

# **CONCERNS AND COMPLAINTS HANDLING PROCEDURE**

## **Contents**

<b>1. Introduction</b>	<b>1</b>
<b>2. Definitions</b>	<b>1</b>
<b>3. What is not a Complaint (under this Procedure)?</b>	<b>2</b>
<b>4. Who can raise a Concern or Complaint?</b>	<b>2</b>
<b>5. Anonymous Concerns or Complaints</b>	<b>2</b>
<b>6. How to raise a Concern or a Complaint?</b>	<b>3</b>
<b>7. Time Limit</b>	<b>3</b>
<b>9. Investigating Concerns and Complaints</b>	<b>3</b>
<b>10. Resolving Complaints</b>	<b>4</b>
<b>11. Complaint Handling Procedure (3 Stages)</b>	<b>4</b>
11.1 Stage 1	4
11.2 Stage 2	5
11.3 Stage 3: Appeal	5
11.3.1 Investigation at Appeal Stage	6
11.4 Extension to timescale	6
11.5 Withdrawn Complaints	6
<b>12. Mediation</b>	<b>6</b>
<b>13. Confidentiality and Data Protection</b>	<b>6</b>
<b>14. Basic Principles, Behaviours and Expectations of Complainants</b>	<b>7</b>
<b>15. Protection of Staff, Time and Resources</b>	<b>7</b>
<b>16. Reporting and Learning</b>	<b>8</b>
<b>17. Governance (Roles and Responsibilities)</b>	<b>8</b>
<b>18. Implementation</b>	<b>8</b>
<b>19. Review</b>	<b>9</b>
<b>20. Related Policies, Documents and Legislation</b>	<b>9</b>
<b>ANNEX A</b>	<b>10</b>
<b>ANNEX B</b>	<b>11</b>
<b>ANNEX C</b>	<b>13</b>

## 1. Introduction

George Watson's College, ("the School") prides itself on the close and supportive relationships that it builds between staff, pupils, former pupils, parents, and the local community. These relationships enable the School to resolve the majority of Concerns in an informal way, and as close as possible to the point of service delivery. However, occasions arise where Concerns cannot be resolved, and issues arise which are perhaps considered to be more than 'Concerns' (see Definitions -Section 2). In these circumstances there is a requirement for a procedure under which Complaints can be raised and resolved whilst being handled with care, sensitivity and without delay.

Complaints provide valuable information that can be used to improve the School's services, facilities and procedures. They provide first-hand accounts and experience of those using, or who are affected by, the School's services, facilities and procedures, and can help to highlight issues which may otherwise be missed. Handled well, Complaints can provide redress when things go wrong, and in turn can help the School to continuously monitor and improve its services.

The School is committed to ensuring that our Concern and Complaint Handling Procedure does not discriminate against any complainant with a protected characteristic as defined by the Equality Act 2010, and that all people involved in the handling of a complaint will be treated fairly and equally regardless of race, gender, sex, disability, age, sexual orientation, religion or belief, gender reassignment, marital or civil partnership status, pregnancy, maternity or paternity.

This Procedure is not restricted to Complaints regarding pupils and their education; teaching; or the educational setting itself, and can also be used for Complaints about the overarching services which the School provides and buildings held under the School's portfolio, such as the sports facilities within The Galleon Club or The Pavilion at Myreside as examples.

This Procedure explains how to raise a Concern or a Complaint and outlines the process that will be followed in all cases to resolve Complaints.

This Procedure is coordinated by a 'Complaint Reviewer' and the Head of Operations who has overall responsibility for the handling of Concerns and Complaints at the School. This Procedure has been approved by the School's Governing Council.

## 2. Definitions

**'Concerns'**: an expression of worry or doubt over an issue considered to be important for which reassurances are sought.

**'Complaints'**: For the purposes of this Procedure, a 'Complaint' is defined as: 'a formal notification of an expression of dissatisfaction by one or more persons about the School's action, or lack of action, or about the standard of service provided by the School, or on its behalf, which is outwith the normal relationship held between parents and staff of the School; for which the complainant is seeking action by the School'.

A Complaint may relate to, for example:

- where an individual has previously raised a Concern but who feels the reassurances offered by the School have proven unsatisfactory
- treatment by, attitude of, or inappropriate behaviour by a staff member, pupil, contractor, or person(s) acting on behalf of the School
- the failure of the School to properly follow a process which has led to unfairness or other detriment to the complainant
- the quality of School facilities, services or resources.

An **'Independent Person'** is "someone who has held a position of responsibility and is used to analysing evidence and putting forward balanced arguments. Examples are serving or retired business people, civil servants, heads or senior members of staff at other schools, people with a legal background and retired members of the Police Force. Former Governing Council members may be appointed provided they are independent of the management and running of the School. People who remain in close contact with the School may be vetted to ensure they are truly independent.

### **3. What is not a Complaint (under this Procedure)?\***

- a matter which is considered to be part of normal school operation and can therefore be resolved using the established communication links between staff, parents and pupils. For example, a routine matter relating to the education of a pupil.
- Subject Access Requests - which should be made in writing to the Bursar
- issues relating to the George Watson's Family Foundation which are dealt with via a separate procedure ([www.watsonians.org/moreinfo](http://www.watsonians.org/moreinfo))
- issues relating to The Watsonian Club, which should be referred by email to [development@gwc.org.uk](mailto:development@gwc.org.uk), for the attention of the President as Chair of the Board of Directors of the Club
- a grievance by a member of staff, which is eligible for handling through the School's Staff Grievance Procedure
- an issue relating to a Financial Assistance decision
- an appeal related to Admissions. Please refer to the Admissions Policy.
- an appeal related to Exclusion. Please refer to the Pupil Attendance, Uniform and Discipline Policy.
- an issue which is being, or has been, considered by a Tribunal or Court
- an attempt to have a Complaint reconsidered where the School's Procedure has been completed and a decision has been issued
- a Concern which relates to Charity Law. These should be referred to the Office of the Scottish Charity Regulator (OSCR).

\*NB This is not an exhaustive list

### **4. Who can raise a Concern or Complaint?**

Parents, carers, guardians, members of the public or other organisations can use this Procedure to raise a Concern or a Complaint. Staff have access to the School's Grievance Procedure.

Sometimes, individuals may be unable or reluctant to make a complaint on their own, without assistance. Complaints will be accepted if brought by third parties, on their behalf, provided the individual affected has given their personal consent under the requirements of the Data Protection Act (2014) and UK General Data Protection Regulation. This means that the individual affected must give clear written authority for the third party to act on their behalf.

### **5. Anonymous Concerns or Complaints**

Concerns or Complaints submitted anonymously will be considered if there is enough information in the complaint to enable the School to make further enquiries. If there is insufficient information to enable the School to respond to an anonymous Concern or complaint, it may decide not to pursue it further. However, the School will record and give consideration to the issue raised, so that corrective action can be taken if appropriate.

If a person does not wish to make a formal Complaint, but the School is made aware of it, it will be recorded in the Complaint Register.

Any decision not to pursue an anonymous Complaint will be authorised by the Chief Operating Officer and

one other member of the Principal's Leadership Team.

## **6. How to raise a Concern or a Complaint?**

Concerns can be made by:

- completing the online [Compliments, Concerns and Complaints Form](#)
- by phoning the Complaint Reviewer on 0131 446 6000
- by sending an email to [info@gwc.org.uk](mailto:info@gwc.org.uk)
- by letter addressed to the Complaint Reviewer at the School. The Complaint Reviewer will contact the person who raised the Concern to discuss the next steps.

When a Complaint is received, the Complaint Reviewer will contact the person who raised the complaint to ensure the issue is fully understood and discuss the next steps; it will then be recorded in the School's Complaint Register and acknowledged within three working days. The Complaint Reviewer will be responsible for deciding with the person who has raised the matter whether any matter raised is to be treated as a Concern or Complaint.

Any member of staff who receives a Complaint should take a note of the details and advise the Complaint Reviewer by email.

Support for those making a Complaint is available by contacting the Complaint Reviewer by email at [info@gwc.org.uk](mailto:info@gwc.org.uk) or by phone to 0131 446 6000.

## **7. Time Limit**

A Concern should be raised as soon as possible as it may be possible to prevent a recurrence or escalation of the issue. There is no set limit to raise a Concern, but it is more difficult to look into matters as time passes.

A Complaint should be raised as soon as problems arise to enable prompt determination, investigation and swift resolution. This Procedure sets a time limit of three months to raise a Complaint, starting from when the complainant first became aware of the problem, unless there are special circumstances for requesting consideration of a Complaint beyond this time.

Complaints considered to be Historic Allegations will be dealt with under our Historic Allegations Policy.

## **8. Contractors/Lettings**

If the Concern or Complaint is about the service of another organisation, and the School has no involvement in the issue, the School will advise the complainant to contact the appropriate organisation directly. The Complaint, and advice, will be logged on the Complaint Register.

