

Complaints Policy – Complaints Procedure for Parents



Ellesmere

1. Definitions

For the purpose of this policy, the following terms are defined as:

- Pupils:** refers to all children enrolled at Ellesmere College.
Staff: refers to all staff, teaching and support employed by Ellesmere College.
Parent: those with Parental Responsibility (i.e. legal responsibility for the child) of a current pupil who, by definition, is still on the school roll.
Clerk to the Council: The Clerk is the contact point for the (stage 3) complainant and the committee.
Complaints Panel Chair: The (stage 3) hearing will be chaired by a member of the panel (chosen by themselves).
Complaints Panel: Governors and Independent Panel member.
Governors Panel: Members of the school council, who have had no prior involvement in the complaint or in the circumstances surrounding it.
Independent Panel Member: Will be independent of the governance/management and running of the school.
Custos: Chairman of the Governing Body.
School Council: Governing Body of Ellesmere College.
School days: Schools days are Monday to Friday term time only.

See Appendix 1 for Roles and Responsibilities.

2. Scope of this Complaints Procedure

This procedure covers all complaints that a parent may raise with respect to Ellesmere College, other than complaints that are dealt with under other statutory procedures, including those listed below.

| Exceptions | Who to contact |
|---|--|
| Statutory assessments of Special Educational Needs | Concerns about statutory assessment of SEN should be raised with the local authority of where your home address is. |
| Matters likely to require a Child Protection Investigation | Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. |
| Exclusion of children from school | See the schools exclusion policy. https://www.ellesmere.com/the-schools/all/college-policy-documents/exclusions-policy/ |
| Complaints about services provided by other providers who may use school premises or facilities | Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct. |
| Fees and Extras | Please contact financesecretary@ellesmere.com |

3. The difference between a concern and a complaint

- 3.1 A concern may be defined as ‘an expression of worry or doubt over an issue considered to be important for which reassurances are sought’.

- 3.2 A complaint may be defined as ‘an expression of dissatisfaction however made, about actions taken or a lack of action’.
- 3.3 It is in everyone’s interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaint’s procedure. Ellesmere College takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

4. Stage 1 – Informal Resolution

- 4.1 It is hoped that most complaints and concerns will be resolved quickly and informally.
- 4.2 A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so.
- 4.3 If parents have a complaint they should normally contact their son’s or daughter’s tutor or Housemaster/Housemistress, or the Head of Lower School, Middle School or Sixth Form. In many cases, the matter will be resolved straightaway by this means to the parents’ satisfaction. If the tutor or Housemaster/Housemistress or the Head of Lower School, Middle School or Sixth Form cannot resolve the matter alone, it may be necessary for them to consult others, such as a Head of Department, Deputy Head or the Headmaster.
- 4.4 Complaints made directly to a Head of Department, Deputy Head or the Headmaster will usually be referred to the relevant person unless a Deputy Head or the Headmaster deems it appropriate for him or her to deal with the matter personally.
- 4.5 Given the diverse nature of Level 1 complaints, records are not recorded in a central register but rather, in the respective files of Housemaster/Housemistress, Heads of Department, Deputy Heads or other relevant senior staff.
- 4.6 Should the matter not be resolved within 15 school days or in the event that the tutor or Housemaster/Housemistress or the Head of Lower School, Middle School or Sixth Form and the parent fail to reach a satisfactory resolution then parents will be advised to proceed with their complaint in accordance with Stage 2 of this Procedure.
- 4.7 The tutor or Housemaster/Housemistress or the Head of Lower School, Middle School or Sixth Form will make a written record of all concerns and complaints and the date on which they were received. Such records will be kept by the respective staff and will not necessarily be recorded in a pupil’s central file.
- 4.8 If the complaint is against the Headmaster, parents should make their complaint directly to the Custos, who can be contacted via the Clerk of the Council: , Ellesmere College, Ellesmere, Shropshire. SY12 9AB
Email: clerktothecouncil@ellesmere.com

5. Stage 2 – Formal Resolution

- 5.1 If the complaint cannot be resolved on an informal basis, then the parents should make their complaint to the Headmaster. This may be done in person, in writing (preferably on

the complaint form Appendix 2) or by telephone. The Headmaster will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days. During holidays, an acknowledgment will be provided as soon as practicable.

Within this response (if necessary) the Headmaster will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see.

5.1.1 If the parents seek a formal meeting with the Headmaster, or raise issues through a formal letter, this would normally be regarded as a formal complaint, even if it has not been referred to as such in the letter.

