

## COMPLAINTS PROCEDURE (including EYFS)

### **Introduction**

St Mary's School has long prided itself on the quality of the teaching and pastoral care it provides to its pupils. However, in the event that parents should have a complaint, they can expect it to be treated by the School in accordance with this procedure.

The School makes its complaints procedure available to all parents of pupils and of prospective pupils on its website and in the School office during the school day. It will ensure that parents of pupils and of prospective pupils who request it are made aware that this document is published or available and the form in which it is published or available.

In accordance with paragraph 32(1)(b) of Schedule 1 to the Education (Independent School Standards) Regulations 2014, St Mary's School will make available to parents of pupils and of prospective pupils and provide, on request, to the Chief Inspector, the Secretary of State or an independent inspectorate, details of the complaints procedure and the number of complaints registered under the formal procedure during the preceding school year.

### **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, or failed to do so something that it should have done, or acted unfairly.

Parents can be assured that all 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) makes in good faith.

### **Timeframe for dealing with complaints**

All complaints will be handled seriously and sensitively. At Stage1 they will be acknowledged within 3 working days if received during term time and as soon as practicable during holiday periods. All emailed complaints must be sent to: [info@stmaryscolchester.org.uk](mailto:info@stmaryscolchester.org.uk) and addressed to its intended recipient.

It is in everyone's interest to resolve a complaint as speedily as possible: the School's target is to complete the first two stages of the procedure within 20 working days.

Stage 3, the Complaints Panel Hearing, will be completed within a further 20 working days, if the appeal is lodged during term-time, and as soon as practicable during holiday periods.

**Please note:** references to working days means Monday-Friday when the School is open during term time, excluding bank holidays.

### **Recording Complaints and use of personal data**

Following resolution of a complaint, the School will keep a written record of all formal complaints, whether they are resolved at the informal stage, the formal stage or proceed to a panel hearing and any action taken by the School as a result of the complaint (regardless of whether the complaint is upheld).

The School processes data in accordance with its Privacy Notice, which is available on its website. 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 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 of the hearing
- The Panel's written decision

This may include 'special category personal data' (as further detailed in the School's Privacy Notice, but potentially including sensitive data such as information relating to physical or mental health) where this is necessary owing to the nature of the complaint.

The School will keep records of formal complaints and Complaints Panel hearings, as required by regulation. It will do so in accordance with its Privacy Notice and Retention of Records Policy, but in most cases for a period of at least six years after the pupil leaves the Lower School or date of birth + 25 years if leaving the Senior School.

Correspondence, statements and records relating to individual complaints will be kept confidential 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.

### **The three-stage Complaints Procedure**

### **Stage 1: informal resolution.**

It is hoped that most complaint will be resolved quickly and informally.

If parents have a complaint they should normally contact their child's form teacher/responsible person. In many cases, the matter will be resolved straightaway by this means, to the parents' satisfaction. If the form teacher/responsible person cannot resolve the matter alone, it may be necessary for the Principal or Directors of Lower or Senior School to be consulted.

Complaints made directly to the Principal or Directors of Lower or Senior School will usually be referred to the relevant form teacher/responsible person unless the Principal or Directors of Lower or Senior School deems it appropriate for them to deal with the matter personally.

The form teacher/responsible person will make a written record of all complaints and the date on which they were received. Should the matter not be resolved within 7 working days of the complaint being made, or the form teacher/responsible person and parent(s) cannot reach a satisfactory resolution, then parents will be advised to proceed with their complaint in accordance with stage 2 of this procedure.

### **Stage 2: formal resolution**

If the complaint cannot be resolved on an informal basis, then the parents should put their formal complaint in writing to the Principal. All emailed complaints must be sent to: [info@stmaryscolchester.org.uk](mailto:info@stmaryscolchester.org.uk). The complaint will be acknowledged by telephone, email or by post, within 2 working days of receipt at this stage by the Principal. The Principal will then decide, after considering the complaint, the appropriate course of action. This may involve further investigation, either personally or by a nominated senior member of staff on their behalf and / or a meeting with the parents concerned.

