



MOUNT

ST MARY'S | BARLBOROUGH HALL

Complaints Procedure

ISI Regulatory Code – 33a

Policy Owner: Headteachers

This Policy is for: Mount St Mary's College and Barlborough Hall School

Linked Policies: Admissions and Safeguarding Policy

Review date: 12th May 2025

Reviewed by: J Murphy and K Keeton

Next Review Due: August 2025

Number of Formal (stage 2) Complaints in the Previous Academic Year

Mount St Mary's College: 10

Barlborough Hall School: 0

Mount St Mary's College

Educating Men and Women for Others since 1842

Telephone: 01246 433388

Email: Headmaster@msmcollege.com

Address: College Road, Spinkhill, Derbyshire, S21 3YL

Barlborough Hall School

Educating Men and Women for Others since 1842

Telephone: 01246 810511 1

Email: Headteacher@barlboroughhallschool.com

Address: Barlborough Park, Chesterfield, S43 4ES

Complaints Policy

Statement of Intent

Our schools aim to meet their statutory obligations when responding to complaints from parents/carers of students at the school, and others.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect and courtesy
- Ensure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement evaluation processes

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The School will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will ensure we publicise the existence of this policy and make it available on the school website.

Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

Legislation and guidance

This document meets the requirements set out in part 7 of the schedule to [the Education \(Independent School Standards\) Regulations 2014](#), which states that we must have and make available a written procedure to deal with complaints from parents/carers of students at the school.

It is also based on guidance published by the Department for Education (DfE) on [creating a complaints procedure that complies with the above regulations](#).

Definitions and scope

Definitions

Since 2015, any matter about which a parent of a pupil is unhappy and seeks action by the school is a 'complaint' in the eyes of the DfE and in the context of this policy.

Scope

The School intends to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does not cover complaints procedures relating to:

- Safeguarding
- Statutory assessments of special educational needs (SEN)
- Exclusions
- Whistle-blowing
- Staff grievance

Please see our separate policies for procedures relating to these types of complaint.

Arrangements for handling complaints from parents/carers of children with special educational needs (SEND) about the School's support are within the scope of this policy. Such complaints should first be made to the class teacher, the Head of Faculty, or Head of Year, they will then be referred to this complaints policy. Our SEND policy includes information about the rights of parents/carers of students with disabilities who believe that our School has discriminated against their child.

Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

Principles for investigation

When investigating a complaint, we will try to clarify:

- What has happened?
- Who was involved?
- What the complainant feels would put things right?

Time scales

The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.

We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

When complaints are made out of term time, we will consider them to have been received on the next school day.

Complaints about the fulfilment of the EYFS requirements at Barlborough will be completed within 28 days of receiving the written complaint.

If at any point we cannot meet the time scales we have set out in this policy, we will set new time limits with the complainant.

Stages of complaint (not complaints against the Headteacher or Governors)

Stage 1: informal

The School will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The complainant should raise the complaint as soon as possible ideally with the relevant member of staff or their most direct line manager. For example, a concern about maths teaching should go first to the maths teacher, or to the Head of Maths, or if this does not seem appropriate then to the Head of Teaching & Learning. Concerns can be addressed directly to the Headteacher, either in person or by letter, telephone or email, but in most instances contacting someone more directly involved will lead to a swifter and more effective resolution. If the complainant is unclear who to contact or how to contact them, they should contact the school office.

The School will acknowledge informal complaints within 5 school days, usually sooner, and investigate and provide a response within 10 school days.

The informal stage may involve a meeting between the complainant and the investigator and/or the subject of the complaint, if appropriate.

If the complaint is not resolved informally, it will be escalated to a formal complaint.

Stage 2: formal

The formal stage involves the complainant putting the complaint to the Headteacher and/or another member of the Senior Leadership Team in writing. This could be through a third party acting on their behalf.

The complainant should provide details (see Appendix 1) such as relevant dates, times and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.

If complainants need assistance raising a formal complaint, they can contact the school office and speak to the Head's PA or the Clerk to the Governors.

The Headmaster (or other person appointed by the headteacher for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 15 school days.

If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the Headmaster, in writing within 5 school days.

Stage 3: review panel

Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at the second, formal, stage.

The panel will be appointed by or on behalf of the Governing Body and must comprise at least 3 people who were not directly involved in the matters detailed in the complaint. At least 1 panel member must be independent of the management and running of the School.

The panel will have access to the existing record of the complaint's progress (see Record Keeping).

The complainant must have reasonable notice of the date of the review panel; however, the review panel reserves the right to convene at their convenience rather than that of the complainant. At the review panel meeting, the complainant and representatives from the School as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied if they wish. The panel review will go ahead even if the complainant does not attend.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called, as appropriate, to present their evidence.

The panel, the complainant and the School's representative(s) will be given the chance to ask and reply to questions. Once the complainant and School representative(s) have presented their cases, they will be asked to leave and evidence will then be considered.

The panel will then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint, and make a copy available for inspection by the Governing Body and Headmaster/Headteacher.

The School will inform those involved of the decision in writing within 10 school days.

Roles and responsibilities

The complainant

The complainant will get a more effective and timely response to their complaint if they follow these procedures

- Co-operate with the School throughout the process, and respond to deadlines and communication promptly
- Treat all those involved with respect
- Not publish details about the complaint on social media

The investigator (Stage 2 Complaints)

An individual will be appointed to look into the complaint, and establish the facts. They will:

- Interview all relevant parties, keeping notes
- Consider records and any written evidence and keep these securely
- Prepare a comprehensive report to the Headteacher or complaints committee which includes the facts and potential solutions

Clerk to the Governing Board (Stage 3 Complaints)

The Clerk will:

- Be the contact point for the complainant and the complaints committee, including circulating the relevant papers and evidence before complaints committee meetings
- Arrange the complaints hearing
- Record and circulate the minutes and outcome of the hearing

Review Committee Chair (Stage 3 Complaints)

The Review Committee Chair will:

- Chair the meeting, ensuring that everyone is treated with respect throughout.
- Make sure all parties see the relevant information, understand the purpose of the committee, and are allowed to present their case.

Complaints against the Headmaster, a Governor

Complaints made against the Headteacher or any member of the Governing Board should be directed to the Chair of Governor or to the Clerk to the Governing Board in the first instance.

If the complaint is about the Headmaster or one member of the Governing Board (including the Chair), a suitably-skilled and impartial Governor will carry out the steps starting from stage 1 (set out above).

If the complaint is jointly about the Chair or the entire Governing Board or the majority of the Governing Board, an independent investigator will carry out the steps starting from stage 2 (set out above). They will be appointed by the Governing Board and will write a formal response at the end of their investigation.

Referring complaints on completion of the School's procedure

If the complainant is unsatisfied with the outcome of the School's complaints procedure, they can refer their complaint to the Independent Schools Inspectorate (ISI) (or Ofsted for Daycare) or the Department for Education.

If the complainant is unsatisfied with the outcome of the School's complaints procedure, they can refer their complaint to the Department for Education.

Parents of EYFS children also have the right to refer their complaint to Ofsted
Ofsted, Piccadilly Gate, Store Street, Manchester, M1 2WD.
0300 123 4666 or enquiries@ofsted.gov.uk

For more information or to refer a complaint, see the following webpage:
<https://www.gov.uk/complain-about-school>

Persistent complaints

Unreasonably persistent complaints

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- Has made the same complaint before, and it's already been resolved by following the School's complaints procedure
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- Knowingly provides false information
- Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure
- Pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refused to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the time frames it sets out
- Changes the basis of the complaint as the investigation goes on
- Makes a complaint designed to cause disruption, annoyance or excessive demands on school time
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value.

Steps we will take

We will take every reasonable step to address the complainant's concerns, and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

If the complainant continues to contact the School in a disruptive way, we may put communications strategies in place. We may:

- Give the complainant a single point of contact via an email address
- Limit the number of times the complainant can make contact, such as a fixed number per term
- Ask the complainant to engage a third party to act on their behalf, such as Citizens Advice
- Put any other strategy in place as necessary

Stopping responding

We may stop responding to the complainant when all of these factors are met:

- We believe we have taken all reasonable steps to help address their concerns
- We have provided a clear statement of our position and their options
- The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from our school site.

Duplicate complaints

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and the local process is complete
- Direct them to the Department for Education (DfE) if they are dissatisfied with our original handling of the complaint

If there are new aspects, we will follow this procedure again.

Complaint campaigns

Should the School receive a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the School, the School may respond to these complaints by:

- Publishing a single response on the school website
- Sending a template response to all of the complainants

If complainants are not satisfied with the School's response, or wish to pursue the complaint further, the normal procedures will apply.

Record keeping

The School will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the Secretary of State (or someone acting on their behalf) or the complainant requests access to records of a complaint through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices.

The details of the complaint, including the names of individuals involved, will not be shared with the whole Governing Board in case a review panel needs to be organised at a later point.

Where the governing board is aware of the substance of the complaint before the review panel stage, the School will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the Governing Board, who will not unreasonably withhold consent.

Learning lessons

The governing board will review any underlying issues raised by complaints with the Headteacher, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the School can make to its procedures or practice to help prevent similar events in the future.

Monitoring arrangements

The Governing Board will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The Governing Board will track the number and nature of formal complaints, and review underlying issues.

The complaints records are logged and managed by the Headmaster/Headteacher. The Clerk to Governors will keep records in the case of any complaints made against either Head.

This policy will be reviewed and approved by the Headteachers and full Governing Board every 3 years.

Links with other policies

Policies dealing with other forms of complaints include:

- Safeguarding policy and procedures
- Behaviour Policy
- Terms and conditions (see website)
- Staff grievance procedures
- Staff disciplinary procedures
- Whistle-blowing
- Privacy notices (available on the school website)

Appendix 1: Complaints Form

In accordance with part 7 of the schedule to the Education (Independent School Standards) Regulations 2014

Please complete and return to Head's PA or the Clerk to the Governors who will acknowledge receipt and explain what action will be taken.

Your name

Pupil's name

Your relationship to pupil

Address

Post Code

Daytime Tel. no.

Evening Tel no.

Please give details of your complaint, including whether you have spoken to anybody at the school about it. (Attach a separate letter if preferred)

What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details.

Signed

Date