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## PARENTS COMPLAINTS PROCEDURE

**Policy Custodian:** *Head Master (MTS) and Head (MTP)*

**Approved:** *August 2024*

**Next Review:** *March 2025*

### Introduction

This procedure is for parents of boys in Merchant Taylors' School and Merchant Taylors' Prep School and any reference to the School includes the Prep School. Where the process differs for Prep School parents, that difference is explained.

Merchant Taylors' School 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 School with care and in accordance with this Complaints Procedure. The School makes its Complaints Procedure available to all parents of pupils and of prospective pupils on the School's website and in the School office during the school day.

The School will ensure that parents of pupils and of prospective pupils who request it are made aware that this document is published or available and of the form in which it is published or available, and of the number of complaints registered under the formal procedure during the preceding school year. In accordance with paragraph 32(1) of Schedule 1 to the Education (Independent School Standards) Regulation 2014, Merchant Taylors' School 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.

Although this Procedure is made available to parents of prospective pupils, it is not available for use by them; it may only be used by parents of current pupils. 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. 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 8 of the School's Parent Contract in which case such a review must be requested by no later than five working days from the date of the decision to exclude or require the removal of a pupil in line with the Serious Incident Disciplinary Policy.

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

### What Constitutes a Complaint?

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.

Parents can be assured that all concerns and complaints will be treated seriously and confidentially.

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.

### **Timeframe for Dealing with Complaints**

All complaints will be handled seriously, sensitively and within clear and reasonable timescales.

It is in everyone's interest to resolve a complaint as speedily as possible: the School's target is to complete the first two stages of the procedure within 25 working days. For Stage 3, the Appeal Panel Hearing; the aim will be that this is completed within a further 25 working days.

Please note that, for the purposes of this procedure, working days refers to weekdays (Monday to Friday) during term time, excluding bank holidays. 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 be entertained on an exceptional basis, and the School will take all reasonable steps to limit any such delay. If there is a delay, the Clerk to Governors will inform the complainant what caused the delay and the number of days they should expect to wait

### **The Three-Stage Complaints Procedure**

The Early Years Foundation Stage should also refer to Annex A (EYFS)

**It is hoped that most complaints and concerns will be resolved quickly and informally – the good relationship between School, parents and pupils is paramount.**

### **Stage 1 – Informal Resolution**

#### **MTS**

- If parents have a complaint, they should contact their son's Tutor. In many cases, the matter will be resolved straightaway by this means to the parents' satisfaction. If the Tutor cannot resolve the matter alone it may be necessary for him/her to consult the Head of House (HoH), Head of Section (HoS), or relevant Deputy Head. The Tutor/HoH/HoS/Deputy Head will liaise as necessary with individual academic subject staff or the Head of Department as appropriate.
- Complaints made directly to the HoH, HoS, or Deputy Head will usually be referred to the relevant Tutor or alternative if the Tutor is the subject of the complaint or it is deemed inappropriate for him/her to deal with the matter personally.
- Complaints made directly to the Head Master will be referred to the relevant Tutor or alternative if the Tutor is the subject of the complaint – this ensures that the Head Master is available to investigate and hear the complaint if it escalates to Stage 2.
- The Tutor or alternative 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 ten working days or if the Tutor 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.
- NB - If the complaint is against the Head Master, parents should make their complaint to the Chair of Governors through the Clerk to the Governors.

#### **MTP**

- If parents have a complaint, they should contact their son's Class Teacher or Tutor. In many cases, the matter will be resolved straightaway by this means to the parents' satisfaction. If the Class Teacher or Tutor cannot resolve the matter alone it may be necessary for him /her to consult the Head of House (HoH) or a member of SLT. These staff will liaise as necessary with individual academic subject staff or the Head of Department as appropriate.
- Complaints made directly to the HoH, HoS, or member of SLT will usually be referred to the relevant Class Teacher or Tutor or alternative if the Class Teacher/Tutor is the subject of the complaint or it is deemed inappropriate for him/her to deal with the matter personally.
- Complaints made directly to the Head will be referred to the relevant Class Teacher or alternative if the Class Teacher/Tutor is the subject of the complaint – this ensures that the Head is available to hear the complaint if it escalates to Stage 2.
- The Class Teacher/Tutor or alternative 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 ten working days or if the Class Teacher/Tutor 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.
- NB - If the complaint is against the Head, parents should make their complaint to the Chair of Governors through the Clerk to the Governors.

## **Stage 2 – Formal Resolution**

### **MTS**

- If the complaint cannot be resolved on an informal basis then the parents should put their complaint in writing to the Head Master (MTS). The Head Master will decide, after considering the complaint, the appropriate course of action to take.
- In most cases, the Head Master will either 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.
- It may be necessary for the Head Master, or their nominee, to carry out further investigations and further discussions with parents if required.
- The Head Master will keep written records of all meetings and interviews held in relation to the complaint.
- Once the Head Master is satisfied that, so far as is practicable, all the relevant facts have been established, a decision will be made, and parents will be informed of this decision in writing. The Head Master will also give reasons for his decision. In most cases, the Head Master will make his decision and provide the parents with reasons within 20 working days of the complaint being put in writing.
- If parents are still not satisfied with the decision, they should proceed to Stage 3 of this procedure.
- If the complaint is against the Head Master, the complaint should be made to the Chair of Governors through the Clerk to the Governors. The Chair of Governors or their nominee will call for a full report from the Head Master and for all the relevant documents. The Chair of Governors or their nominee may also call for a briefing from members of staff, and will in most cases, speak to the parents to discuss the matter further. Once the Chair of Governors or their nominee is satisfied that, so far as is practicable, all of the relevant facts have been established, the parents will be informed of the decision in writing. The Chair of Governors or their nominee will give reasons for his/her decision.

### **MTP**

- If the complaint cannot be resolved on an informal basis then the parents should put their complaint in writing to the Head. The Head will decide, after considering the complaint, the appropriate course of action to take.

- In most cases, the Head will either 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.
- It may be necessary for the Head, or their nominee, to carry out further investigations and further discussions with parents if required.
- The Head will keep written records of all meetings and interviews held in relation to the complaint.
- Once the Head is satisfied that, so far as is practicable, all the relevant facts have been established, a decision will be made, and parents will be informed of this decision in writing. The Head will also give reasons for his/her decision. In most cases, the Head will make his/her decision and provide the parents with reasons within 20 working days of the complaint being put in writing.
- If parents are still not satisfied with the decision, they should proceed to Stage 3 of this procedure.
- If the complaint is against the Head, the complaint should be made to the Chair of Governors through the Clerk to the Governors. The Chair of Governors or their nominee will call for a full report from the Head and for all the relevant documents. The Chair of Governors or their nominee may also call for a briefing from members of staff, and will in most cases, speak to the parents to discuss the matter further. Once the Chair of Governors or their nominee is satisfied that, so far as is practicable, all of the relevant facts have been established, the parents will be informed of the decision in writing. The Chair of Governors or their nominee will give reasons for his/her decision.

### **Stage 3 – Panel Hearing**

#### **MTS and MTP**

- 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 Governors within 10 working days of receiving the decision at Stage 2, setting out their grounds of appeal and the outcome they wish to see. Any supporting evidence which the parents wish to rely on should also be provided with their grounds of appeal.
- The Clerk to the Governors will call hearings of the Complaints Panel, working with the Chair who appoints the panel and oversees the whole process. The Clerk will then refer the appeal to the Complaints Panel for consideration. The Panel will consist of (at least) three persons, (at least) two Governors not directly involved in the matters detailed in the complaint and one other who shall be independent of the management and running of the School. One Panel member will act as Chair of the Panel. The Clerk, on behalf of the Panel, will then acknowledge the complaint within five working days and schedule a hearing if possible, to take place within 20 working days at the convenience of all parties.
- The Panel may meet in advance of the hearing to satisfy themselves that they have all the necessary information, that they are aware of the correct procedures and have considered how they will approach the hearing. 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 or further investigation be carried out. Copies of such particulars shall be supplied to all parties not later than five working days prior to the hearing. The parents may attend the hearing and 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 permitted for the School or the complainant. The Panel will decide whether it would be helpful for witnesses to attend.
- The manner in which the hearing is conducted shall be at the discretion of the Panel Chair.
- 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.
- After due consideration of all facts they consider relevant, the Panel will make findings as to whether or not the Stage 2 decision was a reasonable one and accordingly decide whether to:

- Dismiss the complaint(s) in whole or in part;
  - Uphold the complaint(s) in whole or in part; and
  - May make recommendations.
- The Panel (through the Clerk) 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. A copy of the Panel's findings and recommendations (if any) will be sent by electronic mail or otherwise given to the parents, the Chair of Governors and the Head Master (MTS) or Head (MTP).

### **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 may be regarded by the School as vexatious and outside the scope of this procedure.

### **Recording Complaints and use of personal data**

Following resolution of a complaint, the School will keep a written record of all formal complaints (i.e. those that proceed to Stage 2 and beyond) and any action taken by the School as a result of the complaint (regardless of whether the complaint is upheld). These will be kept for seven years.

The School processes data in accordance with its Data Protection Policy. 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

This may include 'special category personal data' (as further detailed in the School's Data Protection Policy, but 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.

The School will keep records of formal complaints and Complaints Panel hearings, as required by regulation. It will do so in accordance with its Data Protection Policy.

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.

### **Academic Year 2023/2024 (MTS)**

Number of formal complaints (resolved at stage 2 or beyond in the policy): 1

**Academic Year 2023/2024 (MTP)**

Number of formal complaints (resolved at stage 2 or beyond in the policy): 2

Annexes to Merchant Taylors' School Complaints Procedure:

- A. Early Years Complaints
- B. Panel Hearing Additional Information

## **ANNEX A**

Merchant Taylors' School Complaints Procedure

Dated: July 2024

### **COMPLAINTS MADE REGARDING EARLY YEARS PROVISION (EYFS)**

Parents of EYFS children (Nursery and Reception Class) should follow the three stages of this Complaints Procedure. If parents remain dissatisfied and their complaint is about the School's fulfilment of the EYFS requirements, then parents may take their complaint to the ISI or Ofsted. Parents will be notified by ISI or Ofsted of the outcome of the investigation into their complaint within 28 days of the complaint being received.

Merchant Taylors' School will provide Ofsted/ISI, on request, with a written record of all complaints made during any specified period, and the action which was taken as a result of each complaint. The record of any such complaints will be kept in accordance with its Privacy Notice.

Parents may complain directly to Ofsted or to ISI if they believe the School is not meeting the EYFS requirements. Schools must make available details of how to contact Ofsted and/ or the ISI:

- Ofsted can be contacted on 0300 123 1231 or by email: [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk)
- ISI can be contacted on 020 7600 0100 or by email: [concerns@isi.net](mailto:concerns@isi.net)

## **ANNEX B**

Merchant Taylors' School Complaints Procedure

Dated: July 2024

### **ADDITIONAL INFORMATION - STAGE 3 COMPLAINTS PANEL**

Additional guidance for parents on the conduct of the Panel hearing:

1. The Panel will adopt whatever procedure it considers most appropriate bearing in mind all relevant factors including the nature of your complaint. While observing the solemnity appropriate to the nature of the hearing it will endeavour to make it as friendly and informal as practicable.
2. The Panel may decide to conduct the hearing in person or using MS Teams, Zoom or other, similar, electronic means.
3. Parents have the option of being accompanied by a friend or family member who is there to provide support, but not to speak on their behalf. If a companion is to attend the hearing the Panel must be notified of his or her name and relationship with the Parents as soon as possible, and no later than two working days in advance of the hearing. As the intention is to make the hearing as informal as practicable, legal representation will not be permitted at the hearing
4. Pupils attending a Stage 3 Panel Hearing:
  - a. Pupils are not usually present for hearings and appeals of decisions to permanently exclude them.
  - b. It is not standard practice for pupils to attend Stage 3 Panel hearings in relation to a parental complaint that was not resolved at Stage 2, even if the proposal is that they attend as the person accompanying the parents. If the parents insist on their child attending the Panel hearing it is for the Panel to decide whether to agree to this request.
  - c. If the Panel has concerns that, for example, having the pupil present may impact on future relations between the School and pupil, it may wish to explain this to the parents and give them an opportunity to respond to it. Ultimately the Panel is entitled to reach the conclusion that the pupil is not allowed to attend.
  - d. If the reason the parents would like their child to attend the hearing is to give evidence to the Panel, the Panel may consider that this evidence can be given in writing instead, in which case the child would not need to attend the hearing. Alternatively, or in addition, the Panel may agree that the pupil can sit in a waiting area (not in the room where the hearing is being conducted) and be called in to speak to the Panel, if needed. This would be entirely a matter for the Panel and the Panel should decide in advance what measures should be put in place to allow for the pupil's age and maturity.
  - e. For exclusions of more than five days by way of punishment parents have the right to a formal appeal to the Governing Body of the School in accordance with the Serious Incident Disciplinary Policy. This is a separate procedure from the Complaints Procedure outlined in this Policy. An appeal can be made on the grounds that there is new evidence that was not available at the time of the decision or that the punishment is unreasonable. Separate guidance on the attendance of a pupil in those circumstances is contained in that Policy.



5. The Panel will conduct the hearing fairly and carefully. However, as the hearing does not form part of formal legal proceedings, the Panel will not be bound by the strict rules of evidence and will reach its decision on the civil standard of proof namely the balance of probabilities. It will give such weight as it considers appropriate to the evidence in whatever form it is tendered.
6. The Clerk to the Governors will take notes at the hearing. The note-taker's role is not to take a verbatim note but rather an accurate reflection of what was discussed. Minutes of the hearing should then be prepared following the hearing and circulated to all parties including parents.
7. Parents are not entitled to record the hearing or require the school to record the hearing. This is because the minutes prepared by the note taker are the official record of what was discussed.
8. Relevant papers will be submitted to the Panel and circulated to all parties in advance of the hearing. If you have any additional information you would like the Panel to consider, you must provide this to the Clerk to the Governors no later than four working days in advance of the hearing. Any documentation which is submitted late may result in a delay to the start of the Panel hearing or a delay in reaching their decision.
9. The Panel may, for any reason it considers appropriate, adjourn any hearing at any time; but if it does so it shall reconvene as soon as practicable. In exercising its discretion under this paragraph, the Panel will give full consideration to any reasonable request made on behalf of the Parents.
10. If the Panel concludes that the decision of the Head in relation to the complaint at Stage 2 was a reasonable decision to take in the circumstances it will uphold the decision in whole or in part. If the Panel concludes that the decision was unreasonable it will uphold the complaint in whole or in part. The Panel may also decide on appropriate action to resolve the complaint or make recommendations to change or review the School's systems or procedures.
11. The Panel is unable to make a financial award on behalf of the School.