

Complaints Policy and Procedures

1. Aims

- 1.1. King's College School ("the School") has long prided itself on the quality of teaching and pastoral care provided to its pupils. However, should parents have a complaint, it will be dealt with by the School in accordance with this policy and the procedures detailed within.
- 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 an informal resolution and sets out the School's 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;
 - 1.2.5. addresses all the points at issue and provides an effective response and appropriate redress, where necessary; and
 - 1.2.6. provides information to the School's senior leadership team so that services can be improved.

2. Scope

- 2.1. This policy provides guidelines for handling complaints in relation to the education, pastoral care or welfare of all pupils, day and boarding, including those pupils within the Early Years Foundation Stage setting.
- 2.2. 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.
- 2.3. This policy applies only to complaints from each of the following:
 - 2.3.1. parents of current pupils;

2.3.2. parents of former pupils if the complaint was initially raised when the pupil was registered at the School.

2.4. Requests for financial awards, such as claims for compensation, damages or fee refunds, are beyond the scope of this policy.

2.5. 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.

2.6. The School has a separate *Whistleblowing Policy* for staff concerns.

2.7. Separate procedures apply in the event of a child protection issue or if the Head expels or asks a pupil to leave and the parents seek a Governors' Review of that decision. The School's *Safeguarding and Child Protection Policy* and *Expulsion, Removal and Review Policy* are available on the School's public website and Firefly.

3. Regulatory Framework

3.1. This policy has been prepared to meet the School's responsibilities under:

- Education (Independent School Standards) Regulations 2014;
- Statutory framework for the Early Years Foundation Stage;
- National Minimum Standards for Boarding Schools (Standard 18);
- Education and Skills Act 2008;
- Childcare Act 2006;
- Equality Act 2010;
- General Data Protection Regulations and Data Protection Act 2018

4. Publication and Availability

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

5. Definitions

5.1. Where the following words or phrases are used in this policy:

5.1.1.References to **Parent**, in relation to a child or young person, includes any person who is not a parent but who has parental responsibility, or has care of the child.

5.1.2.References to **days** means ordinary days including weekend days and public holidays. **Working days** mean Monday to Friday, when the School is open during term time. Term dates 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. Timescales

6.1. Whenever possible, in the interests of a prompt resolution of issues, a complaint should be raised within three months of the incident, or where a series of associated incidents have occurred, within three months of the last of these incidents. The School will, however, consider complaints made outside of this time frame if exceptional circumstances apply. A complaint raised outside this timescale should therefore include details of the issues which led to a delay.

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 state 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. This policy describes a three stage procedure:

- **Stage 1:** informal raising of a complaint notified orally or in writing to a member of staff.
- **Stage 2:** a formal complaint in writing to the Head.

- **Stage 3:** a reference to the Complaints Panel.

A concern about the safety of your child should be notified immediately to the person you believe is best placed to take immediate action and should be confirmed in writing to the Head.

Complaints Form: every 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 as Appendix 2.

7.2. Stage 1: Informal Complaint

7.2.1.Complaints: we expect that most complaints, where a parent seeks intervention, reconsideration or some other action to be taken, can be resolved 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. Complaints of discrimination, harassment or victimisation are taken very seriously and may need to be dealt with at Stage 2 without action at Stage 1.

7.2.2.Notification: please raise the complaint initially as follows:

- 7.2.2.1. Education issues - if the matter relates to the classroom, the curriculum or special educational needs, please speak or write to the Form Teacher, Head of Department or the Deputy Head as appropriate;
- 7.2.2.2. Pastoral care - for complaints relating to matters outside the classroom or in the Boarding House, please speak or write to the Form Tutor, the Head of Year, or the Boarding Housemaster as appropriate;
- 7.2.2.3. 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 Form Tutor or Deputy Head;
- 7.2.2.4. Financial matters - a query relating to fees or extras should be stated in writing to the School Bursar;
- 7.2.2.5. Welfare of boarders - boarders are provided with appropriate helplines which they can ring in case of problems or distress. These include the Children's Commissioner and Child Line . Parents may also contact an inspector at Independent Schools Inspectorate (ISI) although ISI expects complainants to go through the School's complaints procedure first. Details of how to contact ISI are given in section 12.
- 7.2.2.6. Early Years Foundation Stage (EYFS). Parents can make a complaint to ISI although it is expected that complaints will go through the School's complaints

procedure first. Details of how to contact ISI are given at the end of this policy.

