

COMPLAINTS POLICY

| Policy Review | | | | | |
|---|---------------|-----------------|------------|--|--------------|
| • Person(s) Responsible for this Policy | | • Headmaster | | | |
| • Last Review: | | • February 2024 | | | |
| • Next Review: | | • February 2025 | | | |
| Staff are reminded that they may view any of the School’s other policies at any time online (https://withamhallschool.sharepoint.com/sites/StaffNonAcademic/Shared Documents/Policies & Handbooks/); a hard copy may be requested from the School Office. | | | | | |
| Externally available: | Internal only | | By request | | On website X |

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Witham Hall School Trust (hereinafter “School”, “we”, “our”, “us”) prides itself on the quality of teaching and pastoral care provided to its pupils. However, if parents¹ (or other complainants) do have a complaint, it will be dealt with by the School in accordance with this policy. This policy is made available on the School website or is thereby available on request to parents of current pupils and prospective pupils at the School.

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 Policy* 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 to exclude or require the removal of a pupil under 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.

The Difference Between a Concern and a Complaint

Given that receiving feedback from members of the School community is an important and constructive part of everyday operations, it is important to preserve a distinction between a day-to-day concern and a more formal complaint. This policy defines a ‘concern’ as “questioning, challenging or raising a worry or doubt over an issue for which explanations, adjustments or reassurances are sought from the School.” A complaint is defined as “an expression of dissatisfaction about actions taken or a lack of action.” A complaint is likely to arise if a parent believes that the School has done something wrong, failed to do something that it should have done or has acted unfairly.

It is in everyone’s interests that either concerns or complaints are resolved at the earliest possible stage. Indeed, the overwhelming majority of issues can be resolved informally, without the need to invoke any formal procedures. The School takes informal concerns seriously and makes every effort to resolve the matter as quickly as possible. Nevertheless, there may still be occasions when complainants feel it necessary to raise their concerns formally. In those cases, the School’s formal procedure will be invoked through the stages outlined below.

Procedure for Complainants

Internal Procedure

Stage 1: Informal Resolution

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

If parents have a complaint, they should, in the first instance, seek to contact their child’s Class Teacher (Pre-Prep) or Form Tutor (Prep). In many cases, the matter will be resolved straight away by this means to the parents’ satisfaction. If the initial recipient of the complaint cannot resolve the

¹ “Parent(s)” means the holder(s) of parental responsibility for a current pupil (or prospective pupil or past pupil, as appropriate) about whom the complaint relates.

matter alone or with the help of the relevant Head of Department, it may be necessary for him/her to consult the relevant member of the Senior Management Team.

Complaints made directly to one of the Senior Management Team will usually be referred to the relevant teacher/ line manager unless the Senior Management Team member concerned deems it appropriate to deal with the matter personally. The staff member will attempt to resolve the matter in five School term days or as soon as is practicable.

Complaints (with outcomes) that are passed up to the Senior Management Team by staff members – usually to a Deputy Head (Prep related matters) or to the Head of Pre-Prep (Pre-Prep related matters) – will be noted to establish (through ongoing review) any possible patterns, and thereby assist in determining appropriate and best practice moving forward.

If a situation reaches one of the Senior Management Team **and is not immediately resolved**, they will make a separate, written record of the complaint and the date on which it was received. The written record will be in the format shown in the attached Appendix (Record of Complaint – ‘Yellow Form’) and will be held on file by the Headmaster (blank copies of the ‘Yellow Form’ can be obtained from the Headmaster). Should a matter not be resolved within five School days, or in the unlikely event that the relevant member of staff and the complainants fail to reach a satisfactory resolution, then complainants will be advised to proceed with their complaint in accordance with Stage 2 of this procedure.

Stage 2: Formal Resolution

If the complaint cannot be resolved on an informal basis, then the complainants will be asked to put their complaint **in writing** to the Headmaster or Head of Pre-Prep (as is relevant) who will decide, after considering the complaint, the appropriate action to take.

In most cases, the Headmaster/Head of Pre-Prep will speak to the complainants concerned within forty-eight School term working hours 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/Head of Pre-Prep to carry out further investigations. These will be completed in seven School term days or as soon as is practicable.

The Headmaster/Head of Pre-Prep will keep written records of all meetings and interviews held in relation to the complaint.

Once the Headmaster/Head of Pre-Prep is satisfied, so far as is practicable, that all of the relevant facts have been established, a decision will be made and the complainants will be informed of this decision in writing. Reasons will be given for the decision.

The written decision will be issued within fourteen School term days of receiving the complaint. If for any reason this is not possible, the Headmaster/Head of Pre-Prep will write to the complainants within the fourteen day period referred to above, stating the reason or reasons why he/she is unable to issue his/her decision and informing the complainants when he/she will do so, which will be within twenty-eight School term days of receipt of the complaint where possible.

If complainants are not satisfied with the decision, they may take the opportunity to proceed to Stage 3 of this procedure.

Stage 3: Panel Hearing

Upon receipt of the written decision, if complainants seek to invoke Stage 3 of this procedure, they are to write to the Headmaster informing him of their decision to do so within 14 days from date of receipt, whereupon the matter will be referred to a hearing before a panel appointed by the Chairman of Governors.

The panel will consist of a minimum of three people who were not directly involved in the matters detailed in the complaint. One of these shall be independent of the management and of the Governance of the school. DfE guidance on the identity of a panel member is as follows:

“Our general view is that people who have held a position of responsibility and are used to analysing evidence and putting forward balanced arguments would be suitable. Examples of persons likely to be suitable are serving or retired business people, civil servants, heads or senior members of staff at other schools, people with a legal background and retired members of the Police Force might be considered.”

The complaint will be acknowledged on behalf of the panel and a hearing scheduled to take place as soon as practicable and normally within fourteen School term days.

If the convenor of the panel and/or the panel members deem it necessary, they may require (in writing) that further particulars of the complaint or any other related matter be supplied in advance of the hearing. Copies of such particulars shall be supplied to all parties not later than five School term days before the hearing. Any such further particulars received within five School term days before the hearing shall be disregarded and inadmissible to the panel because it may not be possible to provide copies to all parties within that timescale.

The complainants 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 possible, the panel will resolve the complaint at the hearing without the need for further investigation. However, should the panel decide at the hearing that further investigation is required, the panel shall decide how such investigations should be carried out and by when they should be concluded. The panel will reconvene and, after due consideration of all facts they consider relevant, will reach a decision and may make findings and recommendations. This procedure will be completed within fourteen School term days of the first hearing wherever possible but within twenty-eight School term days in any event unless otherwise agreed with the complainants.

The panel will write to the complainant and, where relevant, the person complained about, informing them of its findings and recommendations. The decision of the panel will be final. The panel's findings and recommendations will be made available on the School premises for inspection by the Headmaster and Chairman of Governors.

As detailed in Stage 1 (above), for those complaints not immediately solved upon reaching a member of SMT, provision is in place for a written record to be kept of the complaint, and the action taken by the School as a result (regardless of whether the complaint was upheld or not).

The above 3 stages should not normally exceed a total of 35 School term days (excluding weekends).

Early Years Foundation Stage (EYFS)

Additional requirements apply for EYFS settings beyond those which apply to the other years in School. Written complaints about the fulfilment of the EYFS requirements must be investigated and the complainant notified of the outcome of the investigation within 28 days. The record of complaints must be made available to Ofsted and ISI on request.

Ofsted

Alexandra House, 33 Kingsway, London WC2B 6SG. Telephone 08456 404040

ISI

CAP House, 9-12 Long Lane, London EC1A 9HA. Telephone 020 7600 0100

Complainants will be notified of an investigation within 28 School term days of the School having received the complaint. The School will provide Ofsted and ISI, on request, with a written record of all complaints made during a specific period and the action that was taken as the result of each complaint.

Procedure for a Child at School

Sometimes a pupil may feel that they would like to complain about something that is worrying or upsetting them such as:

- They are being bullied.
- They feel that no one understands the difficulties they are having with some of their work.
- Someone has hurt or abused them or has made suggestions they think are not right.
- Someone is persistently being unkind to them.
- Someone has taken something and has not returned it.
- There is bad news from home.
- A prefect or senior pupil has treated them unkindly.
- They feel that they have been treated unfairly by a member of staff.
- Or there may be something else they think is wrong.

There may be a time when pupils feel that they cannot talk with a member of staff – this is perfectly natural. They should talk, telephone, email or write to their parents, the School's Independent Listener, the School Counsellor, the School Chaplain or contact Childline. These contact details are posted publicly throughout the School site and on the website in the School's *Child Protection and Safeguarding Policy*.

Complaints About a Fellow Pupil

The first thing a pupil should do is talk to their Class Teacher or Form Tutor, their Mentor, Housemaster or Housemistress, a Matron, the Headmaster, or any member of staff they feel they can trust.

If the matter cannot be easily settled to their satisfaction then they may make a formal complaint.

They will need to do this, perhaps with the support of a member of staff, by:

- Writing to their Class Teacher, Form Tutor, Mentor or Housemaster/Housemistress telling one of them that they wish to make a formal complaint.
- If one of the above cannot easily resolve the problem then the pupil will be asked to talk the matter through more fully with the Headmaster. They may have another person with them if they wish, who may be another pupil, guardian or a member of staff.
- The pupil will be advised as to what course seems sensible and it will be up to them to make a decision acting on the advice they have been given.

