



Rugby School

Complaints Procedure

September 2020

Associated guidance and policies

Education and Skills Act (2008)

Education (Independent School Standards) Regulations (2014)

'Rugby School Data Protection Policy'

'Rugby School Document Retention Policy'

'Rugby School Safeguarding and Child Protection Policy'

'Rugby School Discipline and Rewards Policy'

1 Introduction

- 1.1 This policy has been approved by the Executive Head Master and the Governing Body of Rugby School (**the School**).
- 1.2 In accordance with paragraph 32(1)(b) of Schedule 1 to the *Education (Independent School Standards) Regulations 2014*, the School will make available to parents of students (including prospective students) details of the School's 'Complaints Procedure' and the number of complaints registered under the formal procedure during the preceding school year. The School will also provide this information on request to the Chief Inspector, the Secretary of State or an independent inspectorate.

2 Aim

- 2.1 The aim of this policy is to ensure that a complaint is sympathetically and efficiently managed and resolved as soon as possible. This policy promotes good practice, fairness and confidence in the School's ability to safeguard and promote welfare. We will try to positively resolve every complaint and, where necessary, review our systems and procedures in the light of circumstances.
- 2.2 To achieve this aim, 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 quickly become a cause of resentment that can damage relationships and our school culture. Parents and students should never be made to feel that a complaint will adversely affect a student or their opportunities at the School.

3 Scope

- 3.1 This policy applies to all complaints, except those relating to child protection concerns, which are dealt with under the School's 'Safeguarding and Child Protection Policy'. Complaints relating to the School's operation of its child protection policy or procedures may be considered under this policy.
- 3.2 This policy applies to all current students and parents of current students. It will only apply to former students or parents of former students if the complaint was initially raised when the child was still registered as a student at the School, except when the complaint concerns the Head's

decision to permanently exclude or require the removal of a student. In this case, a review must be requested by no later than seven days from the date of the decision, as set out in the School's 'Discipline and Rewards Policy'.

4 Interpretation: The definitions in this clause apply in this policy.

Complaint: an expression of dissatisfaction with a real or perceived problem about the School as a whole, a specific department or an individual staff member. Examples of problems include where a parent believes that the School did something wrong, failed to do something that it should have done, or acted unfairly.

Head: the Head of Rugby School.

Parent(s)/you: the holder(s) of parental responsibility for a student to whom the complaint relates. A complaint by one parent will be deemed to be a complaint by both parents where applicable.

Working day: a weekday during term time when lessons are being taught. For the avoidance of doubt, term dates are published on the School's website and in the Calendar. Information about term dates is made available to parents and students periodically.

5 Complaints by Parents - Stage 1: Informal Resolution

5.1 Types of complaints: Most complaints can be resolved informally. Examples include dissatisfaction about an aspect of teaching, pastoral care, the systems or equipment; allocation of privileges or responsibilities; timetable clashes; or billing errors.

5.2 Notification: Parents should raise the complaint initially with the person suggested below:

5.2.1 Education issues (for example, relating to the classroom, curriculum or special educational needs): Tutor, Head of Department or Housemaster/Housemistress (**Hm**) as appropriate.

5.2.2 Pastoral care (for example, relating to outside the classroom or in the House): Tutor or Hm as appropriate.

5.2.3 Disciplinary matters (for example, relating to disciplinary action taken or a sanction imposed): the member of staff who imposed it then, if not resolved, with the Hm.

5.2.4 Financial and administrative matters (for example, fees, extras or other administrative matters): Chief Operating Officer or Fees Manager.

5.2.5 Admissions matters: Admissions Registrar.

5.2.6 Complaint against the Head or a member of the Executive Group: Chair of Governors (whose contact details are available from the School on request).

If the complaint is not raised with the designated staff member set out in items 5.2.1 to 5.2.6, parents will be asked to redirect it to the appropriate individual under this policy.

