



**Midhurst Rother College**

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# Midhurst Rother College

## Complaints Policy

**Written by:** United Learning

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**Date:** November 2018

## **MIDHURST ROTHER COLLEGE**

### **COMPLAINTS POLICY**

Midhurst Rother College (MRC) will acknowledge complaints, deal with them effectively and aim to resolve issues swiftly.

#### **1 Recommendations and Guidance**

MRC will aim to:

- 1.1 Take all concerns and complaints seriously
- 1.2 Make every effort to deal with complaints informally and at an early stage in a spirit of partnership. The aim should be to identify areas of agreement between the parties. It is also equally important to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.
- 1.3 Apologise wherever necessary. An admission that MRC could have handled the situation better is not the same as an admission of negligence.
- 1.4 Deal with complaints in an impartial and non-adversarial manner. As far as possible deal with complaints in such a way as to resolve the issue, maintaining the best interests of the student or students involved (where that is applicable).
- 1.5 Make available a written complaints procedure for all parents and prospective parents which is easily accessible and simple to understand and use. The complaints procedure will be published on the web site.
- 1.6 Ensure a full and fair investigation is undertaken normally by a person who has not been directly involved in the matter.
- 1.7 Respect people's desire for confidentiality.
- 1.8 Use the outcome of a complaint to reflect on the services provided by MRC so that they can be improved.

## **2 Roles and Responsibilities**

- 2.1 All staff have a responsibility to ensure that complaints are dealt with under the terms of this policy. To that end, staff will be made aware of the procedures so that they know what to do if they receive a complaint.
- 2.2 As part of their role, the Complaints Co-ordinator should be required to prepare an annual report for the LGB.
- 2.3 The Principal has overall responsibility for the management of complaints and, together with the LGB, responsibility for the publication and implementation of the formal complaints procedure.

## **3 Implementation and Procedures**

- 3.1 MRC has a written formal complaints procedure which is readily available to parents of students and prospective students.
- 3.2 The procedure for each stage states exactly who will be involved, what will happen and how long it will take. There may, on occasion, be the need for some flexibility in the application of the procedure; for example, the possibility of further meetings between the complainant and member of staff directly involved, and further investigations may be required by the Principal after a meeting with the complainant.
- 3.3 MRC has nominated a member of staff to have responsibility for the operation and management of the complaints procedure. This person is referred to as the 'Complaints Co-ordinator'.
- 3.4 The complaints procedure:
  - (a) Explains how a concern or a complaint can be made and to whom;
  - (b) Sets out the importance of being able to deal with concerns at an early stage and using informal processes;
  - (c) Sets out clearly the stages to be used in dealing with a complaint and the way the complaint will be investigated and recorded;
  - (d) Sets out clear timetables for the management of the complaint.
- 3.5 The formal complaints procedure has three stages:
  - (a) Stage one: complaint heard by staff member (though not the subject of the complaint);
  - (b) Stage two: complaint heard by Principal;
  - (c) Stage three: complaint heard by LGB's Complaints Appeal Panel.

The complaints procedure can be found at Appendix 1. The appeals process can be found at Appendix 2.

- 3.6 The procedure specifies how a complaint will be dealt with if it concerns the conduct of the Principal or a governor, or where these have been involved in the issue previously.
- 3.7 For each complaint being dealt with under the formal complaints procedure, a person will be appointed to investigate the complaint; this would normally be the Complaints Co-ordinator.
- 3.8 In carrying out an investigation, the Complaints Co-ordinator should:
- (a) establish what has happened so far and who has been involved;
  - (b) clarify the nature of the complaint and what remains unresolved;
  - (c) meet with the complainant or contact them (if unsure or further information is necessary);
  - (d) clarify what the complainant feels would put things right;
  - (e) interview those involved in the matter and/or against whom the complaint has been made, allowing them to be accompanied if they wish;
  - (f) conduct the interview with an open mind and be prepared to persist in the questioning;
  - (g) keep notes of the interview.
- 3.9 At each stage in the procedure MRC will want to keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:
- (a) an apology;
  - (b) an explanation;
  - (c) an admission that the situation could have been handled differently or better;
  - (d) an assurance that the event complained of should not recur;
  - (e) an explanation of the steps that have been taken to ensure that it should not happen again;
  - (f) an undertaking to review policies in light of the complaint.
- 3.10 Complaints need to be considered and resolved as quickly and efficiently as possible. The formal complaints procedure sets realistic time limits for each action within each stage. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.
- 3.11 There is a legal requirement for the formal complaints procedure to be publicised. The way in which MRC does this is by publication on the College website and through posters in reception areas.

#### **4 Recording and Record Keeping**

- 4.1 A complaint may be made in person, by telephone, by email or in writing and details of each must be noted carefully. The “Managing a Complaint” form can be found at Appendix 3.
- 4.2 The Complaints Co-ordinator is responsible for maintaining all records and holding them centrally. The record evidences the progress of each complaint and the final outcome. A record is kept of the number of complaints registered under the formal complaints procedure during each school year.
- 4.3 The Complaints Co-ordinator will prepare a brief annual report for the LGB stating the number of complaints received, their nature and outcome.
- 4.4 Records will be archived for 1 year and for longer in exceptional circumstances.

#### **5 Appeals**

- 5.1 The appeals process is stage 3 of the formal complaints procedure. The decision of the Appeals Panel is final.
- 5.2 There may be occasions when, despite all stages of the procedure having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the LGB Chair should inform him/her in writing that the procedure has been exhausted and that the matter is now closed.
- 5.3 The complaints procedure cannot be used to replace, or in addition to, other appeals processes where those exist.

#### **6 Review**

This policy will be reviewed annually.

## Appendix 1: Complaints and Appeals Procedure

### *Policy Statement*

United Learning recognises that parents may, from time to time, have normal and legitimate concerns about their child's education and may not be satisfied with their child's school. It is important that we work together to resolve these concerns, aiming to do so informally where possible and to ensure that all pupils are happy and fulfilled at school.

This document sets out the process for raising a complaint and how it will be dealt with by United Learning. All United Learning schools must have a complaints procedure which is published online and made available upon request. Each school must ensure their procedure sets out how complaints will be handled by the school and that this reflects the United Learning Complaints Policy, outlined below, and includes clear timescales. This Policy meets the standards set out in the Education Independent School Standards (England) Regulations 2014, Schedule 1, Part 7, and reflects recommendations set out in "[Procedures for dealing with complaints about academies](#)".

#### **Note: Cluster implications**

Schools with an Executive Principal must ensure their complaints policy makes clear which stages of the process involve the Principal / Head of School and which involve the Executive Principal.

### **1. Stage 1: Informal Complaint**

Our intention is that the vast majority of concerns can be raised and dealt with informally before there is a need to raise a more formal complaint. Parents and carers are encouraged to make their concerns known to the school informally at an early stage so that they can be addressed in the spirit of partnership. Effective and fair resolution of concerns usually requires they are brought to the school's attention promptly and should therefore be brought within 3 months of the relevant events.

In the first instance, a concern should be raised with the member of staff most closely involved, such as the child's class teacher or Head of Year. If that does not provide a satisfactory outcome, then an informal complaint should be made to the Principal with a view to resolving the issue informally before moving to the formal stage.

If the concern is regarding the Principal, then an informal complaint can be made to the Executive Principal, where there is one, or the Chair of the Local Governing Body (LGB). Informal concerns about an Executive Principal can be made to the Chair of the LGB.

Where someone is not satisfied with the response they have received informally, a formal complaint may be made in line with the individual school's complaints policy and procedure, which must be available on the school's website.

**If a parent is claiming that a member of staff has harmed their child, this is an allegation not a complaint and should be dealt with differently – please see below.**

United Learning will take seriously complaints from any party, but must prioritise its provision for existing pupils. There is no automatic right to proceed to Stage 3 of the complaints procedure for anybody other than existing parents.

There are special arrangements for dealing with the following matters which are subject to separate statutory / in-school procedures and **must not** be dealt with under standard complaints procedures:

- Child Protection and Safeguarding (including allegations)
- Admissions
- Exclusions
- Special Educational Needs where there is a Statement of Educational Need or an Education and Health Care Plan
- Whistleblowing
- Staff grievances and disciplinary procedures

Conflict between estranged parents over the application of parental responsibility is a common cause of complaints made to schools. [“Understanding and Dealing with Issues Relating to Parental Responsibility”](#) contains specific advice about how to properly approach the issues concerning parental responsibility.

## **2. Stage 2: Formal Complaint**

A formal complaint must be made in writing, by telephone or in person to the Principal of the school. Schools must have regard to Equalities legislation (Equality Act 2010) and should not restrict complainants to having to make their complaints in writing where they are unable to do so. In order to prevent any later challenge or disagreements over what was said, brief notes of meetings and telephone calls should be kept.

If the complaint relates directly to the actions of the Principal, the formal letter should be directed to the Executive Principal, where there is one, or to the Chair of the LGB where there is no Executive Principal. Complaints about an Executive Principal should be made to the Chair of the LGB.

Each school is expected to take all concerns and complaints seriously and to deal with issues in a respectful, impartial and non-adversarial manner within 10 school days. United Learning expects a full and fair investigation of the issue to be undertaken and no one is penalised for making a complaint in good faith. Complainants should be given a written response to their complaint where appropriate and if requested, as well as information about how to appeal if they so wish.

## **3. Stage 3: Local Governing Body Appeal Panel**

Where a complainant is not satisfied with the response to their formal complaint at Stage 2, they may ask for it to be heard by the school’s Local Governing Body Complaints Appeal Panel. This is Stage 3 of the complaints process and will consist of at least three people not directly involved in the matters detailed in the complaint, and one panel member must be independent of the management and running of the school. Parents must be informed how to request an appeal and the timescales which apply. We would generally expect appeal requests to be made within 10 school days of receiving the response at Stage 2.

Parents are welcome to attend the panel and may be accompanied if they wish. The panel cannot be made up solely of LGB members because they are not independent of the management and running of the academy.

It is United Learning's intention that all complaints are resolved by this point, either to the complainant's satisfaction, or with an otherwise appropriate outcome which balances the rights and duties of pupils, within 15 school days of an appeal being requested.

Complainants should be given a written response to their complaint where appropriate and if requested.

### **End of formal process**

United Learning recognises there may be very rare occasions when the complainant feels that the individual school and the LGB have failed to appropriately address their complaint and that they must escalate it beyond the LGB. They can do this by contacting United Learning's Central Office where the complaint will be picked up by a designated representative who will investigate and respond to the concern.

Please be aware that Central Office won't get involved **unless** there is clear evidence that all other stages have been exhausted. The complainant should be directed to contact our London Reception at [Reception.London@unitedlearning.org.uk](mailto:Reception.London@unitedlearning.org.uk) or 01832 864 477, who will ensure the complaint is sent confidentially to the appropriate designated Central Office representative (typically at Director level). A brief overview of the issue, the school involved, and the steps taken thus far to resolve it, should be set out. The earlier steps in the complaints process **must** have been completed **and** a formal response given by the LGB before this escalation route is used, and it must be initiated within 10 school days of the LGB panel's decision being communicated to the complainant.

Once the designated Central Office representative have details of the complaint, he / she will investigate further, including a review of the complaint and the action taken by the school up to this point. They will then give a direction and ensure the complainant is appropriately informed.

The decision of the designated representative is final and binding. Complainants will be given a written response to their complaint within 15 school days from the receipt of the complaint by United Learning's Central Office.

### **Complaints about members of the Local Governing Body**

A complaint about a member of the Local Governing Body should be sent in a sealed letter to the Chair of Governors of the school. The Chair of Governors will investigate the issue and give a written response to the complainant within 15 school days from receipt of the letter.

A complaint about the Chair, or where the complainant believes their complaint about a member of the LGB has not been satisfactorily addressed by the Chair, should be sent to either the Chair of Trustees for ULT, Nigel Robson (academies) or the Chair of Trustees for UCST, Richard Greenhalgh (independent schools). The relevant Chair of Trustees will either investigate the issue themselves, or nominate a representative to do so on their behalf, and a written response will be given to the complainant within 15 school days from receipt of the letter.

## Complaints against Central Office

If the complaint relates to a member of central office, then the complaint should be directed to the Company Secretary at [company.secretary@unitedlearning.org.uk](mailto:company.secretary@unitedlearning.org.uk), clearly marked as a complaint in the subject box. The complaint will initially be passed to the relevant line manager to deal with.

As with complaints dealt with by schools, United Learning expects all concerns and complaints raised about central office colleagues to be dealt with in a respectful, impartial and non-adversarial manner within 10 school days. A full and fair investigation of the issue will be undertaken.

In the event that the complaint is not resolved satisfactorily with the line manager and the person concerned, the complaint will be reviewed by the Company Secretary who will investigate and aim to respond within a further 10 school days.

## 4. The role of the Department for Education

Parents of pupils at United Learning academies who are not satisfied about the handling of their complaint should be signposted to the DFE's [School Complaints Form](#). A key element of any review by ESFA / DFE will be whether or not the complaint has been handled in accordance with the academy's own complaints policy, and whether the academy complies with regulation and its funding agreement.

## 5. Vexatious Complaints

There will be occasions when, despite all stages of the procedures having been followed, and Central Office having investigated, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the relevant United Learning Director and the Chair of the LGB will inform them in writing that the procedure has been exhausted and that the matter is now closed.

If the complainant writes again on the same issue, then the correspondence may be recognised as vexatious and there will be no obligation on the part of the school or Central Office to respond. Should a complainant raise an entirely new, separate complaint however, it must be responded to in accordance with the complaints procedure. It is not the complainant who is vexatious; it is the correspondence.

## 6. Regulatory Bodies

Individuals are also free to make a complaint directly to the relevant regulatory body.

### *Independent Schools:*

- ISI: CAP House, 9-12 Long Lane, London EC1A 9HA
- Phone: 020 7600 0100 or e-mail via the ISI website: [www.isi.net](http://www.isi.net)

### *Academies*

- OFSTED: Piccadilly Gate, Store St, Manchester M1 2WD
- Phone: 0300 123 4666 or e-mail [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk)

## 7. Written records and confidentiality

All United Learning schools keep confidential, accurate written records, for at least three years, of all complaints, the action taken and at what stage they were resolved. United Learning central office also keeps accurate written records for any complaints that get escalated there. A record of complaints and their outcomes is reviewed regularly by the Principal or other designated senior member of staff) at each school so that any patterns can be identified and appropriate interventions made. The number of complaints registered under the formal procedure during a school's previous academic year is available from the school.

All correspondence, statements and records relating to individual complaints are kept confidential wherever possible, except where the Secretary of State or a body conducting an inspection under section 162A of the 2002 Education Act, as amended, requests access to them.

United Learning is committed to ensuring that the application of this policy is non-discriminatory in line with the UK Equality Act (2010). Further details are available in the United Learning Equal Opportunities policy. This policy is applicable to all members of the United Learning community and is available to all interested parties on the United Learning Hub. This document is reviewed annually or as events or legislation requires.

## **8. Procedure**

All United Learning academies must have a complaints procedure which reflects the Group-wide policy above. This policy meets the standards set out in the Education Independent School Standards (England) Regulations 2014, Schedule 1, Part 7.

All complaints policies must reflect the academy's funding agreement.

Each school must ensure its complaints policy is published online.

Owner	Secondary Improvement Team
Department responsible	Secondary Improvement Team
Reviewed	Annually
Date Authorised	April 2018
Review Date	April 2019

## **Appendix 2: The Appeals Panel**

### **The Composition of the Appeals Panel**

1. Care must be taken not to involve the whole LGB as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.
2. The panel would normally consist of three people, at least one of whom will be independent of MRC. The panel may choose their own chair.
3. It is important that the appeal hearing is as independent and impartial as possible and that it is seen to be so. No governor may sit on the panel if they have had prior involvement in the complaint or in the circumstances surrounding it. In deciding the composition of the panel, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.

### **The Role of the Appeals Panel**

1. The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between MRC and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations that will satisfy the complainant that his or her complaint has been taken seriously.
2. An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. The panel chair will ensure that the proceedings are as welcoming as possible. Care is needed to ensure the setting is informal and not adversarial. Extra care needs to be taken when the complainant is a child.
3. The panel may:
  - a) dismiss the complaint in whole or in part;
  - b) uphold the complaint in whole or in part;
  - c) decide on the appropriate action to be taken to resolve the complaint;
  - d) recommend changes to the school's/academy's systems or procedures to ensure that problems of a similar nature do not recur.

## **Roles and Responsibilities**

1. A secretary will be appointed who will be the contact point for the complainant and be required to:
  - a) set the date, time and venue of the hearing, ensuring that the dates are convenient or acceptable to all parties and that the venue and proceedings are accessible;
  - b) invite both the complainant and Principal to put their position in writing for the panel to consider;
  - c) collate any written material and send it to the parties in advance of the hearing;
  - d) record the proceedings;
  - e) notify all parties of the panel's decision.
2. The Chair of the panel has a key role, ensuring that:
  - a) the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
  - b) written material is seen by all parties;
  - c) key findings of fact are made and each side is given the opportunity to state their case and ask questions;
  - d) the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
  - e) the panel is open minded and acting independently.

## **Notification of the Panel's Findings and Recommendations**

1. The Chair of the panel will ensure that the LGB, the Principal and the complainant are notified of the panel's findings and recommendations, in writing, with the panel's response within 3 working days of the hearing.
2. The decision of the Appeals Panel is final.

**Appendix 3: “Managing a Complaint” form**

Please complete in BLOCK CAPITALS and return to *Mr K John* or *Mr P Lloyd* (Complaints Co-ordinator) who will acknowledge receipt and explain what action will be taken.

Your Name	
Student's Name	
Your relationship to the student	
Address	
Postcode	
Day time telephone number	
Evening telephone number	
Please give details of your complaint	
What action, if any, have you already taken to try and resolve your complain? (To whom did you speak to and what was the response?)	
What actions do you feel might resolve the problem at this stage?	
Are you attaching any paperwork? If so, please give details.	

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

For Official use only	
Date acknowledgement sent	
Acknowledgement sent by	
Complaint referred to	
Complaint referred on (date)	