

## Complaints

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| Reviewer    | Dr Gareth Hughes<br><i>Deputy Headmaster</i> |
| Review date | 23/10/18                                     |
| Next review | 31/10/19                                     |

**Relevant SoJ Education documentation:** [Guidelines for Dealing with Complaints and Concerns](#)

### Introduction

Victoria College prides itself on the quality of the education and pastoral care provided to its pupils. However, there may be times when individuals are not satisfied with an element of our provision. We seek at all times to work with our parents, pupils and the wider community to resolve any such incidence. If any such dissatisfaction is communicated to the College, it will be treated in accordance with the procedures in this document.

### Who can make a complaint?

Any person, including members of the general public, may make a complaint about any provision of facilities or services that the College provides, unless separate procedures apply (such as exclusions, staff grievances or disciplinary procedures, or admissions).

### The difference between a concern and a complaint

*A 'concern' may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'.*

*A 'complaint' may be generally defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.*

It is in everyone's interest that any dissatisfaction with our provision is resolved at the earliest possible stage. We take informal concerns seriously and make every effort to resolve the matter using appropriate strategies and relevant staff members. Many such concerns are therefore often resolved informally, without the need to invoke formal procedures. There are occasions when individuals would like to raise a complaint more formally. In those cases, the school's formal procedure will be invoked through the stages outlined below.

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### **Stage 1 – Informal Resolution**

If parents have a **concern** they should, in the first instance, contact their son's Tutor or Housemaster. In many cases the matter will be resolved quickly and informally. If the concern cannot be resolved by these staff alone it may be necessary to refer the matter to Senior Teachers, Assistant Heads, Deputy Headmaster or Headmaster.

Concerns made directly or indirectly to the Headmaster may be referred to the Deputy Headmaster or Assistant Heads unless the Headmaster deems it appropriate to deal with the matter personally

All notable concerns will be recorded and the date on which they were received. If the matter not be resolved within 14 school days or in the event that the teacher and the parents fail to reach satisfactory resolution then parents will be advised to proceed with a **complaint** in accordance with stage 2 of this Procedure.

### **Stage 2 – Formal Resolution**

- If the complaint cannot be resolved on an informal basis, then the parents must put their complaint in writing to the Headmaster. The Headmaster will decide, after considering the complaint, the appropriate course of action to take. The complaint should be acknowledged within 1 school day.
- In most cases, the Headmaster will speak to the parents concerned, normally the day of receiving the complaint, to discuss the matter. If possible, a resolution will be reached at this stage.
- It may be necessary for the Headmaster to carry out further investigations.
- The Head Teacher will keep written records of all meetings and interviews held in relation to the complaint.
- Once the Headmaster is satisfied that, so far as practicable, all of the relevant facts have been established, a decision will be made and parents will be informed of this decision in writing. If additional time is required to formulate a response this will be explained to the complainant. The Headmaster will also give reasons for his decision.
- The investigation should be carried out and the outcome communicated to the complainant within 20 school days of receipt of the complaint in writing. Where appropriate the response will include what action the school will take to resolve it.
- For the avoidance of any doubt, the Headmaster may delegate the task of collating the information to another member of staff but not the decision on the action to be taken.
- If parents are still not satisfied with the decision, they should proceed to Stage 3 of this Procedure.

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### Stage 3 – Panel Hearing

- Complaints rarely reach this formal level but should you need to, you should make a formal complaint to the Chair of Governors within 10 school days of the Stage 2 decision.
- If an individual seeks to invoke Stage 3 (following a failure to reach an earlier resolution), the Chair of the Board of Governors will instigate the process to set up a Complaints Panel (see below how the Complaints Panel is to be formed).
- The matter will then be referred to the Complaints Panel for consideration. The panel will consist of at least three persons not directly involved in the matters detailed in the complaint, one of whom shall be independent of the management and running of the school. Each of the Panel members shall be appointed by the Board of Governors. The Chair, on behalf of the Panel, will then acknowledge the complaint and schedule a hearing to take place as soon as practicable and normally within 10 days.
- 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. Copies of such particulars shall be supplied to all parties not later than 5 days prior to the hearing.
- The parents may be accompanied to the hearing by one other person. This may be a relative, teacher or friend. Legal representation will not normally be appropriate.
- If possible, the Panel will resolve the parents' complaint immediately without the need for further investigation. The Complaints Panel will meet in private to consider when making its decision.
- Where further investigation is required, the Panel will decide how it will be carried out. After due consideration of all facts they consider relevant, the Panel will reach a decision and may make recommendations, which it will complete within 5 days of the Hearing. The Panel will write to the parents informing them of its decision and the reasons for it. The decision of the Panel will be final. The Panel's findings and, if any, recommendations will be sent in writing to the parents, the Head, the Governors and, where relevant, the person complained of.

### The governing body will form a Complaints Panel as described below:

- Individuals who wish to pursue a complaint regarding a school issue can refer the complaint to a review committee of governors, known as a complaints panel. This should be formed from at least three people who have had no prior involvement with the complaint.
- A majority of the committee must be governors, at least one member must be a parent of a pupil at the school, and in addition a person must be selected from a panel of non-governors of the school.
- The Headmaster should not be a member of the panel.
- Governors should be mindful of equality issues when looking at the composition of a complaints panel.

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- If a Governor Complaints Panel cannot be formed (i.e. due to conflicts of interest), Victoria College may opt to approach a different school in Jersey or the Education Department to sit on the Panel ensuring independence of the Panel formed.

Parents can be assured that all concerns and complaints will be treated seriously and confidentially. Correspondence, statements and records will be kept confidential except where any other legal obligation prevails or it is appropriate to disclose such information.

Unless an objection is made, complainants should be aware that the Headmaster may deem it necessary to inform the school's Senior Management Team and the Chair of Governors of the complaint and in particular so that services can be improved. Complaints will not be shared with the whole governing body, except in very general terms, in case an appeal panel needs to be organised.

The complaints procedure in the event that the Headmaster or member of the governing body is the subject of the complaint

- Complaints against the Headmaster are usually first dealt with by the Chair of Governors and if a conflict arises may be referred to by the Chair of Governors to the Director of the Education Department at the States of Jersey.
- Complaints against the Chair of Governors or any individual governor should be made by writing to the Director of the Education Department at the States of Jersey.

### **Recording Concerns and Complaints**

- A concern may be made in person, by telephone, or in writing. A formal complaint must be made in writing to the Headmaster;
- In order to prevent any later challenge or disagreement over what was said, all parties involved are encouraged to keep brief notes of meetings and telephone calls and a copy of any written response added to the record. Where there are communication difficulties, a recording device may be opted for (with the consent of all involved) to ensure the complainant is able to access and review the discussions at a later point;
- Victoria College will record the progress of the complaint and the final outcome. The Headmaster or the complaints co-ordinator will be responsible for these records and hold them centrally.

Complainants have a right to copies of these records under the Freedom of Information (Jersey) Law and the Data Protection (Jersey) Law.

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## Unreasonable Complainants

Victoria College is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school. 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.

Victoria College defines unreasonable complainants as 'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'.

### **A complaint may be regarded as unreasonable when the person making the complaint:-**

- 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 while still wishing their complaint to be resolved;
- 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 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 school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;
- makes excessive demands on school 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.

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**A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:-**

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- Publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the Headmaster or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Headmaster will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact Victoria College causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from Victoria College premises and grounds.

If any parent has a concern regarding the application of serious sanctions such as internal or external temporary exclusions or permanent exclusions they can refer to the "[Positive Behaviour, Exclusions & the Use of Part-time Timetables – The Governing Body's Role](#)" Details of this policy can be made available on request from the College Office.

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