7.2.2.7. Staff issues – for complaints relating to members of staff, please speak or write to the Head.

7.2.2.8. Complaints about the Head – the procedure for dealing with an informal complaint about the Head is set out below:

- Parents may choose to raise complaints directly with the Head 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 Head will endeavour to resolve the complaint informally under Stage 1;
- The Head will acknowledge informal complaints within three working days and will seek to resolve the matter under Stage 1 by means of direct conversation or a meeting with the parents, to be held within 15 working days of the initial complaint;
- If the parent is dissatisfied with the Head'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.

7.3. **Acknowledgement:** The School will acknowledge a written notification by telephone, email or letter within two working days of receipt during term time and as soon as practicable in the holidays. A matter raised orally will not necessarily be acknowledged in writing but a Complaints Form will be completed, and a copy sent to the Head.

7.4. **Unresolved informal complaints:** a complaint which has not been resolved by informal means within 15 working days should be notified in writing as a formal complaint to the Head and it will be dealt with in accordance with Stage 2 below.

8. **Stage 2: Formal Complaint**

8.1. **Notification:** an unresolved informal complaint 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 in an envelope addressed to the Head. If a matter involves a complaint about the Head, the complaint should be addressed to the School Bursar at the School address. Your complaint will be acknowledged by telephone or in writing within two working days during term time, and as soon as practicable during the school holidays, indicating the action that is being taken and the likely timescale.

- 8.2. **Investigation:** the Head 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 to the Head (or Chair of Governors if the complaint is about the Head) who will then notify you in writing of the decision and the findings and recommendations of the investigation. Written records will be kept of all meetings and interviews held in relation to your complaint.
- 8.3. **Outcome:** The Head's aim is to inform any complainant of the outcome of an investigation and the resolution to the complaint within one calendar month from the receipt of the formal complaint. Please note that any complaint received within one month of the end of term or half term is likely to take longer to resolve owing to the presence of school holidays and the unavailability of personnel.
- 8.4. **Early Years Foundation Stage:** you will be notified of the outcome of the investigation within 28 days of the complaint being received.
- 8.5. **If you are dissatisfied with the Head's decision, you can request that the complaint be referred to the Complaints Panel under Stage 3 of this procedure.**

9. **Stage 3: Reference to the Complaints Panel**

- 9.1. A Panel hearing is a review of the decisions taken by the Head or Chair of Governors. The Panel will not consider any new areas of complaint which have not been previously raised as part of the complaints procedure.
- 9.2. **The role of the Complaints Panel:** the Complaints Panel's task is to establish the facts surrounding the complaint that has been made by considering:
- the documents provided by both parties; and
 - any representations made by parents or the Head or the Chair of Governors
- 9.3. After establishing the facts, the Panel will reach a decision as to whether to uphold or dismiss each complaint in whole or in part. They will make these decisions on the balance of probabilities.
- 9.4. 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 Head or to the full body of Governors as appropriate.
- 9.5. **Notification:** to request a hearing before the Complaints Panel, parents should write to the School Bursar. It is expected that the complaints procedure will progress in a timely manner and parents should make the request within seven working days of the decision complained of. The request will only be considered if parents have completed the procedures at Stages 1-2. Parents should ensure that a copy of all relevant documents and their full contact details accompany the letter to the School Bursar. Parents should also state in the letter the outcome

that is desired, all the grounds of the complaint and whether they will be accompanied by a legally qualified person in accordance with paragraph 9.8 below. Parents should send the School Bursar a list of the documents which they believe to be in the School's possession and wish the Panel to see. The School Bursar will acknowledge the request in writing within four working days. If parents require assistance with the request, for example, because of a disability, please contact the School Bursar who will be happy to make appropriate arrangements.

- 9.6. **Convening the Panel:** the Clerk to the Governors will convene the Complaints Panel as soon as reasonably practicable but in any event within twenty one working days with the exception that 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 shall be a member who is independent of the management and running of the School and the other two will be Governors. You may ask the Clerk to tell you who has been appointed to sit on the Panel.
- 9.7. **Notice of hearing:** as soon as reasonably practicable, 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 hear it. The hearing will normally follow the procedure set out in Appendix 1.
- 9.8. **Attendance:** Parents will be asked to attend the hearing and may be accompanied by one other person such as a relative or friend. The Panel hearing is not legal proceedings and so legal representation will not normally be appropriate. If parents do wish to be accompanied by a legally qualified person, please notify the School of this in the letter to the School Bursar when requesting a hearing before the Complaints Panel. Parents should note that the Panel will wish to speak to them directly and 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 Panel. Copies of additional documents parents wish the Panel to consider should be sent to the School Bursar at least five clear days prior to the hearing. The School Bursar will circulate a copy of the bundle of documents to be considered by the Panel to all parties at least three days prior to the hearing.
- 9.9. **Chairman:** the hearing will be chaired by one member of the Panel (chosen by themselves) and will be conducted in an informal manner.
- 9.10 **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.
- 9.11 **Evidence:** the Chairman will conduct the hearing in such a way as to ensure that the parties 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.

- 9.12 **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 Chairman. 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.
- 9.13. **Adjournment:** the Chairman may, at his/her discretion, adjourn the hearing for further investigation of any relevant issue. This may include an adjournment to take legal advice.
- 9.14 **Decision:** after due consideration of the matters discussed at the hearing, the Panel shall reach a decision. The Panel's decision, findings and any recommendations shall be confirmed in writing by email where appropriate within seven working days. If the complainant does not wish to receive the decision by email, a copy will be given or posted instead. The decisions, findings and any recommendations will be made available for inspection on the school premises by the Governing Body and the Head. Reasons for the decision will be given. The decision may include recommendations and will be sent to the complainant, the Chairman of the Governing Body, the Head and, where relevant, any person about whom the complaint has been made. The completion of Stage 3 represents the conclusion of the School's complaints procedure.
- 9.15 **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.

10. Unreasonable Complaints

- 10.1 The School is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who have complaints. However, it does not expect its staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.
- 10.2 The School adopts the Department for Education definition of unreasonable complaints as those who, because of the frequency or nature of their contacts with the School, hinder consideration of their or other people's complaints.
- 10.3 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:
- 10.4 A complaint may be regarded as unreasonable when the person making the complaint:
- 10.4.1. refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
 - 10.4.2. refuses to cooperate with the complaints investigation process while still wishing their complaint to be resolved.

- 10.4.3. refuses to accept that certain issues are not within the scope of a complaints procedure;
- 10.4.4. insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- 10.4.5. 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;
- 10.4.6. makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- 10.4.7. changes the basis of the complaint as the investigation proceeds;
- 10.4.8. repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- 10.4.9. refuses to accept the findings of the investigation into that complaint where the School's complaint procedure has been fully and properly implemented and completed;
- 10.4.10. seeks an unrealistic outcome;
- 10.4.11. 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.

