



Complaints Policy

Policy Statement

Oporto British School prides itself on being a modern, forward-thinking school that embraces innovation and new opportunities to provide an outstanding, progressive and well-rounded education. We therefore take great care to ensure the quality of the teaching and pastoral care provided to our pupils, and to secure the good relationships that exist between pupils and staff and also between parents and staff. There may, however, be occasions when a parent has a concern about their child's progress, attainment, behaviour or welfare, and in those instances, parents are encouraged to raise concerns early with staff so that any issues can be addressed effectively, informally and in partnership with the School. Experience tells us that most matters can be resolved more quickly in this informal manner.

A concern is an expression of worry or doubt over an issue considered to be important for which simple reassurances or solutions are sought. Concerns will be dealt with in a timely and professional manner by the relevant member of staff.

A complaint is defined as any real or perceived problem about which a parent of a pupil is unhappy and seeks action by the School. Parents can be assured that all concerns and complaints will be treated seriously and with appropriate confidentiality and that they will not be penalised for a complaint that they (or their child) raise(s) in good faith.

The procedures within this document relate to complaints from parents of current pupils and parents of former pupils, provided the complaint was initially raised by them when the pupil was still registered at Oporto British School. This policy does not deal with complaints from parents of prospective pupils. For the purposes of this policy 'parent' means the holder(s) of parental responsibility for a current (or former) pupil about whom the complaint relates.

The complaints procedure also excludes safeguarding concerns (which are managed under our Safeguarding Policy which is available on the School's website) and is also distinct from formal staff disciplinary proceedings.

In the majority of cases any concern or complaint, regardless of whose attention it is initially brought to will be discussed informally (Stage 1) before being submitted, if required, to the following consecutive formal stages (Stage 2 and 3). Any complaint concerning the Headmaster may proceed directly to Stage 2 and be considered by the Chair of the Board of Governors.

Working days for the purposes of this policy shall mean Monday to Friday during term time. The dates of school terms are published on the School's website. Any complaints raised during holiday periods (whether under Stage 1 or Stage 2) will be acknowledged when Oporto British School opens for the new term.

We aim to resolve all complaints in a timely manner and normally within the timescales set out in this policy. Where this is not possible; for example, if a complaint is received whilst Oporto British School is closed or particular staff are absent (such as during a national lockdown period), the timescales set out in this policy may be extended. Parents will be notified of the reason for the delay and the new timescale. Parents are also expected to proceed with their complaint in a timely and reasonable manner. It is expected that where parents wish to escalate their complaint to the next stage, they will do so within 15 days of the conclusion of the current stage. Depending on the circumstances, Oporto British School may treat a complaint as closed if a parent does not act within this timeframe or causes undue delay. This will,



of course, take into account any extenuating circumstances that might have impeded the parents from taking action.

This policy will be reviewed annually or as legislation change requires.

The Three-Stage Complaints Procedure

All complaints made to the School should follow the three-stage complaints process. Oporto British School recognises that the earlier a concern is raised, the easier it is for an appropriate resolution to be found, therefore it is hoped that most complaints will be resolved quickly and informally without recourse to the formal procedures set out in Stages 2 and 3.

Anonymous complaints will not normally be investigated as, without supporting evidence, there is always a possibility that they may be vexatious or made in bad faith. It is therefore the policy of the School that all complainants provide contact details when raising a complaint. However, the Headmaster will be informed of all anonymous complaints and may, at his discretion, instigate an internal investigation (outside of this policy) to discover if quality improvements are required on the basis of the anonymous complaint.

Although all formal complaints must be made in writing, this does not mean that the formal stage is automatically triggered whenever a concern is expressed in writing (e.g. by email). Complaints will usually only progress to the formal stage (Stage 2) after first being considered at the informal stage (Stage 1) and only then if the complainant escalates the matter to the formal stage (Stage 2).

