



Complaints Policy and Resolution Procedures

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1. Introduction

Hamilton College prides itself on the close and supportive relationships that it builds between staff, learners, former learners, parents, and the local community. These relationships enable the School to resolve most concerns that arise in an informal way, at a point as close as possible to the point of service delivery. However, occasions arise where these concerns are not able to be resolved, and sometimes there are issues which are considered to be more than 'concerns'. In these circumstances there is a need to have a procedure under which complaints can be raised and resolved whilst being handled with care, sensitivity and without delay.

Complaints provide the School with valuable information that can be used to improve services, facilities and procedures. They provide first-hand accounts of views and experience of those using or affected by those services, facilities and procedures and can highlight issues which may otherwise be missed. Handled well, complaints can give redress when things go wrong, and can also help the School to continuously improve its services.

The School is committed to ensuring that our Complaints Policy and Resolution Procedure does not discriminate against any complainer with a protected characteristic, as defined by the Equality Act 2010 and that all people involved in the handling of a complaint will be treated fairly and equally regardless of race, gender, sex, disability, age, sexual orientation, religion or belief, gender reassignment, marital or civil partnership status, pregnancy, maternity or paternity.

This Complaints Policy and Resolution Procedures explain how to raise a complaint and the process that will be followed to resolve the complaint.

The Complaints Policy and Resolution Procedures are coordinated by a appointed member of staff who acts as the Complaints Reviewer.

This procedure has been approved by the School's Board of Governors.

2. What is a complaint?

For the purposes of this procedure, a complaint is defined as: 'an expression of dissatisfaction by one or more persons about the School's action or lack of action, or about the standard of service provided by the School or on its behalf.'

A complaint may relate to, for example:

- when an individual has previously raised a concern and does not feel it is resolved
- treatment by, attitude of, or inappropriate behaviour by a staff member, learner, contractor, or person(s) acting on behalf of the School
- the failure of the School to follow an appropriate administrative process
- the quality of facilities, services or resources
- if an individual feels that the School has done something wrong
- if an individual feels that the School has failed to do something it should have
- if an individual feels that the School has acted unfairly
- if an individual feels that the School has been impolite
- if an individual feels that the School has not given due consideration to a matter

3. What is not a complaint? (under this procedure)

- a) Subject Access Requests
- b) A grievance by a member of staff, which is eligible for handling through the Grievance Procedure
- c) An issue relating to a financial assistance Bursary decision

- d) An appeal about an academic decision relating to Admissions. Please refer to the Admissions Policy.
- e) An issue which is being, or has been, considered by a tribunal or court
- f) An attempt to have a complaint reconsidered where the School's procedure has been completed and a decision has been issued
- g) A concern which relates to Charity Law. These should be referred to the Office of the Scottish Charity Regulator (OSCR).

4. Who can make a complaint?

Parents, carers, guardians, members of the public or other organisations ('the complainer') can use this procedure to raise a complaint.

Sometimes individuals may be unable or reluctant to make a complaint on their own. Complaints will be accepted if brought by third parties, provided the individual affected has given their personal consent under the requirements of the Data Protection Act (1998) as updated by the General Data Protection Regulation. This means that the individual affected must give clear written authority for the third party to act on their behalf.

5. Learners making a complaint

Should a learner have a complaint about any aspect of their life at School, these should be raised with any adult at Hamilton College.

In the first instance, learners should raise their complaint with their Class Teacher in Junior School or Form Tutor in Senior School; a teacher who they feel comfortable approaching; a member of the Guidance Staff or a member of the Senior Leadership Team.

Complaints will be dealt with as quickly as possible, however, more complex complaints may take longer to resolve. It is important for all learners to raise their complaints at an early stage to alleviate any worries or concerns the nature of the complaint has caused them. All learners must be reassured they will not be discriminated against because of raising a complaint.

Should a learner feel that their complaint has not been addressed, they should contact the Headteacher or the Chair of the Board of Governors (Chairman@hamiltoncollege.co.uk).

6. Anonymous complaints

Complaints submitted anonymously will be considered, if there is enough information in the complaint to enable the School to make further enquiries. If there is insufficient information to enable the School to respond to an anonymous complaint it may decide not to pursue it further. However, the School will give consideration to the issue raised, and record the complaint, so that corrective action can be taken if appropriate.

