



THE NATIONAL MATHEMATICS AND SCIENCE COLLEGE

Complaints Policy & Procedures

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1 **Aims**

- 1.1 This is the complaints policy of the National Mathematics and Science College (the **College**).
- 1.2 The aims of this policy and related procedures are to provide a framework for the resolution of complaints which:
- allows for their resolution informally and sets out the College's formal procedures where this is not achievable;
 - is easily accessible and publicised, simple to understand and use, and impartial and non-adversarial;
 - enables a full and fair investigation where appropriate;
 - respects people's desire for confidentiality;
 - addresses all the points at issue and provides an effective response and appropriate redress, where necessary;
 - provides information to the College's Senior Leadership Team so that services can be improved; and
 - helps to create a culture of safety, equality and protection.

2 **Scope and application**

- 2.1 This policy applies to the whole College.
- 2.2 The College encourages anyone with any concerns about the College's operation to raise them with the College. They are asked to do so by writing to the Principal or Board of Directors, setting out their concerns and the action sought.
- 2.3 This policy applies only to complaints by parents. The College has a separate Student Concerns and Complaints policy, separate grievance and whistleblowing policies to cover concerns that a member of staff may have and will deal appropriately with any complaint made about its operation.
- 2.4 This policy applies to any matter about which a parent of a student is unhappy and seeks action by the College.
- 2.5 This policy does not apply to exclusions, to which the College's Permanent Exclusion and Removal: Review Procedure applies.
- 2.6 Each stage of the policy only applies to complaints from a parent or parents of current students.
- 2.7 The College will not normally investigate anonymous complaints.
- 2.8 If appropriate, the College may acknowledge that a complaint is upheld, wholly or in part. In addition, it may offer:
- an explanation;
 - an admission that it could have been handled differently or better;
 - an assurance that the College will try to ensure that the event complained of will not happen again and an explanation of the steps taken in this respect;

- an undertaking to review policies and / or procedures;
- an apology.

2.9 Requests for financial awards, such as claims for compensation, damages, scholarships, bursaries or fee refunds, or all other fee related contractual matters are beyond the scope of the College's complaints procedures.

2.10 All parents should be aware that, regardless of the nature of a complaint and whether or not it is upheld, parents are not entitled to details of any related sanctions imposed on staff, students or parents for reasons of data protection and confidentiality.

2.11 There may be occasions when it is necessary or reasonable to deviate from this complaints procedure if this is reasonable and justified. Complainants will be notified of the changes.

3 **Definitions and interpretation**

3.1 Where the following words or phrases are used in this policy:

- References to a **parent**, in relation to a child or young person, includes any person who is not a parent but who has parental responsibility, or who has care of a student.
- References to **working days** mean Monday to Friday, when the College is open during term time. The dates of terms are published on the College's website. In the event that the application of this definition is likely to introduce excessive delays, due to intervening College holidays, the College's approach is to take sensible and reasonable steps where there is any hardship or unfairness arising from such delays.

4 **Timescales**

4.1 The College aims to resolve all complaints efficiently and promptly and parents are encouraged to bring any matter causing concern to the College's attention as soon as possible. A complaint must be raised within three months of the incident, or where a series of associated incidents have occurred, within three months of the last of these incidents. The College may however consider complaints made outside of this time frame if the proprietor accepts that exceptional circumstances apply. A complaint raised outside this timescale should therefore include details of the issues which necessitated the delay.

4.2 Timescales for each stage of the College's complaints procedure are set out below. These will be followed wherever practicable to do so. It is expected that the management of every complaint will progress in a timely manner. Where there are exceptional circumstances resulting in a delay to the timescales for a stage of the complaints procedure (such as other bodies investigating aspects of the complaint), the College will notify the parents and inform them of the new timescales as soon as possible.

4.3 Complaints which are raised in the College holidays will be deemed to have been received on the first working day after receipt.

4.4 If a parent commences legal action against the College in relation to their complaint, the Principal or Board of Directors will consider whether or not to suspend the complaints procedure until those proceedings have been concluded.

5 **Regulatory framework**

5.1 This policy has been prepared to meet the College's responsibilities under:

5.1.1 Education (Independent School Standards) Regulations 2014 (**ISSR**);

- 5.1.2 The National Minimum Standards for Boarding Schools (Department for Education (DfE), April 2015);
- 5.1.3 Education and Skills Act 2008;
- 5.1.4 Children Act 1989;
- 5.1.5 Childcare Act 2006;
- 5.1.6 Data Protection Act 2018 and General Data Protection Regulation (GDPR); and
- 5.1.7 Equality Act 2010.

6 Responsibility statement and allocation of tasks

- 6.1 The Proprietor has overall responsibility for all matters which are the subject of this policy and delegates to the Executive Committee powers to implement this policy.
- 6.2 To ensure the efficient discharge of its responsibilities under this policy, the Proprietor has allocated the following tasks:

Task	Allocated to	When / frequency of review
Keeping the policy up to date and compliant with the law and best practice	Principal	As required, and at least annually
Monitoring the implementation of the policy	Principal	As required, and at least annually
Maintaining up to date records of all information created in relation to the policy and its implementation as required by the GDPR and the ISSR	Principal	As required, and at least annually
Formal review of complaints and implementation of any recommendation to identify trends and recommend further improvement to policies and procedures	Executive Committee acting on behalf of the proprietor	Annually

7 Publication and availability

- 7.1 This policy is published on the College website.
- 7.2 This policy is available in hard copy on request from the College.

7.3 This policy can be made available in large print or other accessible format if required and the College will make other reasonable adjustments required to enable complainants to access and complete this procedure, such as holding meetings in accessible locations.

7.4 Information regarding the number of complaints registered under the formal procedure of this policy during the preceding school year is available, on request from the Principal, to parents of students and parents of prospective students and to the Chief Inspector, the Secretary of State or the Independent Schools Inspectorate.

8 Management of complaints

8.1 The College's policy allows for complaints to be considered at three stages:

Stage 1: Informal raising of a complaint. Further details of this procedure are set out in Appendix 1.

Stage 2: A formal complaint in writing. Further details of this procedure are set out in Appendix 2.

Stage 3: Reference to a complaints panel. Further details of this procedure are set out in Appendix 3.

8.2 Separate procedures apply:

- if the Principal permanently excludes or requires the removal of a student from the College and the parents seek a review of that decision: in such a case this will involve a direct appeal to the Board of Directors who will carry out a review of the decision.
- to complaints by parents which fall outside the scope of this procedure or to complaints by others, to include staff and students.

9 Expected standards of behaviour

9.1 While the College will not normally limit the contact complainants have with the College, it is expected that complaints will be made in good faith and not be vexatious; where this is clearly not the case, the Proprietor shall rule that the complaint is not upheld and may take other action: see Appendix 4.

10 Record keeping and confidentiality

10.1 All records created in accordance with this policy are managed in accordance with the College's policies that apply to the retention and destruction of records.

10.2 The College keeps a written record of all formal complaints, including the following:

- whether they were resolved at Stage 2 or Stage 3;
- the action taken by the College as a result of the complaints regardless of whether they are upheld;
- whether the complaint relates to the College's boarding provision.

10.3 In accordance with data protection principles, details of individual complaints will be kept only for as long as is considered to be reasonably necessary in the circumstances.

10.4 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 2008 Act requests access to them, or under other legal authority or court order.

- 10.5 The records created in accordance with this policy may contain personal data. The College has a number of privacy notices which explain how the College will use personal data about students and parents. The privacy notices are published on the College's website.
- 10.6 Staff will ensure that they follow the College's data protection policies and procedures when handling personal data created in connection with this policy. This includes the College's data protection policy.
- 10.7 A copy of the panel's findings and recommendations and stipulates that a copy of those findings and recommendations is provided to the complainant and, where relevant, the person complained about; and is made available for inspection on the College premises by the proprietor and the principal teacher.

11 Complaints to the Independent Colleges Inspectorate

- 11.1 ISI can be contacted at concerns@isi.net or on 020 7600 0100 where complaints about the College may be made.

12 Training

- 12.1 The College ensures that regular guidance and training is arranged so that staff understand what is expected of them by this policy and have the necessary knowledge and skills to carry out their roles.
- 12.2 The level and frequency of training depends on the role of the individual member of staff.
- 12.3 The College maintains records of all staff training which are made available to the Independent Schools Inspectorate during inspections.

Date Reviewed: January 2021

Date of Next Review: January 2022

Appendix 1 Stage 1 - informal complaint

Informal resolution of a complaint

- 1.1 We hope and expect that most complaints can be resolved informally without the need to use the formal stages of the complaints procedure. For example, dissatisfaction about some aspect of teaching or pastoral care or a billing error should be able to be resolved by the relevant member of staff.

Who to Contact?

- 2.1 Where appropriate, complaints should initially be raised as follows:
- **educational issues:** if the matter relates to the classroom, the curriculum or special educational needs, please speak or write initially to the student's tutor. Your complaint may be passed to a more senior member of staff if appropriate;
 - **pastoral care:** for complaints relating to matters outside the classroom, please speak or write to the Assistant Principal (Pastoral);
 - **disciplinary matters:** a problem over any disciplinary action taken or a sanction imposed should be raised first of all with the member of staff who imposed it, the Principal or Assistant Principal (Pastoral);
 - **remote learning:** a concern relating to remote learning should be raised with the Principal.
- 2.2 An informal complaint will be acknowledged by telephone, email or letter within three working days of receipt, indicating the action that is being taken and the likely timescales. Such action may include an investigation and / or a meeting with the parent.
- 2.3 Wherever appropriate, the College will ask the parent at the earliest stage what they think might resolve the issue.
- 2.4 The parent will usually receive a response to the complaint within 10 working days.
- 2.5 If the parent is dissatisfied with the response to the informal complaint or in the event that the complaint cannot be resolved by informal means, the parent may make a formal complaint under Stage 2 of this procedure as set out in Appendix 2.

Complaints about the Principal

- 3.1 The procedure for dealing with an informal complaint about the Principal of the College is set out below:
- parents may choose to raise complaints directly with the Principal if they feel that the matter is capable of resolution informally. The complaint may be raised orally or in writing;
 - if in writing, the College will not automatically treat the complaint as a formal (Stage 2) complaint, unless the complainant states explicitly that this is how s/he would like the complaint to be handled, and the Principal will endeavour to resolve the complaint informally under Stage 1;
 - the Principal will acknowledge informal complaints within 5 working days and will seek to resolve the matter under this Stage 1 by means of direct conversation or a meeting

either in person or remotely with the parents, to be held within 10 working days of the initial complaint;

- if the parent is dissatisfied with the Principal's response to the informal complaint or in the event that the complaint cannot be resolved by informal means, the parent may make a formal complaint under Stage 2 of this procedure as set out in Appendix 2.

3.2 Alternatively, parents may choose to make their complaint about the Principal to the Proprietor via the Board of Directors. In this case, the complaint will be treated as a formal complaint under Stage 2 of this procedure as set out in Appendix 2, but the complaint will be handled by a member of the Board of Directors acting on behalf of the Proprietor. Should such a complaint progress to Stage 3, then the member of the Board dealing with the matter at Stage 2 shall not be a member of the Panel set up to hear the complaint at Stage 3.

Appendix 2 Stage 2 - formal complaint

How to make a formal complaint

- 1.1 Complaints will usually only progress to Stage 2 after first being considered at the informal stage and only then if the parent indicates in writing that they intend to escalate a matter to the formal stage. For the avoidance of doubt, the fact that a complaint is first sent to the Principal will not necessarily mean that it will be dealt with at Stage 2.
- 1.2 The formal complaint should be in writing addressed to the Principal of the College within 10 working days from receipt of the response to their complaint at Stage 1 and should include:
 - the complainant's name and full contact details;
 - details of the complaint and who it has previously been raised with;
 - a copy of any relevant documents; and
 - the outcome desired.
- 1.3 The complaint will be acknowledged within 5 working days, indicating the action that is being taken and the likely timescales.

Investigation

- 2.1 The subject matter of the complaint will be investigated in the most appropriate manner, which may include some or all of the following steps:
 - delegation of the investigation to a senior member of staff or third party;
 - request for additional information from the parent, including what they think might resolve the issue (if not already requested under Stage 1); and
 - request for a conversation and / or a meeting with the parent personally and / or others with relevant knowledge of the circumstances to define the scope of the complaint and or assist in the investigation.
- 2.2 Written records will be kept of all meetings and interviews held in relation to the complaint. Where the investigation is conducted by someone else, they will prepare a report on the investigation which will usually then be considered by the Principal. Personal data may be redacted and names anonymised or cyphered in line with data protection principles.

Decision

- 3.1 The parent will be notified by email or letter of the Stage 2 decision and the reasons for it, usually within 10 working days from receipt of the formal complaint.
- 3.2 If the parent is dissatisfied with the Stage 2 response to the complaint, the parent can request that the complaint be referred to a complaints panel under Stage 3 using the procedure set out in Appendix 3.

Appendix 3 Stage 3 - complaints panel

Complaints panel hearing

- 1.1 If a parent is dissatisfied with the Stage 2 response to the complaint, they can request a complaints panel hearing.
- 1.2 A complaints panel Hearing (**Hearing**) is a Hearing to review those elements of the decision made at Stage 2 about which the parent remains dissatisfied. The panel will not consider any new complaints at this stage.
- 1.3 The proprietor shall nominate a member of the Board to deal with the complaint and liaise with the complainant.

How to request a Hearing

- 2.1 A request for a Hearing must be put in writing to the Board of Directors and will usually only be considered if the procedure at Stage 2 has been completed.
- 2.2 The written request must be made within 5 working days from receipt of the Stage 2 decision and must include:
 - the complainant's name and full contact details;
 - details of those aspects of the complaint about which they remain dissatisfied;
 - copies of any relevant documents which the parent would like the panel to consider;
 - the outcome desired;
 - whether the parent wishes to attend the Hearing in person or remotely; and,
 - if the parent does wish to attend the Hearing, whether they propose to be accompanied and if so by whom and whether or not the person accompanying them is legally qualified.
- 2.3 If assistance with the request is required, for example because of a disability, please inform the nominated member of the Board who will be happy to make appropriate arrangements.
- 2.4 The nominated member of the Board will acknowledge the request for a Hearing in writing within 5 working days of receipt.
- 2.5 Every effort will be made to enable the Hearing to take place within 15 working days of receipt of the request.

Planning the Hearing

- 3.1 The nominated member of the Board will send written notification to each party of the date, time and place of the Hearing at least ten working days before the date of the Hearing.
- 3.2 Copies of any documents that the parent wishes the complaints panel to consider should be sent to the nominated member of the Board to be received at least seven working days prior to the Hearing
- 3.3 The nominated member of the Board will circulate a copy of the bundle of documents to be considered by the complaints panel to all parties at least five working days prior to the Hearing.

- 3.4 The parent may be accompanied at the Hearing, for example by a relative or friend. The Hearing is an internal proceeding, not a formal legal proceeding, and legal representation is unnecessary. As set out above, the parent is required to notify the nominated member of the Board in his / her initial request for a Hearing, if he / she wishes to be accompanied and, if so, if the person accompanying him / her is legally qualified.
- 3.5 The parent should note that the complaints panel will wish to speak to him / her directly. If the parent is accompanied by a legally qualified person or any other person, that person will not be permitted to act as an advocate or to address the Hearing unless invited to do so by the Chair of the complaints panel.
- 3.6 A person will be appointed to take a minute of the Hearing.

Composition of the complaints panel

- 4.1 The complaints panel will comprise at least three individuals who have no detailed prior knowledge of the circumstances of the complaint, including at least one panel member who is independent of the management and running of the College, such as the head or governor of another College or person in a position of responsibility within the wider community.
- 4.2 The parent may ask the nominated member of the Board to inform them who has been appointed to sit on the complaints panel of the Hearing. Fair consideration will be given to any reasonable objection to a particular member of the panel.
- 4.3 The proprietor will usually appoint one of the panel members to be the Chair of the panel throughout the proceedings.

Role of the complaints panel

- 5.1 The role of the complaints panel is
- to establish the facts surrounding the complaints that remain in issue by considering the documents provided by both parties and any representations made by the parties,
 - to review the process and the decision reached at Stage 2, and
 - to consider on the balance of probabilities, whether or not to uphold a complaint or complaints.

The Hearing

- 6.1 Unless prior to the commencement of the Hearing, a parent confirms that they are satisfied with the outcome of their complaint, the Hearing will proceed notwithstanding that the parent may decide not to attend. In these circumstances, the complaints panel will consider the parent's complaint in his / her absence and issue findings on the substance of the complaint.
- 6.2 The complaints panel will usually hear representations from the Stage 2 decision-maker and the parent(s) with a view to determining whether or not due process was followed and whether the decision(s) made was reasonable.
- 6.3 The Hearing is not a legal proceeding and the complaints panel shall be under no obligation to hear oral evidence from witnesses to the issues complained of but may do so and / or may take written statements into account.
- 6.4 All statements made at the Hearing will be unsworn. The parties will be entitled to write their own notes for reference purposes.

- 6.5 All those present are expected to show courtesy, restraint and good manners. If they fail to do so and after due warning, the Hearing may be adjourned or terminated at the discretion of the Chair. Any person who is dissatisfied with any aspect of the way the Hearing is conducted must say so before the proceedings go any further and his / her comment will be minuted.
- 6.6 The Chair may, at his / her discretion, otherwise adjourn the Hearing if s/he considers it appropriate to do so. This may include an adjournment for welfare reasons, to enable additional information to be obtained and/or considered or for the parties to take legal advice on a specific issue arising.
- 6.7 When the Chair of the complaints panel is satisfied that sufficient consideration has been given to the documentation provided and any representations made by the parties, he / she will conclude the Hearing.
- 6.8 A Hearing before the complaints panel is a private proceeding. No notes or other records or oral statements relating to the complaint or any matter discussed in or arising from the proceeding shall be published or otherwise made available directly or indirectly to the press or other media.

Decision

- 7.1 The complaints panel will make findings about each complaint on the balance of probabilities and may make recommendations.
- 7.2 It is not within the powers of the complaints panel to make any financial award, nor to impose sanctions on staff, students or parents, although the complaints panel may make recommendations about how these issues might be dealt with.
- 7.3 The minutes of the complaints panel hearing, together with the complaints panel's findings and any recommendations will usually be provided in writing to the parents and, where relevant, the person complained about, within ten working days of the Hearing.

Next steps

- 8.1 The decision of the panel is final. There will be no further opportunity within the College for consideration of the complaint. The completion of Stage 3 represents the conclusion of the College's complaints procedure.
- 8.2 The College will however ensure that the panel decision is recorded appropriately and that any recommendations made in the course of a complaint are properly considered and actioned as appropriate.
- 8.3 The complaints panel's findings and any recommendations including any actions taken to implement them will also be available for inspection on the College premises by the Proprietor and the Principal.

Appendix 4 Unreasonable complaints

■ We are committed to dealing with all complaints made in good faith fairly and impartially, and to providing a high-quality service to those who complain. We will not normally limit the contact complainants have with us. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

■ Unreasonable complaints are taken seriously by the College as they put a strain on valuable resources and hinder the progress of proper investigations.

■ We adopt the Department for Education's definition of unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the College, such as if the complainant:

- 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;
- 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 and timeline 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 complaints procedure has been fully and properly implemented and completed;
- seeks an unrealistic outcome;
- makes excessive or repeated 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;
- uses threats to intimidate;
- uses abusive, offensive or discriminatory language or violence;
- knowingly provides falsified information;
- publishes unacceptable information on social media or other public forums.

■ A complaint may also be considered unreasonable if it is manifestly unjustified, inappropriate, or an improper use of formal procedure.

█ In assessing this, the College shall have regard to all the circumstances of the case and the nature of the complaint itself rather than the nature of the complainant. In assessing all of the circumstances of the case the College will consider a range of factors including:

- whether a complaint has reasonable foundation;
- the history and context of the complaint (and any evidence where relevant);
- whether the time and cost of investigating the complaint is proportionate to the issue(s) complained of;
- whether an investigation of the complaint is likely to cause a disproportionate or unjustified level of disruption, irritation or distress;
- unexplained delay in raising a complaint or issue;
- if the purpose of the complaint is to obtain an outcome which is unavailable via the complaints procedure, such as a claim for compensation, damages or a refund of fees paid;
- any evidence of a complaint being brought for an improper purpose.

█ Whenever possible, the Principal and / or Board of Directors will discuss any concerns with the complainant informally before dismissing a complaint as unreasonable.

█ If the behaviour continues, the College will write to the complainant explaining that their behaviour is unreasonable and ask them to change it.

█ For complainants who excessively contact the College causing a significant level of disruption, the College may specify methods of communication and limit number of contacts in a communication plan.

█ In response to any serious incident of aggression or violence, the College will immediately inform the police and communicate its actions in writing. This may include barring an individual from the College.

█ It is open to a complainant to request that a complaints panel be convened to determine the single issue of whether the College's dismissal of the complainant's original complaint(s) was justified.