

ST MARGARET'S
SCHOOL

Complaints Procedure

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COMPLAINTS PROCEDURE

INTRODUCTION

St Margaret's School has long prided itself on the quality of the teaching and pastoral care provided to its pupils. However, if parents do have a complaint, they can expect it to be treated by the School with care and in accordance with this Complaints Procedure. St Margaret's School makes its Complaints Procedure available to all parents of pupils and of prospective pupils on the School's website and in the School office during the school day, and St Margaret's School will ensure that parents of pupils and of prospective pupils who request it are made aware that this document is published or available and of the form in which it is published or available, and of the number of complaints registered under the formal procedure during the preceding school year. In accordance with paragraph 32(1) of Schedule 1 to the Education (Independent School Standards) Regulation 2014, St Margaret's School will also make available, on request, to Ofsted, the Department for Education (DfE) or the Independent Schools Inspectorate (ISI), details of this Complaints Procedure and the number of complaints registered under the formal procedure during the preceding school year.

As a School, dialogue is encouraged between parents, pupils and teachers. Whilst this formal procedure is required, it is not intended to cover the normal process of dialogue with parents and pupils, including the expression of negative comments about aspects of the School, and it is hoped that parents will normally use informal approaches to the School.

WHO IS THIS PROCEDURE FOR?

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 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.

The only exception to this is if the complaint is a review of a decision taken by the Head to exclude or require the removal of a pupil under the School's Terms and Conditions of the Parent Contract in which case such a review must be requested by no later than five working days from the date of the decision to exclude or require the removal of a pupil.

The School will be mindful of its obligations under the Equality Act 2010 in the application of this policy.

"Parent(s)" means the holder(s) of parental responsibility for a current 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 something that it should have done or has acted unfairly.

Correspondence, statements and records relating to individual complaints are to 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. There may also be other circumstances in which the School is required to share information relating to a concern or a complaint in order to comply with its legal or regulatory obligations.

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 raises 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, Head of Year, Houseparent or Head of Department. In many cases, the matter will be resolved straightaway by this means to the parents' satisfaction. If the Form Teacher, Housemaster/Housemistress or Head of Department cannot resolve the matter alone it may be necessary for him/her to consult the Vice Principal or the Head.
- Complaints made directly to the Vice Principal or the Head will usually be referred to the relevant Form Teacher, Housemaster/Housemistress or Head of Department unless the Vice Principal or the Head deems it appropriate for him/her to deal with the matter personally.
- The Form Teacher, Housemaster/Housemistress or Head of Department will make a written record of all concerns and complaints. Should the matter not be resolved **within five working days** or in the event that the Form Teacher, Housemaster/Housemistress or Head of Department and the parent fail to reach a satisfactory resolution then parents will be advised to proceed with their complaint in accordance with Stage 2 of this Complaints Procedure.
- If, however, the complaint is against the Head, parents should make their complaint directly to the Chair of Governors whose contact details are available from the School Office on request.

Stage 2 – Formal Resolution

- If the complaint cannot be resolved on an informal basis then the parents should put their complaint in writing to the Head. We ask parents to complete and return the Complaint Form which can be found at Appendix 1.
- The Head may in some circumstances deem it appropriate to nominate a staff member to hear the complaint and manage the Stage 2 complaint process. The Head (or their nominee)

will decide, after considering the complaint, the appropriate course of action to take.

- In most cases, the Head (or their nominee) will speak to the parents concerned, **within five working days** of receiving the complaint to discuss the matter. If possible, a resolution will be reached at this stage.
- It may be necessary for further investigations to be carried out. The Head (or their nominee) will determine who should carry out any investigation.
- **Written records** of all meetings and interviews will be made in relation to the complaint.
- Once the Head (or their nominee) is satisfied that, so far as is practicable, all of the relevant facts have been established, a decision will be made and parents will be informed of this decision in writing. The Head (or their nominee) will also give reasons for their decision. In most cases, the Head (or their nominee) will make their decision and provide the parents with reasons within 15 working days of the complaint being put in writing.
- If the complaint is against the Head, the complaint should be made to the Chair of Governors. The Chair of Governors will nominate someone to determine the complaint. The Stage 2 process described above will then be followed as if the references to the Head (or their nominee) is to the individual nominated by the Chair of Governors to determine the complaint against the Head.
- If parents are still not satisfied with the decision, they should proceed to Stage 3 of this procedure. In some circumstances the School may offer the parents the opportunity to meet with the Chair of Governors to discuss any outstanding concerns as an alternative to invoking Stage 3 of this procedure. In this event, the parents would not waive their right to proceed to Stage 3 and parents are not obliged to agree to this meeting which would be offered by the Chair of Governors in their sole discretion.

