



ST JAMES
Senior Boys' School

COMPLAINTS POLICY

POLICY ON THE HANDLING OF PARENTAL COMPLAINTS

Introduction

- 1 **Circulation:** This policy is addressed to the Senior Management Team; to all members of the teaching and pastoral staff, including school medical staff and made available to parents either on the school website or on request from the School Office. This policy can be made available in large print or other more accessible format, if required. If you require assistance with making a complaint, for example because of a disability, please contact one of the Complaints Co-ordinators who will be happy to make appropriate arrangements.
- 2 **Policy status:** The policy has been approved by the Headmaster and the Governing Body of St James Schools. It provides guidelines for handling complaints. It takes account of the Education (Independent School Standards) Regulations 2014 which came into force in January 2015 as well as the Data Protection Act 2018 and General Data Protection Regulation (GDPR) . The policy applies to all sections of the School. The procedures set out below may be adapted as appropriate to meet the policy aims and circumstances of each case.
- 3 **Application:** This policy applies only to complaints by parents. Separate procedures apply if the Headmaster expels or asks a pupil to leave and the parents seek a Governors' Review of that decision. Please see the separate Expulsion, Removal and Review Policy.
- 4 **"Parent/s"/"You"** means a current parent or legal guardian or education guardian, and may include a parent whose child has recently left the School, but only if the complaint was initially raised when the pupil was still registered.
- 5 **Three stages:** This policy describes a three stage procedure -

Stage 1 - Raising a complaint to be considered initially on an informal basis.

Stage 2 - A formal complaint.

Stage 3 - A reference to the Complaints Panel.

Timescales: Whenever possible, a complaint should be raised within three months of the incident, or where a series of associated incidents have occurred, within three months of the last of these incidents. The School will however consider complaints made outside of this time frame if exceptional circumstances apply. A complaint raised outside this timescale should therefore include details of the issues which led to the delay. We aim to resolve any complaints in a timely manner. Timescales for each stage are set out below in the relevant paragraphs. When we refer to "working days" we mean Monday to Friday, when the School is open during term time. The dates of terms are published on the School's website. In the event that the application of the "working days" definition is likely to introduce excessive delay to the resolution of any complaint, due to intervening school holidays (including half term), the School's approach is to take sensible and reasonable steps so as to minimise any hardship or unfairness arising from such delay. Where there are exceptional circumstances resulting in a delay to the timescales for a stage of the complaints procedure (such as other

bodies investigating aspects of the complaint), the School will notify the parent and inform them of the new timescales as soon as possible.

Policy aim and statement

Our school ethos promotes open communication with parents and encourages a continuing dialogue between home and school throughout a pupil's education.

- 6 **Aim:** The aim of this policy is to ensure that a complaint is managed sympathetically, efficiently and at the appropriate level, and resolved as soon as possible. A complaint includes any expression of dissatisfaction however made about actions taken, or a lack of action, by the School where a parent seeks action by the School.
- 7 **Policy statement:** We need to know as soon as possible if there is any cause for a complaint. Parents and pupils should never feel - or be made to feel - that a complaint will be taken amiss or will adversely affect a pupil or his/her opportunities at this school.

Management of complaints

- 8 **Complaints Co-ordinator:** The Headmaster has appointed a senior member of staff, the Deputy Head, to be responsible for co-ordinating complaints in consultation with the Headmaster. He is known as the Complaints Co-ordinator. If the Complaints Co-ordinator is unavailable or is the subject of the complaint, his duties will be carried out by the Headmaster or another senior member of staff appointed by the Headmaster. The main responsibilities of the Complaints Co-ordinator is to:
 - 8.1 Co-ordinate the complaints procedures in school
 - 8.2 Arrange assistance for parents who require this, for example, because of a disability
 - 8.3 Maintain an on-going training programme for all school employees in relation to complaints.
 - 8.4 Monitor the keeping, confidentiality and storage of records in relation to complaints as required by the GDPR.
 - 8.5 Report regularly to the Headmaster with respect to complaints.
- 9 **Yellow form:** Informal complaints may be noted, together with the action taken, on a standard form known as a Yellow. These will be kept for management purposes to enable patterns to be monitored.

All formal complaints will be noted on a Yellow with a record of whether they are resolved at that stage or have proceeded to the third stage.

- 10 **Confidentiality and Record-Keeping:** Correspondence, statements and records relating to individual complaints will be kept confidential except to the extent required by the Education

(Independent School Standards) Regulations 2014, that is where access is requested by the Secretary of State, or where disclosure is required in the course of a school's inspection or under other legal authority.

A written record will be kept of all formal complaints, and of whether they are resolved or proceed to a panel hearing. The action taken by the School as a result of these complaints (regardless of whether they are upheld) will also be recorded in writing and kept. The number of complaints registered under the formal procedure during the preceding school year is supplied to parents.

In accordance with data protection principles, details of individual complaints will normally be kept only for as long as is considered to be reasonably necessary in the circumstances.

The records created in accordance with this policy may contain personal data. The School has a number of privacy notices which explain how the School will use personal data about pupils and parents. The privacy notices are published on the School's website. In addition, staff must ensure that they follow the School's data protection policies and procedures when handling personal data created in connection with this policy. This includes the School's data protection policy and information security policy.

Stage 1 – Informal resolution of complaints

- 11 We expect that most complaints where a parent seeks intervention, reconsideration or some other action to be taken, can be resolved informally. Complaints may be raised either orally or in writing.
- 12 **Notification:**
- 12.1 **Education issues, including the delivery or administration of pastoral care or disciplinary matters** may be raised with the class teacher, specialist teacher, Matron, Deputy Head or Headmaster.
- 12.2 **Financial matters** - a query relating to fees or extras should be stated in writing to the Bursar.
- 13 **Acknowledgement:** We will acknowledge a written notification by telephone, email or letter within two working days of receipt during term time and as soon as practicable in the holidays. A matter raised orally will not necessarily be acknowledged in writing but in either case a **Yellow** may be completed, and a copy sent to the Deputy Head (Complaints Co-ordinator).
- 14 **Investigation and Resolution:** We aim to investigate and resolve an informal complaint within 15 working days of the date of receipt of the complaint.
- 15 **Unresolved complaints:** If a parent is not satisfied with the response to the complaint made in accordance with the informal procedure above, they may follow the formal procedure below. This formal complaint must be made in writing.
- 16 **Complaints about those involved in dealing with formal complaints:** The procedure for dealing with an informal complaint made about a person who under this policy is tasked with the investigation of formal complaints is set out below:
- 16.1 Parents may choose to raise complaints directly with the individual if they feel that the matter is capable of resolution informally. The complaint may be raised orally or in writing - if in writing, the School will not automatically treat the complaint as a formal (Stage 2) complaint and the individual will endeavour to resolve the complaint informally under Stage 1.
- 16.2 The individual will acknowledge informal complaints within two working days of receipt and will seek to resolve the matter under this Stage 1 by means of direct conversation or a meeting with the parents, to be held within 15 working days of the date of receipt of the complaint.
- 16.3 If the parent is dissatisfied with the individual's response to the informal complaint or in the event that the complaint cannot be resolved by informal means, the parent may make a formal complaint under Stage 2 of this procedure.
- 16.4 Alternatively, parents may choose to make their complaint in writing in accordance with the Stage 2 formal complaints procedure.

Stage 2 - Formal resolution of complaints

- 17 **Notification:** A formal complaint should be set out in writing, usually within 7 working days from receipt of the response to their complaint, with full details and sent with all relevant documents and your full contact details in an envelope addressed to the Headmaster. You should set out all the grounds for your complaint and the outcome that you seek.
- 18 **Acknowledgement:** Your complaint will be acknowledged by telephone or in writing within two working days of receipt indicating the action that is being taken and the likely timescale. A **Yellow** will be completed.
- 19 **Investigation:** The Headmaster may ask the Complaints Co-ordinator to act as ‘**investigator**’. The investigator may request additional information from you and will probably wish to speak to you personally and to others who have knowledge of the circumstances. The outcome of the investigation will be reported to the Headmaster. Written records will be kept of all meetings and interviews held in relation to your complaint and any action taken as a result of a formal complaint will be recorded.
- 20 **Outcome:** The Headmaster's aim is to inform you in writing of his decision and the reasons for it within 20 working days of the date of receipt of the complaint.
- 21 **Unresolved Formal Complaints:** If the parent is not satisfied with the response and decisions taken by the Headmaster they may request a Complaints Panel hearing under Stage 3 of this procedure.
- 22 **Complaints about those involved in dealing with formal complaints:** The procedure for dealing with a formal complaint about a person who under this policy is tasked with the investigation of formal complaints is set out below:
- 22.1 The complaint should be put in writing to the Chair of Governors or his deputy, as appropriate, (via the Clerk to the Governors). The written complaint should include a copy of all relevant documents and full contact details and details of all the grounds of the complaint and the outcome desired.
- 22.2 The Chair of Governors or his deputy, as appropriate, (via the Clerk to the Governors) will acknowledge the complaint by telephone, email or letter within two working days of receipt and indicate the action that is being taken and the likely timescale. Such action may include an investigation and/or a meeting with the parent. The parent will receive a response to the complaint within 20 working days of the date of receipt of the complaint.
- 22.3 If the parent is dissatisfied with the response to the complaint, the parent can request that the complaint be referred to a Complaints Panel under Stage 3.

Stage 3 – Complaints Panel Hearing

23 A Complaints Panel hearing is a full merits review of the decisions taken at Stage 2. The Panel will not consider any new areas of complaint which have not been previously raised as part of the complaints procedure.

24 **The role of the Panel:** the Panel's task is to establish the facts surrounding the complaints that have been made by considering:

- the documents provided by both parties and
- any representations made by you, or the Stage 2 decision maker.

If, after establishing the facts, the Panel consider that the complaint is made out, they will uphold the complaint. If the Panel consider that the complaint is not made out, they will dismiss the complaint. They will make these decisions on the balance of probabilities.

It is not within the powers of the Panel to make any financial award, nor to impose sanctions on staff, pupils, or parents. The Panel may make recommendations on these or any other issues to the Headmaster or to the full body of Governors as appropriate.

25 **Composition:** The Complaints Panel will consist of at least three people who were not directly involved in the matters detailed in the complaint. One panel member will be independent of the management and running of the school.

26 **Notification:** To request a hearing before the Complaints Panel please write to the Clerk to the Governors. It is expected that the complaints procedure will progress in a timely manner and parents are requested to write **within seven working days of the date of the decision complained of (or, if sooner, by the last working day prior to the next School holiday)**. Your request will only be considered if you have completed the procedures at Stages 1-2. Please ensure that a copy of all relevant documents and your full contact details accompany your letter to the Clerk. Please state in your letter the outcome that you desire and all the grounds of your complaint. Please also send the Clerk a list of the documents which you believe to be in the School's possession and wish the Panel to see. If you wish to be accompanied at the Complaints Panel hearing, please also indicate the name of the person who will accompany you, highlighting if they are acting for you in a legal capacity. The Clerk will acknowledge your request in writing within five working days.

27 **Convening the Panel:** The Clerk to the Governors will convene the Complaints Panel as soon as reasonably practicable. Every effort will be made to enable the Panel hearing to take place within 15 working days of the receipt of your request but please note that the Panel will not normally sit during half terms or school holidays.

28 **Notice of hearing:** As soon as reasonably practicable, and in any event, at least five working days before the hearing, the Clerk will send you written notification of the date, time and place of the hearing together with brief details of the Panel members who will hear it. The hearing will normally follow the procedure set out in Appendix 1.

- 29 **Attendance:** You will be asked to attend the hearing and may be accompanied by one other person such as a relative or friend. Copies of additional documents you wish the Panel to consider should be sent to the Clerk at least **three working days** prior to the hearing. You are also required to notify the Clerk if the person who is to accompany you is legally qualified. Please note that the Complaints Panel will wish to speak to the parent(s) directly and any person accompanying you will not be permitted to act as an advocate or to address the Hearing unless invited to do so by the Chair of the Complaints Panel.
- 30 **Chair:** The hearing will be chaired by one member of the Panel (chosen by themselves) and will be conducted in an informal manner.
- 31 **Hearing:** All statements made at the hearing will be unsworn. All present will be entitled, should they wish, to write their own notes for reference purposes. The Clerk will be asked to take a minute of the proceedings.
- 32 **Evidence:** The Chair will conduct the hearing in such a way as to ensure that all parties present have the opportunity of asking questions and making comments in an appropriate manner. The hearing is not a legal proceeding and the Panel shall be under no obligation to hear oral evidence from witnesses but may do so and/or may take written statements into account.
- 33 **Conduct:** All those attending the hearing are expected to show courtesy, restraint and good manners or, after due warning, the hearing may be adjourned or terminated at the discretion of the Chair. If terminated, the original decision will stand. Any person who is dissatisfied with any aspect of the way the hearing is conducted must say so before the proceedings go any further and his/her comment will be minuted.
- 34 **Adjournment:** The Chair may at his/her discretion; adjourn the hearing for further investigation of any relevant issue. This may include an adjournment to take legal advice.
- 35 **Decision:** After due consideration of the matters discussed at the hearing, the Panel shall reach a decision. The Panel's decision, findings and any recommendations shall be confirmed in writing to you by electronic mail where appropriate within seven working days. If you do not wish to receive the decision by electronic mail, a copy will be given or posted to you. The decisions, findings and any recommendations will be made available for inspection on the school premises by the Governing Body and the Headmaster. Reasons for the decision will be given. The decision may include recommendations and will be sent to you, the Chair of the Governing Body, the Headmaster and, where relevant, any person about whom the complaint has been made.
- 36 **Private proceeding:** A hearing before the Complaints Panel is a private proceeding. No notes or other records or oral statements about any matter discussed in or arising from the proceeding shall be made available directly or indirectly to the press or other media.
- 37 The completion of Stage 3 represents the conclusion of the School's Complaints Procedure.

Final approval	The Board of Trustees
Date	25 January 2021

Effective date of the policy	25 January 2021
Review date	August 2021
Circulation	Trustees/Governors / teaching staff / school website / parents on request
Status	Complies with Education (Independent School Standards) Regulations 2014

**Registered Office: Earsby Street, London, W14 8SH
Registered Charity No. 270156**

Headmaster: Mr David Brazier

Deputy Head (Pastoral) Mr David Beezadhur

Chairman of Board of Governors: Mr John Story

Clerk to the Board of Governors: Mr William Wyatt

All of the above named can be contacted at the schools registered address:

Proprietors:

The Independent Educational Association Ltd
St James Schools
Earsby Street
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To contact the Senior Boys' School use the address above or the contact details below:

tel: 01784 266 930 e-mail: mailing@stjamesboys.co.uk