If a person does not wish to make a formal complaint, but the School is made aware of it, it will be recorded in the Complaint Register.

Any decision not to pursue an anonymous complaint will be authorised by the Headteacher and one other member of the Senior Leadership Team.

An anonymous complaint containing serious allegations will be referred to the Headteacher, without delay.

7. How to make a complaint

Complaints can be made in person by sending an email to Headteacher@hamiltoncollege.co.uk, by phone to 01698 282700 or by letter addressed to the Headteacher at the School. When a complaint is received it will be recorded in the School's Complaint Register and acknowledged by the Headteacher within three working days.

Any member of staff who receives a complaint should take a note of the details and advise the Headteacher or Business Manager.

8. Time Limit

A complaint should be raised as soon as problems arise to enable prompt investigation and swift resolution. This procedure sets a time limit of six months to raise a complaint, starting from when the complainer first became aware of the problem, unless there are special circumstances for requesting consideration of a complaint beyond this time.

9. Contractors/Lettings

If the complaint is about the service of another organisation, and the School has no involvement in the issue, the School will advise the complainer to contact the appropriate organisation directly. The complaint will be logged on the Complaint Register.

Where a complaint relates to services provided on the School's behalf e.g. by a contractor, the complaint will be dealt with under this procedure. Such complaints may include, for example:

- a) a complaint made in relation to provision of third-party services
- b) a complaint made about a service that is contracted out, such as cleaning services.

10. Investigating complaints

Conducting an investigation allows for evidence-based decisions to be made and solutions to be found, where appropriate.

The individual with responsibility for determining the nature and investigating/hearing the complaint will ensure that they:

- a) make contact with the complainer to establish the nature of complaint identifying what has happened so far, and who has been involved
- b) clarify the nature of the complaint and what remains unresolved
- c) establish what the complainer feels would put things right
- d) interview those who are the subject of the complaint and anyone else involved in the matter, allowing them to be accompanied should they so wish
- e) conduct the interview with a fair and open mind and be prepared to persist towards a meaningful conclusion
- f) keep contemporaneous and signed notes of the interview
- g) write a comprehensive report of findings (facts), including any recommendations, the decision and the rationale for the decision
- h) write a letter responding to the complainer, explaining the outcome of the investigation.

It may be necessary to appoint an independent person to investigate a complaint, which will be at the discretion of the Headteacher.

11. Resolving Complaints

Most often a member of the administration staff will be the first person to receive the complaint. This first point of contact is crucial in resolving the complaint appropriately. In the first instance the complainant should feel confident that they are being taken seriously and that the complaint will be investigated.

The person at this first point of contact should take a note of the complaint taking contact details and reassuring the complainant that his/her concern/complaint will be passed on to the Headteacher or Business Manager.

Any concern or complaint will be:

- recorded
- taken seriously, and information given about how it will be handled received in an open and positive manner
- acknowledged as soon as possible, certainly within 48 hours even if the resolution may take longer
- dealt with in a confidential manner with information restricted to those directly involved
- followed up by action that is fair and appropriate

A complaint may be resolved by explaining to the complainant another of the School's existing policies, such as bullying or child protection.

Complaints should be referred to the appropriate level so that there is a clear progression in the event of dissatisfaction at the original handling of the complaint. If the original concern/complaint is handled appropriately at the first level then often it will be quickly and easily resolved and there will be no need for further investigation.

In Nursery and Junior School the order should be:

- ☐ Class teacher/Aftercare Manager/Nursery Manager
- ☐ Head of Junior School and Nursery
- ☐ Headteacher
- ☐ Chair of the Board

In Senior School the order should be:

- ☐ Class teacher
- ☐ Head of Department/Pastoral Team/Deputy Head of Pastoral or Director of Education ☐ Headteacher
- ☐ Chair of the Board

It is important that the focus of this procedure remains in finding a solution to the complaint and there are many ways in which a complaint can be resolved. Following investigation, it may be found that there is some basis for the complaint but in addition, one or more of the following examples may be offered as a resolution:

- a) an apology
- b) an explanation
- c) an admission that the situation could have been handled differently or better
- d) an assurance that actions will be taken to attempt to prevent recurrence
- e) an explanation of the steps that have already been taken, or will be taken, to ensure that if substantiated, it will not happen again
- f) an undertaking to review the relevant School policies or procedures where necessary, in light of the complaint.

12. Process

This procedure seeks to handle complaints in a thorough, impartial and fair way. It has four stages as described below.

Junior School Complaints Process



Senior School Complaints Process



If the complaint is about the actions of the Headteacher, the complaint will be referred to the Chair of the Board of Governors who will arrange for two Governors to process. Under these circumstances an appeal by either the complainer or the Headteacher will be referred to the Chair of the Board.

If the complaint is about the actions of a member of the Senior Leadership Team, the complaint will immediately be referred to the Headteacher. The stages of the procedure will be adjusted to a two stage process; Investigation and Appeal.

The Chair of the Board will appoint one or more members of Governors to investigate the complaint and prepare a report for the Chair of the Board who will then determine the issue.

Stage 1 Investigation

Typically, by an appropriate member of staff.

Within three term-time working days the complaint will be acknowledged by the Complaint Reviewer/Headteacher who will allocate the complaint to an appropriate member of staff for investigation. The investigation may involve

meeting with the complainer to fully determine the nature of the complaint, the gathering of information/ data/witness statements as deemed necessary, including what the desired outcome would be.

Complainers will receive a response within ten term-time working days of the acknowledgement.

Details of how to request escalation of a complaint to Stage 2 will be included in the response letter. Such a request must be made within one calendar month of receipt of the Stage 1 response.

Stage 2 Further Investigation

Typically, by a member of stage 2 personnel.

If a complainer considers that the response received at Stage 1 of the Complaints Policy and Resolution Procedures is not satisfactory, a request can be made to the Complaint Reviewer to escalate the complaint to Stage 2.

This request will be acknowledged, within three term-time days, and referred to a member of the Stage 2 personnel who will be provided with all relevant documentation, including the Stage 1 report. It may be necessary to call the complainer or witness to a meeting, or to gather more data to inform the case.

A report will be prepared that outlines the approach to the Stage 2 review, the decision reached and the rationale. The outcome will be provided to the complainer, in writing, within 10 term-time working days from the acknowledgement. Details of how to escalate to Stage 3 will be included in the response letter. A request must be made within one calendar month of receipt of the Stage 2 response.

In some circumstances, a complaint may be considered sufficiently serious for an investigation to start at Stage 2, without going through Stage 1.

Stage 3 Review

Typically, to Headteacher.

If the Stage 2 resolution is not deemed satisfactory by the complainer, then a request for escalation to Stage 3 should be made to the Complaint Reviewer, who will acknowledge the request, within three term-time days, and will refer the complaint to the Headteacher (Stage 3 personnel).

The Complaint Reviewer will provide the Headteacher with details of all information relating to previous stages of the complaint. If the investigator considers that a meeting is required this will be carried out within 10 term-time days of acknowledgement of the request.

A response to a Stage 3 complaint will be provided within 15 term-time working days of acknowledgement of the request. Details of how to appeal will be included in the response letter. A request to appeal the response must be made within one calendar month of receipt of the Stage 3 response.

Stage 4 Appeal

Investigated by a member of the Board of Governors.

A complainer who remains dissatisfied with the resolution, following Stage 3, may request an appeal. An appeal request must be made in writing to the Complaint Reviewer, within one calendar month of receipt of the outcome letter and must provide full details of the grounds of the appeal. The Complaint Reviewer will acknowledge receipt of the request and refer the case to the Chair of the Of Governors who will appoint one or more members of the Governing Board to consider the case and, if deemed appropriate, make arrangements for an Appeal Hearing. An outline of how an Appeal Hearing will be conducted is described at Annex A.

The outcome of the Appeal will be communicated to the complainer in writing within 25 term-time days of the acknowledgement and the outcome of the Appeal stage is final.

Withdrawn Complaints

Should a complaint be withdrawn, the matter will be considered closed. However, it may be that the School chooses to consider the circumstances of the complaint, even though it has been withdrawn. At no time will the School try to influence a complainer to withdraw a complaint.