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

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

10.6. A complaint may also be considered unreasonable if it is manifestly unjustified, inappropriate, or an improper use of formal procedure. In assessing this, the School shall have regard to all the circumstances of the case and the nature of the complaint. In assessing all of the circumstances of the case the School will consider a range of factors including:

- 10.6.1. whether a complaint has reasonable foundation;
- 10.6.2. the history and context of the complaint (and any evidence where relevant);
- 10.6.3. whether the time and cost of investigating the complaint is proportionate to the issue(s) complained of;

- 10.6.4. whether an investigation of the complaint is likely to cause a disproportionate or unjustified level of disruption, irritation or distress;
 - 10.6.5. unexplained delay in raising a complaint or issue;
 - 10.6.6. 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;
 - 10.6.7. any evidence of a complaint being brought for an improper purpose.
- 10.7. Wherever possible, the Head will discuss any concerns with the complainant informally before dismissing a complaint as unreasonable. The Head will normally only dismiss the complaint after consultation with the Chair of Governors.
 - 10.8. If the behaviour continues, the School will write to the complainant explaining that their behaviour is unreasonable and asking them to change it.
 - 10.9. For complainants who excessively contact the School causing a significant level of disruption, the School may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after three months.
 - 10.10. 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.
 - 10.11. A complainant may request that a Panel be convened to determine the single issue of whether the School's dismissal of the complainant's original complaint(s) was justified. If it is determined that the dismissal of the complaint(s) was unjustified, the formal complaints procedure will then be followed.

11. Recordkeeping and Confidentiality

- 11.1. A written record will be kept of all formal complaints, and of whether they are resolved at Stage 2 or proceed to a panel hearing and Stage 3, including the action taken by the School as a result of the complaints (regardless of whether they are upheld) and whether the complaints relate to the School's boarding provision.
- 11.2. Correspondence, statements and records relating to individual complaints will be kept confidential except to the extent required by paragraph 33(k) of the Schedule to the Education (Independent School Standards) Regulations 2014, which 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.
- 11.3. A complaint about the fulfilment of the School's EYFS requirements will be made available to Ofsted and the Independent School's Inspectorate on request.

- 11.4. 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.
- 11.5. The records created in accordance with the 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.

12. Complaints to Ofsted and the Independent Schools Inspectorate (ISI)

- 12.1. Parents of children in the School's Early Years Foundation Stage (EYFS) have the right to contact Ofsted and/or ISI if they believe the School is not meeting the EYFS requirements.
- 12.2. Ofsted can be contacted on 0300 123 4666 or at enquiries@ofsted.gov.uk.
- 12.3. ISI can be contacted at concerns@isi.net or on 020 7600 0100.

13. Assistance with making a complaint

- 13.1. If you require assistance with making a complaint, for example because of a disability, please contact the Head's PA who will be happy to make appropriate arrangements.

Signed:



The Reverend Dr Stephen Cherry
Dean, King's College, Cambridge
Chair of Governors of King's College School

9th March 2020

Date of Last Review:	March 2020
Date for Next Review:	March 2021
Policy Owner:	Head/School Bursar
Authorisation:	Chair of Governors, On behalf of the Board of Governors

Appendix 1 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. Present in the room throughout the hearing will be:
 - 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 Chairman. The Chairman 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 Head;
 - any person that the Head has brought as a supporter if agreed in advance by the Chairman; and
 - 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 remain for the whole proceeding.

- 3 **Suggested agenda**
 - 3.1 Welcome and introductions by the Chairman.
 - 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 Head may ask questions of parents for clarification. Questions should be put through the Chairman of the Panel who can intervene if s/he thinks that questions are inappropriate or are straying into cross examination.
 - 3.4 The Head 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 Head for clarification. Again such questions should be put through the Chairman who can intervene as necessary.
 - 3.6 The Head 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 Chairman 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 Head 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.

Appendix 2 - Complaint Form

This form is to be completed by any member of staff who receives a complaint or who wishes to make a complaint. It should be passed to the Head's Office.

What is the nature of the complaint? (Please tick)	
Staff conduct?	Parental conduct?
Teaching standards?	Pastoral care?
Condition of premises?	Timetabling?
Matters of regime and routine?	Access to or regulation of extracurricular activities?
Other (please give details)?	
Please give details of your complaint below:	
Date/s of incident	Time/s
If you are complaining about someone's behaviour please give the names of any witnesses to the incident/s:	
Action taken:	
Name:	Position:
Signed:	Date: