



King Edward's

WITLEY

Concerns and Complaints

*This policy should be read in conjunction with the following School policies and other documents:
Child Protection Policy, Expulsion, Removal and Review, Independent Schools' Standard Regulations
(ISSR) 2015*

The School will endeavour to respond appropriately to all feedback and use it as an opportunity to understand, reflect upon and improve stakeholders' experience. It is not easy to categorise discretely the continuous spectrum of this experience but the School endeavours to distinguish between:

- feedback that may require no response
- a concern that can be resolved informally and directly between the parties involved
- an informal complaint where resolution can be reached according to the circumstances
- the formal complaints that follow the procedures outlined under Stages 2 and 3 below.

These distinctions are necessarily subjective and an unresolved or repeated "concern" may appropriately be escalated as a complaint. In this policy, the terms "concern" and "complaint" are used interchangeably.

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, on request, to parents. A copy can be downloaded from the School's website. It is also available from the Head's PA and the Deputy Head's PA. The School informs parents on request about the number of complaints that have been received each year.
- 1.2 **Policy status:** the policy has been approved by the Head and the Governing Body of King Edward's Witley (the School). It provides guidelines for handling concerns and complaints. It takes account of Part 7 of The Education (Independent School Standards) (England) Regulations 2015. The policy applies to all sections of the school. The procedures set out below may be adapted as appropriate to meet the policy aims and circumstances of each case. Certain of the 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 Head expels or requires a pupil to leave and the parents seek a Governors' Review of that decision.
- 1.4 **Parent(s)/You:** includes a current or prospective parent or legal guardian or education guardian.
- 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 Head or Complaints Co-ordinator
- Stage 3: a reference to the Complaints Panel

Timescales: We aim to resolve any complaints in a timely manner. Timescales for each stage are set out below in the relevant paragraphs. When we refer to "working days" we mean Monday to Friday, when school is open during term time. The dates of terms are published on the School's website.

- 1.6 **A concern about the safety of your child** must be notified immediately to the person you believe is best placed to take urgent action and then confirmed in writing to the Head.
- 1.7 Any notes that are taken at any stage during an investigation or a formal meeting will only be passed on to a third party at the discretion of the Head or Deputy Head. Notes on matters of a child protection nature may be passed to the appropriate authorities at the discretion of the DSL.

2 Policy aim and statement

- 2.1 **Aim:** King Edward's School has long prided itself on the quality of the teaching and pastoral care provided to its pupils. However, we do welcome constructive suggestions and comments from parents and other stakeholders and take seriously complaints and concerns when they arise. 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. 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. The notes that follow describe the policy and show how to use our complaints procedure.
- 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. The policy however distinguishes between a concern or difficulty which can be resolved informally and a formal complaint which will require investigation.

3 Management of complaints

- 3.1 Co-ordinator: the Head has appointed the Deputy Head as the Complaints Co-ordinator to be responsible for the co-ordination and administration of the Complaints Procedure. If the Complaints Co-ordinator is unavailable or is the subject of the complaint, his/her duties will be carried out by the Head or another senior member of staff. The main responsibilities of the Complaints Co-ordinator are to:
- be the first point of contact while the matter remains unresolved and keep records
 - co-ordinate the complaints procedures in school

- maintain an on-going training programme for all school employees in relation to complaints
- monitor the keeping, confidentiality and storage of records in relation to complaints
- any complaints relating to boarding provision are identified as such and the action taken is noted, regardless of whether the complaint is upheld
- report regularly to the Head with respect to complaints.

3.2 **Duty Officer:** a senior member of staff is designated the Duty Officer at all times when the School is open. The Duty Officer can be contacted by means of a mobile phone or voicemail, details of which are provided on the School's website.

4 **STAGE 1: CONCERNS AND DIFFICULTIES – INFORMAL RESOLUTION**

4.1 **Concerns:** we expect that most concerns, where a parent seeks intervention, reconsideration or some other action to be taken, can be resolved informally. Examples might include 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 pupil's tutor, Head of Department or Housemaster/Housemistress 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 or the Complaints Co-ordinator;
- 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 or Housemistress;
- 4.2.4 financial matters - a query relating to fees or extras should be stated in writing to the Director of Finance and Operations;
- 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. Details of how to contact Ofsted are given at the end of this procedure.

4.3 **Acknowledgement:** we will acknowledge a written notification by telephone, fax, e-mail or letter within 2 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 Complaints Co-ordinator.

- 4.4 **Unresolved concerns:** a concern which has not been resolved by informal means within 15 working days may be notified in writing as a formal complaint which will be dealt with in accordance with Stage 2 below.

5 **STAGE 2: FORMAL COMPLAINT – FORMAL RESOLUTION**

- 5.1 **Notification:** an unresolved concern under Stage 1, or a complaint which needs investigation, or dissatisfaction with some aspect of the School's policies, procedures, management or administration must be set out in writing with full details and sent with all relevant documents and your full contact details. This information can be sent either to the Head or to the Complaints Co-ordinator so that there is always someone independent who you can contact if the complaint is against either of the above. Your complaint will be acknowledged by telephone or in writing within two working days during term time, indicating the action that is being taken and the likely time scale.
- 5.2 **Investigation:** the Head or the Complaints Co-ordinator 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 the Complaints Co-ordinator who will then notify you in writing of their decision and the reasons for it. Written records will be kept of all meetings and interviews held in relation to your complaint.
- 5.3 **Outcome:** The Head's or the Complaints Co-ordinator's aim would be to inform any complainant of the outcome of an investigation and the resolution to the complaint within 28 working days from the receipt of the 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.