Once the Principal is satisfied that, so far as is practicable, all of the relevant facts have been ascertained and established, a decision will be made and parents will be informed of this decision in writing within 13 working days of the Stage 2 complaint being made. The Principal will also give reasons for the decision.

The Principal will keep written records of all meetings and interviews held in relation to the complaint.

If the complaint is against the Principal, parents should make their complaint directly to the Chair of Governors or the Deputy Chair in the Chair's absence. The timescales followed in this situation will be the same as previously stated for this stage. The Chair's contact details are available from the Clerk to the Governors via the School Office, on request. The Chair will call for a full report from the Principal and for all the relevant documents. The Chair may also call for a briefing from members of staff, and will in most cases speak to or meet with the parents to discuss the matter further. Once the Chair 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 will give reasons for the decision.

**If parents are still not satisfied with the decision, they will be advised to proceed with their complaint in accordance with stage 3 of this procedure.**

### **Stage 3: Complaints Panel hearing**

If parents seek to invoke Stage 3 (following a failure to reach an earlier resolution), they will be referred to the Chair of Governors, who has been appointed by the Governing Body to call hearings of the Complaints Panel.

The matter will then be referred to the Complaints Panel for consideration. The Board of Governors approves the Panel who will consist of at least three persons not directly involved in the matters detailed in the complaint and one of whom shall be independent of the management and running of the School. The Panel will acknowledge the complaint and schedule a hearing to take place, normally within 15 working days of the Stage 3 complaint being made or as soon as practicable during holiday periods.

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 3 working days prior to the hearing.

The parents may attend the hearing and be accompanied to the hearing by one other person if they wish (this may be a relative or friend). Parents are not entitled to insist upon legal representation at the hearing.

If possible, the Panel will resolve the parents' complaint without the need for further investigation. However where further investigation is required, the Panel will decide how it should be carried out.

After due consideration of all facts they consider relevant, the Panel will make findings and may make recommendations.

The Panel will write to the parents informing them of its decision and the reasons for it, within 5 working days of the hearing (although additional time may be required if it is necessary to carry out further investigations following the hearing). **The decision of the Panel will be final.**

Where a parent has indicated a wish to continue to Stage 3, for compliance purposes the Panel hearing should go ahead unless the parent later indicates that they are now satisfied and does not wish to proceed further. The hearing should, therefore, proceed notwithstanding that the parent may subsequently decide not to attend. If necessary, the Panel should consider the parent's' complaint *in absentia* and issue findings on the substance of the complaint, thereby bringing the matter to a conclusion. The requirement for the Panel to proceed does not prevent the School from accommodating parental availability for dates or considering comments concerning Panel composition.

A copy of the Panel's findings and recommendations (if any) will be sent by electronic mail or otherwise given to the parents and, where relevant, the person complained about, as

well as the Chair of Governors and the Principal. A copy of the Panel's findings and recommendations (if any) will also be available for inspection on the School premises by the Chair of Governors and the Principal.

#### Written complaints relating to the requirements under the statutory framework for the Early Years Foundation Stage (EYFS)

St Mary's School prides itself on having an 'open door' policy which encourages any complaint parents may have to be dealt with in an informal way. However, parents who feel they have a formal complaint, should follow the School's complaints procedure.

Parental complaints about the school's fulfilment of the requirements of the EYFS will be investigated by the School and the parent making the complaint will be notified of the outcome of the investigation within 28 days.

The School will provide Ofsted and ISI, on request, with a written record of all complaints made during any specified period, and the action taken as a result of each complaint. The record of any such complaints will be kept for at least three years.

#### **Complaints to ISI or OFSTED regarding EYFS service providers**

Parents may complain directly to Ofsted or to ISI if they believe the provider is not meeting the EYFS requirements. Schools must make available details of how to contact Ofsted and/ or the ISI:

Ofsted may be contacted on 0300 1234 234 or by email: [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk)

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

#### **Parental Complaints – Academic Year –2019-2020**

In the academic year 2019-2020, 2 parental complaints were made under the formal stages of the policy (stage 2).

1 parental complaint was made under stage 3.

Reviewed/Approved: November 2020

Next Review: Autumn 2021