Stage 1 – Informal Resolution

- If parents have been unable to resolve their concern informally, and have a complaint they wish to raise they should contact their child's Head of Section (academic) or Head of Pastoral (pastoral) indicating they would like to start a complaint process. Unless the complaint concerns the Head of Section/Head of Pastoral, in which case they should contact the Headmaster. Any complaints raised directly with the Headmaster will normally be referred down by them to the appropriate member of staff.
- The Head of Section (academic)/Head of Pastoral (pastoral) will acknowledge the complaint (in person, by telephone, email or letter) within 5 working days of receipt and keep a record that the complaint has been acknowledged.
- The Head of Section (academic)/Head of Pastoral (pastoral) will consult appropriately to try to resolve the complaint. A record of the action taken will be kept. This action may include an investigation and/or meeting with the parent. The Head of Section (academic)/Head of Pastoral (pastoral) will ask the parent at an early stage how they think the matter might be resolved.
- All complaints will be treated in a timely manner and with appropriate confidentiality.
- Should the matter not be resolved in this informal way within 15 working days of receipt of the complaint, then parents may raise the matter with the Headmaster for resolution under Stage 2.



Stage 2 – Formal Resolution

- If parents are not satisfied by the outcome of the informal Stage 1 resolution or do not consider informal resolution possible or appropriate, they may put a formal complaint in writing to the Headmaster giving details of their complaint and the outcome they are seeking.
- The Headmaster will respond to the parent concerned within five working days indicating how the School proposes to deal with the formal complaint. This would usually involve an investigation being undertaken by a senior member of staff, who has no previous substantive involvement in the matters leading up to the complaint. In appropriate circumstances, an alternative approach (for example mediation) may be proposed.
- In advance of responding formally to the parents with the School's proposed course of action, the Headmaster, or the senior member of staff appointed by the Headmaster, may consult the parents and any other person involved as to the course of action and any arrangements that may need to be put in place to minimise the impact of the complaints procedure on the persons involved.
- The parents will be given an estimate of time that is likely to be required to complete any necessary investigation, normally not more than 15 working days. If more time is required (e.g. if the complaint is complex or if it is made during school holidays or a period of school closure), this would be notified to the parents.
- Written records will be kept of all meetings and interviews held in relation to the complaint.
- Once the Headmaster is satisfied that, so far as is practicable, all of the relevant facts have been established and any investigation is complete, a decision will be made as to the outcome of the complaint normally within 5 working days of the completion of any investigation and the parents will be informed of this decision, and the reasoning behind it, in writing.
- It is hoped that parents will feel satisfied with the outcome, or that, at least, all of the concerns raised by the parents have been fully and fairly considered. If parents are not satisfied, they may request that the complaint is dealt with under Stage 3 in accordance with the procedure set out below by writing to the Chair of the Board of Governors.

Stage 3 – Panel Hearing

- Parents must write (within 15 days of the Headmaster's decision) to the Chair of the Board of Governors directly if they wish to appeal against the Stage 2 decision setting out, in detail, the grounds for the appeal and specify the outcome they are seeking. New matters of complaint should not normally be raised at Stage 3. The postal address for the Chair of the Board of Governors is: The Chair of the Board of Governors, Oporto British School, Rua da Cerca 338, 4150-201 Porto or they can be reached via email, marked attention Chair of the Board of Governors, at: school@obs.edu.pt
- The Chair of the Board of Governors will, within 5 working days, acknowledge receipt and refer the complaint to an Appeal Panel for consideration. The Appeal Panel will usually comprise three members appointed by the Chair of the Board of Governors, at least one of whom shall be independent of the management and running of the School. The members of the Appeal Panel will have no direct involvement with the matters of complaint and no connection to the pupil or the family concerned. The Clerk to the Chair of the Board of Governors shall act as Clerk to the Appeal Panel.
- The Chair of the Appeal Panel or the Clerk to the Appeal Panel will acknowledge the appeal and the Clerk will schedule a hearing to take place within 20 working days.
- The Chair will issue written directions for the conduct of the Appeal Panel. If the Chair deems it necessary, he or she may require that further particulars of the complaint/appeal and any relevant documents or records be supplied in advance of the appeal hearing. Copies of such particulars will be supplied to all parties wherever practicable not later than 5 working days prior to the appeal hearing.



- The Clerk will notify the parents and the Headmaster of any directions and also of the date of the appeal hearing. The parents concerned (as well as representatives of the School) will be asked to confirm whether they plan to attend and wish to speak at the hearing. The parents concerned will also be asked whether they would like another person to accompany them to the hearing. This may be a relative or friend. Legal representation of either party will not normally be appropriate at the hearing and requires the prior approval of the Chair of the Appeal Panel.
- The Appeal Panel is not obliged to hear oral evidence from witnesses but may do so and also may take written statements into account. All those participating in the hearing are expected to behave in a courteous and respectful manner at all times, and it is within the discretion of the Chair to conclude or adjourn the hearing should he or she consider this appropriate.
- If the Chair believes that the Appeal Panel should hear evidence from an individual in private (i.e. in the absence of the parents bringing the complaint), they may so decide. In this circumstance, the parents will be given reasons for that decision. The parents will be given a summary of the individual's relevant evidence after the event if the Chair believes the evidence to be relevant to the complaint. The Appeal Panel may withhold the identity of a person who gives evidence in private to the Appeal Panel.
- The parents' right to request and attend a panel hearing is not forfeited because they threaten or instigate legal proceedings. If any party is unable to physically attend the hearing due to extenuating circumstances (for example, due to local lockdown measures) alternative arrangements will be considered such as an online meeting or a change of date. If the parents do not wish to attend the panel hearing, but have not withdrawn their complaint, the panel hearing will go ahead in their absence in accordance with the procedures laid down in this policy. A parent may withdraw their complaint at any time prior to the hearing taking place.
- A full minute of the proceedings will be taken by the Clerk.
- Where the Appeal Panel determines that further investigation is required, the Appeal Panel will decide how it should be carried out. This process shall be completed within 10 working days of the hearing.
- It is not within the powers of the Appeal Panel to make any financial award nor to impose sanctions on staff, pupils or parents, but the Appeal Panel may make recommendations that the School consider action under other applicable procedures.
- After completion of any further investigation and due consideration of all facts and evidence presented to it the Appeal Panel's decision, findings and recommendations will be sent in writing to the Parents, the Headmaster and where relevant, the person complained about, within 10 working days of the hearing or completion of any further investigation. A copy will also be available for inspection on the School premises by the Fellows.
- Completion of Stage 3 represents the conclusion of the School's Complaints Procedure and there is no further right of appeal.

Unreasonable and Vexatious Complaints

There will unfortunately be occasions when, despite all three stages of the procedure being followed exactly and the complaint thoroughly investigated, a parent still remains dissatisfied. If the parent tries to reopen the same issue The Clerk to the Chair of the Board of Governors and Fellows will inform them in writing (normally within 5 working days) that the procedure has been exhausted and that the matter is now closed.



There is no obligation for the School to respond to a vexatious complaint. A complaint may be considered vexatious in circumstances where for example the complaints process has been exhausted, the complainant has been given a clear statement of the School's position and their options, and the complainant continues to make contact making substantially the same points.

The School expects all parties to conduct themselves in a respectful and courteous manner in all their communications and dealings, and the School will take steps to ensure that its staff are not exposed to conduct which it deems to be abusive, offensive, aggressive or threatening in any way.

Recording Complaints and Use of Personal Data

Following the resolution of the complaint a written record will be kept of all complaints made under Stage 2 (the formal procedure) including whether they are resolved following the formal procedure or proceed to a panel hearing; and any action taken by the school as a result of these complaints (regardless of whether they are upheld). The complaints record will be regularly reviewed by the Headmaster (or other designated senior leaders) to identify whether a review or change in practice is needed and so that any patterns can be identified, and appropriate interventions made.

Records of complaints are retained for a minimum of 7 years and otherwise in accordance with Department for Education advice.

