



## Complaints Procedure

The primary purpose of this policy is that it deals with complaints from parents of pupils. It is applicable to all pupils, including those in the Early Years Foundation Stage (EYFS).

Pupils, parents and staff are encouraged to share their views and opinions and any concerns they may have. The school does not distinguish between a concern and a complaint; any matter about which a parent of a pupil is unhappy and seeks action by the school is within the scope of this procedure. It is hoped that parents will always contact the school if they have concerns or worries.

St Philomena's School has long prided itself on the quality of teaching and pastoral care provided to its pupils. However, if parents do have a complaint about the EYFS or any other aspect of the school, the complaint will be considered seriously, sensitively and confidentially and dealt with by the school with care and in accordance with this policy. At all stages of dealing with a complaint, a pupil may always be accompanied by a parent or another appropriate adult. Parents can be assured that their child will not be penalised for a complaint raised in good faith.

St Philomena's School makes its complaints procedure available to all parents of current registered pupils and of prospective pupils. The policy is available to view and download from the School's website and is available from the school office during the school day. Parents of current pupils and parents of prospective pupils may request a hard copy of the document free of charge from the school office.

St Philomena's School will make available to parents of registered 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. The formal complaints procedure was not invoked during the academic year 2020-2021.

Complaints will be resolved either to the complainant's satisfaction or with an otherwise appropriate outcome that balances the rights and duties of pupils without unreasonable delay.

Where a parent is unhappy with this procedure, they can contact the Department for Education (DfE).

The procedure is designed to enable the school governors, Headteacher and staff to foster good relations with parents by:

- Discouraging the harbouring of grievance.
- Assisting with the resolution of individual concerns in an atmosphere of trust and confidentiality.
- Enabling concerns and complaints to be settled as near as possible to their point of origin.
- Ensuring that complaints are dealt with fully, promptly and fairly.

For the purposes of this procedure, 'working school days' shall mean working days during school term time.

It should be noted that during holiday periods, complaints will be dealt with as soon as possible, given likely staff absences.

## **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 of a pupil is unhappy and seeks action by the school is considered a complaint. 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. A breach of the law will always constitute a complaint.

A complaint cannot be raised in relation to a pupil who has left the school unless the complaint was initially raised when the pupil was still registered.

For the avoidance of doubt, no complaint can be made under this procedure in respect of matters which have already been dealt with in an appeal under the school's Exclusion Policy. As such, this procedure cannot be used to deal with appeals following expulsion or removal.

When the complaint concerns only the matter of finance such as fees in lieu which remain outstanding, the matter of the fees owed alone falls outside the scope of this procedure. The Headteacher remains responsible for all financial decisions.

## **OUTLINE OF PROCEDURE**

### **Stage 1 Informal Resolution**

It is hoped that any complaints made will initially be considered on an informal basis and resolved quickly.

If parents have a complaint, they should contact their child's class teacher in the first instance. In many cases, the matter will be resolved straight away by this means to the parents' satisfaction. If the teacher cannot resolve the matter alone, it may be necessary to consult with the Deputy Head or Headteacher, as appropriate.

Complaints made directly to the Deputy Head or Headteacher will usually be referred to the relevant teacher unless they deem it appropriate to deal with the matter personally. Should this be the case, the aim will still be to resolve the matter informally. However, the involvement of the Headteacher at this stage will be in exceptional circumstances.

The member of staff concerned will attempt to resolve the matter as soon as possible and within **7 working school days** from the point at which they are received, subject to the availability of the appropriate staff and children. Where there are reasons which prevent this from happening, the staff member dealing with the complaint will notify the parents and provide an amended time frame.

A written record of all complaints will be kept (regardless of whether they are upheld) and this will include the date on which the complaint was received, the action taken and the outcome.

Should a matter not be resolved informally within **7 working school days**, despite the teacher's best efforts, then parents will be advised to proceed with their complaint in accordance with Stage 2 of this procedure and for the complaint to be made in writing.

Note: Should a parent wish to raise a complaint about the Headteacher, they should contact the Chair of Governors by telephone or writing (at the school address) in the first instance.

### **Stage 2 Formal Resolution**

Although all formal complaints will be made in writing, this does not mean that the formal stage is automatically triggered whenever a concern is expressed in writing, for example, by email. Complaints will usually only progress to the formal stage after first being considered at the preliminary stage and only then if the complainant intends to escalate a matter to the formal stage.

If the complaint cannot be resolved on an informal basis, then the parents will be asked to put their complaint **in writing** to the Headteacher, who will decide, after considering the complaint, the appropriate action to take.

In most cases, the Headteacher, or in her absence the Deputy Head, will speak to the parents concerned within **5 working school days** of receiving the complaint, to discuss the matter and indicate how the school proposes to proceed. If possible, a resolution will be reached at this stage.

It may be necessary for the Headteacher, or the person taking the lead, to carry out further investigations. If this is the case then written records will be kept of all meetings and interviews held in relation to the complaint.

Once the Headteacher is satisfied, so far as is practicable, that all of the relevant facts have been established, a decision will be made and the parents will be informed of this decision in writing. The Headteacher will also give reasons for the decision. The written decision will normally be issued within **14 working school days** from the date the complaint was received.

Where it is not possible to give a full reply within 14 working school days, the Headteacher will notify the parents, giving the reason and providing an amended time frame.

It is expected that a resolution will be reached at this stage and that parents will feel assured that all their concerns have been fully and fairly considered. If, in extreme circumstances, parents are not satisfied with the process they are able to proceed to Stage 3 of this procedure.