5.1.2 If a concern about a more minor matter is repeated and the parent is clearly not satisfied with the school's original response, it should also be regarded as a complaint.

5.2 The Headmaster will decide, after considering the complaint, the appropriate course of action to take within 5 school days. The Headmaster may delegate the investigation to another member of the school's Senior Management Group (SMG) The Headmaster or member of the schools SMG can consider whether a face to face meeting is appropriate in order to help resolve the complaint.

5.3 It may be necessary for the Headmaster or SMG to carry out further investigations.

5.3.1 If necessary, interview staff involved in the matter and/or those complained of, allowing them to be accompanied if they wish, in line with employment regulations.

5.4 The Headmaster or SMG will keep written records of all meetings and interviews held in relation to the complaint.

5.4.1 If investigations are carried out by a member of the SMG, their findings will be reported back to the Headmaster.

5.5 Once the Headmaster is satisfied that, so far as is practicable, all of the relevant facts have been established, a decision will be made and parents will be informed of this decision in writing within 15 school days of the complaint being acknowledged. The Headmaster will also give reasons for his decision. Where appropriate, it will include details of actions that will be taken to resolve the complaint.

5.6 If the Headmaster is unable to meet this deadline, he will provide the complainant with an update and revised response.

5.7 If parents are still not satisfied with the decision, they should proceed to Stage 3 of this Procedure.

5.7.1 Within 5 *school* days of stating they remain dissatisfied, the Headmaster will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

5.8 If the complaint is about the Headmaster or member of the governing body (including the Custos), a suitably skilled governor will be appointed to complete all the actions at Stage 2.

5.8.1 Complaints about the Headmaster or member of the governing body must be made to the Clerk of the Council via email: clerktothecouncil@ellesmere.com
phone: 01691 622321, address: Ellesmere College, Ellesmere, Shropshire SY12 9AB

5.8.2 If the complaint is:

- Jointly about the Custos
- The entire governing body or
- The majority of the governing body

Stage 2 will be considered by an independent investigator appointed by the governing body. At the conclusion of their investigation, the independent investigator will provide a formal written response.

6 Stage 3 – Panel Hearing

6.1 If parents seek to invoke Stage 3 (following a failure to reach an earlier resolution), their complaint should be renewed in writing to the Custos of the Council. A letter to the Custos should give full details of the complaint and enclose all relevant documents and full contact details, preferably on the complaint form (Appendix 2). Correspondence with the Custos should be sent to the Clerk to the Council:

Director of Finance, Ellesmere College, Ellesmere, Shropshire. SY12 9AB

Email: directoroffinance@ellesmere.com

6.1.1 The Clerk to the Council will record when the complaint (stage 3) is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days. During holidays an acknowledgement will be provided as soon as is practicable.

6.2 The Custos will determine whether a further investigation of the complaint is warranted within 5 school days of acknowledgement. If so, a Complaints Panel will be convened or if not, reasons for not pursuing the Level 3 complaint will be communicated in writing within 10 school days.

6.3 If the matter is to be investigated further it will then be referred to the Complaints Panel for consideration who will be selected by the custos. 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 school, the other two will be members of the school council. Each of the Panel members shall be appointed by the School Council. The Clerk to the Council, on behalf of the Panel, will then acknowledge the complaint and schedule a hearing to take place as soon as practicable and normally within 20 school days of the Clerk to the Council acknowledging the stage 3 complaint

6.3.1 The Panel will not normally sit during half-terms or longer school holidays.

6.3.2 The Clerk will send the parents written notification of the date, time and place of the hearing together with brief details of the Panel members who will hear it.

- 6.4 Prior to the hearing the panel may review the material provided from stage 2 and how the process was handled.
- 6.4.1 Copies of additional documents (that relate to the original complaint) that the parent may wish the panel to consider should be sent to the Clerk at least 5 school days prior to the hearing.
- 6.4.2 The committee will not review any new complaints at this stage or consider evidence unrelated to the initial complaint. New complaints must be dealt with from Stage 1 of the procedure.
- 6.4.3 In establishing the facts, the panel may wish to speak with members of staff. Although these are not legal proceedings, a school employee may be entitled to bring union or legal representation, in line with employment regulations.
- 6.5 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 all parties not later than 5 school days prior to the hearing.
- 6.6 The parents may be accompanied to the hearing by one other person. This may be a relative, teacher or friend. Legal representation will not normally be appropriate. For the avoidance of doubt, this person will be present for moral support only and will not play any part in the proceedings, unless invited to do so by the Chair of the Complaints Panel, entirely at his or her discretion and for a good reason. The Complaints Panel Hearing is not a legal hearing and it is therefore not appropriate for either the Complainant or the College to be legally represented.
- 6.6.1 The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a parents own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations are recorded. Consent will be recorded in any minutes taken.
- 6.6.2 If the parents commence legal action against the College in relation to the complaint, complaints procedures may be suspended until those legal proceedings have concluded.
- 6.6.3 If a parent does not exercise the right to attend a panel hearing, this does not remove the school's obligation to hold the hearing in conformity with its complaints policy.
- 6.7 If possible, the Panel will resolve the parents' complaint immediately without the need for further investigation. The panel will consider the complaint and all the evidence presented.
- 6.7.1 Evidence. The Panel chair will conduct the hearing in such a way as to ensure that all those 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 statements into account.

6.7.2 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 Panel chair. If terminated, the original decision will stand (from stage 2). 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.

6.8 Where further investigation is required, the Panel will decide how it should be carried out. After due consideration of all facts they consider relevant, the Panel will reach a decision and may make recommendations, which it shall complete within 20 school days of the hearing.

6.9 The Panel will write to the parents informing them of its decision and the reasons for it. The decision of the Panel will be final. The Panel's findings and, if any, recommendations will be:

6.9.1 sent by electronic mail or otherwise given to the parent, the Custos and, where relevant, the person complained about; and

6.9.2 available for inspection on the school premises by the proprietor and the Headmaster.

7. Time scales for raising a complaint

7.1 You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

7.2 We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

8. Resolving complaints

8.1 At each stage in the procedure, Ellesmere College wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology

9. Withdrawal of a Complaint

9.1 If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

10. Records

10.1 A written record will be kept of all complaints that reach Stage 2 (Formal Resolution) of this procedure and

10.1.1 of whether they are resolved at Stage 2 (Formal Resolution) or proceed to Stage 3 (Panel Hearing).

10.1.2 the action taken by the school as a result of those complaints (regardless of whether they are upheld).

10.2 Parents can be assured that all concerns and complaints will be treated seriously and confidentially. Correspondence, statements and records will be kept confidential except in so far as is required of the school by Part 7, 33(k) of the Education (Independent Schools Standards) Regulations 2014; where disclosure is required by the Secretary of State or in the course of the school's inspection under Section 162A of the Education Act (2002) and under Section 109 of the Education and Skills Act (2008).

10.3 Any personal data collected as a result of raising a complaint with the school will be kept in accordance with the College's data protection policy and Privacy Notices (available on the College's website).

11. Following the Stage 3 Panel Conclusion.

The publication of the stage 3 panel report marks the conclusion of the College complaint procedure.

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact ISI after they have completed Stage 3.

11.1 ISI is a government approved inspectorate responsible for the Inspection of Association Independent Schools. The ISI, Independent Schools Inspectorate, CAP House, 9-12 Long Lane, London EC1A 9HA Tel. 0207 600 0100 www.isi.net

11 Contact details.

Headmaster – Mr Brendan Wignall

hmsecretary@ellesmere.com

01691 622321

Clerk to the Council – Mrs Rhona Avery

clerktothecouncil@ellesmere.com

01691 626509

13. Monitoring and Review:

- 13.1 This policy will be reviewed every three years or following the issue of any new guidance from the Department of Education or ISI.
- 13.2 The review will be carried out by the Deputy Head Pastoral and recommendation sent to the Head for authorisation.

| | |
|---------------|------------------------------|
| Authorised by | The Governors/The Headmaster |
| Date | June 2023 |

| | |
|-------------|-----------|
| Reviewed by | DHP |
| Date | June 2023 |

| | |
|------------------------------|-----------|
| Effective date of the policy | July 2023 |
|------------------------------|-----------|

Appendix 1 Roles and Responsibilities

Complainant - Parent

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

Investigator - Headmaster or member of the SMG (Stage 2)

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
 - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
 - interviewing staff and children/young people and other people relevant to the complaint
 - consideration of records and other relevant information
 - analysing information

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond (see Appendix 3 for an overview)
- prepare a comprehensive report for the Headmaster that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The Headmaster will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

Clerk to the Council (Stage 3)

The Clerk is the contact point for the complainant and the Complaint panel and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example; stage 2 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale.
- keep all records of the procedure.
- circulate minutes of meetings.
- notify all parties of the committee's decision.

Panel Committee Chair (Stage 3)

The committee's chair, who is nominated by the panel in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease.
- the remit of the committee is explained to the complainant
- written material, referenced in the meeting, is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.

If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting

- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently

- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk.

Committee Members

Committee members should be aware that:

- the members must be independent and impartial of the complaint, and should be seen to be so

No governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.

- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant

We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.

- many complainants will feel nervous and inhibited in a formal setting

Parents often feel emotional when discussing an issue that affects their child.

- the welfare of the child/young person is paramount.

Appendix 2 Complaint Form

Please complete and return to The Headmaster or Clerk to the governors who will acknowledge receipt and explain what action will be taken.

| |
|---|
| Your name: |
| Pupil's name: |
| Your relationship to the pupil: |
| Address: Postcode: Day time telephone number: Evening telephone number: |
| Please give details of your complaint, including whether you have spoken to anybody at the school about it: |
| What actions do you feel might resolve the problem at this stage?: |
| Are you attaching any paperwork? If so, please give details: |
| Signature: |

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|-------------------------------|
| Date: |
| Official use: |
| Date of acknowledgement sent: |
| By who: |
| Complaint referred to: |
| Date: |

Appendix 3

Action timescales for complaint Stages 2 & 3:

| <u>Timescale</u> (School days) | <u>Date</u> | <u>Action</u> | <u>Responsibility of whom</u> | <u>Completed by</u> | <u>Date</u> | <u>Notes</u> |
|--|-------------|--|-----------------------------------|---------------------|-------------|--------------|
| <u>Stage 2</u> | | Official notification of a Stage 2 complaint | HM | | | |
| <i>Within 5 days from receipt</i> | | Headmaster will record and acknowledge receipt of Stage 2 complaint by letter or email. | HM | | | |
| <i>Within 5 days from acknowledgement</i> | | Headmaster will consider appropriate course of action and may delegate the investigation to a member of SMG | HM | | | |
| | | Consider whether face to face meeting is appropriate. | HM/SMG | | | |
| | | Further investigations carried out e.g. interview staff involved. | HM/SMG | | | |
| <i>Within 15 days of complaint being acknowledged</i> | | Inform parent of decision made giving reasons for decision. Where appropriate include details of actions that will be taken. | HM | | | |
| <i>Within 15 days of complaint being acknowledged</i> | | If unable to meet deadline an update and revised response date given. | HM | | | |
| <i>Within 5 days of parents stating they remain dissatisfied</i> | | If parents wish to proceed to stage 3. The Headmaster will advise how to escalate the complaint. | HM | | | |

| <u>Timescale</u> (School days) | <u>Date</u> | <u>Action</u> | <u>Responsibility of whom</u> | <u>Completed by</u> | <u>Date</u> | <u>Notes</u> |
|---|-------------|---|-----------------------------------|---------------------|-------------|--------------|
| <u>Stage 3</u> | | Renewed notification of compliant to Custos. | Custos | | | |
| <i>Within 5 days from receipt</i> | | Clerk to the Governors will record and acknowledge receipt of Stage 3 complaint by letter or email. | Clerk | | | |
| <i>Within 5 days from acknowledgement</i> | | Custos will determine whether further investigation is warranted. | Custos | | | |
| <i>Within 10 days from acknowledgement</i> | | If not, reason for not pursuing will be communicated in writing to complainant or to say the matter will be investigated. | Custos | | | |
| <i>Within 15 days from acknowledgement</i> | | If the matter is to be investigated further a complaints panel will be convened. The Clerk to the Governors on behalf of the Panel will acknowledge the complaint and schedule a hearing. | Clerk | | | |
| <i>Within 20 days from acknowledgement</i> | | The Clerk to the Council will send the parents written notification of the date, time and place of the hearing with brief details of the Panel members who will hear it. | Clerk | | | |
| <i>Within 5 days prior to the hearing</i> | | Additional documents that the parents wish to be considered sent to the Clerk. | Parents | | | |
| <i>Within 5 days prior to the hearing</i> | | Further particulars or related matter supplied in advance of the hearing to all parties. | Parents/Clerk | | | |
| <i>Within 30 days of complaint being acknowledged</i> | | Complaints Panel Hearing. | Panel | | | |
| <i>Within 20 days after the hearing</i> | | Panel reach a decision through review of documents and interviews and may make recommendations. | Panel/Clerk | | | |