



St Peter's School

YORK

Parental Complaints Policy and Procedures

St Peter's School, York

March 2022

(Next review Easter term 2024)

I Introduction and aims

- 1.1 The School's Parental Complaints Policy and Procedures (this **Policy**) is drafted in accordance with Part 7 of the Education (Independent School Standards) Regulations 2014, the National Minimum Standards for Boarding Schools, the Statutory Framework for the Early Years Foundation Stage, the Data Protection Act 2018, the UK General Data Protection Regulation and the Equality Act 2010.
- 1.2 The aims of this policy and related procedures are to provide a framework for the resolution of complaints which:
 - 1.2.1 allows for their resolution informally and sets out the School's formal procedures where this is not achievable;
 - 1.2.2 is easily accessible and publicised, simple to understand and use and impartial and non-adversarial;
 - 1.2.3 enables a full and fair investigation by an independent person where necessary;
 - 1.2.4 respects people's desire for confidentiality;
 - 1.2.5 addresses all the points at issue and provides an effective response and appropriate redress, where necessary;
 - 1.2.6 provides information to the School's senior leadership / management team so that services can be improved; and
 - 1.2.7 helps to create a culture of safety, equality and protection.

2 Scope and application

- 2.1 This policy applies to the whole school including the Early Years Foundation Stage.
- 2.2 This policy applies to any expression of dissatisfaction however made about actions taken, or a lack of action, by the School where the parent seeks action by the School.
- 2.3 This policy does not apply to exclusions, to which the School's expulsion, removal and review policy applies.
- 2.4 This policy applies to complaints from each of the following:
 - 2.4.1 parents of current pupils;
 - 2.4.2 parents of former pupils if the complaint was initially raised when the pupil was registered at the School.
- 2.5 References to a **parent**, in relation to a child or young person, includes any person who is not a parent but who has parental responsibility, or who has care of a pupil.
- 2.6 The School will not normally investigate anonymous complaints.
- 2.7 Requests for financial awards, such as claims for compensation, damages or fee refunds, are beyond the scope of the School's complaints procedures. All parents should be aware that regardless of the nature of a complaint and whether or not it is upheld, parents are not entitled to details of any related sanctions imposed on staff, pupils or parents for reasons of data protection and confidentiality.

- 2.8 There may be occasions when it is necessary or reasonable to deviate from this complaints procedure if this is reasonable and justified. Complainants will be notified of the changes.
- 2.9 The School encourages anyone else with any concerns about the School's operation to raise them with the School. They are asked to do so by writing¹ to the Head Master of the St Peter's School or Chair of Governors, setting out their concerns and the action sought.

3 Publication and availability

- 3.1 This policy is published on the School website.
- 3.2 A copy of the policy is available for inspection from the School office during a working day and is available in hard copy on request.
- 3.3 The number of formal complaints registered during the school year 2022-2023 was three. This figure will be updated at the start of each academic year.

4 Timescales

- 4.1 When we refer to **working days**, we mean Monday to Friday, when School is open during term time. The dates of terms are published on the School's website. In the event that the application of this definition is likely to introduce excessive delays, due to intervening School holidays, the School's approach is to take sensible and reasonable steps so as to minimise any hardship or unfairness arising from such delays.
- 4.2 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 within up to 12 months if exceptional circumstances apply. A complaint raised after three months should therefore include details of the issues which led to the delay.
- 4.3 Timescales for each stage of the complaints procedure are set out below in the relevant paragraphs. It is expected that the management of every complaint will progress in a timely manner. Where there are exceptional circumstances resulting in a delay to the timescales for a stage of the complaints procedure, the School will notify the parents and inform them of the new timescales as soon as possible.

5 Management of complaints

- 5.1 The School's complaints procedure has three stages, with each stage being an opportunity for resolution. Only if parents are dissatisfied with the outcome should they progress the complaint to the next stage:
- 5.1.1 **Stage 1:** informal raising of a complaint with a member of staff orally or in writing - further details of this procedure are set out in Appendix 1.
- 5.1.2 **Stage 2:** a formal complaint in writing to the Head - further details of this procedure are set out in Appendix 2.
- 5.1.3 **Stage 3:** reference to the Complaints Panel - further details of this procedure are set out in Appendix 3.

