



## Complaints Policy

**This policy is the responsibility of the Deputy Head to oversee and review annually.**

### Scope

This Policy provides information for current Parents/Guardians on the procedures for handling complaints. This is a whole School policy, including EYFS.

### 1 Policy Aim and Statement

- 1.1 Aim:** The aim of this Policy is to ensure that if there is a cause for complaint it is managed sympathetically, efficiently and at the appropriate level, and resolved as soon as possible. Doing it is fair to those concerned and helps to promote parents' and pupils' confidence in our ability to safeguard and promote welfare. We will try to resolve every complaint in a positive way, with the aim of putting right, a matter which may have gone wrong and, where necessary, reviewing our systems and procedures in light of the circumstances.
- 1.2 Policy Statement:** We need to know as soon as possible if you have any concern as to a matter of safety, care, discipline or progress of your child. We recognise that any issue that is not resolved quickly and fairly can soon intensify, become unnecessarily protracted and a cause of resentment, which would be damaging to relationships and also to our school culture. Parents and pupils should never feel - or be made to feel - that a complaint will be taken amiss or will adversely affect a pupil or her opportunities at this School.

### 2 Introduction

Malvern St James is committed to the highest standards of teaching and pastoral care. Our aim is to work closely with parents and their daughters in School. As a result, we hope that neither girls nor parents will be dissatisfied with decisions taken within the School. However, if parents do have a complaint, they can expect it to be treated by the School with care and in accordance with this Policy. Malvern St James makes its complaints procedure available to all parents of pupils, on the School's website. We will ensure that parents of pupils who seek its complaints policy are made aware of this document and how they can access it.

- 2.1 What Constitutes a Complaint?** 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 (except matters regarding fee disputes or matters that are covered by the School's Exclusion, Removal and Review Policy) is within the scope of this procedure. A complaint is likely to arise if a parent believes that the school has done something wrong, failed to do something that it should have done or has acted unfairly. Parents can be assured that all concerns and complaints will be treated



seriously and confidentially. The School is here for your child and you can be assured that your child will not be penalised for a complaint that you or your child raises in good faith.

**2.2 Policy Status.** The Policy has been approved by the Headmistress and the Council of Malvern St James. It provides guidelines for handling complaints. It takes account of schedule, paragraph 33 of The Education (Independent School Standards) (England) Regulations 2014, in force from 5 January 2015. The timing of the procedures set out below may be adapted as appropriate to meet the Policy aims and circumstances of each case.

**2.3 Circulation.** This Policy is made available to parents of pupils on the School's website: <http://www.malvernstjames.co.uk/413/about-the-school/policies>.

**2.4 Application.** This Policy applies when a parent of a pupil at the School makes a complaint (a complaint is defined under 2.1 above. This Policy equally applies to parents of children in the Early Years Foundation Stage (EYFS). This Policy does not apply in the event of a child protection issue or if the Head permanently excludes or asks a pupil to leave (or be withdrawn) and the parents seek a Council Review of that decision. Instead, please refer to the policies covering these situations which are accessible on the School website via: <http://www.malvernstjames.co.uk/413/about-the-school/policies>

## **2.5 Three Stages: This Policy describes a three-stage procedure**

**Stage 1:** Informal Resolution

**Stage 2:** Formal Resolution

**Stage 3:** Panel Hearing

A concern about the safety of your child should be notified immediately to the person you believe is best placed to take urgent action and should be confirmed in writing to the Headmistress.

**2.6 Timescales.** We aim to resolve any complaint in a timely manner. Timescales of each stage are set out below in the relevant paragraphs. 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 Website.

**2.7 Recording Complaints.** Following resolution of a complaint, the School will keep a written record of all complaints and whether they are resolved following a formal procedure or proceed to a panel hearing. These will include any action taken by the school as a result of these complaints (regardless of whether they are upheld. At the School's discretion, additional records may be kept which may contain the following information:

- Date when complaint was raised
- Name of parent
- Name of pupil
- Description of the complaint
- Records of all the investigations (if appropriate)
- Witness statements (if appropriate)

- Name of member(s) of staff handling the issue at each stage
- Copies of all correspondence on the issue

## **Stage 1: Informal Resolution**

**3.1 Introduction.** We expect that most complaints, where a parent seeks intervention, reconsideration or some other action to be taken, can be resolved informally.

**3.2 Notification:** Raise the complaint initially as follows:

### **3.2.1 Education Issues**

If the matter relates to the classroom, the curriculum or special educational needs, please speak or write to the Form Teacher, Year Co-ordinator Head of Department or Housemistress as appropriate.

### **3.2.2 Pastoral Care**

For concerns relating to matters outside the classroom or in the House, please speak or write to the Form Tutor, the Housemistress, the Year Co-ordinator or the Director of Pastoral Care.

### **3.2.3 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, and, if not resolved, with the Year Co-ordinator.

### **3.2.4 Financial Matters**

A query relating to fees or extras should be stated in writing to the Finance Manager.

### **3.2.5 Welfare of Boarders**

In addition to the initial points of contact as above Boarders are provided with appropriate helplines which they can ring in case of problems or distress, these include the Children's Commissioner, Childline and an Independent Listener. In addition, parents and boarders can contact the regulatory authority Independent Schools Inspectorate (ISI) regarding any complaint concerning the welfare of a boarder although ISI expects complainants to go through the School's complaints procedure first. Details of how to contact ISI will be provided on request. The Designated Safeguarding Lead (Deputy Head) or her deputies will provide the name and contact details for the Local Authority Designated Officer with responsibility for Malvern St James on request. Alternatively, these details may be found on the School's website in the Safeguarding Pupils Policy or on the Worcestershire Safeguarding Children Board (WSCB) website.

### **3.2.6 Complaints about the headmistress**

If the complaint is about the Headmistress parents must raise it directly to the Chairman of Council.

**3.3 Acknowledgement.** We will acknowledge a written notification by telephone, fax, e-mail or letter within two working days of receipt during term time and as soon as practicable in the holidays.

**3.4 Response.** We will respond to a complaint within five working days of receipt during term time. If the complaint is received during the holidays, we will respond to a complaint as soon as is reasonably practical.

**3.5 Unresolved Complaints.** If you remain dissatisfied with the outcome or handling of your

complaint under Stage 1, you may formalise your complaint, in writing, in accordance with Stage 2 (below).

## **Stage 2: Formal Resolution**

### **4 Notification**

An unresolved complaint after completion of Stage 1, or a complaint which needs investigation, or a dissatisfaction with some aspect of the School's policies, procedures, management or administration should be set out in writing with full details and sent with all relevant documents and your full contact details addressed to the Headmistress.

- 4.1 Acknowledgement..** We will acknowledge a written notification by telephone, fax, e-mail or letter within two working days of receipt during term time and as soon as practicable in the holidays.
- 4.2 Investigation.** Within two working days of receipt of the written complaint, the Headmistress may ask a senior member of staff to act as the "investigator", and may involve one or more members of staff (or of the School Council after consultation with the Chairman of Council), who together are termed `investigators`.
- 4.3 Findings and Resolutions.** The outcome of the investigation will be reported to the Headmistress within 10 working days of receipt of the written complaint. The Headmistress will then notify you in writing of the outcome and the reasons for it normally within 12 working days of receipt of the complaint. If the Headmistress deems it appropriate, she will ask to meet with you during that 12 working day period. She may also deem it appropriate that parties being complained about will be given a written copy of the findings and recommendations.
- 4.4 Records.** Written records will be kept of all meetings and interviews held in relation to your complaint and of the findings and any recommendations. They will be available for Inspection on the School premises by the Headmistress and appropriate Council Members and as detailed in Section 5.13.

## **Stage 3: Panel Hearing**

### **5 Notification**

If you are dissatisfied with the outcome of Stage 2 you may write to the Chairman of the Council. Such letter must be received by the Chairman of Council within 10 working days of dispatch of the letter from the Headmistress (described in 4.3). Your letter to the Chairman must give full details of your complaint, your desired outcome(s) (i.e. the resolution you seek) and enclose all relevant documents and your full contact details. Your letter will normally be acknowledged by telephone or in writing within 4 working days of receipt during term time, indicating the action that is being taken and the likely time scale. During holidays an acknowledgement will be provided as soon as reasonably practicable.

- 5.1 Convening the Panel:** The Clerk to the School Council (the “Clerk”) will convene the Panel as soon as reasonably practicable in term time and no later than 10 working days of receipt by the Chairman of Council of your request for a hearing before the Panel. Should you request a Panel Hearing during holidays, the Panel will convene no later than the tenth working day after the term has begun unless this will result in a significant delay in the consideration of your complaint.
- 5.2 Composition.** The Panel will comprise two members of the School Council and one member who is Independent of the management and running of the School. The Panel will be comprised of people who are not directly involved in the matters detailed in the complaint.
- 5.3 Notice of hearing:** The Clerk will send you written notification of the date, time and place of the hearing, together with brief details of the Panel members as soon as possible and no later than 5 working days before the hearing date. The hearing will normally follow the procedure set out in **Appendix 2**. 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. Copies of such particulars shall be supplied to all attendees, not later than 5 working days prior to the hearing.
- 5.4 Attendance.** You will be asked to attend the hearing and may be accompanied by one other person such as a relative, teacher, or friend but not by a legally qualified person. If you wish to be accompanied at this meeting, please notify the School at least 3 working days before the hearing. If you confirm your attendance but fail to attend the hearing, or no longer wish to attend the hearing, the Panel will proceed with the hearing in your absence and issue findings and communicate these to you in accordance with this Policy.
- 5.5 Chairman.** The hearing will be chaired by one member of the Panel (chosen by themselves) and will be conducted in an informal manner.
- 5.6 Hearing.** All statements made at the hearing will be unsworn. All present will be entitled, should they wish, to write their own notes for reference purposes. The Chairman may direct that the hearing be recorded to assist accurate recollection for purposes of the decision. The Panel will be under no obligation to retain recordings thereafter. The Clerk will be asked to take handwritten minutes of the proceedings in any event.
- 5.7 Evidence.** The Chairman will conduct the hearing in such a way as to ensure that all those present have the opportunity of asking questions and making comments in an appropriate manner. The hearing 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. Any new information should be received by the Clerk in writing prior to the start of the hearing so that the Panel can verify and consider the information.
- 5.8 Conduct.** All those attending the hearing are expected to show courtesy, restraint and good manners or, after due warning, the hearing may be adjourned or terminated at the discretion of the Chairman. If 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.
- 5.9 Adjournment.** The Chairman may at his/her discretion, adjourn the hearing for further investigation of any relevant issue. This may include an adjournment to take legal advice.

- 5.10 Findings and Recommendations.** After due consideration of the matters discussed at the hearing, the Panel shall reach a Decision. The Panel's decision may be notified orally at the hearing or subsequently and shall be confirmed in writing within 5 working days. Reasons for the Decision and findings in relation to the grounds of complaint will be given. The Decision may also include recommendations and will be sent to the parents, the Chairman of the School Council, the Headmistress and, where relevant, any person about whom the complaint has been made.
- 5.11 Records.** A copy of the decision (including findings and recommendations) will be sent to persons mentioned above in 5.10. A copy of the decision will be available for inspection on the school premises by the Headmistress and appropriate Council Members.
- 5.12 Private proceeding.** A hearing before the Complaints Panel is a private proceeding. No notes or other records or oral statements about any matter discussed in or arising from the proceeding shall be made available directly or indirectly to other than those involved directly in the Panel Hearing or in carrying out its decision(s) or any legally entitled (see 5.13) to inspect the record of complaints.
- 5.13 Confidentiality.** Correspondence, statements and records relating to individual complaints will be kept confidential except to the extent required by part 7 of The Education (Independent School Standards) Regulations 2014, in force from 5 January 2015, that is 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 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. In accordance with data protection principles, details of individual complaints will normally be destroyed following each school inspection. In exceptional circumstances some details will be retained for a further period as necessary.

## 6 Other Matters

- 6.1 EYFS.** Following completion of the three stage process, if parents of children in EYFS remain unhappy and their complaint is about the School's fulfilment of the EYFS requirements, then parents may take a complaint to the Independent Schools Inspectorate (ISI) or Ofsted. You will be notified by the School of the outcome of the investigation within 28 days of the complaint being received. Details of how to contact ISI and Ofsted can be found in **Appendix 1**.
- 6.2 ISI/Ofsted.** If requested by ISI or Ofsted, the School will provide inspectors with a written record of all complaints (including EYFS) made during any specified period and the action which was taken as a result of each complaint. The record of complaints will be retained in accordance with [the School's Data Retention Policy].
- 6.3 Recording Complaints.** Following completion of a Stage 2 or 3 complaint, the School will keep a written record of the complaint and whether they are resolved at stage 2 or proceed to a panel hearing. These will include any action taken by the school as a result of these complaints (regardless of whether they are upheld) At the School's discretion, additional records may be kept which may contain the following information:
- Date when complaint was raised
  - Name of parent

- Name of pupil
- Description of the complaint
- Records of all the investigations (if appropriate)
- Witness statements (if appropriate)
- Name of member(s) of staff handling the issue at each stage
- Copies of all correspondence

**6.4 Requesting Records.** Written records of your complaint will be available for inspection on the School premises. For legal reasons, not all the records may be disclosable to you. Details of individual complaints will be retained in accordance with the School's Data Retention Policy.

The Complaints Record shows that the School has received four formal complaints in 2018-2019.

## Appendix 1

### Contacting the ISI

The School is inspected by the ISI, an independent organisation which reports to the Government on independent boarding schools in relation to welfare issues. You have the right to contact an inspector if you have a complaint concerning welfare. ISI will usually expect you to have followed the School's formal complaints procedure before contacting them.

ISI may be contacted on 020 7600 0100 or by email: [concerns@isi.net](mailto:concerns@isi.net)

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

### Contacting Ofsted

If parents remain unhappy after completion of the three stages in this Complaints Policy, and their complaint is about the school's fulfilment of the EYFS requirements, Ofsted may be contacted on 0300 123 1231 or by email: [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk)

Ofsted  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

## Appendix 2

### Procedures to be followed at a hearing of the Complaints Panel

- 1 **Introduction:** This is the procedure that will normally be followed by the Complaints Panel and is designed to ensure that all parties have the opportunity to present their views to the Panel.
- 2 **Meeting format:** The meeting will take the form of a "round the table" hearing, where all parties and the Panel are present in the same room throughout. Present in the room throughout the hearing will be:
  - The Panel Members.
  - The Clerk to the Panel. The Clerk will take notes of the meeting. Any notes produced by the Clerk will not be verbatim and will belong to the Chairman. The Chairman can authorise the release of the Clerk's notes on condition that they remain confidential.
  - The parents who have made the complaint.
  - Any person that the parents have brought as a supporter.
  - The Headmistress.
  - Any other appropriate member of staff.

**Note:** Any witnesses called by any of the above parties may be asked to make their contribution and then leave rather than staying for the whole proceeding.

### 3 **Suggested agenda:**

3.1 Welcome and introductions by the Chairman.

3.2 Parents present their complaints. Where two parents are present, it is often more helpful if one parent undertakes the responsibility of presentation and answering of questions.

3.3 The Panel and the Headmistress may ask questions of parents for clarification. Questions should be put through the Chairman of the Panel who can intervene if s/he thinks that questions are inappropriate or are straying into cross-examination.

3.4 The Headmistress puts his/her case, explaining the reasons for the decision and consideration and calling witnesses if necessary.

3.5 The parents and Panel Members may ask questions of the Headmistress for clarification. Again such questions should be put through the Chairman who can intervene as necessary.

3.6 The Headmistress is invited to make any further relevant points.

3.7 The parents are then invited to make any further relevant points.

3.8 When the Panel is satisfied that it has established facts sufficient for it to make its decision, the Chairman may bring the hearing to a close and inform the parties that they will be notified in writing of the decision, normally within seven working days.

3.9 The parents and the Headmistress leave together with any witnesses, supporters or representatives.

4 **Legal advice:** If, during the hearing, parents introduce legal points on which the Panel feel they will need advice, they will consider one of two options:

4.1 The Panel may decide to take a careful note of points made and to consider the advice of the School's lawyers before making their final decision; or

4.2 If the Panel feel that an immediate response is required, they may adjourn the hearing to take telephone advice from the School's lawyers.

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<b>Authorised by</b>	Resolution of THE SCHOOL COUNCIL
<b>Signature</b>	
<b>Date</b>	June 2019

<b>Effective date of the Policy</b>	June 2019
<b>Review date</b>	May 2020
<b>Circulation</b>	Members of School Council / teaching staff / all staff / parents / pupils [on request]