We process all personal data in accordance with our 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:

- Date when the issue was raised
- Name of parent
- Name of pupil
- Description of the issue
- Records of all the investigations (if appropriate)
- Witness statements (if appropriate)
- Name and contact details of member(s) of staff handling the issue at each stage
- Copies of all correspondence on the issue (including emails and records of phone conversations)
- Notes and minutes of the hearing, and
- The Panel's written decision

Where necessary, owing to the nature of the complaint this may include 'special category personal data', including, for instance, information relating to physical or mental health.

Correspondence, statements and records relating to individual complaints will be stored securely and subject to appropriate confidentiality restrictions.



Complaints Procedure for Pupils

If a pupil needs advice or wants to talk over a problem they can speak to any relevant member of staff. In the first instance the Class Teacher (Primary) or Tutor (Secondary) is the best person for a child to speak to.

If it is a safeguarding issue, the pupil can contact the Designated Safeguarding Lead or one of the Deputy Designated Safeguarding leads. They do not need to notify any other member of staff first.

Any pupil wanting to make a formal complaint should, in the first instance, always make the complaint to the Head of Section (academic)/Head of Pastoral (pastoral) or, at least, make the nature of the complaint known to them. If the matter needs to be taken further by the complainant, because it cannot be satisfactorily resolved at the level of the Head of Section (academic)/Head of Pastoral (pastoral) or because the complaint involves the Head of Section (academic)/Head of Pastoral (pastoral), the complaint should be made in writing to the Headmaster. A pupil making a complaint in good faith can always expect their complaint to be taken seriously and for it to be dealt with thoroughly.

A pupil can expect a written acknowledgement of their complaint within 5 working days. The acknowledgement will detail the next steps and include any relevant timeframes. For pupil complaints, the decision of the Head of Section (academic)/Head of Pastoral (pastoral) is final.

All complaints will be recorded with details of the date, nature of the complaint, the action taken and the outcome with any supporting documentation.

Procedures concerning child protection and/or safeguarding matters are detailed in the Safeguarding (Child Protection) Policy.

Adopted September 2021



Appendix 1 – Timescales for each stage

TIMESCALES FOR THE THREE-STAGE COMPLAINTS PROCESS

STAGE 1 - INFORMAL RESOLUTION

- ✓ Contact your child's Head of Section (academic)/Head of Pastoral (pastoral) detailing your complaint.
- ✓ Your complaint will be acknowledged within 5 working days of receipt.
- ✓ The Head of Section (academic)/Head of Pastoral (pastoral) will investigate the matter and respond within 15 working days.
- ✓ The informal resolution stage is now concluded. If you are not satisfied with the result and wish to escalate the matter, you have 15 working days from the date of Stage 1 conclusion to put your complaint in writing to the Headmaster.

STAGE 2 - FORMAL RESOLUTION

- ✓ Contact the Headmaster in writing (or the Chair of the Board of Governors if it concerns the Headmaster) detailing your complaint and the outcome you are seeking.
- ✓ Your complaint will be acknowledged within 5 working days of receipt.
- ✓ A senior member of staff (not connected to the issue) will investigate the matter and report back to the Headmaster. The investigation should normally take no longer than 15 days.
- ✓ The Headmaster will contact you within 5 days from the conclusion of the investigation with his written response.
- ✓ The formal resolution stage is now concluded. If you are not satisfied with the result and wish to escalate the matter, you have 15 working days from the date of Stage 2 conclusion to put your complaint in writing to the Chair of the Board of Governors.

STAGE 3 - PANEL HEARING

- ✓ Contact the Chair of the Board of Governors in writing detailing your complaint and the outcome you are seeking.
- ✓ Your complaint will be acknowledged within 5 working days of receipt.
- ✓ An appeal hearing will be scheduled within 20 working days of the date of acknowledgement.
- ✓ If further investigation is needed this will usually be completed within 10 working days of the appeal hearing.
- ✓ A written report detailing the Appeal Panel's findings and recommendations will be sent to you within 10 working days of the hearing or following completion of any further investigation.