Where a Complaint relates to services provided on the School's behalf, the Complaint will be dealt with under this Procedure. Such Concerns or Complaints may include, for example:

- a Complaint made in relation to provision of third-party services
- a Complaint made about a service that is contracted out, such as cleaning or catering services.

## **9. Investigating Concerns and Complaints**

Concerns will be handled internally, by an appropriate member of staff with knowledge or responsibility for the subject matter. If remedial action is required, this will be implemented. A written note of the outcome will be provided to the complainant by the member of staff who looks into the Concern. This outcome will be logged on the Complaint Register.

Complaints require more formal investigation than Concerns. Conducting an investigation allows for clear, evidence-based decisions to be made and solutions to be found where appropriate.

The individual with responsibility for determining the nature of, and investigating or hearing a Complaint will ensure that they:

- contact the complainant to establish the nature of Complaint, identifying what has happened so far, and who has been involved
- identify what remains unresolved
- establish what the complainant feels would put things right and that they would consider appropriate as a resolution
- interview those who are the subject of the Complaint and anyone else involved in the matter, allowing them to be accompanied if they so wish
- conduct the interview with a fair and open mind and be prepared to persist in deliberations to ensure a meaningful conclusion for all parties
- keep contemporaneous and signed notes of the interview
- write a comprehensive report of findings (facts), including any recommendations, the decision reached and the rationale for the decision
- write a letter responding to the complainant, explaining the outcome.

It may be necessary to appoint an Independent Person to determine and investigate a Complaint, which will be at the discretion of the Complaint Reviewer and with the approval of the Principal or the Chief Operating Officer. At Stage 3, this decision lies with the Chair of the Governing Council.

## **10. Resolving Complaints**

It is important that the focus of this Procedure remains in finding a solution to the Complaint. There are many ways in which a Complaint can be resolved, for example:

- an apology is given
- an explanation is given
- an admission is made that the situation could have been handled differently or better
- an assurance is given that actions will be taken to attempt to prevent a recurrence
- an explanation of the steps that have already been taken, or will be taken, to ensure that if substantiated, it will not happen again
- an undertaking is given to review the relevant School Policies or Procedures where necessary, in light of the Complaint.

## **11. Complaint Handling Procedure (3 Stages)**

The Complaint Handling Procedure has three stages as described in Annex A. The School reserves the right to deviate from this Procedure with the approval of the Principal.

If the Complaint relates to the actions of the Complaint Reviewer, the Complaint will be referred to the Chief Operating Officer.

If the Complaint relates to the actions of a member of the Principal's Leadership Team, the Complaint will immediately be referred to the Principal. The stages of the Procedure will be adjusted to a two stage process; Investigation and Appeal.

If the Complaint regards the actions of the Principal, this will be referred directly to the Chair of the Governing Council as the Principal's line manager and Trustee of the MCEB. The Chair of the Governing Council will appoint one or more members of the Governing Council to investigate the Complaint and prepare a report for the Chair of the Governing Council who will then consider the issue. Under these circumstances, an appeal by either the complainant or the Principal will be referred to the Merchant Company Education Board.

### **11.1 Stage 1**

Stage 1 will be dealt with by any member of staff who is trained in this Procedure.

Within three term-time working days, the Complaint will be acknowledged by the Complaint Reviewer (or representative) who will allocate the Complaint to an appropriate member of staff to investigate and determine an appropriate outcome. The Complaint may require a meeting between the member of staff and the complainant to fully determine the nature of the Complaint and to gather further information, including what the desired outcome would be. Data and witness statements will be gathered as deemed necessary. Complainants will receive a written note of outcome within 20 term-time working days of the acknowledgement.

Details of how to request escalation of a Complaint to Stage 2 will be included in the outcome letter. Such a request must be made within one calendar month of receipt of the Stage 1 outcome.

### **11.2 Stage 2**

Stage 2 will be dealt with by any appropriate member of staff in a leadership role (including those in the Principal's Leadership Team). If a complainant considers that the outcome at Stage 1 of the Complaint Handling Procedure is not satisfactory, a request can be made to the Complaint Reviewer to escalate the Complaint to Stage 2.

This request will be acknowledged, within three term-time days, and referred to an appropriate member of staff in a leadership role who will be provided with all relevant documentation, including the Stage 1 report.

The purpose of Stage 2 is to review the Stage 1 investigation and outcome. It may be necessary to gather more information for example by asking the complainant or witnesses to a meeting or gather more data.

A report will be prepared by the member of staff that outlines the approach to the Stage 2 Review, the decision reached and the rationale. The outcome will be provided to the complainant, in writing, within 20 term-time working days from the acknowledgement. Details of how to appeal will be included in the letter. A request to appeal the outcome must be made within one calendar month of receipt of the Stage 2 outcome.

### **11.3 Stage 3: Appeal**

A complainant who remains dissatisfied with the resolution following Stage 2 may request an appeal.

An appeal request must be made in writing to the Complaint Reviewer within one calendar month of receipt of the outcome letter following Stage 2 and will include full details of the grounds for the appeal and the outcome sought. The Complaint Reviewer will acknowledge receipt of the request.

At Stage 3, the Complaint Reviewer acts as guardian of the process, responsible to the Chair of Governing Council.

The Complaint Reviewer will arrange a Case Handling Meeting with the Chair of the Governing Council who will review the case to date and will:

- identify the basis of the appeal, if not clear in the request
- decide who is to hear and determine the appeal
- determine if further investigations are required
- arrange an Appeal Hearing.

The Chair may hear and determine an appeal, or may appoint one or more members of the Governing Council (the "Panel") to do so.

The Panel or the Chair, as the case may be, will endeavour to communicate the outcome of the appeal to the complainant in writing within 30 term-time days of the acknowledgement and where that is not possible, will

ensure the complainant is advised of any amended timescales. The outcome of the Stage 3 Appeal will be final and conclusive. Annex B outlines the details of the Appeal Hearing.

### **11.3.1 Investigation at Appeal Stage**

Should further investigations be required, the Chair will decide who is to undertake such investigations ("The Investigator"). The Investigator may be a member of School staff, a member of the Governing Council or an independent person. In this situation, the Investigator will be tasked with investigating and presenting their findings in a report to inform the Chair or Panel in determining the Appeal.

Once the Investigator's report is completed, complainants will be invited to attend a meeting with the Chair or Panel as appropriate before a decision is made. Complainants must be given the opportunity to seek clarification on any matters arising in the report, either at that meeting or prior to the meeting.

If questions related to the Investigator's report arise at the meeting, the meeting may be adjourned to allow the Chair or Panel to seek clarification. The complainant will be advised of such clarifications prior to any reconvened meeting.

### **11.4 Extension to Timescale**

Not all investigations will be able to meet the stated deadlines, due to complexity, school holiday periods, availability of personnel etc. Where there are clear, justifiable reasons for extending the timescales, a member of the Principal's Leadership Team will exercise judgement and will set new time limits and the complainant will be notified of the extension and the reasons. This extension will be recorded in the Complaint Record.

A request from a complainant to extend or delay the investigation timeline (for instance, in order for a complainant to submit additional evidence to their initial submission) will be considered on a case-by-case basis.

### **11.5 Withdrawn Complaints**

Should a Complaint be withdrawn, the matter will be considered closed. However, it may be that the School considers it appropriate to look at the matters raised in the Complaint, even though it has been withdrawn. At no time will the School try to influence a complainant to withdraw a Complaint.

## **12. Mediation**

Some Complaints (where, for example, the complainant and/or other involved parties have become entrenched in their position) may benefit from a different approach to resolving the Complaint. This may be considered at any point in the life of a Complaint and where agreed upon, the formal Concern and Complaints Handling Process will be paused whilst any mediation process is ongoing.

Using mediation can help both parties to understand what underlies the Complaint and may be more likely to result in a mutually satisfactory conclusion being reached. Where the School and the complainant agree to mediation, revised timescales and the terms of the agreement, including confidentiality, will be agreed in advance.

Mediation will be provided by an independent third party.

## **13. Confidentiality and Data Protection**

In handling Complaints, and processing any personal data in respect of Complaints, the School will have regard to legislative requirements under the Data Protection Act 2018 and the UK General Data Protection Regulations and will comply with our [Privacy Policy: Contacting Us](#). Records of Complaints will be retained for 7 years, unless the nature of the Complaint could be within the scope of the Scottish Child Abuse Inquiry or any other statutory requirement, in which case the correspondence will be kept for as long as there is a

legitimate reason to retain.

Complaints will be handled with an appropriate level of confidentiality and information released only to those who need it for the purposes of investigating or responding to the Complaint. However, complainants should be aware that where a Complaint has been raised against a particular individual or individuals, it may be necessary to provide those concerned (or any relevant witnesses) with details about the nature of the Complaint to allow them the opportunity to respond to the allegations or provide relevant witness evidence, as the case may be. In some cases, the identity of the complainant may be apparent even though the name of the complainant is not revealed.

Complaints will be made available, on request, by any Education Inspection Team.

Where a Complaint has been raised against a pupil or member of staff and has been upheld, the complainant will be advised of this. However, it is not appropriate to share specific details affecting the individuals involved, particularly where disciplinary action is taken.

In serious instances, the Principal and the Chair of the Governing Council will be informed.

On some occasions it may be necessary to make third parties outside the School aware of the Complaint. This would happen, for example, if a child's safety was at risk or it became necessary to refer matters to the Police. All staff are trained in dealing with issues of Child Protection and the Head of Junior School and Head of Senior School are trained at the highest level of Child Protection. This is in line with the Scottish Council of Independent Schools Child Protection Guidelines and the 'Getting it Right for Every Child' legislation (GIRFEC).

#### **14. Basic Principles, Behaviours and Expectations of Complainants**

Complainants are subject to the same expectations regarding their behaviour as all others who interact with the School, its staff and its pupils. The School has a duty to protect staff from unacceptable behaviour and measures will be taken to protect staff as necessary.

Aggressive or abusive behaviour towards staff will not be tolerated. In addition to any physical threats, the definition of unacceptable behaviour includes derogatory remarks or rudeness and any written or verbal approach that may cause staff to feel afraid, threatened or abused. Inflammatory remarks and unsubstantiated allegations are also considered unacceptable behaviour.

In cases where behaviour is considered unacceptable, the complainant will be advised by the appropriate member of the Principal's Leadership Team that their language/behaviour is considered unacceptable. They will be asked to moderate their behaviour, and they will be advised that if the unacceptable action or behaviour continues, the School will cease to communicate with the complainant.

In all cases, if physical violence is threatened or used, the School will report this to the Police.

#### **15. Protection of Staff, Time and Resources**

If a complainant indulges in unacceptable behaviour and/or unreasonably persistent and/or vexatious Complaints, the Principal will:

- ensure that the matter is properly considered and progressed in accordance with this Procedure
- require that any appropriate adjustments to the Procedure be made, including cessation of communication with the complainant, and/or
- impose restrictions on the complainant's contact with the School as may be appropriate and proportionate, and
- inform the complainant of any restrictions and the reason for the restriction.



When unreasonable behaviour limits our ability to communicate with the complainant, attempts will nevertheless be made to investigate and report on the Complaint, on the basis of written evidence produced up to the point at which contact has been restricted. The outcome of the investigation will be given in writing at the end of the stage at which contact was stopped.

Other examples of inappropriate behaviour include:

- demanding responses within an unreasonable timescale
- unreasonable levels of contact, eg volume of emails or telephone contact
- insisting on speaking to a particular staff member when that is not possible
- repeatedly changing the substance of a Complaint or raising unrelated Concerns
- refusing to cooperate with the process
- denying statements made at an earlier stage
- using electronic recording tools without consent of others involved
- persistent refusal to accept a decision or explanation made in relation to a Complaint, and/or continuing to pursue or attempting to re-open a Complaint without presenting any new evidence
- having insufficient or no grounds for their Complaint, or refusing to specify the grounds for their Complaint and appearing to be making the Complaint only to annoy, or for undeclared reasons.

Individuals have the right to complain to the School more than once, if subsequent issues arise. However, repeated use of this Procedure becomes unreasonable when the effect of the repeated or additional Complaint(s) is to harass staff, or prevent the School from pursuing its legitimate business or implementing a legitimate decision.

We will only consider repeated use of these procedures as being unreasonable, in exceptional circumstances, but we reserve the right to refuse to consider repeated Complaint(s) in those exceptional circumstances.

## **16. Reporting and Learning**

Regularly reporting the analysis of Complaints information helps to inform where improvements are required in School processes, policies and systems. Information reported will include:

- performance data: details of the number and type of Complaints, key performance information, for example, average time taken to resolve and the stage at which Complaints were resolved
- trends and outcomes
- actions taken in response to Complaints, including examples to demonstrate how Complaints have helped improve services.

This information will be reported termly to the Principal's Leadership Team and to the Governing Council, by the Principal.

Where a need for an improvement in procedure, system or service is identified, this will be recorded on the Complaint Register and a person given the responsibility to ensure that improvement is implemented. A deadline for implementation will be agreed between the Complaint Reviewer and the person responsible and this will be recorded in the Complaint Register.

## **17. Governance (Roles and Responsibilities)**

Detailed roles and responsibilities under this Procedure of the Governing Council, the Principal, Chief Operating Officer, Complaint Reviewer, Complaint Investigators, staff and Independent Persons are described at Annex C.

The Principal is responsible to the Governing Council for the effective implementation of this Procedure.

The operation of the Procedure is the responsibility of the Chief Operating Officer.

## 18. Implementation

This Procedure is published via:

- the School's website and intranet
- the Parent Handbook

The School will also provide a copy of the Policy and Procedure to any person upon request.

The School will provide guidance and information for staff so they are aware of:

- the Concern and Complaint Handling Procedure
- how to handle and record Complaints
- whom they can refer a Complaint to, if they are unable to handle the matter personally
- the need to try and resolve Complaints early and as locally (within their department) as possible
- their clear authority to attempt to resolve any Complaints they may be called upon to deal with.

Complaint Investigators will receive support and training in how to conduct effective investigations. Support will be provided by the Complaint Reviewer, the Chief Operating Officer or the Head of Human Resources as required.

Front line staff, eg Reception, will receive specific training on how to handle Concerns or Complaints that are received in person or by telephone.

## 19. Review

This Procedure will be reviewed every two years, or sooner where there are changes to legislation, significant changes to the School structure or other variables that require a review. The Lead Reviewer for this Procedure is the Chief Operating Officer. The Approval Body for this Procedure is the Governing Council.

## 20. Related Policies, Documents and Legislation

### Policies and Documents

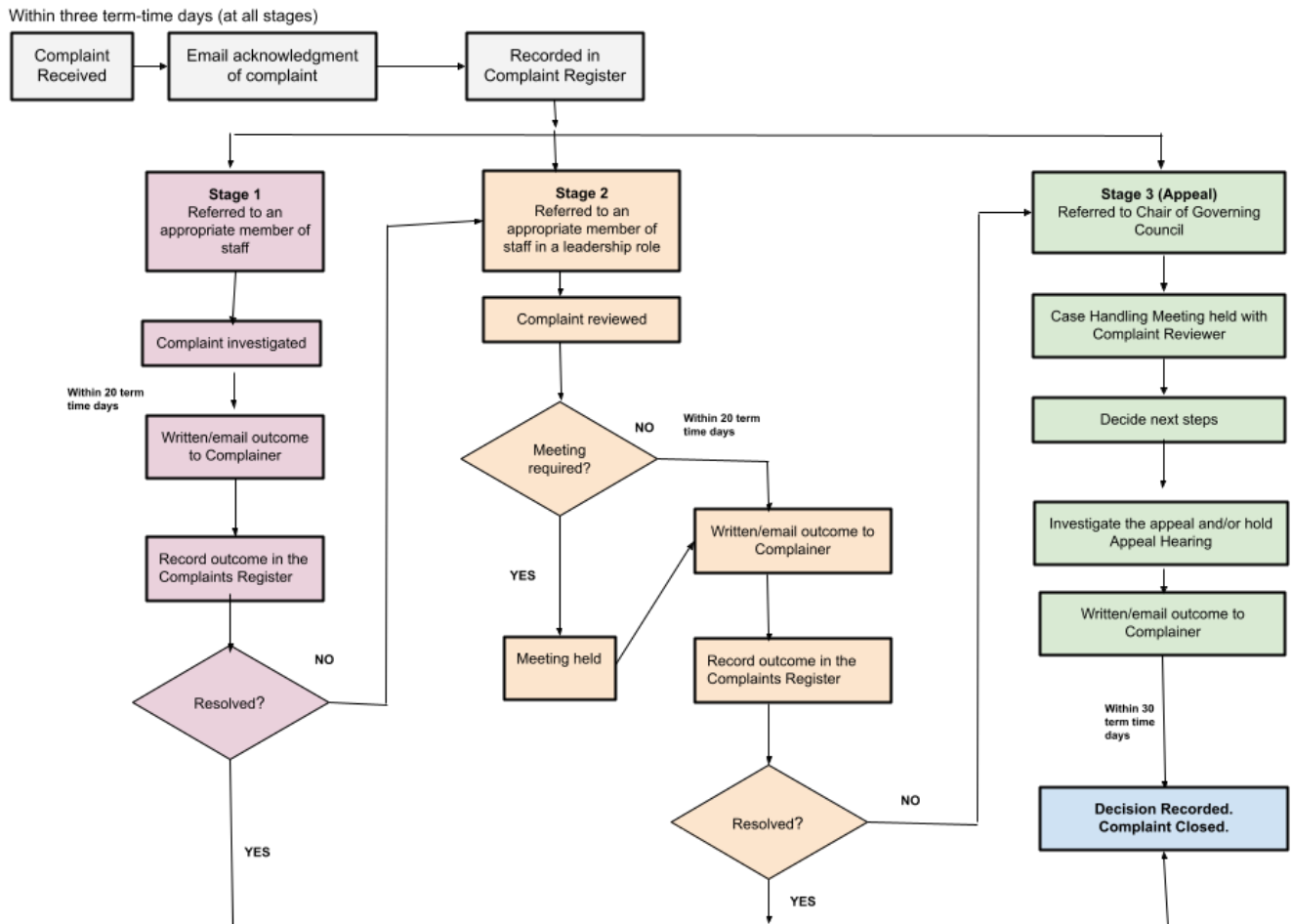
- [Historic Allegations Policy](#)
- [Pupil Attendance, Uniform and Discipline Policy](#) (includes Codes of Conduct for Pupils)
- Grievance Policy (staff access only)
- [Safeguarding and Child Protection Policy](#)
- [Dignity and Respect Policy](#)
- [Admissions Policy](#)
- [Privacy Policy: Contacting Us](#)

### Legislation

- The Data Protection Act, 2018 and the UK General Data Protection Regulation
- Education (Scotland) Act 1980
- The Children & Young People (Scotland) Act

# ANNEX A

## Complaint Handling Procedure - Flowchart



## **ANNEX B**

### **Appeal Hearing (Stage 3)**

In an Appeal Hearing, complainants and witnesses may feel nervous and inhibited in a formal setting. The chair of the Hearing will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care will be taken to ensure the setting appears appropriate. The Hearing, whilst structured, will be conducted as informally as possible.

The aim of the Hearing, which should be held in private, will always be to resolve the Complaint and achieve reconciliation between the School and the complainant. However, it has to be recognised that the complainant might not be satisfied with the outcome. It may, however, be possible to establish the facts and make recommendations.

The Appeal Hearing will be independent and impartial. No member of the Governing Council will handle an appeal if he/she has had prior involvement in the Complaint, or in the circumstances surrounding it. Where it is not possible or practical to appoint any or sufficient members of the Governing Council to consider the appeal (for example because of prior knowledge of the matter, potential conflicts of interest, or if a parent of child in the same Year Group as the issue, or persons are known to governors ) the Chair of Governing Council may appoint other independent persons (see Section 9) for this purpose.

All participants will be permitted to bring a companion to the Hearing, although the companion will take no active part in proceedings. Witnesses will only be required to attend for the part of the Hearing in which they give evidence. The Chair of the Hearing may speak with witnesses without the complainant (and companion) present, if they feel appropriate.

#### **Preparation**

On receipt of the notice of Appeal (Stage 3), the Chair of Governing Council will arrange to meet with the Complaint Reviewer for a Case Handling Meeting. They will review the case to date and decide the next steps.

Should an Appeal Hearing be required, the Chair of Governing Council may appoint one or more members of Governing Council ('governors') to Chair the Hearing and consider the appeal.

The Chair of the Appeal Hearing will be provided with all documents relating to the Complaint, including a copy of the Concern and Complaint Handling Procedure. The School will provide the Chair with secretarial/administration support as required, which will include a note-taker for the Hearing.

The Complaint Reviewer will provide each of the Panel members with an Information Pack, to include at least:

- remit of the Panel (role and scope of powers)
- timeframes
- key documents and document management information.

The Complaint Reviewer will provide each witness with Guidance Notes, which outline how the Hearing will run.

The complainant, and any witnesses, will receive five term-time days written notice of the date of the Appeal Hearing.

#### **The Hearing**

After introductions, the complainant will be invited to explain the basis for the appeal.

The Chair of the Hearing can question the complainant and/or call witnesses as required. In rare circumstances, it may be appropriate to ask the complainant to step out of the Hearing during a witness statement.

If an Independent Person has been involved in the investigation of the case, they will not attend the Appeal Hearing, however the Chair will make arrangements for clarification to be sought from them, if required, prior to a decision being made.

Once the Chair of the Hearing has all the evidence/information they require, the Hearing can be closed. However, should more evidence be required there may be a need to adjourn the Hearing and reconvene, at a date which is agreed by both parties.

### **Outcome**

The Chair of the Hearing explains to the complainant that they will endeavour to communicate their decision in writing to the complainant within 30 term-time days of the acknowledgement. A copy of the outcome letter and the notes of the Appeal Hearing, will be sent to the Complaint Reviewer who will note the Complaint as 'closed'.

A decision at the Appeal Stage is final and conclusive.

## ANNEX C

### Governance: Roles and Responsibilities

#### Governing Council

- The Governing Council has oversight of the Concern and Complaint Handling Procedure and its implementation
- Review the level and nature of Complaints, as reported to them termly via the Principal's Report
- Where the outcome of the Complaint is appealed, the Chair of Governing Council arranges for:
  - the basis of the appeal to be determined
  - who will hear and determine the appeal
  - determine if further investigations are required
  - arrange an Appeal Hearing
- The Chair of the Governing Council may hear and determine an appeal, or may appoint one or more members of the Governing Council (the "Panel") to do so
- The Chair of the Governing Council, and the Complaint Reviewer, will decide who undertakes investigations at Stage 3. On receipt of the investigation report, the Chair will determine the appeal (See Section 11).
- When a Complaint is received against the Principal, the Chair of the Governing Council will appoint an investigator, who will prepare a report for consideration by the Chair of the Governing Council.

#### Principal

The Principal is responsible to the Governing Council for the effective implementation of this Procedure and is also responsible for:

- ensuring that an effective Concern and Complaint Handling Procedure, supported by a robust investigation process, is in place
- delegating responsibility for management of the Procedure to the Chief Operating Officer, and receiving regular reports on the performance of the Procedure, level and nature of Complaints and recommending any changes to policy or procedure as required
- reporting new Complaints and the status of existing Complaints, termly to the Governing Council
- investigating Complaints as required, informing complainant of outcome
- keeping the Complaint Reviewer informed of progress and outcome.

#### Chief Operating Officer

The Chief Operating Officer ensures the effective management of the Procedure and delegates the daily operation of the Procedure to the Complaint Reviewer. They are also responsible for:

- ensuring mechanisms are in place to ensure a consistent approach to the way Complaints handling information is managed, monitored, reviewed and reported at all levels in the School
- providing reports to the Principal
- ensuring that Complaints are used to identify service improvements, and that these improvements are implemented, and learning fed back to the wider organisation as appropriate
- the future review of the Concern and Complaint Handling Procedure.

#### Complaint Reviewer

The Complaint Reviewer is responsible for:

- acting as guardian of the Procedure
- maintenance of the Concern and Complaint Handling Procedure
- receiving, acknowledging receipt of and recording Complaints in the Complaint Register
- checking Complaints, to ensure that they are within time and within scope
- allocation of a Complaint to an appropriate member of staff for determination and investigation (in

accordance with process)

- ensuring timescales are met within the stages of the process
- ensuring all paperwork is collected and stored securely
- managing the escalation through the stages of the Procedure
- follow up with complainant after the outcome has been provided, to ensure they are satisfied with the outcome
- providing relevant paperwork and support as required at various stages of the Procedure
- ensuring that the Investigator supports any individual affected by the findings of the report and that they are made aware of the outcome, where appropriate
- case-specific remedial action and/or process improvement for the future are drawn to the attention of the relevant area(s) and progress of improvement implementation is monitored
- providing Complaints data and assistance in production of reports for Principal's Leadership Team and Governing Council
- seeking external advice/guidance as needed, eg mediation, training
- reports to the Chair of Governing Council for Complaints at the Appeal Stage (3), offering advice, guidance and support throughout the process.

### **Principal's Leadership Team**

- investigating or reviewing Complaints and preparing outcome letters
- ensuring the Complaint Reviewer is fully informed of progress and outcome.

### **Complaint Investigators**

Complaint Investigators are members of staff who are looking into the Complaint at Stage 1 or 2 of the Procedure. They are responsible for:

- determining the exact nature of the Complaint
- ensuring an investigation is conducted fairly and effectively and within timeframes of the Procedure
- establishing the nature of the Complaint and being clear of desired outcomes from the outset
- preparing a written report, including details of any recommendations, eg procedural or system changes
- at Stage 1 and 2, preparing and signing outcome letters to complainants, once satisfied that their investigation is complete and their response addresses all aspects of the Complaint
- provide support to any individual affected by the findings of the report and ensure they are made aware of the outcome, where appropriate
- being clear on the extent and limits of discretion and responsibilities in investigating and resolving Complaints, including the ability to identify failings, take effective remedial action and apologise, where it is appropriate to do so
- keeping the Complaint Reviewer fully informed of progress, outcomes and providing copies of correspondence
- At Stage 3, investigate and present findings in a report to inform the Chair or Panel in determining the appeal.

### **All Staff**

All staff are responsible for:

- ensuring that they have the knowledge of how to handle Complaints if they are brought to them
- knowing whom to refer a Complaint to, if they are not able handle the matter personally
- trying to resolve Concerns raised to them early and quickly and as close to the point of contact as possible, to avoid escalation.

### **Independent Persons**

An Independent Person may be appointed (See Sections 9 and 11). Depending on their role, they would be responsible for either:

- determining and investigating a Complaint at Stage 1 or 2 (refer to Complaint Investigators, above)
- investigate and present findings in a report (at Stage 3)

- providing mediation services.