Extension to timescale

Not all investigations will be able to meet the stated deadlines, due to complexity, School holiday periods, availability of personnel etc. Where there are clear, justifiable reasons for extending the timescales, the Headteacher will exercise judgement and will set new time limits and the complainer will be notified of the extension and the reasons. This extension will be recorded in the Complaint Record.

A request from a complainer to extend or delay the investigation timeline (for instance, in order for a complainer to submit additional evidence to their initial submission) will be considered on a case-by-case basis.

13. Mediation

Some complex complaints (where, for example, the complainer and/or other involved parties have become entrenched in their position) may benefit from a different approach to resolving the complaint. Using mediation can help both parties to understand what is driving the complaint and may be more likely to result in a mutually satisfactory conclusion being reached. Where the School and the complainer agree to mediation, revised timescales and the terms of the agreement, including confidentiality, will be agreed in advance.

14. Confidentiality and Data Protection

In handling complaints, the School will have regard to legislative requirements under General Data Protection Regulation.

Complaints will be handled with an appropriate level of confidentiality and information released only to those who need it for the purposes of investigating or responding to the complaint. However, complainers should be aware that where a complaint has been raised against a particular individual or individuals it may be necessary to provide those concerned with details about the nature of the complaint to allow them the opportunity to respond to the allegations. In some cases, the identity of the complainer may be apparent even though the name of the complainer is not revealed.

Where a complaint has been raised against a pupil or member of staff and has been upheld, the complainer will be advised of this. However, it would not be appropriate to share specific details affecting the individuals involved, particularly where disciplinary action is taken.

In serious instances the Headteacher and the Chair of the Board will be informed.

On some occasions it may be necessary to make third parties outside the School aware of the complaint. This would happen, for example, if a child's safety was at risk or it became necessary to refer matters to the Police. Hamilton College's staff are trained in dealing with issues of Child Protection and the Head of Junior School and Nursery and Deputy Head of Pastoral are trained at the highest level of Child Protection. This is in line with the Scottish Council of Independent Schools Child Protection Guidelines and the 'Getting it Right for Every Child' legislation (GIRFEC).

15. Basic principles, behaviour and expectations

Complainers are subject to the same expectations regarding their behaviour as all others who interact with the School, its staff and its learners. The School has a duty to protect staff from unacceptable behaviour and measures will be taken to protect staff as necessary.

Aggressive or abusive behaviour towards staff will not be tolerated. In addition to any physical threats, the definition of unacceptable behaviour includes derogatory remarks or rudeness and any written or verbal approach that may cause staff to feel afraid, threatened or abused. Inflammatory remarks and unsubstantiated allegations are also considered unacceptable behaviour.

In cases where behaviour is considered unacceptable the complainer will be advised by the Headteacher that their language/behaviour is considered unacceptable. They will be asked to moderate their behaviour, and they will be warned that if the unacceptable action or behaviour continues, the School will cease to communicate with the complainer.

In all cases, if physical violence is threatened or used, the School will report this to the Police.

16. Protection of staff, time and resources

If a complainer indulges in unacceptable behaviour and/or unreasonably persistent and/or vexatious complaints, the Headteacher will:

- a) ensure that the matter is properly considered and progressed in accordance with this procedure
- b) require that any appropriate adjustments to the procedure be made, including cessation of communication with the complainer, and/or
- c) impose restrictions on the complainer's contact with the School as may be appropriate and proportionate, and
- d) inform the complainer of any restrictions and the reason for the restriction.

When unreasonable behaviour limits our ability to communicate with the complainer, attempts will nevertheless be made to investigate and report on the complaint, on the basis of written evidence produced up to the point at which contact has been restricted. The outcome of the investigation will be made in writing at the end of the Stage at which contact was stopped.

Other examples of inappropriate behaviour include:

- a) repeatedly demanding responses within an unreasonable timescale
- b) unreasonable levels of contact, e.g. volume of emails or telephone contact
- c) insisting on speaking to a particular staff member when that is not possible
- d) repeatedly changing the substance of a complaint or raising unrelated concerns
- e) refusing to cooperate with the process
- f) denying statements made at an earlier stage
- g) using electronic recording tools without consent of others involved
- h) persistent refusal to accept a decision or explanation made in relation to a complaint, and/or continuing to pursue or attempting to re-open a complaint without presenting any new evidence
- i) having insufficient or no grounds for their complaint or refusing to specify the grounds for their complaint and appearing to be making the complaint only to annoy, or for undeclared reasons.

Individuals have the right to complain to the School more than once, if subsequent issues arise. However, repeated use of the Complaints Policy and Resolution Procedures becomes unreasonable when the effect of the repeated or additional complaint(s) is to harass staff, or prevent the School from pursuing its legitimate business or implementing a legitimate decision.

We will only consider repeated use of these procedures as being unreasonable, in exceptional circumstances, but we reserve the right to refuse to consider repeated complaint(s) in those exceptional circumstances.

17. Reporting and Learning

Regularly reporting the analysis of complaints information helps to inform where improvements are required in School processes, policies and systems. Information reported will include:

- a) performance data: details of the number and type of complaints, key performance information, for example, average time taken to resolve and the stage at which complaints were resolved
- b) trends and outcomes
- c) actions taken in response to complaints, including examples to demonstrate how complaints have helped improve services.

This information will be reported termly to the Senior Leadership Team and to the Board of Governors, by the Headteacher.

Where a need for an improvement in procedure, system or service is identified this will be recorded on the Complaint Register and a person given the responsibility to ensure that improvement is implemented. A deadline for implementation will be agreed between the Complaint Reviewer and the person responsible and this will be recorded in the Complaint Register.

18. Governance (Roles and Responsibilities)

The Headteacher is responsible to the Board of Governors for the effective implementation of this procedure. The operation of the procedure is the responsibility of the Headteacher. Detailed roles and responsibilities are described at Annex B.

19. Implementation

This procedure will be publicised as follows:

- a) posted on the School website with a link to this procedure
- b) published on My School Portal
- c) communication to current parents
- d) communication to current staff
- e) part of induction programme for new staff

The School will also provide a copy of the policy and procedure to any person upon request.

Investigators will receive support and training in how to conduct effective investigations. Support will be provided by the Headteacher and SLT as required.

Front line staff, e.g. reception staff, will receive specific training on how to handle complaints that are received in person or by telephone.

20. Review

This procedure will be reviewed annually, or sooner where there are changes to legislation, significant changes to the School structure or other variables that require a review. The lead reviewer for this procedure is the Headteacher.

21. Related Policies, Documents and Legislation

Legislation

The Data Protection Act, 1998 and the General Data Protection Regulation
Education (Scotland) Act 1980
The Children & Young People (Scotland) Act

Policies

The Admission Policy
Whole School Policy for Acceptable Behaviour
Accessibility Policy
Safeguarding and Child Protection Policy

ANNEX A

Appeal Hearing Process (Stage 4)

On receipt of the notice of Appeal (Stage 4), the Chair of the Board will appoint a member of the Board ('Governor') to consider the case and act as Chair, should an Appeal Hearing be necessary. The appeal hearing will be independent and impartial. No member of the Board of Governors will handle an appeal, if he/she has had prior involvement in the complaint, or in the circumstances surrounding it.

The Chair will be provided with all documents relating to the complaint, including a copy of the Complaints Procedure and Resolution Procedures. The School will provide the Chair with Secretarial/Admin support, as required. The School will provide the Chair with a note-taker for the hearing.

The complainer, and any witnesses, will receive five term-time days written notice of the date of the Appeal Hearing.

Witnesses will be permitted to bring a companion to the hearing, although the companion will take no active part in proceedings. Witnesses will only be required to attend for the part of the hearing in which they give evidence.

In an Appeal Hearing, complainers may feel nervous and inhibited in a formal setting. The Chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care will be taken to ensure the setting appears appropriate. The hearing, whilst structured, will be conducted as informally as possible.

The aim of the Hearing, which should be held in private, will always be to resolve the complaint and achieve reconciliation between the School and the complainer. However, it has to be recognised that the complainer might not be satisfied with the outcome. It may, however, be possible to establish the facts and make recommendations.

The Hearing

After introductions, the complainer will be invited to explain the grounds for the Appeal.

The Chair can question the complainer and/or call witnesses as required. In rare circumstances, it may be necessary to ask the complainer to step out of the Hearing during a witness statement.

Once the Chair has all the evidence/information they require, the Hearing can be closed. However, should more evidence be required there may be a need to adjourn the Hearing and reconvene, at a date which is agreed by both parties.

The Chair explains to the complainer that their decision will be final and will be made in writing within twenty-five term-time days of the acknowledgement. The Chair will put their outcome in writing to the complainer. A copy of the outcome letter and the notes of the Appeal Hearing, will be sent to the Complaint Reviewer, who will note the complaint as 'closed'.

ANNEX B

Governance: Roles and Responsibilities

Board of Governors

- The Governing Board has oversight of the Complaints Policy and Resolution Procedures and its implementation
- Review the level and nature of complaints, as reported to them termly via the Headteacher's Report
- Where the outcome of the complaint is appealed, the Chair of the Board appoints a member of Board of Governors to Chair the Appeal process
- Where a complaint is received against the Headteacher, the Chair of the Governing Board appoints an investigator, who will prepare a report for consideration by the Chair of the Board.

Headteacher

The Headteacher is responsible to the Board of Governors for the effective implementation of this procedure and is also responsible for:

- ensuring that an effective complaints and resolution procedure, supported by a robust investigation process, is in place

- delegating responsibility for management of the procedure to the SLT, and receiving regular reports on the performance of the procedure, level and nature of complaints and recommending any changes to policy or procedure as required
- reporting new complaints and the status of existing complaints, termly to the Board of Governors
- investigating complaints at Stage 3 as required, informing complainer of outcome
- keeping the Complaint Reviewer informed of progress and outcome.

The Headteacher ensures the effective management of the procedure and delegates the daily operation of the procedure to the Complaint Reviewer. The Headteacher is also responsible for:-

- ensuring mechanisms are in place to ensure a consistent approach to the way complaints handling information is managed, monitored, reviewed and reported at all levels in the School
- providing reports to the Board of Governors
- ensuring that complaints are used to identify service improvements, and that these improvements are implemented, and learning fed back to the wider organisation as appropriate
- the future review of the Complaints Policy and Resolution Procedures.

Complaint Reviewer

The Complaint Reviewer is responsible for:

- maintenance of the Complaints Handling Procedure
- receiving, acknowledging receipt of and recording complaints on Complaint Register
- checking complaint, to ensure that they are within time and within scope
- allocation of complaint to an appropriate member of staff for investigation (in accordance with process)
- ensuring timescales are met within the Stages of the process
- ensuring all paperwork is collected and stored securely
- managing the escalation through the stages of the procedure
- follow up with Complainer after the response has been provided, to ensure they are satisfied with the outcome
- providing relevant paperwork and support as required at various stages of the procedure
- ensuring that the Investigator supports any individual affected by the findings of the report and that they are made aware of the outcome, where appropriate
- case-specific remedial action process improvement for the future are drawn to the attention of the relevant area(s) and progress of improvement implementation is monitored
- providing complaints data and assistance in production of reports for Senior Leadership Team and the Board of Governors.
- seeking external advice/guidance as needed, e.g. mediation, training.

Senior Leadership Team

- reviewing complaints at Stage 3, preparing outcome response
- keeping the Complaint Reviewer fully informed of progress and outcome.

Complaint Investigators

Complaint Investigators are members of staff who are looking into the complaint at Stage 1, 2 or 3 of the procedure. They are responsible for:

- ensuring the investigation is conducted fairly and effectively and within timeframes of the procedure
- establishing the nature of the complaint and being clear of desired outcomes from the outset
- preparing a comprehensive written report, including details of any recommendations, e.g. procedural or system changes
- at Stages 1 and 2, preparing and signing outcome letters to complainers, once satisfied that their investigation is complete and their response addresses all aspects of the complaint
- provide support to any individual affected by the findings of the report and ensure they are made aware of the outcome, where appropriate

- being clear on the extent and limits of discretion and responsibilities in investigating and resolving complaints, including the ability to identify failings, take effective remedial action and apologise, where it is appropriate to do so
- keeping the Complaint Reviewer fully informed of progress, outcomes and providing copies of correspondence.

All Staff

All staff are responsible for:

- understanding how to handle complaints if they are brought to them
- knowing whom to refer a complaint to, if they are not able handle the matter personally
- trying to resolve concerns raised to them early and quickly and as close to the point of contact as possible, to avoid escalation