

COMPLAINTS PROCEDURE FOR PARENTS

INTRODUCTION

Tonbridge School has long prided itself on the quality of the teaching and pastoral care provided to its boys. However, if parents do have a complaint, they can expect it to be treated by the School with care and in accordance with this procedure. Tonbridge School makes its Complaints' Procedure available to all parents of boys (and of prospective boys) on the School's website and in the School office during the School day, and Tonbridge School will ensure that parents of boys (and of prospective boys) who request it are made aware that this document is published or available and of the form in which it is published or available.

In accordance with paragraph 32(1) (b) of Schedule I to the Education (Independent School Standards) Regulations 2014, Tonbridge School will make available to parents of boys and of prospective boys and provide, on request, to the Chief Inspector, the Secretary of State or an independent inspectorate, details of the complaints procedure and the number of complaints registered under the formal procedure during the preceding School year.

A complaint may be defined as 'an expression of dissatisfaction, however made, about actions taken or a lack of action' in relation to 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, and any matter about which a parent is unhappy and seeks action by the School is within the scope of this procedure. A complaint is likely to arise if a parent believes that the School has done something wrong, failed to do something that it should have done, or has acted unfairly.

A complaint is different to a concern. A concern may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'. It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. This procedure deals with complaints, and parents are encouraged to identify any issue raised as a 'complaint' if they wish this procedure to be followed.

Parents should not approach individual Governors to raise concerns or complaints. Governors have no power to act on an individual basis and it may prevent them from considering complaints if escalated to Stage 3 of the procedure.

Parents can be assured that all concerns and complaints will be treated seriously and confidentially. The School is here for your son and you can be assured that your son will not be penalised for a complaint that you or your son raises in good faith, even if you have suggested or initiated legal proceedings against the School.

Stage 1: Informal Resolution

It is hoped that most complaints and concerns will be resolved quickly and informally. Parents with cause for concern or complaint should feel free to talk directly to a member of staff, to telephone, or to write with details of the issue that concerns them. In the first instance, it may be best to address a concern to the member of staff most closely involved in the matter at issue (such as Housemaster or Head of Department), who may well be able to resolve the problem quickly: but there may be some concerns which parents prefer to bring directly to the Second Master or the Headmaster.

Any complaint will receive a prompt response: either by immediate discussion (and, it is hoped, resolution) in person or by telephone, or, if wider consultation and/or investigation is required, by letter as soon as possible setting out the conclusion of the inquiry, the reasons for it, and any action taken or proposed. If such action includes use of the Disciplinary Procedures for staff, this will be handled confidentially within the School. The member of staff will make a written record of all

complaints and the date on which they were received. This record will be kept by the Headmaster's Office and periodically monitored by the Second Master. Should the matter not be resolved within 14 days, or in the event that the member of staff and the parent fail to reach a satisfactory resolution, then parents will be advised to proceed with their complaint in accordance with Stage 2 of this Procedure as detailed below.

Confidentiality will be observed as far as is consistent with proper investigation and effective handling of a complaint. It is School policy that the voicing of a concern or the making of a complaint by a parent should not in any way rebound adversely on their son.

Any complaint against the Headmaster should be made directly to the Chairman of Governors at the address set out below; he will be responsible for investigating the complaint appropriately, responding to the complainant in line with the procedures above and keeping his own record of any such complaints.

The Tonbridge School Behaviour, Rewards and Sanctions Policy sets out the circumstances in which the Headmaster may expel a boy. Wherever practicable, the parents of the boy concerned will be invited to discuss the issue with the Headmaster (or in his absence the Second Master) before a final decision is taken. The Headmaster is required to inform the Chairman of Governors without delay of the decision and the circumstances. If the parents wish to contest the Headmaster's decision, they may exercise a right of appeal to the Appeal Panel of the Governors following the Stage 3 Procedure set out below.

Stage 2: Formal Resolution

If the complaint cannot be resolved on an informal basis, then the parents should put their complaint confidentially in writing to the Headmaster, who will acknowledge it within 14 days of receipt (during term-time). The Headmaster will decide, after considering the complaint, the appropriate course of action to take. In most cases, the Headmaster will meet with the parents concerned, normally within 14 days of receiving the complaint (during term-time), to discuss the matter. If possible, a resolution will be reached at this stage, although it may be necessary for the Headmaster to carry out further investigations. It may be that the Headmaster delegates the investigation to another member of the School's Senior Team, but not the decision to be taken. The Headmaster, or his Senior Team member, will keep written records of all meetings and interviews held in relation to the complaint.

Once the Headmaster 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. The Headmaster will also give reasons for his decision. Where appropriate, the Headmaster will include details of action the School will take to resolve the complaint. It is in everyone's interest to resolve a complaint as speedily as possible: the School's target is to give its decision within 28 days of the complaint being made if the complaint is lodged during term-time, and as soon as practicable during holiday periods.

The Headmaster will advise parents of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

If parents are still not satisfied with the decision, they should proceed to Stage 3 of this Procedure and lodge an appeal; this appeal must be lodged within 14 days of the Headmaster's decision.

If the complaint is against the Headmaster, the Chairman of Governors will call for a full report from the Headmaster and for all the relevant documents. The Chairman may also call for a briefing from members of staff, and will in most cases speak to or meet with the parents to discuss the matter further. Once the Chairman is satisfied that, so far as is practicable, all of the relevant facts have been

established, the parents will be informed of the decision in writing. The Chairman will give reasons for his/her decision. The Chairman's target is to give its decision within 28 days of the complaint being made if the complaint is lodged during term-time, and as soon as practicable during holiday periods.

Any complaint against the Chairman of Governors should be made directly to the Deputy Chairman at the address set out below; he will be responsible for investigating the complaint appropriately, responding to the complainant in line with the procedures above and keeping his own record of any such complaints.

Stage 3: Panel Hearing

If parents seek to invoke Stage 3 (following a failure to reach an earlier resolution), they must do so within 14 days of the Headmaster's decision, and will be referred to the Appeal Panel as described below. The Appeal Panel will not review any new complaints at this stage or consider evidence unrelated to the initial complaint, but it will hold a "full-merits" hearing of the complaint, not merely a check that the correct process was followed.

The Appeal Panel will consist of two Governors, neither of whom will have had previous involvement in the Headmaster's decision or in the matters subject to complaint, and a third person, independent of the management and governance of the School.

Notice of the complaint or appeal must be sent in writing to the Chairman of Governors at the address below, setting out fully all the reasons for making the complaint or contesting the Headmaster's decision. If the appeal arises out of a decision by the Chairman in respect of a complaint against the Headmaster, then the letter should be addressed to the Deputy Chairman at the same address. If the appeal arises out of a decision by the Deputy Chairman in respect of a complaint against the Chairman, then the letter should be addressed to the Chairman of the Pastoral Committee at the same address. Included should be any documents or other evidence or details of witness to fact or character on which the parents intend to rely. Any appeal against expulsion should be received within 10 days from the date when the Headmaster's decision took effect.

The Chairman of Governors (or, as appropriate, the Deputy Chairman or Chairman of the Pastoral Committee) will inform the Headmaster (or Chairman or Deputy Chairman as appropriate) that an appeal has been lodged, and send all relevant papers to the Secretary of the Appeal Panel. The Secretary of the Appeal Panel will then communicate with the appellant(s), collect together all the relevant papers and make the necessary arrangements for the appeal hearing. The Headmaster's (or Chairman's or Deputy Chairman's) response to the appellant(s) will be included in the papers to be provided to the latter. The hearing must take place within 21 days from the notice of appeal being received, unless otherwise agreed between the School and the appellant(s).

The appellant(s) has the right to attend in person to make oral representations and should inform the Secretary of the Appeal Panel in writing of his request to attend within 5 days of the notification of the date of the hearing. The notification will contain instructions in respect of attendance. If no such request is made, the Appeal Panel will determine the appeal on the written submissions only.

The Secretary of the Appeal Panel will give the Headmaster (or Chairman or Deputy Chairman) and the appellant(s) not less than seven days' notice of the date, time and place of the appeal hearing and whether it is to be determined by oral hearing or on the basis of written submissions, depending on the response of the appellant(s). If the appellant is unable to attend, they will be offered three proposed dates for the hearing and if the appellant(s) is still unable to attend any of those dates, then the meeting will proceed in their absence on the basis of written submissions only.

In the case of an oral appeal hearing the following shall apply:

- The appeal hearing shall be in private, and everything said at the appeal hearing shall be minuted and confidential.
- Further written material from either the appellant(s) and/or the Headmaster (or Chairman or Deputy Chairman) must be submitted to the Committee at least 14 days before the hearing unless the Appeal Panel shall determine otherwise.
- The appellant(s) and the Headmaster (or Chairman or Deputy Chairman) may be accompanied to the hearing by one other person whose details must be provided in advance to the Secretary, together with a statement of the capacity in which they are attending. This may be a relative, teacher or friend, but legal representation will not normally be appropriate. Such person must undertake to respect the confidentiality of the appeal and shall not have the right to address the appeal hearing, unless expressly invited by the Panel.
- The Headmaster (or Chairman or Deputy Chairman) or appellant(s) must inform the Secretary to the Appeal Panel in advance if they wish to call any witness to give evidence before the Appeal Panel detailing the person they wish to attend, the purpose, and the role that person is expected to play.
- The appellant(s) will first set out their case, the Headmaster (or Chairman or Deputy Chairman) will respond, and the appellant(s) will have the opportunity to reply to any new material raised by the Headmaster (or Chairman or Deputy Chairman) before the Appeal Panel retires to consider and make its decision.
- The Panel will consider the complaint and all the evidence presented. The Panel can uphold the complaint in whole or part or dismiss the complaint in whole or part. If upheld, the Panel will decide on the appropriate action to be taken to resolve the complaint and/or; where appropriate, recommend changes to the School's systems or procedures to prevent similar issues in the future.

Within 7 days of the appeal hearing, whether that hearing is oral or based solely on written evidence, the Secretary to the Appeal Panel will write to the appellant(s), the Headmaster (or Chairman or Deputy Chairman), the Governors and, where relevant, the person complained about, setting out the findings of the Panel, the decision of the Panel, the reasons for that decision, and any recommendations made. The findings and recommendations of the Appeal Panel will be made available on the School premises for inspection by the Headmaster and the Governors.

The Appeal Panel's decision shall be final and not subject to further appeal. A statement to this effect will be contained within the letter detailing the decision of the Panel.

TIMEFRAME FOR DEALING WITH COMPLAINTS

All complaints will be handled seriously and sensitively. They will be acknowledged within 14 days if received during term time. It is in everyone's interest to resolve a complaint as speedily as possible: the School's target is to complete the first 2 stages of the procedure within 28 days if the complaint is lodged during term-time. Complaints made out of term-time will be considered to have been received on the first School day after the holiday period.

Stage 3, the Appeal Panel Hearing will be completed within a further 28 days, if the appeal is lodged during term-time and within 28 days of the first day of term following a holiday period.

It should be noted that allowances may be made in terms of timescale for any extenuating circumstances which might have impeded parents from taking action.

During the COVID-19 crisis, additional flexibility around timeframes was added when necessary to allow for disruption and staff absence; any additional time required was clearly communicated.

WRITTEN RECORDS

The School will keep a written record of all complaints, including informal complaints, and whether they were resolved following a formal procedure, or proceeded to a panel hearing, and detailing any action taken by the School as a result of the complaints (regardless of whether they were upheld). At the School's discretion, additional records may be kept.

RETENTION OF RECORDS

The School will normally retain records of complaints for a period of 7 years in line with its Record Keeping policy. The DfE as regulator has advised that complaints which do not have safeguarding implications should be retained for a minimum of 7 years (a period determined by the 6-year inspection cycle with allowance for unforeseen circumstances). Where there is a safeguarding element, 'Records concerning allegations of abuse must 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 it is longer.'

WITHDRAWAL OF A COMPLAINT

If a complainant wants to withdraw their complaint, they will be asked to confirm this in writing.

OTHER CONSIDERATIONS

Parents can be assured that all concerns and complaints will be treated seriously and confidentially. Correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an Inspection under section 108 or 109 of the 2008 Act requests access to them, or where disclosure is required under other legal authority.

It should be noted that in the unlikely event it is found that the Complaints Procedure has not been met because of the way a particular complaint has been handled, the Secretary of State has no power to compel the School to alter its decision on the complaint, only to take regulatory action to address the failure to meet the complaints standard, so that future complaints are dealt with correctly.

Boarders' parents can also complain to ISI. The address for ISI is as follows: Independent Schools Inspectorate, Ground Floor, CAP House, 9-12 Long Lane, London EC1A 9HA; telephone 020 7600 0100.

Parents may request the number of complaints registered under the formal procedure during the preceding School year; this information is held by the Headmaster's Office.

The correspondence address for the Chairman of Governors is Skinners' Hall, 8 Dowgate Hill, London, EC4R 2SP (Telephone: 020 7236 5629).

ANONYMOUS COMPLAINTS

The School will not normally investigate anonymous complaints. However, the Headmaster or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

APPENDIX I: MANAGING SERIAL AND PERSISTENT COMPLAINTS

The School will do its utmost to be helpful to people who make contact with a complaint, concern or request for information.

However, there may be occasions when, despite all stages of the complaints' procedure having been followed, the complainant remains dissatisfied. If a complainant attempts to re-open the same issue, the School will inform them that the procedure has been completed and that the matter is now closed. If the complainant contacts the School again on the same issue, the correspondence may then be viewed as 'serial' or 'persistent' and the School may choose not to respond. However, this will not occur until the complainant has completed the three stages of the complaints' procedure.

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