



# ST. JOSEPH'S COLLEGE

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## **Policy on the Handling of Concerns and Complaints**

This policy relates to all sections of St Joseph's College, including the Early Years Foundation Stage.

### **Introduction**

St Joseph's College prides itself on the quality of the teaching and pastoral care provided to its pupils. We welcome feedback, suggestions and comments from parents. The College takes seriously concerns or complaints which parents may raise and wishes to work with them in the best interests of the young people in our care.

If parents do have a complaint, they can expect it to be treated by the College with care and in accordance with this Complaints Procedure.

The aim of this policy is to ensure that a concern or complaint is to achieve a fair, effective and timely resolution to parent concerns about the education and/or welfare of individual children in the care of the College. Doing so helps to promote confidence in this College's ability to safeguard and promote welfare. Parents should be assured that all concerns and complaints will be taken seriously and treated confidentially, and that no pupil will ever be penalised for any complaint raised by a parent.

### **What Constitutes a Complaint?**

A complaint is an expression of dissatisfaction with a real or perceived problem. It may be made about the College as a whole, about a specific department or about an individual member of staff. A complaint is likely to arise if a parent believes that the College has done something wrong, or failed to do so something that it should have done or acted unfairly.

### **Who may complain?**

This procedure is applicable only to parents of pupils who are currently on the College's roll (and not to parents of prospective pupils or past pupils). The only caveat to this is that complaints made by parents of former pupils will be dealt with under this policy if the complaint was initially raised when the pupil was still registered at the College.

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

There is no formal procedure governing the making of a complaint to the College by any person who is not a parent. Any non-parent who wishes to make a complaint should do so by putting it in writing to the Head, who will consider how best to respond.



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## **Scope of the Policy**

The aim of the Policy and associated procedure is to produce a resolution that everyone involved can accept. The procedure should be used as a mechanism for resolving issues in good faith and in a courteous manner.

*It should not be used:*

Where the complaint relates to an exclusion (which will be dealt with under the College's Exclusions Policy).

In respect of child protection allegations (which will be dealt with in accordance with the College's Safeguarding Policy and Procedures).

Where the complaint is against the decision of an external agency or third party such as an examination board or higher education institution (in such cases, parents will be advised on the appropriate route for their complaint and, where possible, given information and advice about how to progress their complaint).

To delay or avoid payment of any sum (including fees or fees in lieu) due under the College's parent contract agreed to by parents upon enrolment of their child at the College (the "Parent Contract").

By pupils to raise concerns (these should be raised by a pupil with their form tutor or Head of Year, and if a pupil is unhappy with the outcome, their parent(s) can raise a complaint under this Procedure).

In an abusive or threatening manner or in a way that is vexatious.

To re-open a complaint on a matter in respect of which the process set out in the Procedure has already been exhausted.

To make a complaint about services provided by other providers who may use the College premises or facilities (parents should follow the external provider's own complaints procedure).

*Parents should also be aware that:*

If multiple complaints are received from parents within the College that are all based on the same subject, the College may decide to send a uniform response to all complaints or to publish a single response on the College website.

Requests for financial awards, such as claims for compensation, damages or fee refunds, are beyond the scope of this Procedure.

If a complaint involves an allegation against a staff member or another pupil, parents will not be entitled to details of any sanctions imposed on the staff member or pupil.



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Where a complaint involves questioning the judgment of a member of the College staff, the role of any person considering that complaint will be to determine whether that individual's judgment was exercised fairly and reasonably and according to the College policies and procedures. There may be more than one fair and reasonable response to a situation and a decision-maker at any stage will not normally substitute their decision for the decision of the staff member concerned.

If a complaint ostensibly raised on behalf of a parent is raised via a method of communication previously unseen by the College (i.e. an email address that has not been provided as a contact method), the College may contact the relevant parent via known contact details to confirm that the complaint is genuinely made.

## **Timeframe for Dealing with Complaints**

Effective and fair resolution of concerns usually requires that they are brought to the College's attention promptly. We do not define "promptly" but would suggest that this should ordinarily be within three months of the relevant event(s) complained about. Complaints may be heard after this time if the Head or Governors (as applicable) consider that the delay has not prejudiced an effective and fair resolution with events being easy to recall for any independent witnesses etc.

It may take longer to resolve a complaint where statutory agencies are involved (for example, the Local Authority or the Police), during periods of significant disruption to College life, or as a consequence of unavoidable staff absences. The timeframes set out in this Procedure may therefore change depending on the circumstances of an individual case. Any deviation will, however, be on an exceptional basis, and parents will be advised should timeframe revisions be necessary.

In the following procedure, "school day" means any day that is not a Saturday, Sunday or a Bank Holiday, and which falls within the College's term time as published on its website. In calculating the number of school days in any scenario, the day of receipt and the day of reply shall not be counted.

## **The three-stage 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 as a first step contact their son/ daughter's Class teacher (Pre-Reception to Year 6) Form Tutor (Years 7 to 13). In many cases, the matter will be resolved straightaway by this means to the parents' satisfaction. If the Class teacher/Form Tutor cannot resolve the matter alone, it may be necessary for him/her to consult a more senior colleague. If, however, the complaint is against the Head, parents should make their complaint directly to the Chair of Governors (see stage 2).

Complaints made directly to the Head might be referred downwards to the relevant member of staff unless he/she deems it appropriate for him/her to deal with the matter



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personally. The Head dealing with a stage 1 complaint does not automatically make it a formal complaint.

The teacher will acknowledge the complaint to the parent(s) and then make a written record of the complaint on CPOMS, including any action taken by the College as a result.

Action taken by the College in response to a complaint at this stage may include reassurance and advice, reference to relevant policies and procedures, an apology for an oversight or mistake and/or a change in practice.

Should the matter not be resolved within 10 school days of receipt of the complaint then the parent(s) 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 parent or stakeholder should put their complaint in writing (by email is fine) to the Head including in their letter, what action they would like the College to take.

The Head will acknowledge receipt and will contact the parent(s) within 7 school days, to see if a resolution can be reached at this stage by means of an informal conversation or meeting. If resolution cannot be reached in this way, the Head will confirm that the matter will be treated as a formal complaint and proceed to investigate it. The Head should ordinarily provide a written response to the parent(s) within 15 school days of the parent's(s') Stage 2 correspondence.

The Head will keep written records of all meetings and interviews held in relation to the complaint.

Once the Head is satisfied that, so far as is practicable, all the relevant facts have been established, a decision will be made and the parent or stakeholder will be informed of this decision in writing. The Head will also give reasons for their decision. The Head's response may outline context, explain whether or not a relevant practice will be amended in future or, where appropriate, offer an apology.

## **Complaints against the Head**

These must be made in writing to the Chair of Governors: [Chair@SJCR.org.uk](mailto:Chair@SJCR.org.uk)

The Chair of Governors will call for a full report from the Head and for any 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



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give reasons for their decision in writing within 15 school days of the Initial Stage 2 correspondence.

If the parent or stakeholder is still not satisfied with the decision, they should proceed to Stage 3 of this Procedure.

### **Stage 3 – Panel Hearing**

If the parent(s) are dissatisfied with a Stage 2 response and wish to have their complaint considered at a complaints panel hearing they should write, within 14 days of the Stage 2 response, to the Chair of Governors.

Either via email  
[Chair@sjcr.org.uk](mailto:Chair@sjcr.org.uk)

or in writing to

Chair of Governors  
c/o St Joseph's College,  
Upper Redlands Road,  
Reading,  
RG1 5JT

This letter should set out the grounds for appealing the decision at Stage 2 and the action that the parent(s) would like the complaints panel (the "Panel") to take.

The Panel is not obliged to consider any new complaints that have not been previously raised.

If a request for a Panel is made without the matter having previously been investigated by the College, then the Chair of Governors will refer the matter back for investigation at Stage 2 as appropriate.

The Chair of Governors will then convene the Panel.

#### *Convening a Panel*

The Panel will consist of at least three persons not directly involved in the matters detailed in the complaint, one of whom shall be independent of the management and running of the College.

Each of the Panel members shall be appointed by the Chair of Governors and the Panel shall normally include two Governors who have had no previous involvement with the matter complained of.

The Chair of Governors will appoint one of the three Panel members to act as the chair of the Panel (the "Panel Chair"). The Panel Chair may or may not also be the Chair of Governors.

The Chair of Governors will consider whether any particular perspective or expertise will be helpful amongst Panel members and will, to the extent practically possible, take this into account when appointing Panel members.



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If the parent(s) feel that a particular perspective or expertise would be beneficial, they should raise this in their initial request for a panel hearing.

The clerk to the Governors (the "Clerk") will deal with administrative issues prior to the panel hearing but on the day may appoint another member of the administrative team to take minutes etc.

NB If the complaint is against the Head, the Chair will not be involved in the panel hearing having already heard the complaint at Stage 2 level.

A hearing will be scheduled to take place as soon as practical and normally within 25 school days of receipt of the parent's(s') letter. If, despite the best efforts of College personnel, a hearing cannot be arranged within this time period, the Clerk will write to the parent(s) before the expiry of the 25-school day period setting out the likely timeframe for the hearing. The hearing will normally be held at the College, but in cases where it is not feasible, efforts will be made to hold the hearing at premises near the College. Alternatively, the Panel Chair will consider whether it may be appropriate for the hearing to be held remotely by video conference.

The parent(s) should supply copies of their previous written complaints to the Head at Stage 2 and any other documentation they may wish to rely on to the Clerk for circulation to all parties not more than 7 days after the date of notification of the hearing. Documentation must be relevant to those matters set out in the complaint.

The Clerk will request copies of statements and supporting/background documentation from the College, and this will be provided to parent(s) not less than 10 school days before the hearing.

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. Copies of such particulars shall be supplied to the Clerk not less than 5 school days prior to the hearing, for circulation to all parties.

## Conduct of the Panel

The Panel's role is to review the evidence before it and decide whether to uphold the parent's(s') grounds of appeal in full or in part. In addition, it may make such recommendations to the College as it sees fit (e.g. to issue an apology or to adopt new policies or procedures).

The Panel shall not have the power to waive the payment of fees or fees in lieu due under the Parent Contract, to make any monetary award or compensation or to impose sanctions on pupils or staff.

The Panel may refuse to consider matters raised by the parent(s) at a hearing if such matters were not raised when the hearing was originally requested.



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All attendees at the hearing are expected to show courtesy and respect. If, after due warning by the Panel Chair, a person behaves in a manner inconsistent with this, the hearing may be adjourned or terminated at the discretion of the Panel Chair.

If having requested a panel hearing, the parent(s) then withdraw their request, the hearing will ordinarily still proceed in the parent's(s') absence in order that the Panel can consider it and issue findings on its substance.

The parent(s) may be accompanied to the hearing by one other person aged over 18. This may be a relative, companion or friend and their name (and the capacity in which they will be attending) should be notified to the Clerk at least 5 school days prior to the hearing. The companion must undertake to accept the confidentiality of this Procedure. Legal representation on a formal or informal basis will not normally be appropriate.

The Head may be accompanied by a member of the governing board (not appointed to the panel) or a member of the SLT or CLT. In either case their role is of companion and they will not serve any role in decision making.

Once the hearing has closed and, after due consideration of all relevant facts, the Panel will reach a decision and may make recommendations.

The Panel will write to the parent(s) normally within 10 school days informing them of its decision and the reasons for it. The Panel's findings, and recommendations (if any) will also be sent in writing to the Head, Chair of Governors and, where relevant, the person(s) against whom the complaint was made. The Panel's decision will be final.

The Panel will make its decisions by majority vote and by applying the civil standard of proof (i.e. the balance of probabilities).

No party is permitted to make a recording of a panel hearing. The Clerk or a colleague will keep a note of the hearing which will be for the benefit of the Panel only and to assist them in providing their outcome letter. It will be held securely and destroyed following delivery of the Panel's outcome letter.

A copy of the Panel's findings and recommendations (if any) will also be available for inspection on the College premises by the Chair of Governors and the Head.

## External support

At any stage of the process, it may be helpful to consider engaging external support to assist in resolving particularly difficult or sensitive issue as constructively as possible. This could include mediation or a facilitated discussion by an experienced mediator or engaging support from external providers with a particular perspective or expertise.

## Legal proceedings

Where legal proceedings exist between the College and a parent/pupil in relation to any matter that is the subject of a complaint, this Procedure may be subject to the constraints of the legal process.

## Record-keeping, access and confidentiality



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A written record of all complaints (which may include notes, correspondence, interviews and statements) will be kept at each stage of this Procedure and will include details of whether individual complaints were resolved or proceeded to the next stage.

The record will include details of any action taken by the College as a result of a complaint, regardless of whether or not it is upheld. Records will be kept and managed in accordance with the College policies on the retention and destruction of records and, in accordance with data protection principles, details of individual complaints will only be kept for as long as is considered reasonably necessary in the circumstances. Any complaints that have a safeguarding element will be retained in accordance with current government guidance.

When dealing with complaints, the College may process a range of personal data, potentially including special category personal data. This data will be processed in accordance with SJCR's privacy notice, available at: <https://www.sjcr.org.uk/for-our-community/policies/>

Records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under s109 of the Education and Skills Act, such as the Independent Schools Inspectorate ("ISI"), requests access to them or where any other legal obligation prevails. The record of complaints relating to EYFS will be made available to Ofsted on request.

In accordance with paragraph 32(1) of Schedule 1 to the Education (Independent School Standards) Regulation 2014, the College will also make available, on request, to any parent, Ofsted, the Department for Education or the ISI, details of the number of complaints registered under the formal part of this Procedure during the preceding school year.

Any independent panel member who attends a Stage 3 panel hearing will be asked to confirm their obligation to keep confidential any information provided to them for consideration as part of the hearing and to destroy such information as soon as it is no longer required.

## **Written complaints relating to the requirements under the Statutory Framework for the EYFS**

Parents may complain directly to Ofsted or to ISI if they believe the College is not meeting the EYFS requirements.

- Ofsted may be contacted on  
Ofsted, Piccadilly Gate, Store Street, Manchester, M1 2WD.  
email: [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk)  
General helpline 0300 123 1231  
Textphone number 0161 618 8524
- ISI may be contacted on  
ISI, CAP House, 9-12 Long Lane, London EC1A 9HA  
email: [concerns@isi.net](mailto:concerns@isi.net)  
Phone: 020 7600 0100





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## **Alternative Dispute Resolution (ADR)**

From 1 October 2015, under EU regulation, ADR applies to all contracts for services and the College contracts with parents therefore fall within its scope.

ADR takes effect when the College internal complaint-handling procedures detailed above in Stages 1 – 3, is exhausted without resolution of the matter.

In this unlikely eventuality, the College is required to provide parents in writing with the following:

- an appropriate statement to the effect that the College is unable to settle the parental complaint and
- the name and website address of an ADR provider that could deal with the complaint, if the parent wishes to use ADR.

However, the College is not required to submit to an ADR procedure.

## **Appendix: Complaints Procedure – Independent Member of the Panel**

The DfE has supplied the following guidance in their Registration of Independent Schools Information Pack of July 2011:

'Whilst we do not wish to be prescriptive about who schools should appoint as an independent person our general view is that people who have held a position of responsibility and who are used to analysing evidence and putting forward balanced arguments would be suitable. Examples of persons likely to be suitable are serving or retired business people, civil servants, heads or senior members of staff at other schools, people with a legal background and retired members of the Police Force might be considered by schools. Schools will of course have their own views.'

The Appendix does not form part of the actual procedure.