

# NOTRE DAME SCHOOL COMPLAINTS PROCEDURE

NOTRE  
DAME  
SCHOOL



## **1. Introduction**

Notre Dame School has long prided itself on the quality of the teaching, support services and pastoral care provided to its pupils and staff. However, when there is a complaint, they can expect it to be treated by the School in accordance with this Procedure. Notre Dame School makes its complaints procedure available to all parents of pupils on the school's website and in the school office during the school day, and to staff on Firefly.

In accordance with paragraph 32(3)(f) of Schedule 1 to the Education (Independent School Standards) (England) Regulations 2014, Notre Dame School will make available to parents of pupils and provide, on request, to the Chief Inspector, the Secretary of State or the ISI for the purposes of section 162A(1) of the Education Act 2002 (as subsequently amended), details of the complaints procedure and the number of complaints registered under the formal procedure during the preceding school year.

This policy is applicable to all pupils, including those in the EYFS.

## **2. 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 or member of staff believes that the school has done something wrong, or failed to do so something that it should have done or 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.**

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

## **3. Timeframe for Dealing with Complaints**

The School aims to resolve all complaints efficiently and promptly and parents are encouraged to bring any matter causing concern to the School's attention as soon as possible. Whenever possible, a complaint should be raised within three months of the incident, or where a series of associated incidents have occurred, within three months of the last of these incidents. The School will however consider complaints made outside of this time frame if exceptional circumstances apply. A complaint raised outside this timescale should therefore include details of the issues which led to the delay.

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 school's target is to complete the first two stages of the procedure within 28 working days if the complaint is lodged during term-time and as soon as practicable during holiday periods.

Written complaints regarding the fulfilment (not provision) of the EYFS requirements will be investigated and the complainant notified of the outcome of the investigation within 28 working days.

The School will make available the details of how to contact ISI/OFSTED.

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

Please note that, for the purposes of this procedure, working days refers to weekdays (Monday to Friday) during term time, excluding bank holidays.

#### **4. Recording Complaints and use of personal Data**

Following resolution of a complaint, the School will keep a written record of all complaints, whether they are resolved at 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).

The School processes data in accordance with its Privacy Notice available online. 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 of the hearing
- The Panel's written decision

This may include 'special category personal data' (as further detailed in the School's Privacy Notice, but potentially including sensitive data such as information relating to physical or mental health) where this is necessary owing to the nature of the complaint.

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 Notice and Retention of Records policy but in most cases for a period of at least seven years after the pupil leaves the School.

#### **5. 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 child's Class/Form teacher in the first instance. In many cases, the matter will be resolved straightaway, to the parents' satisfaction. If the Form teacher cannot resolve the matter alone, it may be necessary for him/her to consult a Head of Department, Head of Year, Pastoral Director, an Assistant Head or the Head teacher.
- Complaints made directly to a Head of Department/Head of Year will usually be referred to the relevant Class/ Form teacher unless the Head of Department/Year deems it appropriate for him/her to deal with the matter personally.
- The Class/Form teacher will record all concerns and complaints including the date on which they were received. Should the matter not be resolved within 7 working days, or in the event that the Form teacher 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.

- If, however, the complaint is against the Head teacher, parents should make their complaint directly to the Chair of Governors whose contact details are available from the Bursar's Office on request (bursar@notredame.co.uk).

## **6. Stage 2 – Formal Resolution**

- Complaints will usually only progress to Stage 2 after first being considered at the informal stage and only then if the parent indicates that they intend to escalate a matter to the formal stage. For the avoidance of doubt, the fact that a complaint is first sent to the Head will not necessarily mean that it will be dealt with at Stage 2.
- The formal complaint should be in writing addressed to the Head of the School usually within 15 working days from receipt of the response to their complaint and should include (**APPENDIX 1 - template**):
  - the complainant's name and full contact details;
  - details of the complaint and who it has previously been raised with;
  - a copy of any relevant documents; and
  - the outcome desired.
- The Head teacher will decide, after considering the complaint, the appropriate course of action to take. If the complaint is a non-teaching matter it will be passed to the Bursar.
- In most cases, the Head teacher or Bursar will contact the person making the complaint, within 7 working 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 Head teacher or Bursar to carry out further investigations, and this may alter the time scale. Certain matters may require a longer investigation period. If this is the case, the investigator will provide the complainant with an expected completion date.
- The school will keep written records of all meetings and interviews held in relation to the complaint.
- Once the Head teacher or Bursar 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 or Bursar will also give reasons for the decision where possible however, there may be legal reasons when this information cannot be shared with parents or a 3<sup>rd</sup> party.
- If the complaint is against the Head teacher, 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 Head teacher 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, 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 his/her decision.
- If complainants are still not satisfied with the decision, they should proceed to Stage 3 of this Procedure.

### **7. Stage 3 – Panel Hearing**

- If parents (or the School) seek to invoke Stage 3, a request for a complaints panel Hearing (**Hearing**) must be put in writing to the Clerk to the Governors and will usually only be considered if the procedure at Stage 2 has been completed.
- A Hearing is to review those elements of the decision made at Stage 2 about which the parent remains dissatisfied. The panel is not obliged to consider any new complaints at this stage, except complaints about the member of staff who conducted the investigation or complaints regarding the manner in which the investigation was conducted.
- The written request should usually be made within 15 working days from receipt of the Stage 2 decision and should include:
  - the complainant's name and full contact details;
  - details of those aspects of the complaint about which the parent remains dissatisfied;
  - copies of any relevant documents which the parent would like the panel to consider;
  - the outcome desired; and
  - whether the parent wishes to attend the hearing and if so, whether they propose to be accompanied.
- The matter will then be referred to the Complaints Panel for consideration. The Panel will consist of at least three persons not directly involved in the matters detailed in the complaint, one of whom shall be independent of the management and running of the school. Each of the Panel members shall be appointed by the Board of Governors. The Clerk to the 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 working days. Unless there are exceptional circumstances, panel hearings will be held within term time.
- 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 not later than 5 working days prior to the hearing.
- The parents may be accompanied to the hearing by one other person. This may be a relative, teacher or friend. Legal representation will not normally be appropriate.
- If assistance with the request is required, for example because of a disability, please inform the Clerk to the Governors who will be happy to make appropriate arrangements.
- 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 immediately without the need for further investigation. Where further investigation is required, the Panel will decide how it should be carried out.

### **The role of the Complaints Panel**

- The role of the complaints panel is to establish the facts surrounding the complaints that remain in issue by considering:

- the documents provided by both parties; and
- any representations made by the parties;
- to review the process and the decision reached at Stage 2, and to consider on the balance of probabilities, whether or not to uphold each complaint.

### **Decision and Next Steps**

- The Panel do not have the ability to make financial awards (see section 9 below). It is not within the powers of the Panel to impose sanctions on staff, pupils or parents, although the complaints panel may make recommendations about these issues.
- 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 Head teacher.
- 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 teacher.

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.

### **8. 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 by the School as vexatious and outside the scope of this procedure.

### **9. Financial awards**

Requests for financial awards including fee refunds or waivers are beyond the scope of the Complaints Procedure. If you wish to discuss financial matters, please contact the Bursar – [Bursar@notredame.co.uk](mailto:Bursar@notredame.co.uk)

### **10. Early Years Foundation Stage (EYFS)**

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 of the outcome of the investigation into their complaint within 28 days of the complaint being received.

Notre Dame School will provide Ofsted, on request, with a written record of all complaints relating to the requirements under the Statutory Framework for the EYFS 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 three years.

**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 may be contacted on 0300 123 4666 or by email: [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk)
- Ofsted, Piccadilly Gate, Store Street, Manchester M1 2WD

- **ISI may be contacted on 020 7600 0100 or by email:** concerns@isi.net
- **ISI, Cap House, 9-12 Long Lane, London, EC1A 9HA**

### **11. Unreasonable Complaints**

- The School are committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. The School will not normally limit the contact complainants have. However, the School does not expect its staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.
- Unreasonable complaints are taken seriously by the School as they put a strain on valuable resources and hinder the progress of proper investigations.
- The School adopts the Department for Education's definition of unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the School, such as if the complainant:
  - refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
  - refuses to co-operate with the complaints investigation process;
  - refuses to accept that certain issues are not within the scope of a complaints procedure;
  - insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
  - 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;
  - changes the basis of the complaint as the investigation proceeds;
  - repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
  - refuses to accept the findings of the investigation into that complaint where the School's complaints procedure has been fully and properly implemented and completed;
  - seeks an unrealistic outcome;
  - makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with;
  - uses threats to intimidate;
  - uses abusive, offensive or discriminatory language or violence;

- knowingly provides falsified information;
- publishes unacceptable information on social media or other public forums.
- A complaint may also be considered unreasonable if it is manifestly unjustified, inappropriate, or an improper use of formal procedure.
- In assessing this, the School shall have regard to all the circumstances of the case and the nature of the complaint itself rather than the nature of the complainant. In assessing all of the circumstances of the case the School will consider a range of factors including:
  - whether a complaint has reasonable foundation;
  - the history and context of the complaint (and any evidence where relevant);
  - whether the time and cost of investigating the complaint is proportionate to the issue(s) complained of;
  - whether an investigation of the complaint is likely to cause a disproportionate or unjustified level of disruption, irritation or distress;
  - unexplained delay in raising a complaint or issue;
  - if the purpose of the complaint is to obtain an outcome which is unavailable via the complaints procedure, such as a claim for compensation, damages or a refund of fees paid;
  - any evidence of a complaint being brought for an improper purpose.
- Whenever possible, the Head and/or Chair of Governors will discuss any concerns with the complainant informally before dismissing a complaint as unreasonable.
- If the behaviour continues, the School will write to the complainant explaining that their behaviour is unreasonable and ask them to change it.
- For complainants who excessively contact the School causing a significant level of disruption, the School may specify methods of communication and limit number of contacts in a communication plan. This will be reviewed after six months.
- In response to any serious incident of aggression or violence, the School will immediately inform the police and communicate its actions in writing. This may include barring an individual from the School.
- It is open to a complainant to request that a complaints panel be convened to determine the single issue of whether the School's dismissal of the complainant's original complaint(s) was justified.

**For the academic year 2022/2023 the School received the following number of formal complaints:**

Number of Stage 2 complaints:

Senior school 6; Prep school 0

Number of Stage 3 complaints:

Senior school 1; Prep school 1



## APPENDIX 1 - Complaints Form for Stage 2

Your name and address (and child's class if relevant):

Brief outline of the complaint:

Details of what happened, witness names and contact details, further information:

What do you think should have happened in these circumstances?

What outcome are you hoping to achieve?

Please sign and date, to confirm that the information you have given is complete as you understand it.

The Head (or Bursar) will reply to you within 7 working days, and inform you if there is the need for further investigation, which may extend the timeframe.

Signed:

Date: