



Concerns and Complaints Policy

Independent Boarding and Day School for Boys and Girls

Royal Hospital School

June 2019

ISI reference	33a
Key author	Headmaster
Reviewing body	Education Sub-Committee
Approval body	Board of Governors
Approval frequency	2 Year
Last approved	14 June 2019
Date of document review	14 June 2021
Related Policies and associated documents	

1. Introduction

- 1.1 **Circulation:** This policy is addressed to the Senior Management Team; to all members of the teaching and pastoral staff, including school medical staff and nursing staff; and, to parents. A copy can be downloaded from the School's website.
- 1.2 **Policy status:** The policy has been approved by the Headmaster and the Governing Body of the Royal Hospital School (**School**). It provides guidelines for handling concerns and complaints. It takes account of the Schedule to the Education (Independent School Standards) (England) Regulations 2010 and Standard 10 of the National Minimum Standards for Boarding Schools. The procedures set out below may be adapted as appropriate to meet the policy aims and circumstances of each case. Certain procedures can only be carried out during term time
- 1.3 **Application:** Separate procedures apply in the event of a child protection issue or if the Headmaster expels or asks a pupil to leave and the parents seek a Governors' Review of that decision.
- 1.4 **Parent/s / You:** Includes a current parent or legal guardian or education guardian and may at our discretion include a parent whose child has recently left the School. Concerns and complaints directly from pupils are dealt with under a separate procedure and included in Section 6 of the Pupils' Handbook.
- 1.5 **Three stages:** This policy describes a three-stage procedure:
- ✓ **Stage 1:** informal raising of a concern or difficulty notified orally or in writing to a member of staff
 - ✓ **Stage 2:** a formal complaint in writing to the Headmaster
 - ✓ **Stage 3:** a reference to the Complaints Panel
- 1.6 **Timescales:** We aim to resolve all concerns and complaints in a timely **manner**. Where concerns and complaints are received outside of term time they will be deemed to have been received on the first school day following the holiday period although, where possible, we will acknowledge receipt sooner. It is generally not possible to investigate concerns or complaints over school holidays due to the unavailability of staff and consequently, concerns or complaints received less than 14 days prior to any holiday period will be deemed to have been received on the first school day following that holiday period. Complaints should normally be raised within 3 calendar months of the relevant incident, or within 3 months of the latest incident if part of a series of incidents. Timescales for each stage are set out below in the relevant paragraphs but these should be read as subject to the provisions of this paragraph
- 1.7 Separate procedures apply if a pupil has been expelled or asked to leave or if a child protection issue has arisen.
- 1.8 **A concern about the safety of your child should be notified immediately to the person you believe is best placed to take urgent action and should be confirmed in writing to the Headmaster.**

1.9 **Staff complaints:** Complaints from staff will be dealt with under the RHS grievance procedures.

2. Policy aim and statement

2.1. **Aim:** The aim of this policy is to ensure that a concern or complaint is managed sympathetically, efficiently and at the appropriate level, and resolved as soon as possible. Doing so is good practice, it is fair to those concerned and it helps to promote parents' and pupils' confidence in our ability to safeguard and promote welfare. We will try to resolve every concern or complaint in a positive way with the aim of putting right a matter which may have gone wrong and, where necessary, reviewing our systems and procedures in light of the circumstances.

2.2. **Policy statement:** We need to know as soon as possible if there is any cause for dissatisfaction. We recognise that a difficulty which is not resolved quickly and fairly can soon become a cause of resentment, which would be damaging to relationships and also to our school culture. Parents and pupils should never feel - or be made to feel - that a complaint will be taken amiss or will adversely affect a pupil or his/her opportunities at this school.

2.3. Definition of a complaint

Any matter about which a parent of a pupil is unhappy and seeks action by the school is 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. A complaint is likely to arise if a parent believes that the school has done something wrong or failed to do so something that it should have done or acted unfairly. Parents/guardians can be assured that all concerns and complaints will be treated seriously and sensitively. The school is here for your child and you can be assured that your child will not be penalised for a complaint that is raised by you or your child in good faith.

2.4 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 reassurance is sought. A complaint may be defined as an expression of dissatisfaction however made, about actions taken or a lack of action. Both concerns and complaints are covered by this policy.

3. Submission of a complaint

3.1. **Complaints Form:** Every concern or complaint notified to a member of staff will be noted, together with the action taken, on a standard form. A sample of the form is attached to this policy in Appendix 1.

3.2. **Anonymous complaints:** We will not normally investigate anonymous complaints. However, the Headmaster or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

3.3. **Withdrawal of a complaint:** If a complainant wishes to withdraw a complaint, this must be done in writing to the Headmaster.

4. Stage 1: Informal

- 4.1. **Concerns:** We expect that most concerns, where a parent or pupil seeks intervention, reconsideration or some other action to be taken, can be resolved quickly and informally. Examples might include a dissatisfaction about some aspect of teaching or pastoral care, or about allocation of privileges or responsibilities, or about a timetable clash or some other aspect of the School's systems or equipment, or a billing error.
- 4.2. **Notification:** Please raise the concern initially as follows:
 - 4.2.1. Education issues - if the matter relates to the classroom, the curriculum or special educational needs, please speak or write to the relevant tutor. If they are not able to address the concern they may seek the help and information from the Head of Department, Housemaster/Housemistress or Head of Lower School, Middle School or Sixth Form as appropriate;
 - 4.2.2. Pastoral care - for concerns relating to matters outside the classroom or in the House, please speak or write to the Housemaster or Housemistress.
 - 4.2.3. 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, and, if not resolved, with the Housemaster/Housemistress.
 - 4.2.4. Financial matters - a query relating to fees or extras should be stated in writing to the Bursar;
 - 4.2.5. Welfare of boarders - parents and boarders can contact the regulatory authority Ofsted regarding any complaint concerning the welfare of a boarder although Ofsted expects complainants to go through the School's complaints procedure first.
- 4.3. **Acknowledgement:** We will acknowledge a written notification by telephone, fax, e-mail or letter within two working days of receipt during term time and as soon as practicable in the holidays.
- 4.4. **Unresolved concerns:** If the concern or complaint cannot be resolved on an informal basis and within 15 days (taking into consideration para 3.5), then the parents/guardians may formalise their complaint by putting it in writing to the Headmaster. The formal written complaint should clearly state the nature of the complaint and who it is being made against.
- 4.5. Members of staff who are the subject of a complaint will be kept fully and promptly informed of the progress of any complaint.

5. Stage 2: Formal complaint

- 5.1. **Notification:** An unresolved concern under Stage 1, or a complaint which needs investigation, or a dissatisfaction with some aspect of the School's policies, procedures, management or administration should be set out in writing with full details and sent with all relevant documents and your full contact details addressed to the Headmaster. Your complaint will be acknowledged within two working days during term time, indicating the action that is being taken as part of a

response to a formal complaint and the likely time scale. A Complaints Form will be completed and sent to the Headmaster.

- 5.2. **Investigation:** The Headmaster may ask a senior member of staff to act as "investigator" and/or may involve one or more Governors. The investigator/s may request additional information from you and will probably wish to speak to you personally and to others who have knowledge of the circumstances. The outcome of the investigation will be reported in writing to the Headmaster. Once the Headmaster is satisfied that, so far as is practicable, all of the relevant facts have been established, he will consider the evidence and a decision will be made and parents/guardians will be informed of this decision in writing. The Head/Headmaster will also give reasons for his/her decision. Written records will be kept securely and confidentially of all meetings and interviews held in relation to your complaint.
- 5.3. **Outcome:** The Headmaster's aim would be to inform any complainant of the outcome of an investigation and the resolution to the complaint within 28 calendar days from the receipt of the complaint. Please note that any complaint received within 14 days of the end of term is likely to take longer to resolve owing to the presence of school holidays and the unavailability of personnel.
- 5.4. If the complaint is against the Headmaster, the Chair of Governors will call for a full report from the Headmaster and for all the relevant documents. The Chair may also call for a briefing from members of staff, and will in most cases, speak to or meet with the parents/guardians to discuss the matter further. Once the Chair is satisfied that, so far as is practicable, all of the relevant facts have been established, the parents/guardians will be informed of the decision in writing. The Chair will give reasons for her/his decision.
- 5.5. If parents or guardians are dissatisfied with the Headmaster's decision under Stage 2, they may proceed to Stage 3 of this procedure.

6. Stage 3: Reference to the Complaints Panel

- 6.1. A Panel hearing is a review of the decisions taken by the Headmaster and the Chair. The Panel will not consider any new areas of complaint which have not been previously raised as part of the complaint's procedure.
- 6.2. **The role of the Panel:** The Panel's task 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 you, the Headmaster or the Chair;
 - members of staff who are the subject of a complaint will be given a formal opportunity to address the Panel.
- 6.3. If, after establishing the facts, the Panel consider that the complaint is made out, they will uphold the complaint. If the Panel consider that the complaint is not made out, they will dismiss the complaint. They will make these decisions on the balance of probabilities.
- 6.4. It is not within the powers of the Panel to make any financial award, nor to impose sanctions on staff, pupils, or parents. The Panel may make recommendations on these or any other issues to the Headmaster or to the full body of Governors as appropriate.

- 6.5. **Composition:** We will constitute a Complaints Panel (**Panel**) comprising School Governor members and at least one independent member who are independent of the governance, management and running of the School. An independent panel member will ordinarily be a person who has held a position of responsibility and is used to scrutinising evidence and putting forward balanced arguments.
- 6.6. **Notification:** To request a hearing before the Complaints Panel please write to the Clerk to the Governors within five working days of the decision complained of. Your request will only be considered if you have completed the procedures at Stages 1 and 2. Please ensure that a copy of all relevant documents and your full contact details accompany your letter to the Clerk. Please state in your letter the outcome that you desire and all the grounds of your complaint. Please also send the Clerk a list of the documents which you believe to be in the School's possession and wish the Panel to see. The Clerk will acknowledge your request in writing within two working days.
- 6.7. **Convening the Panel:** The Clerk to the Governors will convene the Complaints Panel as soon as reasonably practicable but the Panel will not normally sit during half terms or school holidays. The Panel will consist of a minimum of three individuals who have no detailed prior knowledge of the circumstances of the complaint. One member of the Panel will be an independent member. You may ask the Clerk to tell you who has been appointed to sit on the Panel.
- 6.8. **Notice of hearing:** Every effort will be made to enable the Panel hearing to take place within 10 working days of the receipt of your request. As soon as reasonably practical and in any event, at least 5 working days before the hearing, the Clerk will send you written notification of the date, time and place of the hearing, together with brief details of the Panel members who will be present. The hearing will normally follow the procedure set out in Appendix 2.
- 6.9. **Attendance:** You will be asked to attend the hearing and may be accompanied by one other person such as a relative, teacher, or friend. It is not necessary for that person to be legally qualified but if you do wish to be accompanied by a legally qualified person, acting in their professional capacity, please notify the School at least seven days before the hearing. Your child aged 13+ may attend part or all of the hearing at the discretion of the Chair. Copies of additional documents you wish the Panel to consider should be sent to the Clerk at least three clear days prior to the hearing.
- 6.10. **Chair:** The hearing will be chaired by one member of the Panel (chosen by themselves) and will be conducted in an informal manner.
- 6.11. **Hearing:** All statements made at the hearing will be unsworn. All present will be entitled, should they wish, to write their own notes for reference purposes. The Clerk will be asked to take a handwritten minute of the proceedings.
- 6.12. **Evidence:** The Chair will conduct the hearing in such a way as to ensure that all those present have the opportunity of asking questions and making comments in an appropriate manner. The hearing is not a legal proceeding and 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.
- 6.13. **Conduct:** All those attending the hearing are expected to show courtesy, restraint and good manners or, after due warning, the hearing may be adjourned or terminated at the discretion of the Chair. If terminated, the original decision will stand. 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.

- 6.14. **Adjournment:** The Chair may, at his/her discretion, adjourn the hearing for further investigation of any relevant issue. This may include an adjournment to take legal advice.
- 6.15. **Decision:** After due consideration of the matters discussed at the hearing, the Panel shall reach a decision unless there is an agreed position. The Panel's decision, findings and any recommendations shall be confirmed in writing to you by electronic mail where appropriate within seven working days. If you do not wish to receive the decision by electronic mail, a copy will be given or posted to you. The decisions, findings and any recommendations will be made available for inspection on the School premises by the Governing Body and the Headmaster. Reasons for the decision will be given. The decision may include recommendations and will be sent to you, the Chair of the Governing Body, the Headmaster and, where relevant, any person about whom the complaint has been made.
- 6.16. **Private proceeding:** A hearing before the Complaints Panel is a private proceeding. No notes or other records or oral statements about any matter discussed in or arising from the proceeding shall be made available directly or indirectly to the press or other media.
- 6.17. **Confidentiality:** A written record will be kept of all complaints made in writing under the formal part of the procedure, the action taken by the school as a result of the complaint and whether they are resolved at that stage or progress to panel hearing. The number of complaints registered under the formal procedure during the preceding school year will be made available to parents on request from the Headmaster. Correspondence, statements and records relating to individual complaints will be kept confidential except to the extent required by the Schedule to the Education (Independent School Standards) (England) Regulations 2010, that is where access is requested by the Secretary of State or where disclosure is required in the course of a school's inspection or under other legal authority. In accordance with data protection principles, details of individual complaints will normally be destroyed following each school inspection. In exceptional circumstances some details will be retained for a further period as necessary.

Appendix 1

Complaints form

This form is to be completed by any member of staff who receives a complaint. It should be passed to the Headmaster.

What is the nature of the complaint? (Please tick)	
<input type="checkbox"/> Staff conduct	<input type="checkbox"/> Parental conduct
<input type="checkbox"/> Teaching standards	<input type="checkbox"/> Pastoral care
<input type="checkbox"/> Condition of premises	<input type="checkbox"/> Time tabling
<input type="checkbox"/> Matters of regime and routine	<input type="checkbox"/> Access to or regulation of extra-curricular activities
<input type="checkbox"/> Other (please give details)	
Please give details of the complaint	
Date/s of incident	Time/s
If the complaint is about someone's behaviour please give the names of any witnesses to the incident/s	
Action taken	
Name	Position
Signed	Date

Appendix 2

Procedures to be followed at a hearing of the Complaints Panel

1. **Introduction:** this is the procedure that will normally be followed by the Complaints Panel and is designed to ensure that all parties have the opportunity to present their views to the Panel.
2. **Meeting format:** the meeting will take the form of a "round the table" hearing, where all parties and the Panel are present in the same room throughout. Those present in the room throughout the hearing may include:
 - the Panel Members;
 - the Clerk to the Panel. The Clerk will take notes of the meeting. Any notes produced by the Clerk will not be verbatim and will belong to the Chair. The Chair can authorise the release of the Clerk's notes on condition that they remain confidential;
 - the parents who have made the complaint;
 - any person that the parents have brought as a supporter;
 - the Headmaster;
 - any other appropriate member of staff.

Note: any witnesses called by any of the above parties may be asked to make their contribution and then leave rather than staying for the whole proceeding.

3. Suggested agenda

- 3.1. Welcome and introductions by the Chair.
- 3.2. Parents present their complaints. Where two parents are present, it is often more helpful if one parent undertakes the responsibility of presentation and answering of questions.
- 3.3. The Panel and the Headmaster may ask questions of parents for clarification. Questions should be put through the Chair of the Panel who can intervene if s/he thinks that questions are inappropriate or are straying into cross examination.
- 3.4. The Headmaster puts his/her case, explaining the reasons for the decision and consideration and calling witnesses if necessary.
- 3.5. The parents and Panel Members may ask questions of the Headmaster for clarification. Again, such questions should be put through the Chair who can intervene as necessary.
- 3.6. The Headmaster is invited to make any further relevant points.
- 3.7. The parents are then invited to make any further relevant points.

- 3.8. When the Panel is satisfied that it has established facts sufficient for it to make its decision, the Chair may bring the hearing to a close and inform the parties that they will be notified in writing of the decision, normally within seven working days.
- 3.9. The parents and the Headmaster leave together with any witnesses, supporters or representatives.

4. Legal advice: if, during the hearing, parents introduce legal points on which the Panel feel they will need advice, they will consider one of two options:

- 4.1. The Panel may decide to take a careful note of points made and to consider the advice of the School's lawyers before making their final decision; or
- 4.2. If the Panel feel that an immediate response is required, they may adjourn the hearing to take telephone advice from the School's lawyers.