

UPPINGHAM

Complaints Procedure

1. Introduction

- 1.1. Uppingham School aims to provide the highest standards and quality of the teaching and pastoral care to its pupils. However, if parents do have a complaint, they can expect it to be treated by the School with care and in accordance with this Complaints Procedure.
- 1.2. Uppingham makes its Complaints Procedure available to all parents of pupils on the School's website and in the School office during the school day, and Uppingham will ensure that parents of pupils who request it are made aware that this document is available and of the form in which it is available, and of the number of complaints registered under the formal procedure during the preceding School year.
- 1.3. In accordance with paragraph 32(1) of Schedule 1 to the Education (Independent School Standards) Regulations 2014, Uppingham will also make available, on request, to Ofsted, the Department for Education (DfE) or the Independent Schools Inspectorate (ISI), details of this Complaints Procedure and the number of complaints registered under the formal procedure during the preceding School year.
- 1.4. This procedure is not, however, available for use by prospective parents – it may only be used by parents of current pupils.
- 1.5. Complaints by parents of former pupils will be dealt with under this Complaints Procedure only if the complaint was initially raised when the pupil to which the complaint relates was still registered as a pupil at the School.
- 1.6. The only exception to this is if the complaint is a review of a decision taken by the Head to exclude or require the removal of a pupil under clause 7 of the School's Terms and Conditions in which case such a review must be requested by no later than seven working days from the date of the decision to exclude or require the removal of a pupil.
- 1.7. The School will be mindful of its obligations under the Equality Act 2010 in the application of this policy.

Note: "Parent(s)" means the holder(s) of parental responsibility for a current pupil about whom the complaint relates.

2. What constitutes a complaint?

- 2.1. A complaint is an expression of dissatisfaction with a real or perceived problem. It may be made about the School as a whole, about a specific department or about an individual member of staff, and any matter about which a parent is unhappy and seeks action by the School is within the scope of this procedure. A complaint is likely to arise if a parent believes that the School has done something wrong, failed to do something that it should have done or has acted unfairly.
- 2.2. The School is here for your child, and you can be assured that your child will not be penalised for a complaint that you raise in good faith.
- 2.3. Correspondence, statements and records relating to individual complaints are to be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the Education and Skills Act 2008 requests access to them. There may also be other circumstances in which the School is required to share information relating to a concern or a complaint in order to comply with its legal or regulatory obligations.
- 2.4. Complaints will be acknowledged within five working days if received during term time and as soon as practicable during holiday periods. Please note that, for the purposes of this procedure, working days refers to weekdays (Monday to Friday) during term time, excluding

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bank holidays.

- 2.5. If external bodies are investigating aspects of the complaint, for example the police, local authority safeguarding teams or tribunals, this may impact on the School's ability to adhere to stated timescales, and may result in the procedure being suspended until those public bodies have completed their investigations. If this happens, the relevant senior member of staff will inform parents of a proposed new timescale.
- 2.6. Anonymous complaints will not be investigated, save in exceptional circumstances, as the School will be unable to respond to the complainant. Exceptional circumstances would include serious concerns such as child protection issues, where the School is either required to involve appropriate external agencies or might conduct its own internal review to test whether there is any corroborative evidence which might trigger a formal investigation.

3. The three-stage Complaints Procedure

Stage 1 – Informal Resolution

It is hoped that most complaints and concerns will be resolved quickly and informally.

- 3.1. If parents have a complaint, they should contact the appropriate Deputy or Assistant Head. In many cases, the matter will be resolved straightaway by this means to the parents' satisfaction. Relevant Deputy/Assistant Heads are as follows:

Academic matters:	Deputy Head Academic
Pastoral matters:	Senior Deputy Head
Co-curricular matters:	Assistant Head: Curriculum
Sixth form matters:	Assistant Head: Sixth Form

- 3.2. The Deputy or Assistant Head will make a written record of all complaints and the date on which they were received. Should the matter not be resolved within ten working days or in the event that the Deputy or Assistant Head 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 Complaints Procedure.
- 3.3. A Deputy or Assistant Head may ask the advice of Housemasters/mistresses, Head of Department or whomsoever else depending on the nature of the complaint as part of their attempt to resolve the problem at an informal level.
- 3.4. If the complaint is against the Headmaster, parents should make their complaint directly to the Chair of Trustees whose contact details are available on the School's website.
- 3.5. A complaint about a matter relating to fees or extras should be stated in writing to the Bursar.
- 3.6. Parents should not approach Trustees to raise concerns or complaints. They have no power to act on an individual basis, and it would prevent them from considering a formal appeal under Stage 3 of this procedure.

Stage 2 – Formal Resolution

- 3.7. If the complaint cannot be resolved on an informal basis then the parents should put their complaint in writing to the Headmaster. The Headmaster may require further information from the parents to help clarify the scope and nature of their concerns, by requesting them to complete a Complaints Form. The Headmaster may in some circumstances deem it appropriate to nominate a staff member to hear the complaint and manage the Stage 2 complaint process. The Headmaster (or his nominee) will decide, after considering the complaint, the appropriate course of action to take.

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- 3.8. It may be necessary for the Headmaster to instruct further investigations. The Headmaster will usually ask a senior member of staff to investigate the complaint, or he may instruct someone external to the School. The outcome of any investigation will be reported to the Headmaster who will use the information to inform his decision.
- 3.9. The Headmaster, or any senior member of staff to whom the investigation has been delegated, will keep written records of all meetings and interviews held in relation to the complaint.
- 3.10. In most cases, the Headmaster or nominee or investigating person will meet with or speak to the parents concerned, within ten working days of receiving the complaint, to discuss the matter. If possible, a resolution will be reached at this stage.
- 3.11. Once the Headmaster (or his nominee) 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 twenty working days of the Headmaster receiving the complaint under Stage 2 (or following the provision of any further clarificatory information about the complaint to the Head, if so requested). The Headmaster (or his nominee) will also give reasons for their decision, whose basis will be the balance of probabilities.
- 3.12. If the complaint is against the Headmaster, the complaint should be made to the Chair of Trustees. The Chair of Trustees will nominate someone to determine the complaint. The Stage 2 process described above will then be followed as if the references to the Headmaster (or their nominee) are to the individual nominated by the Chair of Trustees to determine the complaint against the Headmaster.
- 3.13. The payment of fees, and decisions as to whether fees are payable, are contractual matters governed by the School's Terms and Conditions ("parent contract") and do not fall within the scope of this Procedure.

However, where a parent has a concern not with the liability for fees, but with the manner in which a fee debt has been handled, and where that concern cannot be resolved informally, the complaint should be addressed to the Chair of the Finance and General Purposes Committee, and not to the Headmaster, since decisions relating to fees are made by the Trustees.

The Chair of F&GP may seek a briefing from relevant members of staff and may speak with the parents to discuss the matter further. Once the Chair of F&GP is satisfied that, so far as is practicable, all relevant facts have been established, the parents will be informed of the decision in writing, together with the reasons for that decision.

The Chair of F&GP shall not be a member of the Complaints Panel should the complaint proceed to Stage 3.

- 3.14. If parents are still not satisfied with the decision, they should proceed to Stage 3 of this procedure.

Stage 3 – Panel Hearing

- 3.15. If parents seek to invoke Stage 3 (following a failure to reach an earlier resolution) they should do so in writing to the Clerk to the Trustees within ten working days of receiving the decision at Stage 2, setting out their grounds for appeal. Any supporting evidence which the parents wish to rely on should also be provided with their grounds for appeal.
- 3.16. In the event the parents are unable to provide their complaint within the time period stipulated (including, to the extent applicable, any extensions if agreed) the School reserves the right to conclude the complaint process and not progress the matter to Stage 3.
- 3.17. The Clerk to the Trustees, who has been appointed by the Trustees to call hearings of the Complaints Panel, will then refer the appeal to a Complaints Panel for consideration. The Panel convened by the Clerk will consist of three persons not directly involved in the matters

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detailed in the complaint, two of whom shall be Trustees and one of whom shall be independent of the management and running of the School. It will not be usual for the Chair of Trustees to sit on the Panel. The Clerk to the Trustees will appoint one Panel member to act as Chair of the Panel. The Clerk to the Trustees, on behalf of the Panel, will then acknowledge the complaint within seven working days and schedule a hearing to take place as soon as practicable and normally within twenty working days during term-time, subject to the availability of panellists. The Panel will not normally sit during half-terms or School holidays.

- 3.18. If the Panel deem it necessary, they may require that further particulars of the complaint or any related matter be supplied in advance of the hearing or further investigation be carried out. Copies of such particulars shall be supplied to all parties not later than three working days prior to the hearing.
- 3.19. The parents may attend the hearing and be accompanied to the hearing by one other person if they wish. The Stage 2 decision-taker shall also be entitled to be accompanied to the hearing by one other person if they wish. This may be a relative, teacher or friend. Legal representation will not be appropriate, and the companion should not be a lawyer. The identity of the companions should be confirmed to the Clerk to the Trustees as soon as possible and by no later than three working days before the hearing. The Panel will decide whether it would be helpful for witnesses to attend. Informality and courtesy are expected of all parties at any review hearing.
- 3.20. The remit of the Panel shall be at the discretion of the Chair of Trustees and the manner in which the hearing is conducted shall be at the discretion of the Panel, including interviewing parents and school staff separately.
- 3.21. A note-taker will attend the hearing to take a note. This will not be a verbatim note but an accurate reflection of what was discussed. The note of the hearing will be shared with attendees as soon as practicable after the hearing. To the extent that there is any disagreement about the content of the note or further comments from the parties, these will be considered by and, where possible, resolved by the Chair. A copy of any comments on the note will be appended to the note.
- 3.22. If possible, the Panel will resolve the parents' complaint without the need for further investigation. Where further investigation is required, the Panel will decide how it should be carried out.
- 3.23. After due consideration of the merits of the complaint and all facts they consider relevant, the Panel will make findings, based on the balance of probabilities, as to whether or not the Stage 2 decision was a reasonable one and decide whether to:
 - 3.23.1. Dismiss the complaint(s) in whole or in part;
 - 3.23.2. Uphold the complaint(s) in whole or in part; and
 - 3.23.3. Make recommendations.
- 3.24. The Panel will write to the parents informing them of its decision and the reasons for it, within seven working days of the hearing (although additional time may be required if it is necessary to carry out further investigations following the hearing). The decision of the Panel will be final.
- 3.25. A copy of the Panel's findings and recommendations (if any) will be sent by electronic mail or otherwise given to the parents, and, where relevant, the person complained about as well as the Chair of Trustees and the Stage 2 decision-maker. A copy of the Panel's findings and recommendations (if any) will also be available for inspection on the School premises by the Chair of Trustees and the Headmaster.

4. Expulsion or required removal

- 4.1. Any complaint about a decision taken by the Headmaster to exclude or require the removal of the pupil under clause 7 of the School's Terms and Conditions will be governed by this Stage

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3 of the School's Complaints Procedure. It will be brought to the parents' attention at the point when their child is expelled or required to leave and they will then have a period of seven days in which to make their request. The School will endeavour to complete this review process as quickly as reasonably practicable.

- 4.2. There may be circumstances in which the School consider it necessary and appropriate to deviate from the Stage 3 procedure in the context of appeals for exclusion and required removal, and the School will inform the parents of this. In such circumstances, the Panel may only uphold the complaint and ask the Stage 2 decision-taker to reconsider their decision if they consider, having regard to the process followed by the Head, that the Head's decision to exclude / require the removal of the pupil was not a reasonable decision for the Head to have taken.

5. Independent member of the panel

- 5.1. The Department for Education has given the following advice on the selection of an "independent panel member" for involvement at the final stage of the complaints procedure:

"Our general view is that people who have held a position of responsibility and are used to analysing evidence and putting forward balanced arguments would be suitable. Examples of persons likely to be suitable 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 might be considered."

- 5.2. Parents should note that the above paragraph is provided as guidance and is neither prescriptive nor limiting.

6. Timeframe for dealing with complaints

- 6.1. All complaints will be handled seriously, sensitively and within clear and reasonable timescales.
- 6.2. It is in everyone's interest to resolve a complaint as speedily as possible: the School's target is to complete Stage 1 within ten working days of receiving the complaint, Stage 2 within twenty working days of the Headmaster receiving the complaint under Stage 2, and Stage 3, the Appeal Panel Hearing, within a further twenty-eight working days.
- 6.3. Please note that, for the purposes of this procedure, **working days** refers to weekdays (Monday to Friday) during term time, excluding bank holidays and half term. This means that during School holidays it may take longer to resolve a complaint although the School will do what is reasonably practicable to avoid undue delay. It may also take longer to resolve a complaint during periods of significant disruption to School life or as a consequence of unavoidable staff absence, however deviation from the normal timescale for resolving a complaint during term time will only occur on an exceptional basis, and the School will take all reasonable steps to limit any such delay. The School expects parents to engage in the process in a reasonable, constructive and responsive manner and in keeping with the Parent Code of Conduct, to help ensure matters can be dealt with in a timely way and in line with the timeframes set out in this Procedure.

7. Persistent correspondence

Where repeated attempts are made by a parent to raise the same complaint after it has been considered at all three stages, this will be regarded by the School as vexatious and outside the scope of this procedure.

8. Recording complaints and use of personal data

- 8.1. Following resolution of a complaint, the School will keep a written record of all formal complaints, whether they are resolved at the formal stage (Stage 2) or proceed to a panel hearing (Stage 3) and any action taken by the School as a result of the complaint (regardless

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of whether the complaint is upheld).

- 8.2. The School processes data in accordance with its Privacy Notice, available on the School's website.
- 8.3. When dealing with complaints the School (including any Panel member appointed under the Stage 3 process) may process a range of information, which is likely to include the following:
- Date when the issue was raised
 - Name of parent
 - Name of pupil
 - Description of the issue
 - Records of all the investigations (if appropriate)
 - Witness statements (if appropriate)
 - Name and contact details of member(s) of staff handling the issue at each stage
 - Copies of all correspondence on the issue (including emails and records of phone conversations)
 - Notes/minutes of the hearing, and
 - The Panel's written decision.
- 8.4. This may include 'personal data' and 'sensitive personal data' (as further detailed in the School's *Privacy Notice* and *Data Protection Policy*, and potentially including, for instance, information relating to physical or mental health) where this is necessary owing to the nature of the complaint. This data will be processed in accordance with the School's *Data Protection Policy*.
- 8.5. The School will keep records of formal complaints and Complaints Panel hearings, as required by regulation. It will do so in accordance with its *Privacy Notice*, *Data Protection Policy* and *Retention of Records Policy*. All records relating to complaints shall be treated as confidential. In addition to where requested by the Secretary of State or an inspector (see above), there may be other circumstances where disclosure of the substance of a complaint or particular confidential records relating to it is required, for example, where there is a legal, regulatory, safeguarding or data protection obligation which prevails over the requirement to maintain the records as confidential.

9. Confidentiality

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 109 of the Education and Skills Act 2008 requests access to them.

10. Ofsted and Independent Schools Inspectorate

Schools must make available details of how to contact Ofsted and/or the Independent Schools Inspectorate:

Ofsted may be contacted on 0300 1234 234 or by email: enquiries@ofsted.gov.uk
Ofsted, Piccadilly Gate, Store Street, Manchester M1 2WD

ISI may be contacted on 020 7600 0100 or by email: info@isi.net
ISI, CAP House, 9-12 Long Lane, London EC1A 9HA