



THE DOWNS
MALVERN

Policy	SG01-13	Complaints Policy	
Responsible Member of staff	Andy Nuttall		
Responsible Governor	Carey Leonard		
Approved	June 2023	Next Review Date	June 2024
Last Technical Review	June 2023		

PART 1 - STATEMENT OF GENERAL POLICY

If a parent has any concerns about any aspect of their child's life at school, they are asked to contact an appropriate member of staff as soon as possible. The School promises to treat all such expressions of concern seriously and follow them up as soon as possible. The Downs Malvern has long prided itself on the quality of the teaching and pastoral care provided to its pupils, however, we know that things can go wrong and we want to be able to respond appropriately.

For us to deal with problems, we need to know about them, and, in dealing with these matters we recognise the importance of confidentiality, fairness and ensuring that no-one suffers unjustly.

Two things tend to make parents and pupils reluctant to express concerns:

- A fear that The Downs Malvern won't see the issue to be important: if it is important to the parent, it is important to us.
- A fear that may be repercussions for the pupil; this should not be a factor. Under NO circumstances will the School discriminate against a pupil because of expressions of concerns or complaints. We are experienced in ensuring that, if other pupils are involved (eg. In a case of bullying), we limit possible repercussions.

Who should parents contact? This depends on the nature and seriousness of the concern and the following is a guide:

- For a minor day-to-day matter, a routine matter, or a general concern the right person is likely to be the Tutor. Even though he/she may often need to contact a teacher before coming back to the parent, this is often the best starting-point as he/she is in touch with your son/daughter on a regular basis and is responsible for the overall welfare of your son/daughter.

- For a more serious academic concern, the appropriate person will be the Year group Co-ordinator and the Deputy Head Academic, all of whom may liaise with a Head of Department, Academic Tutor or Teacher.
- Matters regarding finance, fees and non-academic services should go to the Chief Operating Officer.
- Matters regarding health should go to the Medical Centre and these are always dealt with by the School Doctor and staff who observe appropriate confidentiality.
- Major issues should come straight to the Deputy Head Pastoral or the Headmaster.
- If a parent feels that an expression of concern has not been handled properly and therefore has not been informally resolved, The Downs Malvern Formal Complaint Procedures are outlined below.

COMPLAINT PROCEDURE

1. Any parental complaint will be treated by the School in accordance with this Procedure which complies with Independent Schools: The Education (Independent School Standards) Regulations.

Policy status: this procedure has been approved by the Headmaster and the Governing body. It provides guidelines for handling concerns and complaints. It takes account of paragraph 33 of the Schedule to the Education (Independent School Standards) Regulations 2014 (SI 2014/3283). The policy applies to all sections of the School. The procedures set out below may be adapted as appropriate to meet the policy aims and circumstances of each case. Certain of the procedures can only be carried out during term time.

2. **Application:** separate procedures apply in the event of a child protection issue or if the Headmaster permanently excludes or asks a pupil to leave and the parents seek a Governing body Review of that decision.
3. **"Parent"/s / "You":** includes a current parent or legal guardian or education guardian, and may at our discretion include a parent whose child has recently left the School. Concerns and complaints directly from pupils are dealt with under a separate procedure, a copy of which can be supplied on request, the Pupil Complaint Policy.
4. **Timescales:** We aim to resolve any complaints in a timely manner. Timescales for each stage are set out below in the relevant paragraphs. When we refer to "working days" we mean Monday to Friday, when the School is fully staffed during term time. The dates of terms are published on the School's website.

STAGE 1 Informal Resolution

5. It is hoped that most complaints will be resolved quickly and informally, as outlined above.
6. The Tutor, Head of Department, Deputy Head Pastoral or Headmaster makes a note of all informal complaints and the date on which they were received. Should the matter not be resolved within five working days or in the event that the relevant member of staff 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.

STAGE 2 Formal Resolution

7. If the complaint cannot be resolved on an informal basis, then the Parents should put their complaint in writing to the Headmaster. The Headmaster will decide, after considering the complaint, the appropriate course of action to take.
8. In most cases, the Headmaster will confer with the Parents concerned, normally within five working days of receiving the complaint, to discuss the matter. If possible, a resolution will be reached at this stage. In any case, the Parents' complaint will be acknowledged within five working days of receipt, indicating the action that is being taken and the likely timescale.
9. It may be necessary for the Headmaster to appoint a senior member of staff to carry out further investigations. The investigator will prepare a report on the investigation which will be considered by the Headmaster.
10. Written records of all meetings and interviews held in relation to the complaint will be kept.
11. Once the Headmaster 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. This will usually be within ten working days of the receipt of the formal complaint. Where there are exceptional circumstances resulting in a delay, the parents will be notified of this and informed of the new timescales as soon as possible. The Headmaster will also give reasons for his decision.
12. If Parents are still not satisfied with the decision, they should proceed to Stage 3.

STAGE 3 Panel Hearing

13. Where the parents are not satisfied with the response to the complaint made under Stage 2, they may request a review of the decision by the Complaints Panel.
14. The Panel Hearing will be conducted by a panel of at least three people who have not been 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 Governing Body of the School.
15. The role of the Complaints Panel is to consider any documentation provided by the parties and representations made to the Panel at the Panel Hearing to establish the facts surrounding the complaint and to decide whether to uphold each complaint in whole or in part. It is not within the powers of the Complaints Panel to make any financial award, nor to impose sanctions on staff, pupils or parents. The Complaints Panel may make recommendations to the School on these matters or any other issues as appropriate.

The Panel Hearing Procedure

16. Parents must make a written request for a Panel Hearing to the Clerk of the College Council at the following address: The Clerk to the Governing Body, The Downs Malvern, Brockhill Road, Colwall, WR13 6EY. It is expected that the complaints procedure will progress in a timely manner. Parents should make the request within 7 days of the decision complained of.
17. In their written request to the Clerk, parents/guardians must state the grounds upon which they are requesting the Panel Hearing and the desired outcome together with all relevant documents. For the avoidance of doubt, the Panel will not consider any new areas of complaint which have not been previously raised as part of the complaints procedure.

18. The Clerk shall acknowledge receipt of the request for a Panel Hearing within three working days and will immediately inform the Chair of the Governing Body and the Headmaster that a request for a Panel Hearing has been received.
19. The Clerk shall, in consultation with the Chair of the Governing Body, arrange for a Panel Hearing to take place as soon as practicable and normally no later than 20 working days from receipt of the request or as soon as possible thereafter. The parents will be given not less than 10 working days' notice of the date, place and timing of the Review Hearing.
20. The parents and the Headmaster are responsible for ensuring that they provide the Clerk with copies of any material upon which they intend to rely at least 7 working days before the Hearing. 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. The Clerk to the Governors will ensure that at least three calendar days before the Hearing a copy of any documentation provided by the parties is provided to all present at the Hearing.

The Panel Hearing

21. The Panel Hearing will be chaired by one member of the Panel (chosen by themselves).
22. Attendance at the Hearing:
 - (a) The Hearing is a private Hearing before the Panel, and its proceedings are to be regarded by all parties as confidential, subject to law.
 - (b) The parents may be accompanied by a friend. The Headmaster may also ask a further member of staff to attend. No legal representation on either side is considered appropriate. If the parents wish to be accompanied by someone who is legally qualified, they must notify the Clerk to the Governors of this at least five working days prior to the Hearing and should note that the Panel will wish to speak to the parents directly and this person will not be permitted to address the Hearing unless invited to do so by the Chair of the Panel.
 - (c) The hearing is not a legal proceeding and the Panel shall be under no obligation to hear oral evidence from witnesses.
23. The proceedings will be conducted in an informal manner and as determined by the Chairman of the Panel who will explain the procedure to all present at the beginning of the Hearing. All statements made at the Hearing will be unsworn. All present will be entitled to write their own notes. The main points of the proceedings will be recorded by the Clerk or a secretary.
24. The requirements of natural justice will apply. If for any reason the parents are dissatisfied with any aspect of the Hearing, they must inform the Chairman of the Panel at the time and ask the Clerk to note their dissatisfaction and the reasons for it.
25. All those attending the Hearing are expected to show courtesy, restraint and good manners. The Chairman may, at his discretion, adjourn or terminate the Hearing if these expectations are not met. If the Hearing is terminated, the original decision will stand. Any person who is dissatisfied with any aspect of the way the Hearing is conducted must say so before the proceedings go any further and his / her comment will be minuted.

26. When the Chairman considers that all the issues have been sufficiently discussed, he will adjourn the Hearing whilst a decision is made.
27. The Panel's findings and any recommendations will be notified to the Headmaster, the parents and where relevant, the person complained about, by the Chairman of the Panel by letter, with reasons, as soon as practicable and normally no later than ten working days of the Hearing being concluded. A copy of the Panel's findings and any recommendations will also be available for inspection on the College premises by the College Council and the Headmaster.
28. Failure of the parents to attend a Hearing without good cause or due notice shall not invalidate the proceedings or any decision that the Panel may reach.
29. The completion of Stage 3 represents the conclusion of the School's Complaints Procedure. The School shall not be obliged to consider the complaint further.

RECORD-KEEPING

30. The School keeps a written record of all formal complaints and of whether they are resolved at Stage 2 or proceed to a Panel Hearing, identifying the action taken by the School as a result of the complaints regardless of whether they are upheld. The record identifies those complaints relating to the School's boarding provision. The number of formal complaints registered during the preceding school year will be supplied to parents on request.
31. Complaints are regularly reviewed, on an annual or more regular basis.
32. Parents 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 required of the School by paragraph 33 of the Education (Independent Schools Standards) Regulations 2014; where disclosure is required by the Secretary of State or a body conducting an inspection under section 109 of the Education and Skills Act 2008; or where any other legal obligation prevails.
33. In accordance with data protection principles, details of individual complaints will be kept for as long as is considered to be reasonably necessary in the circumstances.

Further Recourse

34. The Downs Malvern also has a Pre-Prep department, which caters for the education of boys and girls aged 3 to 7. The EYFS caters specifically for those who are 3 and 4, in the Nursery and Reception classes. Parents who may wish to make a formal complaint in connection with any aspect of welfare, health and safety, or any wider educational issue within the Early Years provision should do so following this policy procedure. Details of any formal complaint made will be kept on record for three years. We will investigate written complaints relating to their fulfilment of the EYFS requirements and notify complainants of the outcome of the investigation within 28 days of having received the complaint.

The records of complaints for EYFS will be made available to ISI and Ofsted on request.

35. Should any parent wish to make a formal complaint, the contact details for Ofsted, cited below, can be used.

Furthermore, parents may also wish to contact ISI on the following address:

Independent Schools Inspectorate

CAP House 9 - 12 Long Lane
London EC1A 9HA
020 7600 0100 or via concerns@isi.net

Ofsted:

Piccadilly Gate,
Store Street,
Manchester,
M1 2WD.
General helpline: 0300 123 4666 enquiries@ofsted.gov.uk