



## Complaints Procedure

(Whole School Including EYFS)

<b>First Issued:</b>	September 2003	<b>Next Review:</b>	Autumn Term 2025
<b>Last Reviewed:</b>	Autumn Term 2024	<b>Version:</b>	8.0
<b>Responsible:</b>	Headmaster and Clerk to Governors		

## 1. Introduction

- a. Orley Farm School ('the School') 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 School with care and in accordance with this Complaints Procedure. The School makes its Complaints Procedure available to all parents of pupils, and of prospective pupils, on the School's website and a copy is available from the School Office during the school day. The School will ensure parents of pupils, and of prospective pupils, who request it are made aware that this document is published or available and of 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.
- b. In accordance with paragraph 32(1) of Schedule 1 to the *Education (Independent School Standards) Regulations 2014*, the School 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, as stated on the final page of this procedure.
- c. 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.
- d. 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.
- e. The School will be mindful of its obligations under the *Equality Act 2010* in the application of this policy.
- f. "Parent(s)" means the holder(s) of parental responsibility for a current pupil about whom the complaint relates.

## 2. What Constitutes a Complaint?

- a. 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 believes the School has done something wrong, failed to do something that it should have done or has acted unfairly.
- b. Correspondence, statements and records relating to individual complaints are to 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. There may also be other circumstances in which the School is required to share information relating to a concern or a complaint in order to comply with its legal or regulatory obligations.
- c. The School is here for your child and you can be assured your child will not be penalised for a complaint that you or your child raises in good faith.
- d. No complaint may be brought under the Policy in relation to the non-payment of any sum(s) owing to the school. If a parent has a complaint regarding any action taken (or proposed to be taken) by the School as a result of their failure to pay any sum(s) owing to the School the parent may write to the Clerk to the Governors at the School who will refer the matter to the Chair of Governors. Similarly, if a parent wishes to make a complaint, their attention will be drawn to the School's standard Terms & Conditions under which a place is accepted; the making of a complaint does not remove the obligation to settle fees due and payable under those Terms and Conditions.
- a. The School reserves the right not to follow this procedure if time has elapsed, as considered by the Headmaster, between the events complained of and the complaint being presented.

### **3. The Three-Stage Complaints Procedure**

#### **a. Stage 1 - Informal Resolution**

- I. It is hoped most complaints and concerns will be resolved quickly and informally.
- II. If parents have a complaint, they should normally contact their child's Form Tutor. If the Form Tutor cannot resolve the matter alone, it may be necessary for them to consult with their Head of Department, Head of Section, Year Group Lead, the Deputy Head(s) or the Headmaster.
- III. The Form Tutor 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 5 working days, or in the event the Form Tutor 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 Complaints Procedure.
- IV. If the complaint is against the Headmaster, parents should make their complaint directly to the Chair of Governors c/o Orley Farm School, South Hill Avenue, Harrow HA1 3NU.

#### **b. Stage 2 - Formal Resolution**

- I. If the complaint cannot be resolved on an informal basis then the parents should put their complaint in writing to the Headmaster. The Headmaster may in some circumstances deem it appropriate to nominate a staff member to hear the complaint and manage the Stage 2 complaint process. The Headmaster (or their nominee) will decide, after considering the complaint, the appropriate course of action to take.
- II. In most cases, the Headmaster (or their nominee) will meet or speak to the parents concerned, within 5 working days of receiving the complaint, to discuss the matter. If possible, a resolution will be reached at this stage.
- III. It may be necessary for the Headmaster to carry out further investigations in which case the complainant will be informed of the likely time scale of the investigations.
- IV. The Headmaster (or their nominee) will determine who should carry out any investigation and this may be someone external to the School.
- V. Written records will be kept of all meetings and interviews held in relation to the complaint.
- VI. Once the Headmaster (or their nominee) is satisfied that, so far as is reasonably practicable, all of the relevant facts have been established, a decision will be made and parents will be informed of this decision in writing. In most cases, the Headmaster (or their nominee) will give reasons for their decision and provide the parents with reasons within 15 working days of the complaint being put in writing (or following the provision of any further clarificatory information about the complaint to the Headmaster, if so requested).
- VII. If the complaint is against the Headmaster, the complaint should be made to the Chair of Governors. The Chair of Governors will nominate someone to determine the complaint. The Stage 2 process described above will then be followed as if the references to the Headmaster (or their nominee) is to the individual nominated by the Chair of Governors to determine the complaints against the Headmaster.
- VIII. If parents are still not satisfied with the decision, they should proceed to Stage 3 of this procedure.

