



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 concern or 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 concern or 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 daughter. We recognise that any issue that is not resolved quickly and fairly can soon become 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. This Policy distinguishes between a concern or complaint which can be resolved informally and a formal complaint which will require investigation.

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 and of prospective pupils, on the School's website. Malvern St James will ensure that parents of pupils and of prospective 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 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 daughter and you can be assured that your daughter will not be penalised for a complaint that you or your daughter raises in good faith. 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

2.2 **Policy status**

The Policy has been approved by the Headmistress and the Council of Malvern St James. It provides guidelines for handling concerns and complaints. It takes account of schedule, paragraph 33 of The Education (Independent School Standards) (England) Regulations 2014, in force from 5 January 2015. 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.

2.3 **Application**

Separate procedures apply in the event of a daughter protection issue or if the Head permanently excludes or asks a pupil to leave and the parents seek a Council Review of that decision. Such additional Policies are accessible on the School website.

2.4 **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 daughter 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.

2.5 **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.

2.6 **Recording Complaints**

Following resolution of a complaint, the School will keep a written record of all complaints and whether they are resolved at the preliminary stage 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), see **Appendix 1**. When dealing with complaints the School (including any Panel member appointed under the Stage 3 process) may process and keep a range of information, which is likely to include 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 including e mails and records of phone conversations, notes and minutes of the hearing and the Panel's written decision.

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. In accordance with data protection principles, details of individual complaints will normally be retained for a minimum of 7 years (DfE 2020) In exceptional circumstances some details will be retained for a further period as necessary. Records concerning allegations of abuse will be retained for the term of the Independent inquiry into Child Sexual Abuse and at least until the accused has reached normal pension age or for 10 years from the allegation if it is longer.

Stage 1: Informal Resolution

3.1 Concerns

We expect that most concerns, where a parent or pupil seeks intervention, reconsideration or some other action to be taken, can be resolved informally.

3.2 Notification: Raise the concern 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 Tutor, Head of Year, Head of Subject 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 Head of Year 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 Head of Year.

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 Ofsted regarding any complaint concerning the welfare of a boarder although Ofsted expects complainants to go through the School's complaints procedure first. Details of how

to contact Ofsted will be provided on request. The Designated Safeguarding Lead will provide the name and contact details for the LADO with responsibility for Malvern St James on request. Alternatively, these details may be found on the Worcestershire Safeguarding Children Partnership (WSCP website.)

If the complaint is about the Headmistress parents must take it directly to the Chair of Council.

3.3 **Acknowledgement**

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

3.4 **Unresolved complaints:**

A complaint which has not been resolved by informal means within 10 working days of receiving the initial complaint should be notified in writing as a formal complaint which will be dealt with in accordance with Stage 2 below.

Stage 2: Formal Resolution

4 **Notification**

An unresolved concern 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 to the Headmistress.

4.1 **Acknowledgement**

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

4.2 **Investigation**

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 Chair of Council), who together are termed 'investigators'.

4.3 **Findings and Resolutions**

The outcome of the investigation will be reported to the Headmistress who will then notify you in writing of the outcome and the reasons for it nominally within 5 working days of the complaint being acknowledged. If the Headmistress deems it relevant, the parties being complained about will also 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 5.14.

Stage 3: Panel Hearing

5. Notification

If you are dissatisfied with the outcome of Stage 2 you may write to the Chair of the School Council. Your letter to the Chair must give full details of your complaint 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 Action by the Chair

The Chair will arrange for your complaint to be investigated following procedures equivalent to those described in Stage 2 (above). When the Chair is satisfied that she has established all the material facts and relevant policies, so far as is practicable, she will notify you in writing of her decision and the reasons for it. If you are not satisfied with the Chair's decision you may write to the Clerk requesting for the complaint to be referred to the Complaints Panel.

5.2 Convening the Panel:

The Clerk to the School Council will convene the Complaints Panel as soon as reasonably practicable in term time within 10 working days of the Chair of Council acknowledging the request for a hearing before the Complaints Panel. The Panel will not normally sit during half terms or school holidays.

5.3 Composition

The Complaints Panel ("Panel") will comprise of two members of the School Council and one member who is independent of the School. The Panel will be comprised of people who are not directly involved in the matters detailed in the complaint.

5.4 Notice of hearing:

Within 10 working days the Clerk will send you written notification of the date, time and place of the hearing, together with brief details of the Panel members. The hearing will normally follow the procedure set out in **Appendix 3**. 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 parties, not later than 5 working days prior to the hearing.

5.5 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 7 working days before the hearing. Your daughter aged 13+ may attend part or all of the hearing at the discretion of the Chair.

5.6 Chair

The hearing will be chaired by one member of the Panel (chosen by themselves) and will be

conducted in an informal manner.

5.7 **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 Chair 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 a handwritten minutes of the proceedings in any event.

5.8 **Evidence**

The Chair 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.

5.9 **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 Chair. 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.

5.10 **Adjournment**

The Chair may at his/her discretion, adjourn the hearing for further investigation of any relevant issue. This may include an adjournment to take legal advice.

5.11 **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 will be given. The Decision may include recommendations and will be sent to the parents, the Chair of the School Council, the Headmistress and, where relevant, any person about whom the complaint has been made.

5.12 **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 5.14.

5.13 **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 to inspect the record of complaints.

Confidentiality

- 6 A written record will be kept of all complaints, and of whether they are resolved at Stage 2 or proceed to a panel hearing. 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. EYFS

In the event of a complaint parents should follow the three stages of the Complaints Policy. Following this process, if parents 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 2**.

Malvern St James 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 complaints will be kept for at least three years.

6.1 **Complaints Record Log**

A written record log of all complaints and any resultant actions taken by the school is kept regardless of their resolution.

The number of complaints received by the School in 2019-20 is available on request from the Head's PA.

Appendix 1 Complaints Form

This form is to be completed by any member of staff who receives a complaint or who wishes to make a complaint. It should be passed to the appropriate Line Manager.

1. What is the nature of the complaint? (Please tick)

Staff Conduct:

Parental Conduct:

Teaching Standards :

Pastoral Care:

Condition of Premises:

Timetabling issue

Matters of Regime and Routine:

Extra Curricular Activities:

Other (please give details):

2. Please provide details of the complaint (attach an extra sheet if necessary):

Date/s of Incident:

Time/s:

3. If the complaint is about someone's behaviour please provide the names of any witnesses to the incident/s:

4. Action Taken:

Name:

Date:

Signed:

Appendix 2

Contacting Ofsted

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

Ofsted may be contacted on 0300 123 1231 or by email: enquiries@ofsted.gov.uk

Ofsted
Piccadilly Gate
Store Street
Manchester
M1 2WD

ISI may be contacted on 020 7600 0100 or by email: concerns@isi.net

Appendix 3

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 Chair. The Chair 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 Chair.
- 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 Chair 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 Chair 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 Chair 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.

Authorised by Resolution of THE SCHOOL COUNCIL

Signature



Date

14 October 2020

Effective date of the Policy 14 October 2020

Review date September 2021

Circulation Members of School Council / teaching staff / all staff / parents / pupils [on request]