5.3 **Acknowledgement:** Complaints will be acknowledged by telephone or email within two working days of receipt during term time or as soon as practicable in the holidays.

5.4 **Unresolved complaints:** If a complaint has not been informally resolved within fourteen working days of the School receiving the complaint, it can be converted into a formal complaint in accordance with Stage 2 (see item 6).

6 **Complaints by Parents - Stage 2: Formal Resolution**

6.1 **Types of complaints:** An unresolved complaint under Stage 1; a complaint which needs investigation; or a more serious dissatisfaction with some aspect of the School's policies, procedures, management or administration.

6.2 **Notification:** The complaint should set out the full details in writing. It should be sent with all of the relevant documents and your full contact details for the attention of the Head or Chief Operating Officer as appropriate. If a formal written complaint is received by another member of the School's staff, they will immediately pass it to the relevant person.

6.3 **Acknowledgement:** The complaint will be acknowledged as received by telephone or email within five working days during term time or as soon as practicable during the holidays. The acknowledgement will state that action is being taken and indicate the likely timescale for resolution.

6.4 **Investigation and resolution:** The Head or Chief Operating Officer may deal with the matter personally or ask a senior member of staff, independent person or Governor(s) to act as an "investigator(s)". The investigator may request additional information from parents, whether in person or via email. After the investigation, they will prepare a report.

6.5 **Outcome:** The Head or Chief Operating Officer will aim to inform parents of the investigation's outcome and their decision within one calendar month of receiving the complaint. Any complaint received during a School holiday or within one month before the end of term or half term is likely to take longer to resolve due to the unavailability of personnel.

6.6 **Complaints against the Head or member of the Executive Group:** The procedure differs for a complaint against the Head or member of the Executive Group. The complaint will be directed to the Chair of Governors. The Chair may deal with the matter personally or appoint a senior member of staff, independent person or Governor(s) to act as "investigator(s)". The person dealing with the complaint will call for a full report and all the relevant documents from the person(s) being complained about. They may also call for a staff briefing and meeting with the parents to discuss the matter further. Once the Chair is satisfied that, so far as is practicable, all of the relevant facts have been established, the parents will be informed of the decision in writing. The Chair will give reasons for their decision in writing.

6.7 **Total timeframe for resolving Stage 1 and 2 complaints:** It is in everyone's interest to resolve a complaint as speedily as possible: the School's target is to complete the first two stages of the procedure within seven weeks if the complaint is made in term time.

6.8 **Record of complaints:** The Assistant Head (Houses) is responsible for keeping a log of all complaints under this stage of the procedure. The log should provide: the name of the

complainant, the date the complaint was received and resolved, the matter complained of, whether the complaint related to boarding and the outcome, including actions taken by the School. Written records will also be kept as set out in item 10.

- 6.9 **Unresolved complaints:** If a parent is dissatisfied with a Stage 2 decision, the parents can request that the complaint is referred to the Review Panel under Stage 3.

7 **Complaints by Parents - Stage 3: Panel Hearing**

- 7.1 **Notification:** To request a Stage 3 Panel Hearing, parents should write to the Clerk to the Governors within seven days of the decision complained of. The Clerk's email address is available on the School's website. Requests will only be considered if the relevant procedures at Stages 1 and 2 have been completed (unless the complaint is about a decision to exclude or require removal of a student). Parents should ensure that all the grounds for the complaint are explained and should indicate their desired outcome. Parents should include any copies of relevant documents. The Clerk will acknowledge the request in writing within five working days during term time and as soon as practicable in the School holidays. The matter will then be referred to the Review Panel for consideration.
- 7.2 **The Review Panel:** The Panel will consist of three people who are not directly involved in the matters of the complaint; one will also be independent of the management and running of the School. If a Governor has already been appointed by the Chair to deal with a complaint against the Head or member of the Executive Group in Stage 2 (see item 6.5), they cannot be a part of the Review Panel at Stage 3. The Clerk, on behalf of the Panel, will then schedule a hearing.
- 7.3 **Notice of hearing:** Reasonable efforts will be made to ensure that the Panel hearing will take place within fifteen working days of the receipt of the request. As soon as reasonably practical (and in any event at least five working days before the hearing), the Clerk will send to the parents written notification of the date, time and place of the hearing, and brief details about the Panel members.

If the Panel deems it necessary, further particulars of the complaint or any related matter may be required in advance of the hearing. All parties shall be supplied with copies no later than five working days before the hearing.

The fifteen day target for the hearing to take place may need to be flexible either because of the availability of suitable personnel or because of school holidays.

The Clerk will make every reasonable effort to find a date and time for the hearing that suits all parties. However, the School reserves the right to hold the hearing in the absence of parents if, after the Clerk has made reasonable efforts to find a suitable time and location, the parents are repeatedly unable to attend proposed meetings for any reason or if the parents refuse to attend the meeting.

7.4 **The hearing:**

- 7.4.1 The parents may attend the hearing and be accompanied by one other person if they wish. This may be a relative, teacher or friend. Legal representation will not normally be appropriate.

7.4.2 The manner in which the hearing will be conducted is at the discretion of the Panel. The guidance included at Appendix 1 provides a possible structure to ensure there is order to the proceedings and fair process. The Panel may, at their discretion, adjourn the hearing for further investigation of any relevant issue. This may include an adjournment to take legal advice.

7.4.3 If possible, the Panel will resolve the complaint without the need for further investigation. Where further investigation is required, the Panel will decide how it should be carried out.

7.5 Outcome:

7.5.1 After due consideration of all the relevant facts, the Panel will write to parents with their decision and reasons within five working days of the hearing. Additional time may be required if it is necessary to carry out further investigations following the hearing. The decision of the Panel will be final, except where a complaint is about permanent exclusion or required removal (see item 7.5.1(a)). A copy of the Panel's findings and any recommendations they have will be sent by email or given to parents in person. A copy will also be available for inspection on the School premises by the Chair of Governors and the Executive Head Master or Head. Where relevant, the person complained about, the Chair of Governors and the Executive Head Master or Head will also receive a copy.

(a) If a complaint concerns a decision to permanently exclude or require the removal of a student, the Panel will review whether the decision is reasonable. Where the Panel concludes that the decision is not reasonable, it will recommend that the decision is reconsidered and reasons are provided to the Panel. The matter shall then be sent to the Executive Head Master for consideration and revision (if appropriate) of the original permanent exclusion or required removal decision.

7.5.2 It is not within the powers of the Panel to make any financial award, nor to impose sanctions on staff, students or parents. The Panel may only make recommendations of these to the Executive Head Master, Head, or full body of Governors as appropriate.

8 Complaints by Students

8.1 How to make an informal complaint: If students wish to complain about something or someone, they should firstly speak to any member of staff (for example, their Hm or Tutor). They do not need to inform the person they are complaining about, or anyone else, that they are raising a complaint.

8.2 How to make a formal complaint

8.2.1 If the matter is not informally settled to a student's reasonable satisfaction, they should write to their Hm or a member of the Senior Management Team stating that they wish to make a formal complaint. This can be done via email. Once again, they do not need to inform the person they are complaining about, or anyone else, that they are raising a complaint.

- 8.2.2 The complaint will then be registered in a Complaints File held by the Assistant Head (Houses).
- 8.2.3 The Assistant Head (Houses) will acknowledge receipt of the complaint via email and propose a meeting to discuss the complaint, which will be held within two School days of the complaint if it was made during term time or as soon as is practicable if during the School holidays.
- 8.2.4 The meeting may be with a Senior Manager of the student's choice. Following the meeting, the complaint will be investigated and then the Deputy Head will inform the student whether the complaint is upheld, partially upheld or not upheld, with reasons, in person or in writing. The student will receive this decision within one month if they made the complaint during term time and as soon as practicable outside of term.

8.3 Review:

- 8.3.1 If a student is not satisfied with the decision regarding a formal complaint, they may write to the Head, setting out the reasons for dissatisfaction. This may be via email.
- 8.3.2 The Head will review the decision and will inform the student of his findings within one calendar month of receiving a request for a review. The Head has sole discretion as to his subsequent course of action. This decision will be final.
- 8.3.3 Parents may use the School's parental formal complaints procedure, which is set out in this policy, if a student continues to feel that the School has not taken the complaint into proper consideration.

8.4 Bringing support: Please note that a student may bring a friend, House Tutor or member of staff with them when they are making any type of complaint or speaking to the Senior Manager or Head about the complaint.

9 Contacting ISI: The School is inspected by ISI, an independent organisation that reports to the Government on schools. Parents with a complaint can also contact ISI by ringing 020 7600 0100.

10 Recording Complaints and use of personal data

- 10.1 Following resolution of a complaint at any of the three Stages, the School will keep a written record of the complaint and any action taken by the School. Complaints will be recorded in accordance with the School's 'Data Protection' and 'Document Retention' Policies. Responsibility for the oversight of this record lies with the Assistant Head (Houses).
- 10.2 Correspondence, statements and records relating to individual complaints will be kept confidential, except where:
 - 10.2.1 the Secretary of State, or a body conducting an inspection under section 109 of the Education and Skills Act 2008, requests access to them;
 - 10.2.2 the School deems it necessary to investigate the matter properly and fairly; or
 - 10.2.3 the School deems it necessary to make a referral to a statutory authority.

11 Update Schedule

10.1 This Procedure will be updated from time to time by the Assistant Head (Houses) or another member of the Senior Management Team of Rugby School.

Authorised: Compliance and Risk Committee: 23 September 2020

APPENDIX 1: Suggested procedure for a Review Panel Hearing following a parental complaint

1 Introduction

This is the procedure that will normally be followed by the Review Panel unless there is good reason not to do so. It is designed to ensure that all parties have the opportunity to present their views to the Panel.

2 Meeting format and attendees

2.1 The meeting will take the form of a "round table" hearing, where all parties and the Panel are present in the same room throughout, unless the Panel believes that good order cannot be maintained or that the participants will not speak openly in this format.

2.2 The attendees will be:

2.2.1 the Panel Members;

2.2.2 the Clerk to the Panel;

(a) The Clerk will take rough notes of the meeting, which will belong to the Chair of the Panel. The Chair can authorise the release of the notes on the condition that they remain confidential.

2.2.3 the parents (and any individual they have brought for support);

2.2.4 the Head, except in the case of a complaint against his decision; and

2.2.5 any other appropriate member of staff.

Any witnesses may be asked to make their contribution and then leave rather than staying for the whole proceeding. Usually, however, witness testimonies will be in the form of signed written statements. For information on anonymity in witness statements, please refer to the 'Permanent Exclusion and Required Removal Policy'.

3 Suggested agenda

3.1 The Chair welcomes and introduces all the parties.

3.2 The parents present their complaints. Where two parents are present, it is suggested that one parent undertakes the responsibility of presenting the complaint and answering questions.

3.3 The Panel and Stage 2 decision maker may ask the parents questions for clarification. Questions should be put through the Chair of the Panel who can intervene if they think the questions are inappropriate or stray into cross-examination.

3.4 The Stage 2 decision maker puts forward their case, explaining the reasons for the decision and calling witnesses if necessary.

- 3.5 The Panel members and parents may ask the Stage 2 decision maker questions for clarification. Again, such questions should be put through the Chair who can intervene as necessary.
- 3.6 The Stage 2 decision maker is invited to make any further relevant points.
- 3.7 The parents are invited to make any further relevant points.
- 3.8 When the Panel is satisfied that it has established sufficient facts for it to make its decision, the Chair may bring the hearing to a close and inform the parties that they will be notified in writing of the decision, normally within five working days.