concerns with the complainant informally before making a judgement that their complaint is unreasonable.

If the behaviour continues the Head of College will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the College causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from our College site.

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- Has made the same complaint before, and it has already been through the College's complaints procedure
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- Knowingly provides false information
- Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure
- Pursues a valid complaint, but in an unreasonable manner e.g., refuses to articulate the complaint, refuses to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the time frames it sets out
- Changes the basis of the complaint as the investigation goes on

- Makes a complaint designed to cause disruption, annoyance or excessive demands on school time
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value.

Steps we will take

We will take every reasonable step to address the complainant's concerns and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal wherever possible.

If the complainant continues to contact the school in a disruptive way, we may put communications strategies in place. We may:

- Give the complainant a single point of contact via an email address, and an appropriate time window for communication
- Limit the number of times the complainant can make contact, such as a fixed number per term
- Ask the complainant to engage a third party to act on their behalf, such as Citizens Advice
- Put any other strategy in place as necessary.

Stopping responding

We may stop responding to the complainant when all of these factors are met:

- We believe we have taken all reasonable steps to help address their concerns
- We have provided a clear statement of our position and their options
- The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience and / or he or she is making substantially the same points each time

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

7. Complaints relating to Early Years

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.

Hurst 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 Data Protection Policy and Retention of Records Schedule.

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
- Ofsted, Piccadilly Gate, Store Street, Manchester M1 2WD
- ISI can be contacted on 020 7600 0100, by email: concerns@isi.net or by post to: ISI, CAP House, 9-12 Long Lane, London EC1A 9HA