



## 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 with care and 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.

Although this Procedure is made available to parents of prospective pupils, it is not available for use by them; it may only be used by parents of current pupils.

Complaints by parents of former pupils will only be dealt with under this Complaints Procedure if the complaint was initially raised when the pupil to which the complaint relates was still registered as a pupil at the School.

"Parent(s)" means the holder(s) of parental responsibility for a current or prospective pupil about whom the complaint relates.

### **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 so something that it should have done or has 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) make in good faith.

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

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

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

If parents have a complaint, they should normally contact their child's form teacher/subject teacher/class teacher/Kindergarten manager. This contact could be made in person, by telephone, email or letter. In many cases, we hope that the matter will be resolved straightaway by this means to the parents' satisfaction. If the form teacher/subject teacher/class teacher/Kindergarten manager cannot resolve the matter alone, it may be necessary for them to consult with the Phase Leads and Assistant Heads of Lower and Senior School, as required and will respond within 5 working days.

Informal complaints made directly to the Principal or Heads of Lower or Senior School will normally be referred to the relevant form teacher/subject teacher/class teacher/Kindergarten manager. However, if a complaint is raised with a member of staff and that member of staff feels that engaging with the Principal or Heads of Lower or Senior School at this stage would prevent the matter from escalating to a Formal Complaint, they may do so. If the Principal or Heads of Lower or Senior School feels it appropriate to engage with the parents then they will make it clear that their involvement is on an informal basis.

The form teacher/subject teacher/class teacher/Kindergarten manager will notify the Head of Lower or Senior School about any complaints raised and will keep a written record of all concerns and complaints and the date on which they were received. Should the matter not be resolved with the initial response from the form teacher/subject teacher/class teacher/Kindergarten manager, the Head of Lower or Senior school will review and respond further within an additional 5 working days.

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: [principal@stmaryscolchester.org.uk](mailto:principal@stmaryscolchester.org.uk) and be clearly marked in the subject field as a formal complaint. 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 may, in some circumstances, deem it appropriate to nominate a staff member to hear the complaint and manage the Stage 2 complaint process. The Principal (or their nominee) will decide, after considering the complaint, the appropriate course of action to take. 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. It may be necessary for further investigations to be carried out. The Principal (or their nominee)

will determine who should carry out any investigation and this may be someone external to the School.

Once the Principal (or their nominee) 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 (or their nominee) will also give reasons for the decision.

The Principal (or their nominee) 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 should do so in writing within [10] working days of receiving the decision at Stage 2, setting out their grounds of appeal to the Governors via [clerk@stmaryscolchester.org.uk](mailto:clerk@stmaryscolchester.org.uk), the Clerk to the Governors, who will forward the correspondence directly. Any supporting evidence which the parents wish to rely on should also be provided with their grounds of appeal. To the extent the parents are unable to provide their complaint within the time period stipulated due to extenuating circumstances which have impeded the parents from taking action, the parents should request an extension in writing. Such a request should be made in writing to the Governors, via the Clerk to the Governors, in advance of the original deadline, setting out the further time period requested and the reason for this for consideration. In the event the parents are unable to provide their complaint within the time period stipulated (including to the extent applicable any extensions if agreed) the School reserves the right to conclude the complaint process and not progress the matter to Stage 3.

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 Governors will appoint one Panel

member to act as Chair of the Panel. The Panel will acknowledge the complaint within 5 working days 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 or further investigation carried out. 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). The Stage 2 decision taker shall also be entitled to be accompanied to the hearing by one other person if they wish (this may be a relative, teacher or friend). Legal representation will not be appropriate and neither the parents companion nor the Stage 2 decision taker's companion may be a lawyer. The Panel will decide whether it would be helpful for witnesses to attend.

The remit of the Panel shall be at the discretion of the Chair of Governors and the manner in which the hearing is conducted shall be at the discretion of the Panel.

If possible, the Panel will resolve the complaint without the need for further investigation. 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 as to whether or not the Stage 2 decision was a reasonable one and decide whether to:

- Dismiss the complaint(s) in whole or in part;
- Uphold the complaint(s) in whole or in part; and
- 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, the Principal, and the Stage 2 decision taker, if not 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.

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

All complaints will be handled seriously, sensitively and within clear and reasonable timescales. At Stage 1, complaints 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) or [lowerschool@stmaryscolchester.org.uk](mailto:lowerschool@stmaryscolchester.org.uk) and addressed to its intended recipient making it clear in the subject field that the email is a complaint.

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 that, for the purposes of this procedure, references to working days means Monday-Friday when the School is open during term time, excluding bank holidays and half term. This means that, during School holiday periods, it may take longer to resolve a complaint, however, the School will do what is reasonably practicable to avoid undue delay. It may also take longer to resolve a complaint during periods of significant disruption to School life or as a consequence of unavoidable staff absence, however, deviation from the normal timescale for resolving a complaint during term time will only occur on an exceptional basis and the School will take all reasonable steps to limit any such delay.

### **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 (Stage 1), the formal stage (Stage 2) or proceed to a panel hearing (Stage 3) 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 the School 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 and contact details 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. This data will be processed in accordance with the School's Privacy Notice.

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. In addition to where requested in these circumstances, there may be other instances where disclosure of the substance of a complaint or particular confidential records relating to it is required, for example, where there is a legal, regulatory, safeguarding or data protection obligation (e.g. in response to a subject access request) which prevails over the requirement to maintain the records as confidential.

### **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.

St Mary's School will, on request, provide ISI or Ofsted 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 any such complaints will be kept in accordance with its Privacy Notice and Record Keeping and Retentions Policy.

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). The address for Ofsted is Ofsted, Piccadilly Gate, Store Street, Manchester, M1 2WD.

ISI may be contacted on 020 7600 0100 or by email: [concerns@isi.net](mailto:concerns@isi.net). The address for ISI is ISI, CAP House, 9-12 Long Lane, London, EC1A 9HA.

### **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.

### **Parental Complaints – Academic Year –2022-2023**

In the academic year 2022-2023, 0 parental complaints were made under the formal stages of the policy (Stage 2).

0 parental complaints were made under Stage 3.

Reviewed/Approved: December 2023  
Next Review: Autumn 2024