Complaints About a Member of Staff

- If a pupil wishes to make a formal complaint about a member of staff he/she should speak to the Headmaster (or the Head of Pre-Prep or a Deputy Head in the Head's absence). Alternatively, he/she should speak to any teacher who will refer the matter immediately to the Headmaster who will then interview the pupil if possible, within 24 hours. The Headmaster shall decide whether the complaint constitutes a formal complaint and whether to initiate the complaints procedure.
- The pupil has the right to confidentiality, but if such confidentiality shall hamper any investigation of the complaint the pupil shall be informed of this and given the choice of whether or not to have the matter investigated further.
- Subject to the above, the Headmaster will make a written record of the complaint which he will then investigate. If necessary, he will involve senior members of staff in this investigation. The investigation will involve an interview with the member of staff against whom the complaint has been made within 48 School term hours of the complaint being made. The Headmaster will decide what action is to be taken as a result of the complaint. The pupil concerned will be informed. A written record of the full investigation will be made.
- The parent(s) of the pupil who has made the complaint should be notified that a formal complaint has been made immediately and should be kept informed of the investigation.
- If the complaint shall warrant it, the Designated Safeguarding Lead will become involved in which case the Chairman of the Governors shall be informed.
- Staff employment rights must be observed at all times.

Complaints About the Headmaster

- If a pupil wishes to make a formal complaint about the Headmaster, he/she should speak to a Deputy Head, or indeed any teacher who will refer the matter immediately to a Deputy Head. The Deputy Head shall decide whether the complaint constitutes a formal complaint and whether to initiate the complaints procedure.
- The pupil has the right to confidentiality, but if such confidentiality shall hamper any investigation of the complaint the pupil shall be informed of this and given the choice of whether or not to have the matter investigated further.
- Subject to the above, the Deputy Head will make a written record of the complaint and inform the Headmaster and the Chairman of the Governors that a formal complaint has been made and the nature of it. The Chairman of the Governors will then discuss the complaint with the Headmaster within 48 hours of the complaint being recorded by a Deputy Head and investigate the complaint further with the help of the Deputy Head and other senior members of staff as required. Written records of the investigation will be made. The Chairman of the Governors shall decide what action is to be taken as a result of the complaint.
- The parent(s) of the pupil who has made the complaint should be notified immediately that a formal complaint has been made and should be kept informed of the investigation.

- If the complaint shall warrant it the Designated Safeguarding Lead shall become involved. The Headmaster's employment rights must be observed at all times.

Boarders' Complaints (see boarding handbooks)

Boarders can raise complaints in a number of ways including: using the red post boxes placed in both the boarders' sitting rooms; speaking to any of the boarding staff (or non-boarding staff) to express their complaint. If the issue cannot be resolved easily, the pupil may write a formal complaint to their House Parent, Form Tutor or Mentor. If the pupil would like to complain about a member of staff they should speak to the Headmaster. If the complaint is about the Headmaster the pupil should speak to a Deputy Head. In all cases the procedures for making a complaint are the same as already outlined in this policy.

Boarders are not penalised for raising a complaint in good faith.

School Assurances for Pupils and Parents

Complainants 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 authorised by section 109 of the *Education and Skills Act (2008)* where disclosure is required in the course of the School's inspection; or where any other legal obligation prevails.

Parents and boarders can contact Ofsted regarding any complaints concerning boarding welfare as follows:

Building C, Cumberland Place
Park Row, Nottingham, NG1 6HJ
Tel 08456 404040

The School keeps a written record of all formal complaints, and the way and stage at which they are resolved. 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 Education Act requests access to them.

It is a requirement of the Independent Schools' Regulations that schools publish the number of complaints in the previous academic year that required a Panel Hearing. During the 2022-23 academic year the number of complaints at Witham Hall School requiring a Panel Hearing was two.



RECORD OF COMPLAINT ('YELLOW FORM')

| To be completed before handing to Headmaster / Deputy Head / Head of Pre-Prep | |
|--|--------------------------------------|
| Name of complainant: | Date of complaint: |
| Name of person completing form: | Position of person completing form: |
| Date and time of reporting: | Signature of person completing form: |
| Give a detailed account of the complaint: | |
| Who is the subject of the complaint? | |
| What is the nature of the complaint (academic / pastoral / professional standards <i>etc.</i>)? | |
| When did it take place (if relating to a single event)? | |
| Is anyone else involved and have they been informed? | |

To be completed by Headmaster / Deputy Head / Head of Pre-Prep

Action taken:

Name:

Position:

Date:

Signature: