

# Complaints Procedure

2021-2022

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Reviewed by SMT: 9<sup>th</sup> September 2021

Approved by MPW board: 21<sup>st</sup> September 2021

Next review: August 2022

## **Introduction**

The aim of this procedure is to ensure that a complaint is managed sympathetically, efficiently and at the appropriate level, and resolved as soon as possible. We will try to resolve every complaint in a positive way. Where the college is at fault, we will aim to put things right and, where necessary, review our systems and procedures in the light of the circumstances.

This policy has been approved by the Board of MPW and is available to parents on the website or on request from the Principal, Mark Shingleton (mark.shingleton@mpw.ac.uk). It can be made available in large print or another more accessible format if required. If assistance is needed with making a complaint, for example because of a disability, a parent should contact the Principal, who will be happy to make appropriate arrangements.

For the purposes of this policy, a 'parent' shall include a guardian or any other person with parental responsibility for a child at the school. This policy applies to complaints from parents of current students and to parents of former students if the complaint was initially raised whilst the student was on the college roll.

Separate procedures apply if the Principal expels or asks a student to leave and the parents seek a Governors' Review of that decision (a copy of the college's Expulsion, Removal and Review policy is available on request).

It is expected that the management of every complaint will progress in a timely manner. 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.

Timescales for each stage are set out below in the relevant paragraphs. When we refer to working days, we mean Monday to Friday when the college is open during term time. The dates of the terms are published on the college's website. Complaints received during holiday periods will be dealt with as soon as is practicable but are likely to take longer to resolve due to the unavailability of relevant staff. Under such circumstances the complainant will be notified of any extension to the time scales and the reason(s) why an extension is necessary when the complaint is acknowledged.

If parents have a complaint, they can expect it to be treated by the college in accordance with the three-stage procedure outlined below.

### **Stage 1: Informal Resolution**

- It is hoped that all complaints will be resolved quickly and informally.
- If parents have a complaint, they should contact their son/daughter's Personal Tutor. In many cases, the matter will be resolved straightaway by this means to the parents' satisfaction. If the Personal Tutor cannot resolve the matter alone, it may be necessary for them to consult with a Vice Principal.
- Complaints made directly to a member of staff other than the student's Personal Tutor will usually be referred to the Personal Tutor unless a Vice Principal or the Principal deems it appropriate for them to deal with the matter personally.
- Personal Tutors will make a written record of all complaints and concerns, the date on which they were received and any action taken by the college as a result. These records are monitored by the Principal.
- A complaint which has not been resolved by informal means to the parents' satisfaction within 10 working days should be notified to the college in writing as a formal complaint which will be dealt with in accordance with Stage 2 below.

### **Stage 2: Formal Resolution**

If the complaint cannot be resolved on an informal basis, then the parents should put their complaint in writing to the Principal, stating that they wish to invoke the formal complaints procedure.

- The Principal will acknowledge in writing receipt of the complaint within five working days. In most cases, the Principal will meet or speak to the parents concerned to discuss the matter. If possible, a resolution will be reached at this stage.
- It may be necessary for the Principal or a senior member of staff to carry out further investigations and to request further information from any party. Where this investigation is delegated, the investigator will prepare a report on the investigation which will be considered by the Principal before reaching a final decision.
- Written records of all meetings and interviews held in relation to the complaint will be kept.
- Once the Principal is satisfied that, so far as is practicable, all of the relevant facts have been established, a decision will be made and parents will be informed of this decision in writing within 15 working days of the complaint being acknowledged. The Principal will give reasons for the decision reached. Where appropriate, the Principal will include details of the action the college will take to resolve the complaint.
- Where there are exceptional circumstances resulting in a delay, the parents will be notified of this and informed of the new timescales as soon as possible.
- If parents are still not satisfied with the decision, they should proceed to Stage 3 of this procedure.

### **Alternative procedure for handling complaints about the Principal**

The procedure for dealing with a complaint about the Principal of the college is set out below:

- The complaint should be put in writing to the Chairman of the Board of Governors, Steve Boyes, at the MPW London address (90-92 Queen's Gate, London, SW7 5AB).
- The Chairman of the Board will acknowledge in writing receipt of the complaint within five working days, indicating what action is being taken and the likely timescale. Such action may include an investigation and/or a meeting with the parents. The parents will receive a response to the complaint within 15 working days of the complaint being acknowledged.
- If the parents are dissatisfied with the response to the complaint, they can request that the complaint be referred to a Complaints Panel under Stage 3 of this procedure.

### **Stage 3: Panel Hearing**

- A Panel Hearing is a review of decisions taken by the Principal. If the parents are not satisfied with the Principal's response to their formal complaint, they should request a hearing before the Complaints Panel.
- If parents seek to invoke Stage 3 (following a failure to reach an earlier resolution), they must write to the Chairman of the Board requesting a hearing before the Complaints Panel. It is expected that the complaint will progress in a timely manner and parents should make the request within 10 working days of the decision complained about. The Panel will not review any new complaints at this stage or consider evidence unrelated to the initial complaint, but will hold a full-merits hearing of the complaint, not merely a check that the correct process was followed.
- Parents must state in their letter the outcome desired and all the grounds of the complaint. They should also send a list of all the documents that they believe to be in the college's possession that they consider relevant in the matter and that they wish the Panel to see.
- Once requested, a Panel Hearing will take place unless the parents later indicate that they are now satisfied and do not wish to proceed further. The Panel Hearing will, therefore, proceed notwithstanding that the parents may subsequently decide not to attend. If necessary, the panel will consider the parents' complaint in their absence and issue findings on the substance of the complaint thereby bringing the matter to a conclusion. The requirement for the Panel Hearing to proceed will not prevent the college from accommodating parental availability or considering comments concerning the panel's composition.

- The Chairman of the Board will acknowledge the request within five working days of receiving it and schedule a hearing before the Panel to take place as soon as practicable and within 20 working days thereafter.
- The Panel will consist of at least three persons, comprising members of the Board of MPW who have no detailed prior knowledge of the circumstances of the complaint and at least one member who is independent of the governance, management and running of MPW. The role of the Panel is to establish the facts surrounding the complaints that have been made by considering:
  - the documents provided by both parties; and
  - any representations made by the parents and the Principal

and to reach a decision on the balance of probabilities as to whether each complaint is upheld in whole or in part. It is not within the powers of the Panel to make any financial award, nor to impose sanctions on staff, pupils or parents.

- The hearing will be chaired by one member of the Panel (chosen by themselves) and will be conducted in an informal manner.
- If the Panel deems it necessary, it may require that further particulars of the complaint or any related matter be supplied to all parties not later than five working days prior to the hearing. The Panel Chair will circulate a copy of the bundle of documents to be considered by the Panel to all parties at least three working days prior to the hearing.
- The parents may be accompanied to the hearing by one other person. This may be a relative or friend. The hearing is not a legal proceeding and so legal representation is not normally appropriate. If the parents do wish to be accompanied by a legally qualified person, the college must be notified of this at least seven working days before the hearing and they should note that the Panel will wish to speak to them directly and this person will not be permitted to act as an advocate or to address the hearing unless invited to do so by the Panel Chair.
- All statements made at the hearing will be unsworn. All present will be entitled, should they so wish, to write their own notes for reference purposes. The Panel Chair may direct that the hearing is recorded to assist accurate recollection for the purposes of the decision. The Panel will be under no obligation to retain recordings thereafter. A handwritten minute of the hearing will be taken in any event.
- The Panel Chair will conduct the hearing in such a way as to ensure that the parties have the opportunity of asking questions and making comments in an appropriate manner. The Panel shall be under no obligation to hear oral evidence from witnesses but may do so and/or may take written statements into account.
- All those attending the hearing will be expected to show courtesy, restraint and good manners or, after due warning, the hearing may be adjourned or terminated at the discretion of the Panel Chair. If terminated, the original decision will stand. Any person who is dissatisfied with any aspect of the way in which the hearing is conducted must say so before the proceedings go any further and his/her comments will be minuted.
- If further investigation is required, the Panel will decide how it should be carried out. When the Panel Chair considers that all issues have been sufficiently discussed, he/she will conclude the hearing.
- After due consideration of the matters discussed at the hearing, the Panel will reach a decision and may make recommendations. The Panel's decision, findings and any recommendations shall be confirmed in writing to the complainant and, where relevant, the person complained about within seven working days of the hearing. The decisions, findings and any recommendations will also be made available for inspection on the college premises by the Governing Body and the Principal.
- The completion of Stage 3 represents the conclusion of the college's complaints procedure.

## **Persistent correspondence**

The college will do its best to be helpful to parents who wish to raise a complaint. However, there may be occasions when, despite all three stages of the complaints procedure having been followed, a parent remains dissatisfied. If a parent attempts to re-open the same issue, the college will inform them that the procedure has been completed and that the matter is now closed. If the parent contacts the college again about the same issue, the correspondence may then be viewed as 'serial and/or vexatious' and the college may choose not to respond.

The application of a 'serial and/or vexatious' designation for a complaint will be against the subject of the complaint itself rather than the complainant themselves.

## **Record keeping**

A written record will be kept by the Principal of all formal complaints, including any action(s) taken by the college as a result of the complaints (regardless of whether they are upheld) and of whether they are resolved at Stage 2 or progressed to a panel hearing. At the college's discretion additional records may be kept.

Parents can be assured that all concerns and complaints will be treated seriously. Correspondence, statements and records will be kept confidential except as required by the college by paragraph 33 (k) of Schedule 1 to the Education (Independent Schools Standards) Regulations 2014; namely, where the Secretary of State or a body conducting an inspection under section 108 or 109 of the Education and Skills Act 2008 requests access to them, or where any other legal obligations prevail. Records of individual complaints will be retained for at least seven years unless they relate to allegations of abuse in which case they will be preserved for the term of the Independent Inquiry into Child Sexual Abuse and at least until the accused has reached normal pension age or for 10 years from the date of the allegation if this is longer.

During 2020/2021 academic year, the college received one formal complaint, which did not progress to a Panel Hearing.

## **Monitoring and review of complaints policy and procedures**

The Board of MPW will monitor the number and type of complaints received and the operation of the procedures set out in this policy. They will also review the policy at least annually to ensure it meets statutory requirements and continues to reflect best practice.