If the complaint is against the Headteacher, the Chair of Governors will call for a full report from the Headteacher 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.

### **Stage 3 Panel Hearing**

Where a parent is not satisfied with the school's response to their complaint at Stage 2 and indicates a wish to continue to Stage 3, a panel hearing should take place unless the parent later indicates that they are now satisfied and do not wish to proceed further. The panel 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 his/her absence 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.

If parents seek to invoke Stage 3 of this procedure (following a failure to reach an earlier resolution), they should write to the Chair of Governors (at the school address) to request a panel hearing. They should do so within **7 days** of receipt of the decision from the Headteacher at Stage 2.

The Chair of Governors will acknowledge receipt of the Stage 3 complaint and will schedule a hearing to take place as soon as practicable and normally within **21 days** of receiving the Stage 3 complaint.

The Complaints Panel will be appointed by the Chair of Governors and consist of at least three people. One of these shall be independent of the management and running of the school and shall not be a school governor. The independent panel member will be a person who has held a position of responsibility and are used to scrutinising evidence and putting forward balanced arguments. This could include a serving or retired business person, a civil servant, a head or senior member of staff at another school, a person with a legal background or a retired member of the Police Force. The members of the Complaints Panel will have no connection to the pupil or the family concerned and will not have been directly involved in the matters detailed in the complaint.

If the Chair of Governors deems it necessary, she may require (in writing) that further particulars of the complaint or any other related matter be supplied in advance of the hearing. Copies of such particulars shall be supplied to all parties not later than 5 days before the hearing. Any such further particulars received within 5 days before the hearing shall be disregarded and inadmissible to the panel because it may not be possible to provide copies to all parties within that timescale.

Parents may attend and be accompanied at a panel hearing by one other person. This may be a relative, teacher or friend. Parents are not entitled to insist on legal representation at a hearing. A written record of the proceedings will be taken. Recordings of hearings are not permitted.

If possible, the panel will resolve the parent's complaint immediately without the need for further investigation. After due consideration of all facts considered relevant, the panel will reach a decision and make recommendations, which it shall complete within **14 days** of the hearing. The Chair of Governors will write to the parents informing them of the panel's decision together with the reasons.

Note: Should the panel decide at the hearing that further investigation is required, the panel shall decide how such investigations should be carried out and by when they should be concluded. This procedure will be completed within **28 days** of the first hearing unless otherwise agreed with the parents.

The panel's decision and any recommendations will be sent in writing, by electronic mail or otherwise, to the Headteacher, the complainant and, where the complaint relates to an individual, to that individual.

A copy of the complaint, the Panel's findings and recommendations (if any) will be held confidentially and made available for inspection in the school by the Chair of Chair of Governors, the Headteacher and by inspectors on request.

This exhausts the complaints procedure after the decision has been communicated in writing. The decision of the Complaints Panel is final.

### **Vexatious Complaints**

There may be exceptional occasions when, despite the following of all stages of the procedure, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of Governors reserves the right to inform the complainant in writing that the procedure has been exhausted and that the matter is now closed. Where a complainant seeks to raise a subsequent complaint matter which is otherwise different to the original complaint at Stage 3, this matter in itself would be treated as a new informal complaint.

### **Recording Complaints**

The written record of complaints is limited to all those made in writing under the formal part of the procedure (Stages 2 or 3). It states whether the complaint was resolved at the formal stage or proceeded to a panel hearing and includes action taken by the school as a result of the complaint, regardless of whether the complaint was upheld.

At the school's discretion, additional records may be kept which may contain the following information:

- 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)

All correspondence is kept on file for three years, or until the school is next inspected by the Independent Schools' Inspectorate. All paperwork with regard to complaints made to Ofsted will be kept by the school for 3 years.

### **Confidentiality**

All correspondence, statements, records and action taken will be kept in a Complaints File. This will remain confidential except to the extent required where the Secretary of State or a body conducting an inspection under section 108 or 109 of the 2008 Act requests access to them. Senior leaders and governors maintain oversight of the records in order to determine the appropriate implementation of this policy and to respond to any patterns of complaint which may be apparent, and in particular, any safeguarding concerns.

Complaints from groups of parents linked to the leadership team and/or management style will not be heard collectively. Confidentiality must be maintained for each individual complaint.

### **The Early Years Foundation Stage**

Additional requirements apply to the Early Years Foundation Stage, and this includes the Reception class at St Philomena's School. Parents may, if they believe the school is not meeting the EYFS requirements, contact Ofsted or the Independent Schools' Inspectorate (ISI) directly:

Independent Schools' Inspectorate  
CAP House  
9 - 12 Long Lane  
London  
EC1A 9HA  
Tel: 0207 600 0100  
Email: [concerns@isi.net](mailto:concerns@isi.net)  
[www.isi.net](http://www.isi.net)

Ofsted  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD  
Tel: 0300 123 1231  
Email: [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk)  
[www.ofsted.gov.uk](http://www.ofsted.gov.uk)

St Philomena's School will provide ISI/Ofsted, on request, with a written record of all complaints made during any specified period, and the action that was taken as a result of each complaint.

If the school becomes aware that they are to be inspected by Ofsted, all parents will be notified about the inspection. A copy of the final inspection report will be supplied to parents via the school website or in hard copy if requested.

All complaints relating to the EYFS are investigated and complainants will be notified of the outcome of the investigation within 28 days of having received the complaint.