



## 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; 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 child protection issue or if the Headmistress 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 .

## **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 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 will provide the name and contact details for the LADO with responsibility for Malvern St James on request. Alternatively, these details are available in the School's Safeguarding policy and may also be found on the Worcestershire Safeguarding Children Partnership (WSCP website.)

## 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 (usually within 10 working days).

## 3.4 **Unresolved complaints:**

A complaint which has not been resolved by informal means within 10 working days of acknowledging the initial complaint in term time and 15 days in the holidays, 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.

If the complaint is against the Headmistress, the complaint should be made to the Chair of Governors.

#### 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 (usually within 10 working days).

#### 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 in term time or 15 days outside of term time 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. The Headmistress will respond to complaints relating to the fulfilment of EYFS requirements within 28 days of receipt.

#### 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.

#### 4.5 **Complaint against the Headmistress**

If the complaint is against the Headmistress, the complaint should be made to the Chair of Governors. The Chair of Governors/their nominee will call for a full report from the Headmistress, and for all the relevant documents.

The Chair of Governors/their nominee will, in most cases, meet with the parents to discuss the matter further.

Once the Chair of Governors/their nominee is satisfied that, so far as is practicable, all of the relevant facts have been established, the parents will be informed of the decision in writing. The Chair of Governors or their nominee will give reasons for his/her decision.

### **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. In the interests of resolving the complaint expeditiously, complaints should focus on the main issues. It is helpful if the complainant is able to indicate the nature of the outcome which they are seeking as a means of resolving their complaint.

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 heard and will investigate any new information provided following procedures equivalent to those described in Stage 2 (above).

When the Chair is satisfied that they have established all the material facts and relevant policies, so far as is practicable, they will notify you in writing of their 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 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 any other party than those involved directly in the Panel Hearing or in carrying out its decision(s), or anyone legally entitled to inspect the record of complaints.

## 6. **Confidentiality**

In the event of a complaint, parents should follow the three stages of the Complaints Policy. 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. This specifies 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 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.

## 7 **Outcome**

Following this process, if parents remain unhappy, they may take their complaint to the Independent Schools Inspectorate (ISI). Details how to contact ISI can be found in **Appendix 2**.

Parents of children in the Early Years Foundation Stage (EYFS) who do not believe the School meets the EYFS regulatory requirements should take their complaint to ISI or alternatively to Ofsted. Details of how to contact ISI and Ofsted can be found in **Appendix 2**.

## 8. **Complaints Record Log**

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

## 9. **Compliance**

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 seven years.

The number of complaints received by the School in the previous academic year 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 parent 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:**

**Signed:**

**Date:**

## **Appendix 2 Contacting ISI**

The School is inspected by ISI, an independent organisation which reports to the Government on independent boarding and day schools in relation to welfare and educational issues.

You have the right to contact an inspector if you have a complaint concerning welfare or the boarding or educational provision for your child.

ISI will 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 via [concerns@isi.net](mailto:concerns@isi.net) or addressed to the Independent Schools Inspectorate at CAP House, 9-12 Long Lane, London, EC1A 9HA.

Complaints relating to EYFS requirements may be addressed to the Independent Schools Inspectorate at CAP House, 9-12 Long Lane, London, EC1A 9HA, or may be raised by telephone: 020 7600 0100 or via their website: [www.isi.net/contact](http://www.isi.net/contact).

Alternatively, they may be raised with OFSTED at Piccadilly Gate, Store Street, Manchester M1 2WD.

## 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:**

Welcome and introductions by the Chair.

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.

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.

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

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.

The Headmistress is invited to make any further relevant points.

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

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.

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:
- a) 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
  - b) 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	
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