

## Concerns and Complaints - Concerns

### **Communication with parents/guardians is considered vital at the College.**

Parents/guardians who have a concern about their child should, in the first instance, contact their daughter's key worker (Pre-School), class teacher (Melrose) or form tutor (Senior School and Sixth Form). Matters which are subject-specific may be referred to the relevant subject teacher, who will ensure the concern is noted on the student file. We need to know as soon as possible where there is any cause for dissatisfaction. We recognise that a difficulty which is not resolved quickly and fairly can become a cause of resentment, which would be damaging to relationships and also to our collegiate culture. Parents/guardians, pupils and students should never feel (or be made to feel) that a concern will be taken amiss or will adversely affect them.

Please note that our partnership arrangement with Elizabeth College means that some Sixth Form students will be timetabled to attend lessons there. In the event of a concern arising as a result of your daughter's attendance at Elizabeth College, this should be raised with the Head of Sixth Form at The Ladies' College in the first instance.

Members of staff should respond to a concern expressed via email, letter or by telephone within a reasonable time frame and certainly within forty-eight hours. Sometimes, further investigation is needed, but a response should be sent indicating when the teacher will be in a position to reply in greater detail. The teacher must provide a note for the student file, using their professional judgement.

Parents/guardians may prefer to raise their concern with a more senior member of staff (Head of Department, Year Co-ordinator, Deputy Principal (Academic Operations, or Innovation & Student Development), Director of Studies or Vice Principal at the Senior School, Deputy Head or Head Teacher at Melrose). At this stage, the issue is still regarded as an informal **concern**. The member of staff investigating will decide upon the appropriate course of action, which may be referred to the relevant key worker, class teacher or form tutor. Senior members of staff may decide it is more appropriate to deal with the matter personally.

A concern relating to fees or additional costs should be made in writing to the Bursar.

Should a matter not be resolved within ten working days, or as is reasonable during the school holidays or fail to reach a satisfactory resolution, parents/guardians may choose to proceed with a **formal complaint**, in accordance with the Complaints Policy which can be found on the College website.

Concerns and complaints are recorded as follows and are reported to Governors annually:

Informal concern

Stage 1 complaint

Stage 2 complaint

Stage 3 complaint

## Concerns and Complaints - Complaints

The College defines a complaint as one that has been made in writing to the Principal. A complaint is either an unresolved concern or one where the level of severity warrants the intervention of the Principal. **A complaint against the Principal should be made to the Chair of Governors.**

Any **complaint** will be managed sympathetically and efficiently to reach a resolution. We will try to resolve every complaint in a positive way with the aim of putting right a matter which may have gone wrong and, where necessary, reviewing our systems and procedures in light of the circumstances.

### Formal Resolution

#### Stage 1: Formal Complaint

##### Notification

Parents/guardians should write to the Principal within **five working days** of receiving a decision about an unresolved concern, or directly if the parent believes the level of severity to warrant the intervention of the Principal. The letter to the Principal should give full details of the complaint and enclose all relevant documents and contact details. Letters will normally be acknowledged by telephone, e-mail or letter within **three working days** during term time, indicating the action that is being taken and the likely time scale.

##### Investigation

The Principal may ask a senior member of staff to act as investigator and / or may involve one or more Governors. The investigator may request additional information from parents/guardians and may wish to speak to them personally and to others who have knowledge of the circumstances. The outcome of the investigation will be reported to the Principal who will then notify parents/guardians by telephone, e-mail or letter of the decision and the reasons for it. Written records will be kept of all meetings and interviews held in relation to the complaint.

##### Outcome

The Principal's aim will be to inform any complainant of the outcome of an investigation and the resolution to the complaint within **twenty-one working days** from the receipt of the complaint. Complaints received within one month from the end of each half term are likely to take longer to resolve owing to holidays and the unavailability of personnel. Once the Principal is satisfied that, so far as is practicable, all the relevant facts have been established, a decision will be made and parents/guardians will be informed in writing. The Principal will give reasons for the decision.

The procedures above have proved effective in dealing with parental anxieties and complaints. However, if the matter is not resolved it may be referred to the Board of Governors. The following procedures are intended to be transparent and to allow for independent review.

## **Stage 2: Reference to the Chair**

### **Notification**

A complaint may be renewed in writing to the Chair of the Governing Board within **five working days** of receiving the Principal's decision, or directly to the Chair, if the parent believes the level of severity warrants a complaint against the Principal. Letters to the Chair should give full details of the complaint and enclose all relevant documents and contact details. Letters will normally be acknowledged by telephone, fax, e-mail or letter within **three working days** during term time, indicating the action that is being taken and the likely time scale.

### **Grounds for progressing the complaint**

In their letter, the complainants must state the grounds on which they are progressing the complaint and the outcome they seek. **For the avoidance of doubt, disagreement with the decision of the Principal will not of itself be grounds for reference to the Chair.**

### **Action by the Chair**

The Chair will arrange for the complaint to be investigated following procedures equivalent to those described in Stage 1. When the Chair is satisfied that they have established all the material facts and relevant policies, so far as is practicable, they will notify the complainants in writing of their decision and the reasons for it. They will aim to provide a response **within twenty-one working days** of receiving the letter. If the complainants are not satisfied with the Chair's decision, they may ask for the complaint to be referred to the complaints panel by writing to the Clerk to the Governors.

The Chair may decide, at their discretion, to progress the matter automatically to a complaints panel.

The College reserves the right not to progress complaints which the Chair considers vexatious.

## **Stage 3: Reference to the Complaints Panel**

A complaints panel hearing is a review of the Chair's decisions. The Panel will comprise of at least two Governors or Associate Governors who were not directly involved in the matters detailed in the complaint plus one member who is independent of the management and running of the Ladies' College. It will not consider any new areas of complaint.

The panel will make the final decision.

### **Grounds for progressing the complaint**

In their application, complainants must state the grounds on which they are progressing the complaint and the outcome they seek. **For the avoidance of doubt, a disagreement with the decision of the Chair will not of itself be grounds sufficient for reference to the complaints panel.**

## **The role of the panel**

The panel's task is to establish the facts surrounding the complaint/s that has/have been made by considering:

- the documents provided by both parties and
- any representations made by parents/guardians, the Principal and/or the Chair.

The parent / guardian may attend and may be accompanied to the panel hearing. The person accompanying must be in a personal, rather than a professional capacity.

If, after establishing the facts, the panel considers that the complaint is justified, it will uphold the complaint. If the panel considers that the complaint is not justified, it will dismiss the complaint. It will make these decisions based on the balance of probabilities.

It is not within the powers of the panel to make any financial award, nor to impose sanctions on staff, students, or parents/guardians. The panel may make recommendations on these or any other issues to the Principal or to the full Board of Governors as appropriate.

Appendix 1 provides guidance for the panel to share with the complainant prior to the review panel. Appendix 2 provides the procedures to be followed at a hearing of the complaints panel

Appendix 3 provides details about how to contact the ISI.

## Appendix 1

### Guidance for the panel to share with the complainant prior to the review panel

#### **Notification**

To request a hearing before the complaints panel, the complainants should write to the Chair of Governors within **five working days** of the decision about which they wish to complain. Requests will usually be considered only if the complainants have completed the procedures at Stages 1 and 2 [and, where appropriate, Stage 3]. Copies of all relevant documents and contact details should accompany letters to the Chair. Complainants should state in their letter the outcome they desire and the grounds for their complaint. The Chair should also be sent a list of the documents which parents/guardians believe to be in the College's possession and which they wish the Panel to see. The Chair will acknowledge requests in writing within **three working days**. If complainants require assistance with their request, for example, because of a disability, they should contact the Chair who will be happy to make appropriate arrangements.

#### **Convening the Panel**

The Chair will convene the complaints panel as soon as reasonably practicable, but the panel will not normally sit during half terms or College holidays. The panel will consist normally of a minimum of three individuals who have no detailed prior knowledge of the circumstances of the complaint. One member of the panel will be an independent member, the other two Governors. The complainants may ask the Chair to tell them who has been appointed to sit on the Panel.

#### **Notice of hearing**

Every effort will be made to enable the panel hearing to take place within **twenty-one working days** of the receipt of a request. As soon as reasonably practical, and in any event at least ten working days before the hearing, the Chair will send the complainants written notification of the date, time and place of the hearing, together with brief details of the panel members who will be present. The hearing will normally follow the procedure set out in Appendix 1.

#### **Attendance**

The complainants will be invited to attend the hearing and may be accompanied by one other person such as a relative, teacher, or friend. It is not necessary for that person to be legally qualified but if the complainants wish to be accompanied by a legally qualified person, acting in their professional capacity, please notify the College at least **five working days** before the hearing. Children aged thirteen and above may attend part or all of the hearing at the discretion of the Chair. Copies of any additional documents which the complainants wish the panel to consider should be sent to the Chair at least three working days prior to the hearing.

#### **Chair**

The hearing will be chaired by one member of the panel (chosen by themselves) and will be conducted in an informal manner.

## **Hearing**

All statements made at the hearing will be unsworn. All present will be entitled, should they wish, to write their own notes for reference purposes. There will be a handwritten minute of the proceedings.

## **Evidence**

The 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 written statements into account.

## **Conduct**

All those attending the hearing are expected to show courtesy, restraint and good manners or, after due warning, the hearing may be adjourned or terminated at the discretion of the Chair. If terminated by the Chair due to the conduct of the complainants, the original decision will stand. Any person who is dissatisfied with any aspect of the way the hearing is conducted must say so before the proceedings go any further and their comment will be recorded in the minutes.

## **Adjournment**

The Chair may, at their discretion, adjourn the hearing for further investigation of any relevant issue. This may include an adjournment to take legal advice.

## **Decision**

After due consideration of the matters discussed at the hearing, the panel shall reach a decision unless there is an agreed position. The panel's decision, findings and any recommendations may be notified orally at the hearing or subsequently and shall be confirmed in writing to the complainants by electronic mail where appropriate within **twenty-one working days**. If the complainants do not wish to receive the decision by electronic mail, a paper copy will be given or posted to them. The decisions, findings and any recommendations will be available for inspection on the College premises by the Governing Board and the Principal. Reasons for the decision will be given. The decision may include recommendations and will be sent to the complainants, the Chair of the Governing Board, the Principal and, where relevant, any person about whom the complaint has been made.

## **Private proceeding**

A hearing before the complaints panel is a private proceeding. No notes or other records or oral statements about any matter discussed in or arising from the proceeding shall be made available directly or indirectly to the press, other media, or any third party.

## **Confidentiality and Record Keeping**

### **Confidentiality**

A written record will be kept of all complaints, and of whether they are resolved at Stage One or proceed to a panel hearing. The number of complaints registered under the formal procedure during the preceding College year will be reported to Governors annually and will include a summary of the action taken by the school as a result of each complaint.

Correspondence, statements and records relating to individual complaints will be kept confidential except that is where access is required in the course of a College's inspection under section 108 or 109 of the 2008 Act or under other legal authority. In accordance with data protection principles, details of individual complaints will normally be destroyed following each College inspection. In exceptional circumstances, some details will be retained for a further period as necessary.

**Parents/guardians can be assured that all concerns will be treated seriously and confidentially.** Correspondence, statements and records will be kept confidential unless a legal obligation prevails. Records of any complaint regarding safeguarding will be kept until pensionable age or at least 10 years.

### **Management of complaints**

The Principal is responsible for the co-ordination and administration of the complaints procedure. If the Principal is unavailable or is the subject of the complaint, then their duties will be carried out by another senior member of staff for the former or the Chair of Governors for the latter. The main responsibilities of the complaints co-ordinator are to:

- be the first point of contact for a formal complaint while the matter remains unresolved and keep records;
- co-ordinate the complaints procedures in College;
- arrange assistance for parents, for example, because of a disability;
- maintain an on-going CPD training programme for all College employees in relation to complaints;
- monitor the keeping, confidentiality and storage of records in relation to complaints;
- report regularly, and at least annually to the Board with respect to complaints.



## Appendix 2

### Procedures to be followed at a hearing of the Complaints Panel

#### 1. **Introduction**

This is the procedure that will normally be followed by the Complaints Panel and is designed to ensure that all parties have the opportunity to present their views to the panel.

#### 2. **Meeting format**

The meeting will take the form of a "round the table" hearing, where all parties and the panel are present in the same room throughout. Present in the room throughout the hearing will be:

- the panel members;
- the Clerk to the panel. The Clerk will take notes of the meeting. Any notes produced by the Clerk will not be verbatim and will belong to the Chair. The Chair can authorise the release of the Clerk's notes on condition that they remain confidential;
- the parents/guardians who have made the complaint;
- any person that the parents/guardians have brought as a supporter;
- the student, if agreed this is in the best interest of the young person
- the Principal;
- any other appropriate member of staff.

**NB** Any witnesses called by any of the above parties may be asked to make their contribution and then leave rather than staying for the whole proceeding.

#### 3. **Suggested agenda**

- a) Welcome and introductions by the Chair.
- b) Parents/guardians present their complaint. Where two parents are present, it is often more helpful if one parent undertakes the responsibility of presentation and answering of questions.
- c) The panel and the Principal may ask questions of parents for clarification. Questions should be put through the Chair who can intervene if they think that questions are inappropriate or are straying into cross examination.

The Principal puts their case, explaining the reasons for the decision and consideration and calling witnesses if necessary

- a) The parents and panel members may ask questions of the Principal for clarification. Again, such questions should be put through the Chair who can intervene as necessary.
- b) The Principal is invited to make any further relevant points.
- c) The parents are then invited to make any further relevant points.
- d) When the panel is satisfied that it has established facts sufficient for it to make its decision, the Chair may bring the hearing to a close and inform the parties that they will be notified in writing of the decision, normally **within ten working days**.
- e) The parents and the Principal leave together with any witnesses, supporters or representatives.

#### 4. **Legal advice**

If, during the hearing, parents introduce legal points on which the panel feel they will need advice, they will consider one of two options:

- the panel may decide to take a careful note of points made and to consider the advice of the College's lawyers before making their final decision; or
- if the Panel feel that an immediate response is required, they may adjourn the hearing to take telephone advice from the College's lawyers.

### Appendix 3

#### Contacting ISI

ISI will usually expect parents to have followed the College's formal complaints procedure before contacting them.

Parents will be notified by the College before an inspection by ISI and will be invited by the inspecting authority to respond to a questionnaire in relation to the performance of the College. Following an inspection, once the Final Inspection Report has been received, the report will be supplied to parents of our pupils and students.

#### **Record of Formal Complaints**

These will be shared with Governors annually.

#### **Contact details for ISI**

Independent Colleges Inspectorate CAP House 9 - 12 Long Lane London EC1A 9HA	Telephone: 0207 600 0100
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**Early Years Foundation Stage.** The Colleges are inspected by Guernsey Early Years' Service (HSSD) and ISI, an independent organisation which reports to the UK Government on Independent Schools.

The Office for Health & Social Care can be contacted by parents or guardians directly.

The Office for Health & Social Care Le Vauquiedor Office Rue Mignot St Andrew Guernsey GY6 8TW	Telephone: 01481 725241 healthandsocialcare@gov.gg
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