



Complaints Policy

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1. Aims

- Cheam is committed to providing the best possible educational care for all its pupils and is proud of its reputation for doing this very well.
- As part of this commitment Cheam (hereafter the “**School**”) encourages any parent of a pupil with any concerns or complaints about the School's operation to raise them. They are asked to do so by following the policy and procedures set out in this document.
- A complaint is an expression of dissatisfaction with a real or perceived problem. The aims of the School’s complaints policy and procedures are to provide a resolution framework which:
 - is clear, simple and readily accessible;
 - allows for resolution informally where possible but sets out the School's formal procedures where this is not achievable;
 - encourages an objective, fact-based and non-adversarial process;
 - enables a full and fair investigation where appropriate whilst respecting confidentiality as required by individuals’ natural desire and/or regulatory requirements; and
 - helps sustain and improve the School’s culture of safety, equality and kindness.

2. Scope and application

- This policy applies to the whole School (both day and boarding) including the Early Years Foundation Stage (“**EYFS**”).
- This policy applies to all complaints made by parents of current pupils (“**complainants**”). References to parents of pupils should be taken to include any person who is not a parent but who has parental or care responsibility, of which the school is aware, for a pupil.
- This policy applies to any expression of dissatisfaction however made about actions or inactions on the part of the School where a complainant seeks redress by the School.
- After investigation the School will seek to agree with a complainant that the complaint can be withdrawn; or it has been promptly resolved; or acknowledge that it is wholly or partially upheld. In the latter event the School may additionally offer an explanation; an admission or apology that the subject issue could have been handled differently or better; or future changes to its policies or procedures will be made which are appropriate to the specifics of the upheld complaint.

All complainants should be aware that regardless of the nature of a complaint and whether or not it is upheld, the School will be materially restricted in what information it can and cannot share with a complainant about any individual(s) who may be the subject of a complaint. This *inter alia* may apply to any consequent communications, next steps or sanctions which may follow from the complaint. These restrictions derive from regulations with which all schools are required to comply, including those relating to data protection, confidentiality and the safeguarding of children.

- This policy does not apply to situations where the Headmaster suspends, expels or otherwise requires the removal of a pupil from the School and the parents seek a review of that decision. These situations are covered by the School’s separate Behaviour Policy which is available on the School’s website.

- Unless determined otherwise by the Headmaster with the agreement of the Chair of Governors this policy will apply only to complaints raised at the time the complainant has a current not prospective or past pupil at the School.
- The School will not normally investigate anonymous complaints.
- Requests for financial awards, such as claims for compensation, damages or fee refunds, are beyond the scope of the School's complaints procedure.
- There may be occasions when the School deems it necessary to deviate from this complaints procedure if this is reasonable and justified and if so complainants will be notified.

3. Timescales

- The School aims to resolve all complaints efficiently and promptly and complainants 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 48 hours after the incident in question has occurred or at the very latest within one week (or where a series of associated incidents have occurred then within one week of the last of these incidents).
- In exceptional circumstances the School will consider complaints made up to three months later in which case the complainant should include an explanation for the delay. These circumstances may include, for example, information relating to the incident only coming to light several weeks later; or the complainant having been unable for acceptable reasons to make the complaint any earlier.
- Complaints which are raised during the School's holidays will usually be deemed to have been received on the first working day after receipt. Please note that throughout this document references to "**working day**" mean Monday to Friday, when the School is open during term time (all dates of terms, half-terms and exets are published on the School's website).
- In the event that intervening School holiday periods risk disrupting the effective application of these complaints procedures then the School will explore ways to mitigate so no undue hardship, unfairness or inconvenience arises. The same approach will be taken in the event of significant disruption to the School's normal operating routine or the unavoidable absence of staff relevant to resolution of the complaint.
- If a complainant commences legal action against the School in relation to their complaint, the Headmaster or Chair of Governors will consider whether or not to suspend the complaints procedure until those proceedings have been concluded.
- If there is an allegation or concern about physical (including sexual) misconduct or the belief that a child may be at risk of serious harm, the School will, as required, immediately refer the case to child protection, welfare services or other authorities (including the police) consistent with best practice and/or the law. If it is determined that an official investigation should be conducted then the decisions by these authorities will supersede those of the School and this policy. If a complaint relates to a safeguarding referral made by a member of the School's staff, any consideration of that complaint by the School will be limited to a review of the reasonableness of the decision to refer, in the context of the School's safeguarding policies and the evidence available to the School at the time of the referral.

4. Management of complaints

- The School's policy allows for complaints to be considered at three stages:
 - Stage 1: informal raising and resolution of a complaint, verbally or in writing;
 - Stage 2: formal complaint and resolution, which must be in writing; and
 - Stage 3: appeal to complaints panel hearing.

Further details on each of these stages are set out below.

- The School would typically seek to resolve a complaint informally under the Stage 1 procedure in the first instance; merely because a complaint is first notified in writing rather than verbally does not place it automatically under the Stage 2 procedure. When and how a complaint is transitioned from Stage 1 to Stage 2 is described below.

5. Stage 1 - informal resolution

- **Informal resolution of a complaint**

- We hope and expect that most complaints can be resolved informally. For example, dissatisfaction about some aspect of teaching or pastoral care or an administrative error should be able to be resolved promptly and to everyone's satisfaction by the relevant member of staff.

- **Who to contact**

- **Concerns or complaints** should initially be raised as follows:
 - **educational issues:** if the matter relates to the classroom, the curriculum or any other educational matter, please speak or write initially to the relevant Form Teacher (or if the complaint concerns the Form Teacher then to the Head of Year). Your complaint may be passed by this individual to a more senior member of staff if they deem it appropriate;
 - **pastoral care:** for all complaints relating to matters outside the classroom, please speak or write initially to the relevant Form Teacher (or if the complaint concerns the Form Teacher then to the Head of Year).
 - **disciplinary matters:** if the matter relates to a problem over any disciplinary action taken or a sanction imposed please speak or write initially to the relevant Form Teacher (or if the complaint concerns the Form Teacher then to the Head of Year).
 - **administrative issues:** please address any complaint in the first instance to the Headmaster's PA, who will forward the complaint appropriately.
- An informal complaint will be acknowledged by the School by telephone, email or in person within three working days of receipt, indicating the action to be taken and the likely timescales. Such action may include an investigation and / or a meeting with the complainant.
- If a complaint pertains to any 'Protected Characteristic' as defined by the 2010 Equalities Act the member of staff with whom it is initially raised will immediately inform the Headmaster before a response is made to the complainant. Protected Characteristics are listed at <https://www.legislation.gov.uk/ukpga/2010/15/section/4>

- Wherever appropriate, the School will ask the complainant at the earliest suitable stage what action or outcome they think might resolve their complaint.
- The complainant will usually receive a response to a Stage 1 complaint within seven working days.
- In the event that the complaint cannot be resolved in this informal way, then either the complainant or the School may choose to progress the matter further as a formal complaint under Stage 2 of this procedure as set out below. If either chooses to do so they must communicate this in writing within seven working days of the date of the School's Stage 1 response.
- If after seven working days the School has received no response from the complainant to its Stage 1 response then the matter will be taken to be resolved.

- **Informal complaints about the Headmaster**

- The procedure for dealing with an informal complaint about the Headmaster of the School is as set out below:
 - Complainants may choose to raise complaints directly with the Headmaster if they feel that the matter is capable of resolution informally.
 - the Headmaster will acknowledge informal complaints within three working days and will seek to resolve the matter under this Stage 1 by means of direct response or a meeting with the complainant, either of which to be undertaken within seven working days of the initial complaint;
 - in the event that the complaint cannot be resolved by informal means, the complainant or the School may choose to progress the matter further as a formal complaint under Stage 2 of this procedure as set out below.
 - If a Stage 1 informal complaint about the Headmaster is handled directly under the procedure described above the Headmaster will inform the Chair of Governors about the complaint and keep him/her updated on the process in hand to resolve it.
- Alternatively, a complainant may choose to make their complaint about the Headmaster to the Chair of Governors. In this case, they should do so in writing via the School Office (with the document marked Private & Confidential); and the complaint will be treated from the outset as a formal complaint under Stage 2 of this procedure as set out below.

6. Stage 2 - formal resolution

- **How to make a formal complaint**

- Complaints will usually only progress to Stage 2 after first being considered at the informal Stage 1 and in all cases only if the complainant or the School confirms to the other in writing that they now wish to escalate the matter to the formal stage.
- Once escalated by either party the complainant should set out the written formal Stage 2 complaint to include at a minimum the details described below. It should be addressed and submitted to the Headmaster (or to the Chair of Governors via the School Office if the Headmaster is included within the complaint) within seven working days from the date on which the desire to escalate to Stage 2 was communicated in writing.

- The Stage 2 complaint should include:
 - contact details for the complainant;
 - details of the complaint, including with whom it has been raised at Stage 1 and reasons for being dissatisfied with the process or outcome of Stage 1;
 - what actions or outcomes the complainant believes could resolve the complaint now; and
 - a schedule of any relevant documents.

The form at Appendix 4 can be used to summarise a formal complaint.

- The complaint will be acknowledged within three working days, indicating the action that is being taken and the likely timescales.

- **Investigation**

- The subject matter of the complaint will be investigated in the most appropriate manner, which may include some or all of the following steps:
 - delegation of the investigation to a senior member of staff or third party;
 - involvement of one or more Governors;
 - request for additional information from the complainant; or
 - request for a conversation and / or a meeting with the complainant personally and / or others with relevant knowledge of the circumstances to define the scope of the complaint and /or assist in the investigation.
- Written records will be kept of all meetings and interviews held in relation to the Stage 2 complaint. Where the investigation is conducted by someone other than the Headmaster they will prepare a report on the investigation which will usually then be considered by the Headmaster. If the investigation is conducted directly by the Headmaster then he will prepare the report. Personal data may be redacted and names anonymised or cyphered in line with data protection requirements.

- **Decision**

- The complainant will be notified in writing of the Stage 2 decision and the reasons for it, usually within 20 working days from receipt of the formal complaint.
- If the complainant is still dissatisfied with the Stage 2 response they can request that the complaint be referred to a complaints panel under Stage 3, using the procedure set out below.
- Early Years Foundation Stage (EYFS): Parent complainants of pupils in the EYFS setting will be notified of the outcome of the investigation within 28 calendar days of the complaint being received, as separate regulations apply to the EYFS.

- **Formal complaints about the Headmaster**

- The procedure for dealing with a formal complaint about the Headmaster of the School is set out below:

- The complaint should be made following the Stage 2 steps described above and the complaint should include the same information referred to above, but be addressed to the Chair of Governors not the Headmaster.
- The Chair of Governors will, to the extent practicably possible (see below), acknowledge the complaint within three working days of receipt and indicate the action to be taken and the likely timescale. Such action may include an investigation and/or a meeting with the complainant. The complainant will usually receive a response to the complaint within 20 working days.
- There may be instances when it not practicable to adhere to these timescales. Because the Chair of Governors is a non-executive position such an instance may result from, for example, immovable travel or other commitments unrelated to the School. In such an instance the Chair of Governors will respond as soon as it is practicable including an explanation of any variation in timescale to that set out in this policy.
- If the complainant is still dissatisfied with the Stage 2 response they can request that the complaint be referred to a complaints panel under Stage 3, using the procedure set out below.

- **Complaints about Governors**

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

7. Stage 3 - complaints appeal panel

- **Complaints panel hearing**

- Stage 3 refers the complaint to a panel hearing.
- A complaints panel hearing (a “Hearing”) is a process to review those elements of the decision made at Stage 2 about which the complainant remains dissatisfied. The panel is not obliged to consider any new complaint or any new aspect of the existing complaint at this Stage 3.

- **How to request a Hearing**

- If the complainant is to make a request for a Stage 3 Hearing the request must be received by the School in writing within seven working days of the date of the Stage 2 decision notice. If no such written request is received by the School within this time period the opportunity to invoke Stage 3 will pass and the complaint will be formally closed by the School.
- A request for a Hearing must be submitted in writing to the Chair of Governors via the DFO. The written request should include at a minimum: contact details for the complainant; details of those aspects of the Stage 2 complaint about which the complainant remains dissatisfied and the reasons for being dissatisfied; a copy of any relevant documents; the outcome desired; and whether the complainant wishes to attend the Hearing and if so whether they propose to be accompanied.

- The DFO will acknowledge the request for a Hearing in writing within three working days of receipt;
 - Every effort will be made to enable the Hearing to take place within 20 working days of receipt of the request.
- **Planning the Hearing**
 - The DFO will send written notification to each party of the date, time and place of the Hearing at least 15 working days before the date of the Hearing.
 - Copies of any documents that the complainant wishes the complaints panel to consider should be sent to the DFO to be received at least 10 working days prior to the Hearing and then distributed promptly by the DFO to all parties who will attend the Hearing.
 - The complainant may be accompanied at the Hearing, for example by a relative or friend. The Hearing is an internal proceeding, not a legal proceeding, so legal representation is both inappropriate and unnecessary.
 - The complainant should note that the complaints panel will wish to speak to them directly in the Hearing. If they are accompanied by a legally qualified person, that person will not be permitted to act as an advocate or to address the Hearing unless invited to do so by the Chair of the complaints panel.
 - A person will be appointed to take minutes of the Hearing.
- **Composition of the complaints panel**
 - The complaints panel will comprise at least three individuals who have no detailed prior knowledge of the circumstances of the complaint, including at least one panel member who is independent of the management and running of the School.
 - The complainant may ask the DFO to inform them who has been appointed to sit on the complaints panel ahead of the Hearing. Fair consideration will be given to any reasonable objection to a particular member of the panel.
 - The Chair of the Governors will usually appoint one of the panel members to be the Chair of the panel throughout the proceedings.
- **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; and
 - reviewing the process and the decision reached at Stage 2 and to consider, on the balance of probabilities, whether or not to uphold each outstanding complaint.
- **The Hearing**
 - Unless prior to the commencement of the Hearing a complainant confirms that they are satisfied with the outcome of their complaint (which they should do in writing), the Hearing will proceed notwithstanding that the complainant may decide not to attend. In these circumstances, the panel will convene in the complainant's absence and issue its findings on the substance of the complaint nonetheless.

- The panel will usually hear representations from the Stage 2 decision-maker and the complainant(s). The Stage 2 decision-maker is also entitled to be accompanied, with the same provisos as regards legally qualified individuals as apply to the complainant.
- The complaints panel shall be under no obligation to hear oral evidence from witnesses to the subject issues but may do so and / or may take written statements into account.
- All statements made at the Hearing will be unsworn. The parties will be entitled to write their own notes for reference purposes.
- The Chair may, at his / her discretion, adjourn the Hearing if he / she considers it appropriate to do so. Reasons may include: attendees failing to observe due courtesy or restraint in proceedings; other welfare reasons; to enable additional information to be obtained and/or considered; or for the parties to take legal advice on a specific aspect arising.
- 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 their comments will be recorded in the minutes.
- 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 Hearing.
- A Hearing before the 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 third parties including the press or other media.

- **Decision**

- The complaints panel will make findings about each complaint on the balance of probabilities.
- It is not within the powers of the complaints panel to make any financial award, nor to impose sanctions on staff, pupils or complainants, although the complaints panel may make recommendations about the underlying issue(s).
- The minutes of the complaints panel hearing, together with the complaints panel's findings and any recommendations will usually be provided in writing to the complainants and, where appropriate, any individual who has been the subject of the outstanding complaint, within ten working days of the Hearing.

- **Next steps**

- The decision of the complaints panel is final. There will be no further opportunity within the School's procedures for consideration of the complaint.
- The School will however ensure that the panel decision is recorded appropriately (see 'Record Keeping' below) and that any recommendations made in the course of a complaint are properly considered and actioned as appropriate.
- The complaints panel's findings and any recommendations including any actions taken to implement them will also be made available for inspection on the School premises to the Board of Governors and the Headmaster.

8. Unreasonable complaints and ‘complaint campaigns’

- The School is committed to dealing with all complaints fairly and impartially, and to providing a high quality response to those who complain. However, unreasonable complaints are not deemed acceptable as they distract from the normal operation of the School; represent a poor allocation of valuable School resources; and potentially hinder the progress of proper investigations into a complaint.
- Though a complaint may be reasonable the behaviour of the complainant may not be. The School adopts the Department for Education's definition of unreasonable behaviour as that which hinders its consideration of a complaint because of the frequency or nature of the complainant's contact with the School. The School does not expect its staff, Headmaster or Governors to have to tolerate unreasonable behaviour from a complainant and will take action to protect them from that behaviour, including that which is misrepresentative of the facts, threatening or defamatory. The school may make reference to the parent contract as part of this process.
- Further information on what is deemed by the School to be an unreasonable complaint or unreasonable behaviour by a complainant is set out in Appendix 3.
- A ‘complaint campaign’ is when a complaint from three or more separate complainants all relate to what the school regards as the same or substantially the same subject. In this circumstance the School may depart from the procedure set out in this policy, including reverting with a common response to all complainants.

9. Record keeping and confidentiality

- 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.
- The School keeps a written record of all formal complaints, including the following:
 - whether they were resolved at Stage 2 or Stage 3;
 - the action taken by the School as a result of the complaints, regardless of whether they are upheld;
 - whether the complaint relates to the School's boarding provision (this is a regulatory requirement).
- The records created in accordance with this policy will likely contain personal data about staff, pupils or other individuals referenced by the complaint. The School has a number of privacy notices which explain how it will use personal data. These privacy notices are published on the School's website and during any response to a complaint School staff will ensure that they follow the School's data protection policies and procedures.
- In accordance with data protection principles, details of individual complaints will be kept only for as long as is considered reasonably necessary in the circumstances.
- Complaints records which do not have safeguarding implications will be retained for a minimum of seven years (a period determined by the regulator with reference to a six-year inspection cycle of the Independent Schools Inspectorate with allowance for unforeseen circumstances). Those with safeguarding implications will be kept for longer according to prevailing regulations.

- Correspondence, statements and records relating to individual complaints will be kept confidential except where access is requested by the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them or where disclosure is required under other legal authority or court order.

10. Complaints to Ofsted or the Independent Schools Inspectorate (“ISI”)

- Parents of children in the School's EYFS have the right to contact Ofsted and / or ISI if they believe the School is not meeting the EYFS requirements.
 - Ofsted can be contacted on 0300 123 4666 or at enquiries@ofsted.gov.uk.
 - ISI can be contacted at concerns@isi.net or on 020 7600 0100.

11. Training

- The School ensures that regular guidance and training is arranged on induction and at regular intervals thereafter so that Governors, staff and volunteers understand what is expected of them by this policy and have the necessary knowledge and skills to carry out their roles.
- The level and frequency of training depends on the role of the individual; the School maintains written records of all training completed.

12. Complaints record

- In the calendar year to September 2023 the number of formal complaints to which the School has responded is:
 - Stage 2 complaints: 1
 - Stage 3 complaints: 0

Policy Owners

Staff: Headmaster
 Governors: Chair of Governors

Latest Reviews

Staff Policy Owner: September 2023
 Compliance: September 2023
 Board of Governors: November 2023

Appendix 1. Regulatory framework

- This policy has been prepared to meet the School's responsibilities under:
 - Education (Independent School Standards) Regulations 2014 (ISSR);
 - *Statutory framework for the Early Years Foundation Stage* (DfE, March 2017);
 - *Boarding schools: national minimum standards* (Department for Education (DfE), April 2015);
 - Education and Skills Act 2008;
 - Children Act 1989;
 - Childcare Act 2006;
 - Data Protection Act 2018 and General Data Protection Regulation (GDPR); and
 - Equality Act 2010.
- The following School policies, procedures and resource materials are relevant to this policy:
 - Parent Contract;
 - Behaviour Policy;
 - Data Protection – Privacy Notice.

Appendix 2. Publication and availability

- This policy is published on the School website and is available in hard copy on request.
- A copy of the policy is available for inspection from the School office during a working day.
- This policy can be made available in large print or other accessible format if required and the School will make other reasonable adjustments required to enable complainants to access and complete this procedure, such as holding meetings in accessible locations.
- Information regarding the number of complaints registered under the formal procedure of this policy during the preceding school year is available to parents of pupils and parents of prospective pupils and, on request, to the Chief Inspector, the Secretary of State or an independent inspectorate. The School makes this available by including an up-to-date Complaints Record within the Complaints Policy, which in turn is widely accessible as described above.

Appendix 3. Unreasonable complaints – Department for Education information (the “DfE”)

- The details below are drawn from the model complaints procedure and model policy for managing serial and unreasonable complaints, as set out by the DfE alongside its best practice guidance for school complaints procedures (as updated in 2021).

1. Unreasonable behaviour by the complainant

- Examples of behaviour which the School would deem unreasonable include if the complainant:
 - refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, or refuses to comply with the scope or procedure of the School's policy despite offers of assistance;
 - misrepresents or falsifies information provided to the School as part of a complaint process;
 - raises trivial or irrelevant questions, and insists they are answered to their own timescales;

- makes unjustified complaints about staff who are trying to respond to a complaint or address its underlying issues, and/or seeks to have them replaced;
 - repeatedly makes the same complaint or refuses to accept the findings of the School's proper investigation into a complaint;
 - communicates confidential, falsified or otherwise inappropriate information relating to a complaint or the School's response to it to the press or any other media; to parents, pupils or staff; or to any third party unconnected to the complaint;
 - defames the School, its staff, or its Governors either generally or with specific reference to a complaint or the School's response to it.
- If a complainant's behaviour is deemed to be unreasonable the School will notify the complainant and seek redress.

2. Unreasonable complaint

- A complaint itself 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 behaviour of the complainant.
- In assessing all of the circumstances of the case the School will consider a range of factors including:
 - the history, context and foundation of the complaint, including any evidence of the complaint being brought for an improper cause;
 - whether an investigation of the complaint may give rise to disproportionate disruption, distress, cost or consumption of time;
 - 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.
- Whenever possible, the Headmaster and/or Chair of Governors will seek to discuss any concerns with the complainant informally before dismissing a complaint as unreasonable.

Appendix 4 : Formal Complaint Form

Name of complainant	
Contact details (email & telephone please)	
Please give details of your complaint, and in addition include details on: - who you have raised it with to date and when; and - why you are dissatisfied with the process and/or outcome of Stage 1	
What actions or outcomes do you feel could resolve your complaint now?	
Are you attaching any paperwork? If so, please list details	

Declaration

The information included in this complaint form is accurate to the best of my knowledge. I agree to cooperate fully with the complaints procedures and acknowledge my ongoing obligations under it.

Signed:

Date: