



## **Complaints Policy**

Reference: The Independent School Standards, Part 7, paragraph 33 - the manner in which complaints are to be handled. This policy is available to parent/s on the website and in hard or electronic copy on request.

### **1. Introduction**

- **Scope.** Kingham Hill School has a clear and formal procedure for the handling of any complaints that parent/s may have. The School has a long tradition of close, regular, informal communication and contact between parents and staff at every level. Parental involvement in the School is actively encouraged and access to the Head and other staff is easily arranged. Although the School justly prides itself on the quality of the teaching and pastoral care provided to its pupils it is not complacent. It appreciates that, from time to time, parent/s will have concerns they wish to express or complaints they wish to make. These are followed up as rapidly as possible and, in the overwhelming majority of cases, without the need for any formal procedures. However, if parent/s do have a complaint they can expect it to be treated by the School in accordance with the procedures set out below.
- **Interpretation.** The “Head” includes deputies. “Parent/s” includes one or both of the parents or other legal guardians. “Working days” refers to days during the three School terms, not including Exeat weekends.

### **2. Definition and recording of complaints**

- A complaint is defined as an expression of parental dissatisfaction. There are three stages of all complaint: i.) Informal, ii) Formal in writing, and iii) Panel hearing.
- The Department for Education does not distinguish between “concerns” and “complaints” and hence any matter about which a parent of a pupil is unhappy and seeks action by the School is a complaint.
- The School keeps a Complaints Log which records all complaints made in writing under the formal part of the procedure. The stage at which a complaint is resolved is recorded, including a record of any action taken even if the complaint is not upheld. The Complaints Log is a standing item on the SMT agenda, and any action taken as a result of formal complaints, regardless of the resolution is minuted.
- The number of complaints reaching Stage 2 or 3 is reported to the governors on a termly basis, accompanied by appropriate details about the complaint(s) and whether resolution was reached.
- All correspondence, statements and records relating to individual complaints are to 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.

### **3. Stage 1 – Informal resolution**

- It is hoped that most concerns and complaints will continue to be resolved quickly and informally using the many links that already exist between the School and its parent/s, with the Tutor and/or Houseparents being the usual first point of contact. The procedures set out below are not intended to be rigid but to provide some general guidance on how best to raise a concern or complaint.
  - If parent/s have a concern or complaint they should normally contact their son/daughter's Houseparents in the first instance. They will liaise with the relevant staff, including the Tutor, in order to resolve the issue if possible
  - Complaints or concerns raised directly with a Head of Department, Senior Houseparent, or other senior member of staff will usually be referred to the relevant Houseparent unless the Head of Department, Senior Houseparent or other senior member of staff deem it appropriate to deal with the matter personally
  - Parent/s may wish to deal directly with the Head, in which case they should make an appointment to see him/her. In the case of a meeting it will be helpful for the discussion if, when making the appointment, an indication is given of the matter or matters they wish to raise.
- Informal complaints should normally be resolved within seven working days of being received. Any extension of this timescale should require a convincing explanation (such as a school holiday period, for example).
- Informal complaints received will, as a matter of course, be recorded and filed appropriately by the relevant staff, should the need to refer to them at a later date arise.
- If informal resolution is impossible, parent/s should proceed to Stage 2, by setting out their complaint to the Head in writing, indicating that they wish to make a formal complaint.

### **4. Stage 2 – Resolution of formal complaints**

- A formal complaint, as defined above, will be acknowledged by the Head in writing, normally within 24 hours, unless there are exceptional circumstances preventing this. He/she will then decide, after considering the complaint, the appropriate action to take.
  - In most cases the Head will speak with the parent/s concerned, normally within seven working days of receiving the complaint, unless there are exceptional circumstances preventing this, to discuss the matter and seek a resolution at this stage. If possible, this will be in person, although it may be a telephone conversation in the case of parents of boarding pupils
  - It may be necessary for the Head to carry out further investigation
  - The Head will keep written records of all meetings, interviews, and telephone conversations held in relation to the complaint as soon as possible while the details are still fresh in his mind. If necessary he may take notes during any such meetings

- Once the Head is satisfied that, as far as is practicable, all of the relevant facts have been established, a decision will be made and the parent/s will be informed of this decision in writing. The Head will also give reasons for his decision
- The Head will usually be expected to reach a decision within seven working days of meeting with the parent/s, or where a meeting does not need to take place, within seven working days of acknowledging receipt of the complaint, unless there are exceptional circumstances preventing this
- If parent/s are still not satisfied with the decision, they should then proceed to Stage 3 of this procedure.

## **5. Stage 3 – Panel hearing**

- **Calling the Complaints Panel**

If parent/s seek to invoke Stage 3 (following a failure to reach an earlier resolution), they will be referred to the Clerk to the Governors, who will arrange for the Complaints Panel to be convened. The Chairman of the Board of Governors will appoint a member of the Board of Governors to act as chairman of the Complaints Panel. The Panel hearing will normally take place at the School, unless there are exceptional circumstances precluding this.

- **The composition of the Complaints Panel**

The Panel will consist of at least three persons not directly involved in the matters detailed in the complaint and always an uneven number. This will usually be the appointed chairman, one other governor appointed for the occasion, and one other person independent of the management and running of the School. Each of the Panel members will be appointed by the Chairman of the Board of Governors. A secretary shall also be appointed to the Panel for the purpose of making a written record of the proceedings.

- **The functioning of the Complaints Panel**

The Chairman of the Panel will then acknowledge the complaint and schedule a hearing normally within twenty-one working days of the acknowledgement, unless there are exceptional circumstances preventing this.

- The Chairman, consulting other Panel members as appropriate, will assemble the written evidence that is to be considered by the Panel. If the Panel deems it necessary, it may require that further particulars of the complaint or any related matter be supplied in advance of the hearing. Copies of all related documents shall be supplied to all parties not later than three days prior to the hearing
- The complainant and all persons who may be affected by or criticised in the decision and any recommendations of the Panel shall be provided with a copy of that evidence, be invited to attend the hearing, or that part of the hearing that affects them, and/or submit observations in writing

- The parent/s and all other persons who might be affected by the deliberations and recommendations of the Panel, may be accompanied to the hearing by one other person. This may be a relative, teacher or friend. Parents are not entitled to insist on legal representation
- The hearing will be conducted in the presence of the complainant and the other persons who may be affected
- At the outset the Chairman of the Panel will introduce the panel and other persons in attendance, explain the purpose of the hearing and the procedure to be followed and ensure that all parties are ready to proceed. In explaining the purpose of the hearing the Chairman will briefly describe the nature of the complaint. In explaining the procedure to be followed the Chairman will outline the burden and standard of proof. In ensuring that all parties are ready to proceed the Chairman will satisfy himself/herself that all relevant documents have been disclosed to the complainant and the persons affected, that they have been given an opportunity to attend, that they have been given sufficient time to prepare for the hearing, produce evidence and obtain witnesses
- The procedure adopted by the Panel will be inquisitorial and under the direction of the Chairman. This means that the Panel will inquire into the matters referred to it rather than simply judge between two competing parties. In the event of a dispute over facts, the burden of proof will be on the complainant, the standard of proof being on the balance of probabilities. This is the test used by the civil courts and employment tribunals when dealing with non-criminal cases. The proceedings will be conducted in a calm, polite and constructive manner. The Chairman has the right to exclude persons who do not comply with this requirement
- Once the preliminaries are complete the complainant will normally first be asked to explain the complaint and the redress sought. The persons affected and the members of the Panel will have the right to ask questions of the complainant. The persons affected will then be given the opportunity to respond. The complainant and the members of the Panel will have the right to ask questions of the persons affected. Any such questioning will be under the control of the Chairman of the Panel
- At this stage the Panel should be able to establish whether there is any dispute as to the facts set out in the written evidence and whether it is necessary to call further witnesses or examine further written evidence to resolve the dispute or to explain or enlarge upon the oral or written evidence. If in the opinion of the Panel, further oral or written evidence is required, the Panel will call and question witnesses to elicit the evidence necessary for the Panel to make its decision and any recommendations. The complainant and the persons affected shall have the right to ask further questions of these witnesses. The Chairman of the Panel, in consultation with the other members, will have the right to adjourn the hearing to a later date if it is considered necessary
- When all the evidence has been heard, the complainant and the persons affected shall have the right to address the Panel, the complainant being last to speak
- If possible, the Panel will resolve the complaint immediately without the need for further investigation. Where further investigation is required, the Panel will decide how it should be carried out.

- **The deliberations and findings of the Complaints Panel**

- After due consideration of all the facts they consider relevant, the Panel will reach a decision and may make recommendations, which process it shall normally complete within five working days of the Hearing, unless there are exceptional circumstances preventing this
- The Chairman will announce to the complainant and other persons affected whether the Panel intends to deliberate immediately on its decision and recommendations or defer its deliberations to a later time or date. In either case, the Panel members will meet in private to reach the Panel's decision and any recommendations. The Panel will endeavour to reach a unanimous decision but, in the event of a disagreement that cannot be resolved, the decision may be taken by majority vote. Unanimous and majority decisions will be indicated in the Panel's written determination
- In making findings of fact, the Panel will take account of all the evidence it considers relevant. It will disregard irrelevant information, including speculation and unsupported suspicion. It is not bound by the strict rules of evidence applicable in a court of law, but hearsay evidence will be given less weight than first-hand evidence
- If any case or circumstance arises in practice that is not covered in these procedures, the Panel shall take such action as it considers just
- The record of the proceedings will be retained and, if necessary, later transcribed. The transcript will be made available to the complainant at his/her request.

- **Publication of findings and recommendations**

- A copy of any findings and recommendations made by the Panel will be given in writing to the complainant, the Board of Governors, the Head and where relevant the person complained about within the timescale outlined above
- A copy of any findings and recommendations shall be available for inspection on the school premises to the Head and the Governors.

## **6. Panel hearings in the previous twelve months**

- There have been no complaints which have reached a Panel Hearing (Stage 3) in the period 1 November 2017 to 1 November 2018.
- The number of complaints which reached Stage 2 of the process in the last academic year is 1.

This policy was ratified on .....

and will be reviewed November 2019

Signed by the Chairman of Governors .....

Reviewed and updated by Nick Seward (November 2018)