¹ This paragraph has been added to cover complaints by persons other than parents. The inspectorates expect people to be able to raise complaints without schools creating a bar to their doing so. The DfE guidance suggests that complaints should be considered if made in person or by telephone and where made by a third party with appropriate consent.

5.2 A summary of the School's Complaints Procedure is set out in Appendix 4.

6 **Expected standards of behaviour**

6.1 Attention is drawn to the information included in Appendix 5 which is drawn from the Department for Education's [Best practice advice for school complaints procedures 2016](#) (January 2016).

7 **Record keeping and confidentiality**

7.1 All records created in accordance with this policy are managed in accordance with the School's policies that apply to the retention and destruction of records.

7.2 A written record will be kept of all formal complaints, and of whether they were resolved at Stage 2 or proceeded to a Complaints Panel, including the action taken by the School as a result of the complaints (regardless of whether they are upheld) and whether the complaint relates to the School's boarding provision.

7.3 The records created in accordance with this policy may contain personal data. The School has a number of privacy notices which explain how it will use personal data about pupils and parents. The privacy notices are published on the School's website.

7.4 School staff will ensure that they follow the School's data protection policies and procedures when handling personal data created in connection with this policy. This includes the School's data protection policy and information security policy.

7.5 In accordance with data protection principles, details of individual complaints will be kept only for as long as is considered to be reasonably necessary in the circumstances.

7.6 Complaints which do not have safeguarding implications will be retained for a minimum of seven years (a period determined by the six-year inspection cycle with allowance for unforeseen circumstances).

7.7 Correspondence, statements and records relating to individual complaints will be kept confidential except where access is requested by the Secretary of State or where disclosure is required in the course of an inspection or under other legal authority or court order.

8 **Complaints to Ofsted and the Independent Schools Inspectorate**

8.1 Parents of children in the Early Years Foundation Stage have the right to contact Ofsted and / or if they believe the School is not meeting the EYFS requirements.

8.2 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. They will also be made available to Ofsted and the Independent School's Inspectorate on request.

8.3 Ofsted can be contacted on 0300 123 4666 or at enquiries@ofsted.gov.uk.

8.4 ISI can be contacted at concerns@isi.net or on 020 7600 0100.

8.5 It is expected that complaints made under this Policy will go through the School's Complaints Procedure before Ofsted or ISI is contacted.

Authorised by	The Board of Governors March 2022
Next Review	Easter Term 2024

Updated 1st September 2023 to include number of complaints in previous academic year

Appendix 1 Stage 1 - dealing with complaints informally

1 Informal resolution of a complaint

- 1.1 We expect that most complaints can be resolved informally. For example, dissatisfaction about some aspect of teaching or pastoral care or a billing error should be able to be resolved by the relevant member of staff.

2 Whom to contact

- 2.1 Where appropriate, complaints should initially be raised as follows:
- 2.1.1 **Educational issues:** if the matter relates to the classroom, the curriculum or special educational needs, please speak or write initially to the pupil's House Master / Mistress (St Peter's 13-18) / mentor (St Peter's 8-13) / class teacher (St Peter's 2-8). Your complaint may be passed to a more senior member of staff if appropriate.
 - 2.1.2 **Pastoral care:** for complaints relating to matters outside the classroom, please speak or write to the pupil's House Master / Mistress (St Peter's 13-18) / Mentor (St Peter's 8-13) / class teacher (St Peter's 2-8).
 - 2.1.3 **Disciplinary matters:** a problem over any disciplinary action taken or a sanction imposed should be raised first of all with the member of staff who imposed it.
 - 2.1.4 **Financial matters:** a query relating to fees or extras should be addressed in writing to the Bursar.
- 2.2 An informal complaint provided in writing will be acknowledged by telephone, email or letter within three working days of receipt, indicating the action that is being taken and the likely timescales. Such action may include an investigation and / or a meeting with the parent.
- 2.3 Wherever appropriate, the School will ask the parent at the earliest stage what they think might resolve the issue.
- 2.4 The parent will receive a response to the complaint within 15 working days.
- 2.5 If the parent is dissatisfied with the response to the informal complaint or in the event that the complaint cannot be resolved by informal means, the parent may make a formal complaint under Stage of this procedure set out in Appendix 2.

3 Complaints about the Head

- 3.1 The procedure for dealing with an informal complaint about the Head of St Peter's 2-8, or the Head of St Peter's 8-13, or the Head Master of St Peter's School (each referred to as "the Head" unless otherwise stated) is set out below:
- 3.1.1 parents may choose to raise complaints directly with the Head if they feel that the matter is capable of resolution informally. The complaint may be raised orally or in writing. If in writing, the School will not automatically treat the complaint as a formal (Stage 2) complaint and the Head will endeavour to resolve the complaint informally under Stage 1;
 - 3.1.2 the Head will acknowledge informal complaints within three working days and will seek to resolve the matter under this Stage 1 by means of direct conversation or a meeting with the parents, to be held within 15 working days of the initial complaint;
 - 3.1.3 if the parent is dissatisfied with the Head's response to the informal complaint or in the event that the complaint cannot be resolved by informal means, the parent may make a formal complaint under Stage 2 of this procedure as set out in Appendix 2.
- 3.2 Alternatively, parents may choose to make their complaint about the Head in writing to the Chair of Governors (via the Clerk to the Governors). In this case, the complaint will be treated as a formal complaint under Stage 2 of this procedure as set out in Appendix 2.

4 Complaints about the Governors

- 4.1 Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to the Clerk to the Governors via the School office. Please mark them as Private and Confidential.

Appendix 2 Stage 2 - formal complaint

I How to make a formal complaint

- 1.1 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.
- 1.2 The full details of the complaint should be set out in writing and sent with all relevant documents, full contact details and details of all grounds of the complaint and who it has previously been raised with and the outcome desired to the Head of the individual School.
- 1.3 The complaint will be acknowledged by telephone, email or letter within three working days, indicating the action that is being taken and the likely time scale.

2 Investigation

- 2.1 The subject matter of the complaint will be investigated in the most appropriate manner, which may include some or all of the following steps:
 - 2.1.1 delegation of the investigation to a senior member of staff or third party;
 - 2.1.2 involvement of one or more Governors;
 - 2.1.3 request for additional information from the parent, including what they think might resolve the issue (if not already requested under Stage 1); and
 - 2.1.4 request for a conversation and / or meeting with the parent personally and /or others who have knowledge of the circumstances to define the scope of the complaint and/or assist in the investigation.
- 2.2 Written records will be kept of all meetings and interviews held in relation to the complaint. Where the investigation is conducted by someone else, he / she will prepare a report on the investigation which will be considered by the Head. Personal data may be redacted and names anonymised or cyphered in line with data protection principles.

3 Decision

- 3.1 The Head will notify the parent by email or letter of his / her Stage 2 decision and the reasons for it within 15 working days from the receipt of the formal complaint.
- 3.2 If a parent is dissatisfied with the Head's decision, the parent can request that the complaint be referred to the Complaints Panel under Stage 3 using the procedure set out in Appendix 3.
- 3.3 Early Years Foundation Stage: Parents of pupils in the EYFS setting will be notified of the outcome of the investigation within 28 calendar days of the complaint being received.

4 Complaints about the Head

- 4.1 A complaint against the Head of St Peter's 2-8 or the Head of St Peter's 8-13 should be put in writing to the Head Master of St Peter's School in accordance with the Stage 2 procedures set out above.
- 4.2 The procedure for dealing with a formal complaint against the Head Master of St Peter's School is set out below:

- 4.2.1 The complaint should be put in writing to the Chair of Governors (via the Clerk to the Governors). The written complaint should include a copy of all relevant documents and full contact details and details of all the grounds of the complaint and the outcome desired.
- 4.2.2 The Chair of Governors (via the Clerk to the Governors) will acknowledge the complaint by telephone, email or letter within three working days of receipt and indicate the action that is being taken and the likely timescale. Such action may include an investigation and/or a meeting with the parent. The parent will receive a response to the complaint within 15 working days.
- 4.2.3 If the parent is dissatisfied with the response to the complaint, the parent can request that the complaint be referred to a complaints panel under Stage 3 using the procedure set out in Appendix 3.

Appendix 3 Stage 3 - Complaints Panel

I Complaints Panel

- 1.1 If a parent is dissatisfied with the Stage 2 response to the complaint, the parent can request a complaints panel hearing (Complaints Panel).
- 1.2 The purpose of a Complaints Panel is to consider those elements of the Stage 2 response to the parent's complaint with which the parent remains dissatisfied. The Panel is not obliged to consider any new areas of complaint which have not been previously raised.
- 1.3 The role of the Complaints Panel is to establish the facts surrounding the complaints that have been made by considering:
 - 1.3.1 the documents provided by both parties and
 - 1.3.2 any representations made by the parents and the Head.and to reach a decision, on the balance of probabilities, as to whether each complaint is made out in whole or in part.

2 How to request a Complaints Panel

- 2.1 A request for a Complaints Panel must be put in writing to the Clerk to the Governors. The request will usually only be considered if the procedure at Stage 2 has been completed. It is expected that the complaints procedure will progress in a timely manner. Parents should make the request within five working days of the decision complained of.
- 2.2 The written request should include:
 - 2.2.1 a copy of all relevant documents and full contact details;
 - 2.2.2 details of all the grounds of the complaint and the outcome desired;
 - 2.2.3 a list of the documents which the parents believe to be in the School's possession and wish the Complaints Panel to see; and
 - 2.2.4 whether the parents wish to attend the hearing and whether they propose to be accompanied to the Complaints Panel and if so whether that individual so is legally qualified (see paragraph 3.3 and 3.4 below).
- 2.3 If assistance with the request is required, for example because of a disability, the parents should inform the Clerk to the Governors of this who will be happy to make appropriate arrangements.
- 2.4 The Clerk to the Governors will acknowledge the request for a Complaints Panel in writing within three working days of receipt.
- 2.5 Every effort will be made to enable the Complaints Panel to take place within 15 working days of receipt of the request.
- 2.6 Parents may withdraw their request for a Complaints Panel at any point up to and including the intended date of the Complaints Panel.

3 Planning the Complaints Panel

- 3.1 As soon as reasonably practicable, and in any event within three working days of the Clerk's acknowledgement, the Clerk to the Governors will notify each party of the date, time and place of the Complaints Panel.
- 3.2 Copies of any additional documents the parents wish the Complaints Panel to consider should be sent to the Clerk to the Governors to be received no more than five working days after the Clerk has acknowledged the request for the Complaints Panel.
- 3.3 The parents may be accompanied to the Complaints Panel by another person, for example a relative or friend. The Complaints Panel is an internal proceeding, not legal proceedings, and legal representation is not necessary.
- 3.4 If the parents intend to be accompanied by someone who is legally qualified, they should have notified the Clerk to the Governors of this in their initial request for a Complaints Panel. If the parents did not do so and subsequently wish to be accompanied by a legally qualified person, they must inform the Clerk to the Governors of this at least five working days before the date of the Complaints Panel. The parents should note that the Complaints Panel will wish to speak to the parents directly, and not to any individual accompanying them. This person will not be permitted to act as an advocate or to address the Complaints Panel unless invited to do so by the Chair of the Panel.
- 3.5 The Clerk to the Governors will circulate a copy of the bundle of documents to be considered by the Complaints Panel to all parties at least five working days prior to the Complaints Panel. Once the bundles have been received, if the Panel requires further information from the parents or Head Master, this request will be discussed with the Chair of Governors and made through the Clerk.
- 3.6 A person will be appointed to take a minute of the Complaints Panel (usually the Clerk to the Governors).

4 Composition of the Complaints Panel

- 4.1 The Complaints Panel will be selected by the Chair of Governors and will comprise at least three individuals who have no detailed prior knowledge of the circumstances of the complaint, including at least one independent member who has no connection with the governance, management or running of the School.
- 4.2 The parents will be notified by the Clerk to the Governors the names of those appointed to sit on the Complaints Panel. Fair consideration will be given to any reasonable objection to a particular member of the panel raised within two working days of the names of panel members being notified to parents.
- 4.3 The Chair of Governors will appoint one of the members to be the Chair of the Panel throughout the proceedings.

5 The Complaints Panel hearing

- 5.1 Unless prior to the commencement of the hearing, a parent confirms that they are satisfied with the outcome of their complaint, the hearing will² proceed notwithstanding that the parent may decide not to attend. In these circumstances, the complaints panel should

² Deleted all instances of 'should' in relation to a school's actions - DfE advice states 'wherever possible, procedures should state what a school 'will' do rather than 'should' or 'may' as not doing something the procedures states the school should or may do can lead to further complaints (too ambiguous).

consider the parent's complaint in his / her absence and issue findings on the substance of the complaint.

- 5.2 The Complaints Panel will be conducted in an informal manner. Attendance will usually be the Panel members, parents (and person accompanying), the Head Master (or Chair of Governors if the Stage 2 decision maker) and the appointed clerk, but will be by agreement with the Chair of the Panel.
- 5.3 The parties shall have the opportunity to ask questions and make comments in an appropriate manner. The Complaints Panel is not a legal proceeding and the Panel shall be under no obligation to hear oral evidence from witnesses but may do so and / or may take written statements into account. It is not appropriate for the proceedings to be recorded.
- 5.4 All statements made at the Complaints Panel will be unsworn. All present will be entitled, should they wish, to write their own notes for reference purposes.
- 5.5 All those attending the Complaints Panel are expected to show courtesy, restraint and good manners or, after due warning, the Complaints Panel may be adjourned or terminated at the discretion of the Chair. Any person who is dissatisfied with any aspect of the way the Complaints Panel is conducted must say so before the proceedings go any further and his / her comment will be minuted.
- 5.6 The Chair may, at his / her discretion, adjourn the Complaints Panel if he / she considers it appropriate to do so. This may include an adjournment for welfare reasons, to enable additional information to be obtained and/or considered or for the parties to take legal advice on a specific issue arising.
- 5.7 A Complaints Panel is a private proceeding. No notes or other records or oral statements relating to the complaint or any matter discussed in or arising from the proceeding shall be published or otherwise made available directly or indirectly to the press or other media.
- 5.8 When the Chair of the Panel is satisfied that sufficient consideration has been given to the documentation provided and any representations made by the parties, he / she will conclude the Complaints Panel and the Panel members will then consider the matter in private.

6 The decision

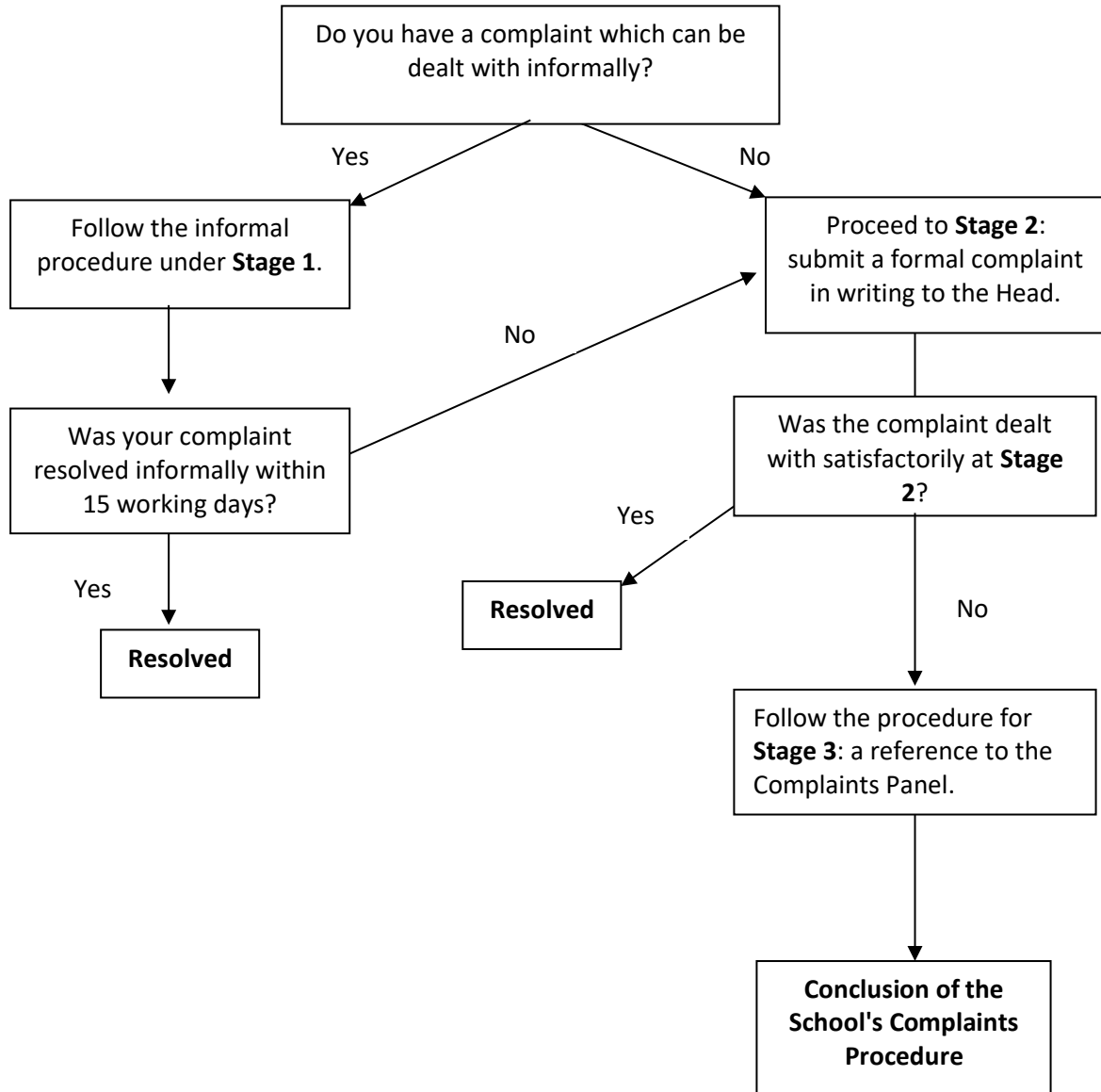
- 6.1 The Complaints Panel will make findings about each complaint on the balance of probabilities and may make recommendations.
- 6.2 It is not within the powers of the Complaints Panel to make any financial award, nor to impose sanctions on staff, pupils or parents, although the Complaints Panel may make recommendations.
- 6.3 The minutes of Complaints Panel hearing, together with the Complaints Panel's findings and any recommendations will usually be provided in writing to the parents and, where relevant, the person complained about, within seven working days of the Complaints Panel. The Complaints Panel's findings and any recommendations will also be available for inspection on the School premises by the Governing Body and the Head.

7 Next steps

- 7.1 The decision of the panel is final. There will be no further opportunity within the School for consideration of the complaint. The completion of Stage 3 represents the conclusion of the School's Complaints Procedure.

- 7.2 The School will however ensure that the Complaints Panel's decision is recorded appropriately and that any recommendations made in the course of a complaint are properly considered and actioned as appropriate.
- 7.3 The Complaints Panel's findings and any recommendations including any actions taken to implement them will also be available for inspection on the School premises by the Proprietor of the School and the Head.

Appendix 4 Procedural flowchart



Appendix 5 Unreasonable complaints

We are committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with us. 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.

We adopt the Department for Education definition of unreasonable complainants as those who, because of the frequency or nature of their contacts with the School, hinder our consideration of their or other people's complaints.

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 may judge that a complaint is unreasonable by assessing a number of factors, including those that are outlined below.

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

- 1.1 refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- 1.2 refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- 1.3 refuses to accept that certain issues are not within the scope of a complaints procedure;
- 1.4 insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- 1.5 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;
- 1.6 makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- 1.7 changes the basis of the complaint as the investigation proceeds;
- 1.8 repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- 1.9 refuses to accept the findings of the investigation into that complaint where our complaint procedure has been fully and properly implemented and completed;
- 1.10 seeks an unrealistic outcome;
- 1.11 makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

2 **A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:**

- 2.1 maliciously;

- 2.2 aggressively;
- 2.3 using threats, intimidation or violence;
- 2.4 using abusive, offensive or discriminatory language;
- 2.5 knowing it to be false;
- 2.6 using falsified information;
- 2.7 publishing unacceptable information in a variety of media such as in social media websites and newspapers.

3 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:

- 3.1 whether a complaint has reasonable foundation;
- 3.2 the history and context of the complaint (and any evidence where relevant);
- 3.3 whether the time and cost of investigating the complaint is proportionate to the issue(s) complained of;
- 3.4 whether an investigation of the complaint is likely to cause a disproportionate or unjustified level of disruption, irritation or distress;
- 3.5 unexplained delay in raising a complaint or issue;
- 3.6 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;
- 3.7 any evidence of a complaint being brought for an improper purpose.

Whenever possible, the Head will discuss any concerns with the complainant informally before dismissing a complaint as unreasonable. The Head will normally only do so after consultation with the Chair of Governors.