#### **c. Stage 3 - Panel Hearing**

- I. If parents seek to invoke Stage 3 (following a failure to reach an earlier resolution) they should do so in writing to the Clerk to the Governors, within 10 working days of the date of the decision letter 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. To the extent the parents are unable to provide their complaint within the time period stipulated due to extenuating circumstances which have impeded the parents from taking action, the parents should request an extension in writing. Such a request should be made to the Clerk to the Governors, in advance of the original deadline, setting out the further time period requested and the reason for this, which will be considered. In the event the parents are unable to provide their complaint within the time period stipulated (including to the extent applicable any extensions, if agreed) the School reserves the right to conclude the complaint process and not progress the matter to Stage 3.

- II. The Clerk to the Panel, who has been appointed by the Governors to call hearings of the Complaints Panel, will then 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, one of whom shall be independent of the management and running of the School. The Complaints Panel will appoint one of the Panel members to act as the Chair of the Panel. The Clerk to the Panel, on behalf of the Panel, will then acknowledge the complaint within 5 working days and schedule a hearing to take place within 20 working days.
- III. 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, or further investigation be carried out. Copies of such particulars shall be supplied to all parties not later than 5 working days prior to the hearing.
- IV. The parents may attend the hearing and be accompanied to the hearing by one other person if they wish. The Stage 2 decision-taker shall also be entitled to be accompanied to the hearing by one other person if they wish. This may be a relative, teacher or friend. Legal representation will not be appropriate and the companion should not be a lawyer. The identity of the companions should be confirmed to the Clerk to the Panel as soon as possible and by no later than 5 working days before the hearing. The Panel will decide whether it would be helpful for witnesses to attend.
- V. A note-taker will be present at the hearing. This will not be a verbatim note but an accurate reflection of what was discussed. Notes of the hearing will be shared with attendees as soon as practicable after the hearing. To the extent there is any disagreement about the content of those notes or further comments from the parties, these will be considered by and, where possible, resolved by the Chair. A copy of any comments on the notes will be appended to the notes.
- VI. The remit of the Panel shall be at the discretion of the Chair of the Panel and the manner in which the hearing is conducted shall be at the discretion of the Panel.
- VII. 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.
- VIII. 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.
- IX. The Panel will write to the parents informing them of its decision and the reasons for it, 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) may be sent by electronic mail, post or otherwise given to the parents, and, where relevant, the person complained about, as well as the Chair of Governors, and the Stage 2 decision-taker.
- X. 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 Headmaster.

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

- a. All complaints will be handled seriously, sensitively and within clear and reasonable timescales.
- b. 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 20 working days. Stage 3, the Appeal Panel Hearing, will be completed within a further 20 working days.
- c. Please note that, for the purposes of this procedure, 'working days' refers to weekdays (Monday to Friday) during term time excluding bank holidays and half term. This means that during School holidays it may take longer to resolve a complaint although the School will do what is reasonably practicable to avoid undue delay. It may also take longer to resolve a complaint during periods of significant disruption to School life or as a consequence of unavoidable staff absence. However, deviation from the normal timescale for resolving a complaint during term time will only occur on an exceptional basis, and the School will take all reasonable steps to limit any such delay. The School expects parents to engage in the process in a reasonable, constructive and responsive manner to help ensure matters can be dealt with in a timely way and in line with the targets set out in this Procedure.

#### **5. 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 and the School will inform the complainant accordingly.

#### **6. Recording Complaints and Use of Personal Data**

- a. Following resolution of a complaint, the School will keep a written electronic record of all formal complaints, whether they are resolved at the Stage 1 (informal stage), the formal stage (Stage 2) or proceed to a Panel hearing (Stage 3) and any action taken by the School as a result of the complaint (regardless of whether the complaint is upheld).
- b. 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:
  - I. Date when the issue was raised;
  - II. Name of parent;
  - III. Name of pupil;
  - IV. Description of the issue;
  - V. Records of all the investigations (if appropriate);
  - VI. Witness statements (if appropriate);
  - VII. Name and contact details of member (s) of staff handling the issue at each stage;
  - VIII. Copies of all correspondence on the issue (including emails and records of phone conversations);
  - IX. Notes/minutes of the hearing, and
  - X. The Panel's written decision
- c. This may include 'special category personal data' (as further detailed in the School'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.
- d. 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 Policy. All records relating to complaints shall be treated as confidential. In addition to where requested by the Secretary of State or an inspector (see above), there may be other

circumstances where disclosure of the substance of a complaint or particular confidential records relating to it is required, for example, where there is a legal, regulatory, safeguarding or data protection obligation (e.g., in response to a subject access request) which prevails over the requirement to maintain the records as confidential.

7. 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.

Orley Farm School 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 Retention of Records Policy.

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:

- a. Ofsted may be contacted at:

Ofsted,  
Piccadilly Gate,  
Store Street,  
Manchester M1 2WD

Telephone: 0300 123 1231

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

<https://contact.ofsted.gov.uk/online-complaints-schools>

- b. ISI may be contacted at:

ISI, CAP House,  
9-12 Long Lane,  
London EC1A 9HA

Telephone: 020 7600 0100

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

**Formal Complaints (Stage 2 or 3) during the academic year 2023-2024 = 0**