Stage 3 – Panel Hearing

- If parents seek to invoke Stage 3 (following a failure to reach an earlier resolution) they should do so in writing to the clerk to the Panel within **5 working days** of receiving the decision at Stage 2, setting out their grounds of appeal. 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 to the clerk to the Panel in advance of the original deadline, setting out the further time period requested and the reason for this. This will be considered. 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 clerk to the Panel, who has been appointed by the Governors to call hearings of the Complaints Panel, will then refer the appeal to the Complaints Panel for consideration. The Panel will consist of 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 clerk to the Panel/Chair of Governors will appoint one Panel member to act as Chair of the Panel.

- The Clerk, on behalf of the Panel, will acknowledge the complaint within **5 working days** and schedule a hearing to take place ideally **within 10 working days, and a maximum of 20 working days.**
- 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 be 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.** The Stage 2 decision maker 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 the companion should not be legally qualified. 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 parents' 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 the merits of the complaint and all facts they consider relevant, **the Panel will make findings as to whether or not the Stage 2 decision was a reasonable one and accordingly 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 8 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. 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 Stage 2 decision maker. 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 Head.

TIMEFRAME FOR DEALING WITH COMPLAINTS

All complaints will be handled seriously, sensitively and within clear and reasonable timescales.

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 Appeal Panel Hearing, will be completed **within a further 28 working days**.

Please note that, for the purposes of this procedure, **working days** refers to weekdays (Monday to Friday) during term time, excluding bank holidays. This means that during School holidays it may take longer to resolve a complaint although 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 be permitted on an exceptional basis, and the School will take all reasonable steps to limit any such delay.

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 may be regarded by the School as vexatious and outside the scope of this procedure.

RECORDING COMPLAINTS AND USE OF PERSONAL DATA

Following resolution of a complaint, the School will keep a written record of all complaints and informal complaints, whether they are resolved at Stage 1 (informal stage), 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. 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/minutes of the hearing, and
- The Panel's written decision

This may include 'special category personal data' (as further detailed in the School's *Privacy Notice* and/or *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*.

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, Data Protection Policy and Retention of Records Policy*. All records relating to complaints shall be treated as confidential. In addition to where requested by the Secretary of State or an inspector, there may be other circumstances 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.

For the academic year 2023-24 the School received 7 Stage 2 and 0 Stage 3 formal complaints.

Parents of EYFS children should follow the three stages of this Complaints Procedure. If parents remain dissatisfied and their complaint is about the School's fulfilment of the EYFS requirements, then parents may take their complaint to the ISI or Ofsted. Parents will be notified by the ISI or Ofsted of the outcome of the investigation into their complaint within 28 days of the complaint being received.

St Margaret's School will provide the 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 any such complaints will be kept in accordance with its Privacy Notice and Retention of Records Policy.

Parents may complain directly to Ofsted or to the 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 can be contacted on 0300 123 1231 or by email: enquiries@ofsted.gov.uk Ofsted, Piccadilly Gate, Store Street, Manchester M1 2WD

The ISI can be contacted on 020 7600 0100 or by email: concerns@isi.net ISI, CAP House, 9-12 Long Lane, London EC1A 9HA

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Complaint Form

Please read the School's Complaints Procedure before completing this form. It provides information on when and how this form should be completed.

To be completed by those with **parental responsibility**¹ for a current pupil and returned to the Head or, if the complaint is against the Head, the Chair of Governors.

PLEASE USE **BLOCK CAPITALS**

Your name(s)	
Name of pupil(s), year(s) and your relationship to them	
Contact address	
Contact telephone day	
Contact telephone mobile	
Contact email address	
Details of the complaint²	

¹ Parental responsibility is defined in the Children Act 1989 as "*all rights, duties, powers and responsibilities and authority which by law a **parent** of a child has in relation to the child and his or her property*". It equates to legal responsibility for the child. If you have any doubts about whether you do or do not have parental responsibility for the child you may wish to seek legal advice.

² Please provide details of the nature of your complaint. If you have more than one ground of complaint we suggest numbering them so that each is considered in turn. If you require more space you may wish to attach an additional page setting out your complaint.

Action taken to date (including staff member(s) who has/have dealt with it so far) and solutions offered

The reason(s) that this was not a satisfactory resolution for you

What action(s) would you like to be taken to resolve your complaint?

Signature(s):

Date:

School use

Stage in the Complaints procedure (circle as appropriate): 1 2 3

Date acknowledgement sent:

By whom:

Complaint referred to:

Action taken:

Date: