



PARENTS'/LEGAL GUARDIAN COMPLAINTS PROCEDURE & POLICY

This policy is applicable to all pupils in the school, including those in Boarding and in the EYFS.

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King's Rochester seeks to foster good relations between parents and legal guardians (here by known as parents), pupils and staff. It welcomes suggestions and comments from parents, not least as feedback is often an effective way of furthering the quality of the School's operation.

Parents can be assured that all concerns and complaints will be treated seriously and sensitively, and that a child will not be penalised for a complaint that is raised in good faith.

1 Aims

- 1.1 This is the complaints policy of King's Rochester (Pre-Preparatory, Preparatory and Senior schools, here by known as the **School**).
- 1.2 The aims of this policy and related procedures are to provide a framework for the resolution of complaints which:
 - 1.2.1 allows for their resolution informally and sets out the School's formal procedures where this is not achievable;
 - 1.2.2 is easily accessible and publicised, simple to understand and use and impartial and non-adversarial;
 - 1.2.3 enables a full and fair investigation by an independent person where necessary;
 - 1.2.4 respects people's desire for confidentiality; addresses all the points at issue and provides an effective response and appropriate redress, where necessary, and;
 - 1.2.5 provides information to the School's senior leadership / management team so that the School's operation can be improved.

2 Scope and application

- 2.1 This policy applies to the whole school including the Early Years Foundation Stage (**EYFS**).
- 2.2 The school has separate grievance and whistleblowing policies to cover concerns that a member of staff may have.
- 2.3 A parent, in relation to a child or young person, includes any person who is not a parent but who has parental responsibility, or who has care of the child.
- 2.4 This policy does not apply to exclusions, to which the School's 9a WS Behaviour Management Policy and 15a WS Exclusion Removal and Review Policy.
- 2.5 This policy applies to any expression of dissatisfaction however made about actions taken, or a lack of action, by the School where the parent seeks action by the School.
- 2.6 This policy applies to complaints from each of the following:
 - 2.6.1 parents of current pupils; and

- 2.6.2 parents of former pupils if the complaint was raised within one week of the last day of term after the pupil has left (or one week after a pupil has left within the school term).
- 2.7 Requests for financial awards, such as claims for compensation, damages or fee refunds, are beyond the scope of the School's complaints procedures.
- 2.8 All parents should be aware that regardless of the nature of a complaint and whether or not it is upheld, parents are not entitled to details of any related sanctions imposed on staff, pupils or parents.

3 Regulatory framework

- 3.1 This policy has been prepared to meet the School's responsibilities under:
 - 3.1.1 Education (Independent School Standards) Regulations 2014;
 - 3.1.2 *Statutory framework for the Early Years Foundation Stage* (DfE, March 2017);
 - 3.1.3 Education and Skills Act 2008;
 - 3.1.4 Children Act 1989;
 - 3.1.5 Childcare Act 2006;
 - 3.1.6 Data Protection Act 2018 and General Data Protection Regulation (GDPR); and
 - 3.1.7 Equality Act 2010.
- 3.2 The following School policies, procedures and resource materials are relevant to this policy:
 - 3.2.1 the terms and conditions of the agreement between the School and the Parents for the provision of educational services
 - 3.2.2 The 9a WS Behaviour Management Policy and the 15a WS Exclusion Removal and Review Policy as relevant.

4 Responsibility statement and allocation of tasks

- 4.1 The Governing Body has overall responsibility for all matters which are the subject of this policy.
- 4.2 To ensure the efficient discharge of its responsibilities under this policy, the Governing Body has allocated the tasks according to the table in Appendix 5 below.

5 Publication and availability

- 5.1 This policy is published on the School website.
- 5.2 This policy is available in hard copy on request.

- 5.3 A copy of the policy is available for inspection from the School office during a working day.
- 5.4 This policy can be made available in large print or other accessible format if required.
- 5.5 Information regarding the number of complaints registered under the formal procedure of this policy during the preceding school year is available to parents of pupils and parents of prospective pupils and, on request, to the Chief Inspector, the Secretary of State or an independent inspectorate.

6 Definitions and interpretation

- 6.1 Where the following words or phrases are used in this policy:
 - 6.1.1 References to **working days** mean Monday to Friday, when the School is open during term time. The dates of terms are published on the School's website. In the event that the application of this definition is likely to introduce excessive delays, due to intervening School holidays, the School's approach is to take sensible and reasonable steps so as to minimise any hardship or unfairness arising from such delays.
- 6.2 Timescales for each stage of the complaints procedure are set out below in the relevant paragraphs.
- 6.3 It is expected that the management of every complaint will progress in a timely manner.
- 6.4 The School aims to resolve all complaints efficiently and promptly and parents are encouraged to bring any matter causing concern to the School's attention as soon as possible.
- 6.5 Where there are exceptional circumstances resulting in a delay to the timescales for a stage of the complaints procedure, the School will notify the parents and inform them of the new timescales as soon as possible.

7 Management of complaints

- 7.1 The School's policy allows for complaints to be considered at three stages:
 - Stage 1: Informal raising of a complaint. Further details of this procedure are set out in Appendix 1.
 - Stage 2: A formal complaint in writing. Further details of this procedure are set out in Appendix 2.
 - Stage 3: Reference to a complaints panel. Further details of this procedure are set out in Appendix 3.

- 7.2 Separate disciplinary procedures apply if the Principal permanently excludes a pupil from the School. For Parents who wish to appeal the Principal's decision to permanently exclude a pupil they should follow the procedures set out in this policy.

8 Record keeping and confidentiality

- 8.1 All records created in accordance with this policy are managed in accordance with the School's policies that apply to the retention and destruction of records.
- 8.2 The School keeps a written record of all formal complaints, including the following:
- 8.2.1 whether they were resolved at Stage 2 or Stage 3.
 - 8.2.2 the action taken by the School as a result of the complaints (regardless of whether they are upheld).
- 8.3 In accordance with data protection principles, details of individual complaints will be kept only for as long as is considered to be reasonably necessary in the circumstances.¹
- 8.4 Correspondence, statements and records relating to individual complaints will be kept confidential except where access is requested by the Secretary of State or where disclosure is required in the course of an inspection or under other legal authority or court order.
- 8.5 A complaint about the fulfilment of the School's EYFS requirements will be made available to the Independent Schools Inspectorate (**ISI**) on request.

The records created in accordance with this policy may contain personal data. The School has a number of privacy notices which explain how the School will use personal data about pupils and parents. The privacy notices are published on the School's website. In addition, staff must ensure that they follow the School's data protection policies and procedures when handling personal data created in connection with this policy.

9 The Independent Schools Inspectorate: complaints and notification of inspection

- 9.1 Parents of children in the School's Early Years Foundation Stage have the right to contact ISI if they believe the School is not meeting the EYFS requirements.
- 9.2 ISI can be contacted on 0207 6000 100 or at complaints@isi.net.

¹ In accordance with the terms of reference of the Independent Inquiry into Child Sexual Abuse all schools are required to retain information which relates to allegations (substantiated or not) of organisations and individuals who may have been involved in, or have knowledge of child sexual abuse or child sexual exploitation; allegations (substantiated or not) of individuals having engaged in sexual activity with, or having a sexual interest in, children; institutional failures to protect children from sexual abuse or other exploitation. Details of any complaints made about such matters will be retained.

9.3 ISI can be contacted at concerns@isi.net or on 020 7600 0100.

9.4 If the School becomes aware that it is to be inspected by Ofsted/ISI, it will notify Parents and/or carers. After an inspection the School will supply a copy of the report to Parents and/or carers of children attending on a regular basis.

10 Training

10.1 The School ensures that regular guidance and training is arranged on induction and at regular intervals thereafter so that staff and volunteers understand what is expected of them by this policy and have the necessary knowledge and skills to carry out their roles.

10.2 The level and frequency of training depends on role of the individual member of staff.

Appendix 1 Stage 1 - informal complaint

Informal resolution of a complaint

- 1.1 We expect that most complaints can be resolved informally.

Who to contact

- 2.1 Where appropriate, complaints should initially be raised as follows:
- 2.2 If a parent has a concern or complaint they should normally contact their child's Tutor / Form Teacher / Housemaster/mistress or Class Teacher. In many cases, the matter will be resolved straightaway by this means to the complainants' satisfaction.
- 2.3 If the Tutor / Form Teacher / Housemaster/mistress or Class Teacher is unable to resolve the matter alone it may be necessary for him/her to consult a Head of Department, member of the pastoral management team or member of the senior management.
- 2.4 Unless it is deemed appropriate that they deal with the matter personally, concerns or complaints which are raised directly with a Head of Department, a member of the pastoral management team or a member of the senior management, will be referred to the member(s) of staff best placed to address the issue.
- 2.5 If the complaint relates to:
 - 2.5.1 a member of the School's Senior Management Team, including the Heads of the Pre-Preparatory and Preparatory Schools, but excluding the Principal, the complaint should be made to the Principal;
 - 2.5.2 a member of the Pre-Preparatory and Preparatory Schools' Senior Leadership Team, excluding the Headmistress of the Pre-Preparatory School and the Headmaster of the Preparatory School, the complaint should be made to the Headmistress of the Pre-Preparatory School or the Headmaster of the Preparatory School as appropriate.
- 2.6 The member(s) of staff to whom concerns and complaints are initially directed will keep a written record of those concerns and complaints, and the date on which they were received.
- 2.7 An informal complaint will be acknowledged by telephone, email or letter within 3 working days of receipt, indicating the action that is being taken and the likely timescales. Such action may include an investigation and / or a meeting with the parent.
- 2.8 Wherever appropriate, the School will ask the parent at the earliest stage what they think might resolve the issue.
- 2.9 The parent will receive a response to the complaint within 15 working days.
- 2.10 If the parent is dissatisfied with the response to the informal complaint or in the event

that the complaint cannot be resolved by informal means, the parent may make a formal complaint under Stage 2 of this procedure as set out in Appendix 2.

Complaints about the Principal

- 3.1 The procedure for dealing with an informal complaint about the Principal of the School is set out below:
 - 3.1.1 parents may choose to raise complaints directly with the Principal if they feel that the matter is capable of resolution informally. The complaint may be raised orally or in writing. If in writing, the School will not automatically treat the complaint as a formal (Stage 2) complaint and the Principal will endeavour to resolve the complaint informally under Stage 1;
 - 3.1.2 the Principal will acknowledge informal complaints within 3 working days and will seek to resolve the matter under this Stage 1 by means of direct conversation or a meeting with the parents, to be held within 25 working days of the initial complaint;
 - 3.1.3 if the parent is dissatisfied with the Principal's response to the informal complaint or in the event that the complaint cannot be resolved by informal means, the parent may make a formal complaint under Stage 2 of this procedure as set out in Appendix 2.
- 3.2 Alternatively, parents may choose to make their complaint about the Principal in writing to the Chairman of Governors (via the Clerk to Governors). In this case, the complaint will be treated as a formal complaint under Stage 2 of this procedure as set out in Appendix 2.

Appendix 2 Stage 2 - formal complaint

How to make a formal complaint

- 1.1 Complaints will usually only progress to Stage 2 after first being considered at the informal stage and only then if the parent indicates that they intend to escalate a matter to the formal stage.
- 1.2 The formal complaint must be in writing addressed to the Principal and should include:
 - 1.2.1 a copy of all relevant documents and full contact details; and
 - 1.2.2 details of all the grounds of the complaint and the outcome desired.
- 1.3 The complaint will be acknowledged by telephone, email or letter within 3 working days, indicating the action that is being taken, and asking for further clarification if there remains any uncertainty about the nature of the complaint and the likely timescales.

Investigation

- 2.1 The subject matter of the complaint will be investigated in the most appropriate manner, which may include some or all of the following steps:
 - 2.1.1 delegation of the investigation to a senior member of staff which may include the Headmistress of the Pre-Preparatory School or the Headmaster of the Preparatory School where appropriate;
 - 2.1.2 involvement of one or more Governors;
 - 2.1.3 request for additional information from the parent, including what they think might resolve the issue (if not already requested under Stage 1); and
 - 2.1.4 request for a conversation and / or a meeting with the parent personally and / or others with relevant knowledge of the circumstances.
- 2.2 Written records will be kept of all meetings and interviews held in relation to the complaint. Where the investigation has been delegated to a senior member of staff, he / she will prepare a report on the investigation which will be considered by the Principal. Personal data may be redacted and names anonymised or cyphered in line with data protection principles.

Decision

- 3.1 The Principal will notify the parent by email or letter of his Stage 2 decision and the reasons for it within 25 working days from the receipt of the formal complaint.

- 3.2 If the parent is dissatisfied with the Stage 2 response to the complaint, the parent can request that the complaint be referred to a complaints panel under Stage 3 using the procedure set out in Appendix 3.

Early Years Foundation Stage (EYFS): Written complaints about the fulfilment of EYFS requirements must be investigated and the complainant notified of the outcome of the investigation within 28 calendar days.

Complaints about the Principal

- 4.1 The procedure for dealing with a formal complaint about the Principal of the School is set out below:
- 4.1.1 The complaint should be put in writing to the Chairman of Governors (via the Clerk to Governors). The written complaint should include a copy of all relevant documents and full contact details and details of all the grounds of the complaint and the outcome desired.
 - 4.1.2 The Chairman of Governors (via the Clerk to Governors) will acknowledge the complaint by telephone, email or letter within 3 working days of receipt and indicate the action that is being taken and the likely timescale. Such action may include an investigation and/or a meeting with the parent. The parent will receive a response to the complaint within 25 working days.
 - 4.1.3 If the parent is dissatisfied with the response to the complaint, the parent can request that the complaint be referred to a complaints panel under Stage 3 using the procedure set out in Appendix 3.

Appendix 3 Stage 3 - complaints panel

Complaints panel hearing

- 1.1 The parent can request a complaints panel hearing, if:
 - 1.1.1 they are dissatisfied with the Stage 2 response to the complaint; or
 - 1.1.2 they wish to appeal the Principal's decision to permanently exclude or require removal of their child.
- 1.2 A complaints panel Hearing (**Hearing**) is a Hearing to consider those elements of the Stage 2 response to the parent's complaint with which the parent remains dissatisfied or the grounds for appeal of the Head's decision to permanently exclude or require removal of their child. The panel is not obliged to consider any new complaints which have not been previously raised.

How to request a Hearing

- 2.1 A request for a Hearing must be put in writing to the Clerk to Governors and will usually only be considered if the procedure at Stage 2 has been completed or the decision to permanently exclude has been made.
- 2.2 The written request should include:
 - 2.2.1 full contact details for the parents; and
 - 2.2.2 details of all the grounds of the complaint or appeal as applicable and the outcome desired;
- 2.3 If assistance with the request is required, for example because of a disability, please inform the Clerk to Governors who will be happy to make appropriate arrangements.
- 2.4 The Clerk to Governors will acknowledge the request for a Hearing in writing within three working days of receipt.
- 2.5 Every effort will be made to enable the Hearing to take place within 15 working days of receipt of the request. The requirement to proceed does not prevent the School from accommodating parental availability for dates.
- 2.6 Parents may withdraw their request for a Hearing at any point up to and including the intended date of the Hearing.

Planning the Hearing

- 3.1 The Clerk to Governors will send written notification to each party of the date, time and place of the Hearing at least ten working days before the date of the Hearing. At the same time the Clerk to Governors will request:

- 3.1.1 a copy of all relevant documents; and
 - 3.1.2 details of any person the parent proposes to be accompanied by at the Hearing who is legally qualified; and
 - 3.1.3 a list of the documents which the parents believe to be in the School's possession and wish the complaints panel to consider.
- 3.2 Copies of any documents that the parent wishes the complaints panel to consider should be sent to the Clerk to Governors to be received at least seven working days prior to the Hearing.
 - 3.3 The Clerk to Governors will circulate a copy of the bundle of documents to be considered by the complaints panel to all parties at least three working days prior to the Hearing.
 - 3.4 The parent may be accompanied at the Hearing by one other person, for example by a teacher, relative or friend. The Hearing is an internal proceeding, not legal proceedings, and legal representation is unnecessary.
 - 3.5 As set out in 3.4 above, the parent is required to notify the Clerk to Governors if he / she wishes to be accompanied by someone who is legally qualified in his / her initial request for a Hearing. The parent should note that the complaints panel will wish to speak to him / her directly. The legally qualified person will not be permitted to act as an advocate or to address the Hearing unless invited to do so by the Chair of the complaints panel.
 - 3.6 A person will be appointed to take a minute of the Hearing.

Composition of the complaints panel

- 4.1 The complaints panel will comprise at least three individuals who have no detailed prior knowledge of the circumstances of the complaint, including at least one panel member who is independent of the management and running of the School.
- 4.2 The parent may ask the Clerk to Governors to inform them who has been appointed to sit on the complaints panel ahead of the Hearing. Fair consideration will be given to any reasonable objection to a particular member of the panel.
- 4.3 One of the complaints panel members will be appointed to be the Chair of the panel throughout the proceedings.

Role of the complaints panel

- 5.1 The role of the complaints panel is to establish the facts surrounding the complaints that have been made by considering:

- 5.1.1 the documents provided by both parties; and
- 5.1.2 any representations made by the parties and to reach a decision, on the balance of probabilities, as to whether or not to uphold each complaint.

The Hearing

- 6.1 The Hearing should proceed notwithstanding that the parent may decide not to attend. In these circumstances, the complaints panel should consider the parent's complaint in his / her absence and issue findings on the substance of the complaint.
- 6.2 During the Hearing, the parties shall have the opportunity to ask questions and make comments in an appropriate manner. The Hearing is not a legal proceeding and the complaints panel shall be under no obligation to hear oral evidence from witnesses but may do so and / or may take written statements into account.
- 6.3 All statements made at the Hearing will be unsworn (ie not made on oath). The parties will be entitled to write their own notes for reference purposes.
- 6.4 All those present during 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. 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.
- 6.5 The Chair may, at his / her discretion, adjourn the Hearing if he / she considers it appropriate to do so. This may include an adjournment for the parties to take legal advice on a specific issue arising.
- 6.6 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, including social media.
- 6.7 When the Chair of the panel is satisfied that sufficient consideration has been given to the documentation provided and any representations made by the parties, he / she will conclude the Hearing.

Decision

- 7.1 The complaints panel will make findings about each complaint on the balance of probabilities and may make recommendations.

- 7.2 It is not within the powers of the complaints panel to make any financial award, nor to impose sanctions on staff, pupils or parents, although the complaints panel may make recommendations.

The complaints panel's findings and any recommendations will be provided in writing to the parents and, where relevant, the person complained about, within 10 working days of the Hearing. The complaints panel's findings and any recommendations will also be available for inspection on the School premises by the Governing Body and the Head.

- 7.3 The completion of Stage 3 represents the conclusion of the School's complaints procedure.

Appendix 4 Unreasonable complaints

We are 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 us. 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.

We adopt the Department for Education definition of 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.

Unreasonable complaints are taken seriously by the School as they put a strain on valuable resources and hinder the progress of proper investigations. The School may judge that a complaint is unreasonable by assessing a number of factors, including those that are outlined below.

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

- 1.1 refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- 1.2 refuses to co-operate with the complaints investigation process;
- 1.3 refuses to accept that certain issues are not within the scope of a complaints procedure;
- 1.4 insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- 1.5 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;
- 1.6 makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- 1.7 changes the basis of the complaint as the investigation proceeds;
- 1.8 repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- 1.9 refuses to accept the findings of the investigation into that complaint where our complaint procedure has been fully and properly implemented and completed;
- 1.10 seeks an unrealistic outcome;
- 1.11 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.

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:

- 2.1 maliciously;
- 2.2 aggressively;
- 2.3 using threats, intimidation or violence;
- 2.4 using abusive, offensive or discriminatory language;
- 2.5 knowing it to be false;
- 2.6 using falsified information;
- 2.7 publishing unacceptable information in a variety of media such as in social media websites and newspapers.

A complaint may also be considered unreasonable if it is manifestly unjustified, inappropriate, or an improper use of formal procedure.

- 3.1 In assessing this, the School shall have regard to all the circumstances of the case and the nature of the complaint itself rather than the nature of the complainant. In assessing all of the circumstances of the case the School will consider a range of factors including:
 - 3.1.1 whether a complaint has reasonable foundation;
 - 3.1.2 the history and context of the complaint (and any evidence where relevant);
 - 3.1.3 whether the time and cost of investigating the complaint is proportionate to the issue(s) complained of;
 - 3.1.4 whether an investigation of the complaint is likely to cause a disproportionate or unjustified level of disruption, irritation or distress;
 - 3.1.5 unexplained delay in raising a complaint or issue;
 - 3.1.6 if the purpose of the complaint is to obtain an outcome which is unavailable via the complaints procedure, such as a claim for compensation, damages or a refund of fees paid;
 - 3.1.7 any evidence of a complaint being brought for an improper purpose.

Whenever possible, the Principal and / or Chairman of Governors will discuss any concerns with the complainant informally before dismissing a complaint as unreasonable.

If the behaviour continues, the School will write to the complainant explaining that their behaviour is unreasonable and ask them to change it.

For complainants who excessively contact the school causing a significant level of disruption, the school may specify methods of communication and limit number of contacts in a communication plan. This will be reviewed after three months.

In response to any serious incident of aggression or violence the school will immediately inform the police and communicate its actions in writing. This may include barring an individual from the school.

It is open to a complainant to request that a complaints panel be convened to determine the single issue of whether the School's dismissal of the complainant's original complaint(s) was justified.

Formal complaints in the academic year 2018/19.

Boarding: 0

Other: 8

Appendix 5 Allocation of tasks and Version control

1. **Allocation of tasks:** in accordance with paragraph 4 of the policy above, the governors have allocated tasks according to the table below:

Task	Allocated to	When / frequency of review
Keeping the policy up to date and compliant with the law and best practice	The Headmaster of the Preparatory School	As required, and at least termly
Monitoring the implementation of the policy	The Principal	As required, and at least termly
Maintaining up to date records of all information created in relation to the policy and its implementation as required by the GDPR	The Headmistress of the Pre-Preparatory School, the Headmaster of the Preparatory School, the Pastoral Deputy Head of the Senior School	As required, and at least termly
Formal annual review	Governing Body	Annually