



## 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: [seniorschool@stmaryscolchester.org.uk](mailto:seniorschool@stmaryscolchester.org.uk) and [lowerschool@stmaryscolchester.org.uk](mailto:lowerschool@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 25 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 complaints will be resolved quickly and informally.

If parents have a complaint, they should normally contact their child's form teacher/responsible person this contact could be made in person, by telephone, email or letter. 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 Heads of Lower or Senior School to be consulted.

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

The form teacher/responsible person will notify the Head of Lower or Senior School about any complaints raised. Should the matter not be resolved within 10 working days of the complaint being made, 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: [seniorschool@stmaryscolchester.org.uk](mailto:seniorschool@stmaryscolchester.org.uk) The complaint will be acknowledged by telephone, email or by post, within 5 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 member of the SLT 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 10 working days of the Stage 2 complaint being acknowledged. 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. Complaints should be marked for the attention of the Chair of Governors and sent to [clerk@stmaryscolchester.org.uk](mailto:clerk@stmaryscolchester.org.uk), the Clerk to the Governors, who will forward the correspondence directly onto the Chair. 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 5 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.

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. **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 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.

### **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)

### **Record Keeping**

A central, electronic log of informal and formal complaints is kept which relates to all sections of the school. These records state whether complaints are resolved or whether they proceed to the next stage. This log is monitored electronically each term by the SLT to monitor any patterns. This report is submitted to the Governors.

All paperwork, relating to complaints, is kept confidential and secure except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

From 2020, the DfE as regulator has advised that complaints which do not have safeguarding implications should be retained for a minimum of 7 years. Where there is a safeguarding angle records must be preserved 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 date of the allegation if it is longer.

### **Persistent correspondence**

Where repeated attempts are made by a parent to raise the same complaint after it has been considered at all three stages, this can be regarded as vexatious and outside the scope of the policy.

### **Timescales**

Complaints should be lodged with St Mary's School within 3 months of the incident or where a series of events have occurred within 3 months of the last incident.

Complainants have 3 months to escalate their complaint after it was initially raised.

A complaint cannot be raised in relation to a pupil who has left the school unless the issue was first raised when the pupil was on role.

### **Parental Complaints – Academic Year –2020-2021**

In the academic year 2020-2021, 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 2021  
Next Review: Autumn 2022