6 **STAGE 3: REFERENCE TO THE COMPLAINTS PANEL**

- 6.1 **Further steps:** If you are dissatisfied with the Head's or the Complaints Co-ordinator's decision under Stage 2, your complaint may be renewed in writing to the Clerk to the Governors who, in consultation with the Treasurer, will convene a hearing of the Complaints Panel.
- 6.2 **A Panel hearing** is a review of the decisions taken by the Head or the Complaints Co-ordinator. The Panel will not consider any new areas of complaint which have not been previously raised as part of the complaints procedure.
- 6.3 **The role of the Panel:** the Panel's task is to establish the facts surrounding the complaints which have been made by considering:
- the documents provided by both parties
and
 - any representations made by you, the Head or the Complaints Co-ordinator
- 6.4 If, after establishing the facts, the Panel consider that the complaint is substantiated, they will uphold the complaint. If the Panel consider that the complaint is not substantiated, they will dismiss the complaint. They will make these decisions on the balance of probabilities.

- 6.5 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.
- 6.6 **Composition:** we will convene a Complaints Panel (Panel) comprising School Governor members and members who are independent of the governance, management and running of the School. The Panel will consist normally 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.
- 6.7 **Notification:** to request a hearing before the Complaints Panel please write to the Clerk to the Governors within 5 working days of the decision about which you wish to complain. 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 2 working days.
- 6.8 **Convening the Panel:** the Clerk to the Governors will convene the Complaints Panel, in consultation with the Treasurer, as soon as reasonably practicable but the Panel will not normally sit during half terms or school holidays. You may ask the Clerk to tell you who has been appointed to sit on the Panel.
- 6.9 **Notice of hearing:** every effort will be made to enable the Panel hearing to take place within 20 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 1.
- 6.10 **Attendance:** you will be asked to attend the hearing and may be accompanied by one other person if you wish. The Head shall also be entitled to be accompanied to the hearing by one other person if they wish. This may be a relative, teacher, or friend. The hearing is not a legal proceeding and no party is permitted legal representation. Your child aged 13+ may attend part or all of the hearing at the discretion of the Chairperson. Copies of additional documents you wish the Panel to consider should be sent to the Clerk at least three clear working days prior to the hearing.
- 6.11 **Chairperson:** the hearing will be chaired by one member of the Panel (chosen by themselves) and will be conducted in an informal manner.
- 6.12 **Hearing:** all statements made at the hearing will be unsworn. All present will be entitled, if they wish, to write their own notes for reference purposes. The Clerk will be asked to take a handwritten minute of the proceedings.
- 6.13 **Evidence:** the Chairperson will conduct the hearing in such a way as to ensure that all those present, other than those present as supporters, 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.

- 6.14 **Conduct:** all those attending the hearing are expected to show courtesy, restraint and good manners or, after due warning, the hearing may be adjourned at the discretion of the Chairperson. 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.
- 6.15 **Adjournment:** the Chairperson may, at his/her discretion, adjourn the hearing for further investigation of any relevant issue. This may include an adjournment to take legal advice.
- 6.16 **Decision:** after due consideration of the merits of the complaint and all facts they consider relevant, the Panel will make findings as to whether or not the Stage 2 decision was a reasonable one and decide whether to:
- dismiss the complaint(s) in whole or in part;
 - uphold the complaint(s) in whole or in part; and
 - make recommendations.
- . The Panel's decision, findings and any recommendations may be notified orally at the hearing or subsequently and shall be confirmed in writing to you by electronic mail where appropriate within 14 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 Head. Reasons for the decision will be given. The decision may include recommendations and will be sent to you, the Treasurer, the Head and, where relevant, any person about whom the complaint has been made.
- 6.17 **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.
- 6.18 **Confidentiality:** A written record will be kept of all complaints, and of whether they are resolved at Stage 1 or proceed to a Panel hearing. The number of complaints registered under the formal procedure during the preceding school year will be supplied to parents on request. Correspondence, statements and records relating to individual complaints will be kept confidential except to the extent required by Part 7 (k) of The Education (Independent School Standards) (England) Regulations 2015, that is where access is requested by the Secretary of State or where disclosure is required in the course of a school's inspection under section 109 of the 2008 Act or under other legal authority. In accordance with DfE guidance, details of individual complaints will normally be retained for a minimum of 7 years. Records concerning allegations of abuse will 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.

In the case of all formal complaints at any stage, a written record will be kept of the action taken by the school as a result of the complaint regardless of whether the complaint was upheld.

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 normally present in the same room throughout. Present in the room 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 Chairperson. The Chairperson 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
 - 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 Chairperson.
 - 3.2 Parents present their complaints. Where two parents are present, it is suggested that 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 must be put through the Chairperson 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 must be put through the Chairperson 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 Chairperson may bring the hearing to a close and inform the parties that they will be notified in writing of the decision, normally within 14 working days.

- 3.9 The parents and the Head leave 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 Contacting Ofsted

The School is inspected by Ofsted, an independent organisation which reports to the Government on schools. Parents and pupils have the right to contact an inspector if they have a complaint concerning a pupil's welfare. Ofsted will usually expect parents or pupils to have followed the School's formal complaints procedure before contacting them. However, you can report your concerns to Ofsted on 0300 123 1231, textphone 0161 618 8524, Monday to Friday between 8 am and 6 pm. You can write to them at:

Ofsted
3rd Floor
Piccadilly Gate
Store Street
Manchester
M1 2WD

Appendix 3 Contacting ISI

The School is inspected by the Independent Schools Inspectorate (ISI). Parents and pupils have the right to contact ISI if they have a complaint concerning any aspect of the School's provision. ISI will usually expect parents or pupils to have exhausted the School's formal complaints procedure before contacting them. However, you can report your concerns to them on 0207 600 0100 or by writing to them at:

Independent Schools Inspectorate
Ground Floor
CAP House
9-12 Long Lane
LONDON
EC1A 9HA

