

# Liverpool College

## Complaints Procedure



### **Mission Statement**

*Liverpool College values the dignity of each individual and promotes the development of character and learning through a commitment to high standards within a caring community.*

### **Core Values**

***We recognise** that all pupils have different talents and strive to ensure that every pupil has an equal opportunity to find and develop the talents they do possess*



***We believe** that the development of character, creativity intellect and spirituality, are the primary aims of education.*

***We work** together to create a happy and caring school community which is engaged in our local community and the wider world*

***We pursue** high standards in every area of school life*

*This is a whole college policy and applies to the Pre Preparatory, Preparatory School and Secondary Phase as well as the Boarding Halls and the Breakfast Club, after school clubs and the Young Explorers Holiday Club.*



Approved Date	1 February 2016
Review Date	1 January 2019
Principal	 Mr H vM Broekman
Chair of Governors	 Mrs M Mason

# Liverpool College Complaints Procedure

## Introduction

Liverpool College has long prided itself on the quality of the teaching and pastoral care provided to its pupils. However, if parents do have a complaint, they can expect it to be treated by the College in accordance with this procedure.

In accordance with *The Education (Independent School Standards) Regulations 2014*, the Governing Body must establish and publicise a procedure for dealing with complaints. These procedures are available on the College website and a written copy is available on request. The framework contained in this document has been designed to enable complaints to be dealt with through an open and transparent process.

This is a whole College policy and applies to Godwyn House, the Pre Preparatory School, Preparatory School, Middle School, Upper School, Sixth Form and Academy Boarders.

## Concerns and Complaints

A concern may be defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”. A complaint may be generally defined as an “expression of dissatisfaction however made, about actions or a lack of action”.

Liverpool College takes informal concerns seriously and makes every effort to resolve matters as quickly as possible. There are occasions when complainants would like to raise their concerns formally. In such cases, the formal procedure outlined in this policy will be followed.

## Who can make a Complaint?

Any person, including members of the general public, may make a complaint about any provision of facilities and services that the College provides.

## Procedure for Members of the College Community

The process for resolving complaints has been divided into three stages:

- Stage 1            Informal
- Stage 2            Formal
- Stage 3            Appeal

Complainants will be kept informed of how complaints are progressing under the 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 normally contact their son/daughter’s Head of School. In many cases, the matter will be resolved straightaway by this means to the parents’ satisfaction.

Complaints made directly to the Vice Principals or the Principal will usually be referred to the relevant Head of School as appropriate.

The Head of School will make a written record of all concerns and complaints and the date on which they were received. Should the matter not be resolved within five working days or should a satisfactory resolution not be reached, then parents will be advised to proceed with their complaint in accordance with stage 2 of this procedure.

If the complaint is about the Principal, the complainant should contact the Clerk to the Governors, either by email or by telephone, outlining their concerns. The Chair of the Governors will consider the complaint and will nominate a governor, who will arrange to speak with or informally meet with the complainant to discuss their concerns. The nominated Governor may include another governor or independent person at this stage. The nominated governor will record details the complaint, including dates. If the complaint is not resolved within 5 working days or if the nominated governor fails to reach informal resolution of the matter with the complainant, the complainant will be advised to proceed to stage 2 of the complaints procedure.

There is a recommended pro-forma attached to the document that Liverpool College asks complainants to complete, when registering their complaint.

## **Stage 2 – Formal Resolution**

If the complaint cannot be resolved on an informal basis, then the complainant should put their complaint in writing to the Principal. This should be in the form of a complaint pro-forma which is attached to this document. A complaint may also be made in person or by telephone, in which case notes will be taken to prevent any later misunderstandings. The Principal will, after considering the complaint, discuss the matter with the complainant. If possible, a resolution will be reached at this stage.

The complaint should be registered within three months of the date on which the substance of it first arose, or where a series of associated incidents have occurred, within three months of the last of these incidents.

A person registering a concern outside of these time scales will be informed that their complaint is out of time, but the College will consider exceptions.

It may be necessary for the Principal to carry out further investigations.

At each stage in the procedure, the Principal 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.

Complainants are encouraged to state what actions they feel might resolve the problem at any stage. An admission that the College could have handled the situation better is not the same as an admission of unlawful or negligent action.

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

Once the Principal is satisfied that, so far as is practicable, all of the relevant facts have been established, a decision will be made and the complainant will be informed of this decision in writing within 15 working days of the receipt by the College of the pro-forma complaint. The Principal will also give reasons for his decision.

If the complaint is regarding the Principal and informal resolution was not agreed, the complainant should put their complaint in writing to the Chair of the Governors on the complaint proforma attached to this document, via the Clerk to the Governors. The Chair of the Governors will consider the complaint and then arrange to meet with the complainant, with another governor or an independent person. If possible, resolution of the matter will be sought at this stage. The Chair of the Governors will be mindful of ways to reach resolution. It might be sufficient to acknowledge that the complaint is valid.

The Chair of the Governors will keep a written note of the meeting. He may seek further information as necessary based on that meeting, but will then write to the complainant within 15 days of the date of receipt of the written complaints pro-forma, detailing his decision.

If the complainant is still not satisfied with the decision reached during the second stage of the complaints procedure, they should proceed to Stage 3 of this Procedure.

### **Stage 3 – Panel Hearing**

If complainants seek to invoke Stage 3 (Following a failure to reach an earlier resolution), they will be referred to the Clerk to the Governors, who has been appointed by the Governing Body to call hearings of the Complaints Panel. They should register that wish, in writing, to the Clerk to the Governors within five working days of receiving the Principal's decision or in the case of a complaint against the Principal, the Chair of the Governors.

The matter will then be referred to the Complaints Panel for consideration.

The Clerk to the Governors will convene a meeting of the appropriate committee. The Clerk to the Governors, on behalf of the Panel, will then acknowledge the complaint and schedule a hearing to take place as soon as practicable. This will be within ten working days of receipt of the complaint by the Clerk to the Governors. The panel will include at least one member independent of the governance, management and running of the College.

The Panel will consist of at least three persons appointed by the Clerk to the Governors and not previously involved with the complaint.

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 three working days prior to the hearing.

The complainant may be accompanied to the hearing by one other person. This may be a relative, teacher or friend. In the case of boarding students, the complainant may request that the student's guardian attend in their place. Legal representation will not normally be appropriate.

If possible, the Panel will resolve the complaint immediately without the need for further investigation.

Where further investigation is required, the Panel will decide how it should be carried out.

After due consideration of all the facts they consider relevant, the Panel will reach a decision and may make recommendations, which it shall complete within five working days of the Hearing. The Panel will write to the complainant 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 sent in writing to the complainant, the Principal, the Governors and, where relevant, the persons complained of within five working days of the Appeal hearing. Complainants can be assured that all concerns and complaints will be treated seriously and confidentially. Correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 162A of the 2002 Act, as amended, requests access; or where any other legal obligation prevails.

## **Procedure for Members of the Public**

The process for resolving complaints follows the same principles as above. There are two stages:

- Stage 1      Informal: the Principal will investigate and respond to all complaints in writing within 15 working days.
- Stage 2      Formal: if a complainant is not satisfied with the Principal's response he or she should write to the Chair of Governors who will respond in writing within 15 working days. The decision of the Chair of Governors is final.

### **Records**

A written record will be kept of all complaints raised and the stage at which they were resolved.

Complainants have a right to copies of these records under the Freedom of Information and Data Protection Acts.

## **Management of Complaints**

At each stage in the procedure, the College will remain mindful of 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 for one of the following:

- An apology.
- An explanation.
- An admission that the situation could have been handled differently or better.
- An assurance that the event complained of will not recur.
- An explanation of the steps that have been taken to ensure that it will not happen again.
- An undertaking to review College policies in light of the complaint.

Complaints may be withdrawn in writing at any time.

The College recognises and acknowledges the entitlement to complain and hopes to work with complainants in the best interests of the children and young people in our care.

## **Review of the procedure**

The Governing Body will monitor the level and nature of complaints and review the outcomes on an annual basis to ensure the effectiveness of the procedure and make changes where necessary. Wherever possible, complaints information shared with the whole Governing Body will not name individuals unless it is necessary to do so.

The College is committed to on-going improvement. Therefore as well as addressing an individual's complaints, the process of listening to, and resolving, complaints will contribute to College improvement.

When individual complaints are heard, we the College will identify any underlying issues that need to be addressed. The monitoring and review of complaints by the College and the Governing Body helps in evaluating the College's overall performance.

## Serial, Persistent and Unreasonable Complaints

Complaints could be deemed serial or persistent if the person making them:

- repeatedly makes the same complaint seeking an unrealistic outcome
- refuses to accept the findings of the investigation into that complaint
- makes frequent, lengthy, complicated and stressful contact with staff regarding the complaint.

The College will, when it has done everything that it can, cease to respond if all of the following conditions are met:

- Every reasonable step has been taken to address the complainant's needs.
- The complainant has been given a clear statement of the College's position and their options (if any).
- The complainant contacts the College repeatedly but makes substantially the same points each time.

The College will also cease to respond if there is reason to believe the individual intends to cause disruption or inconvenience.

Complaints could be deemed unreasonable if the person making them does so:

- maliciously
- aggressively
- using threats, intimidation or violence
- using abusive, offensive or discriminatory language
- knowing that the complaint is false
- using falsified information
- publishing unacceptable information in a variety of media such as social media websites and newspapers.

Liverpool College is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the College. We do not, however, expect our staff to tolerate unacceptable behaviour and will take action to protect staff from abusive, offensive or threatening behaviour.

The College defines unreasonable complainants as *'those who, because of the frequency or nature of their contacts with the College, hinder our consideration of their or other people's complaints'*.

A complaint may be regarded as unreasonable when the person making the complaint:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved
- refuses to accept that certain issues are not within the scope of a complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- changes the basis of the complaint as the investigation proceeds
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- refuses to accept the findings of the investigation into that complaint where the College's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education

- seeks an unrealistic outcome
- makes excessive demands on College time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

Complainants should limit the numbers of communications with the College while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the Principal or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Principal will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the College causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the College premises.

### **Complaints not covered by this Complaints Procedure**

This procedure does not apply to complaints where there are separate statutory procedures:

- Admissions
- Statutory assessments of special educational needs
- School reorganization proposals
- Matters likely to require a child protection investigation
- Exclusion
- Whistle blowing
- Staff grievance and disciplinary procedures
- Complaints about services provided by other providers who may use College premises or facilities

Other concerns, such as those relating to the leadership and management of the College, can be referred to OFSTED, Piccadilly Gate, Store Street, Manchester M1 2WD. General helpline 0300 123 1231; phone number 0161 618 8524.

You may complain to the Educational Funding Agency (EFA) through their website if you believe that there is a problem with this complaints procedure or that the College is not following the terms of its funding agreement: <https://www.gov.uk/complain-about-school/private-schools>

## **Roles and Responsibilities**

### **The Complainant**

The complainant or person who makes the complaint will receive a more effective response to the complaint if he/she:

- co-operates with the College in seeking a solution to the complaint
- expresses the complaint in full as early as possible
- responds promptly to requests for information or meetings or in agreeing the details of the complaint

- asks for assistance as needed
- treats all those involved in the complaint with respect.

## **The Principal**

The Principal should:

- ensure that the complainant is fully updated at each stage of the procedure
- ensure that all people involved in the complaint procedure will be aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000
- liaise with staff members, the Chair of Governors and Clerk to ensure the smooth running of the complaints procedure
- keep records
- be aware of issues regarding:
  - sharing third party information
  - additional support - this may be needed by complainants when making a complaint including interpretation support.

## **The Investigator**

The Investigator is the senior member of staff involved in Stages 1 and 2 of the procedure. The Investigator's role can include:

- 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
  - consideration of records and other relevant information
  - interviewing staff, pupils and other people relevant to the complaint
  - analysing information.
- effectively liaising with the complainant and Principal as appropriate to clarify what the complainant feels would put things right
- identifying solutions and recommending courses of action to resolve problems
- being mindful of the timescales to respond
- responding to the complainant in plain and clear language.

The person investigating the complaint should make sure that he or she:

- conducts interviews with an open mind and is prepared to persist in the questioning
- keeps notes of interviews or arranges for an independent note taker to record minutes of the meeting.

## **The Clerk to the Governors**

The Clerk is the contact point for the complainant for the panel meeting and is expected to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible
- collate any written material and send it to the parties in advance of the hearing
- meet and welcome the parties as they arrive at the hearing
- record the proceedings
- circulate the minutes of the panel hearing
- notify all parties of the panel's decision
- liaise with the complaints co-ordinator.



## **The Panel Chair**

The Panel Chair liaises with the Clerk and Principal and has a key role in ensuring that:

- the meeting is minuted
- the remit of the panel is explained to the complainant and both they and the College have the opportunity of putting their case without undue interruption
- the issues are addressed
- key findings of fact are made
- parents/carers and others who may not be used to speaking at such a hearing are put at ease particularly if the complainant is a child/young person
- the hearing is conducted in an informal manner with everyone treated with respect and courtesy
- the layout of the room, which sets the tone, is informal and not adversarial
- the panel is open-minded and acts independently
- no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- both the complainant and the College are given the opportunity to state their case and seek clarity
- written material is seen by everyone in attendance – 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 hearing.

## **Panel Members**

Panelists will need to be aware of the following considerations.

- It is important that the review panel hearing is independent and impartial, and that it is seen to be so, therefore no Governor will sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- The aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the College and the complainant. However, it must be recognised that 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 which will satisfy the complainant that his or her complaint has been taken seriously.
- Many complainants will feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible.
- Extra care needs to be taken when the complainant is a pupil and present during all or part of the hearing. Careful consideration of the atmosphere and proceedings will ensure that the pupil does not feel intimidated. The panel should respect the views of the pupil and give them equal consideration to those of adults. If the pupil is the complainant, the panel should ask in advance if any support is needed to help them present their complaint. Where the pupil's parent is the complainant, the panel should give the parent the opportunity to say which parts of the hearing, if any, the pupil needs to attend. The parent should be advised however that agreement might not always be possible if the parent wishes the pupil to attend a part of the meeting which the panel considers not to be in the pupil's best interests.
- The welfare of the pupil is paramount.

## **Related Policies**

- GB02 Admissions
- TL06 Special Educational Needs and Disabilities
- CP01 Safeguarding and Child Protection
- PD08 Exclusion
- MI05 Whistleblowing
- SM03 Staff Conduct and Discipline
- SM10 Staff Grievance
- GB15 Vexatious Communication and Correspondence

## **Legal Framework**

The Education (Independent School Standards) Regulations 2014 (Section 7)  
[http://www.legislation.gov.uk/ukSI/2014/3283/pdfs/ukSI\\_20143283\\_en.pdf](http://www.legislation.gov.uk/ukSI/2014/3283/pdfs/ukSI_20143283_en.pdf)

**CONFIDENTIAL**

**LIVERPOOL COLLEGE**

**PROCEDURE FOR DEALING WITH GENERAL COMPLAINTS  
FORM TO REGISTER A FORMAL COMPLAINT**

Name of School Department: .....

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**Personal Details:**

Name: .....

Address: .....

.....

Tel Number: .....(work) .....(home)

**Pupil Details  
(if applicable):**

Name of Pupil: .....

Class/Form: .....

Date incident took place: .....

Name of any witness(es): .....

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**Details of Complaint (Please state clearly the nature of complaint)**

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If necessary, additional information may be included on a separate sheet, which should be signed and attached to this form)

**Signed:** .....

**Date:** .....

\*Persons making a complaint must register the complaint within 3 months of the incident.

**Note:** This form should be returned to the Principal, unless the complaint is against the Principal, in which case it should be forwarded to the Chair of Governors.

## FLOWCHART OF TYPICAL PROCEDURE FOR DEALING WITH GENERAL COMPLAINTS

