

COMPLAINTS POLICY AND PROCEDURE FOR PARENTS

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The purpose of this policy is to provide guidance to employees of Benenden School (Kent) Limited and its subsidiaries (collectively 'Benenden' or 'the School').

"Parent(s)" means the holder(s) of parental responsibility for a pupil about whom the complaint relates.

Introduction

Benenden School aims to create an atmosphere in which a diverse range of people can work together openly and in a spirit of mutual respect and trust towards a common purpose. Nevertheless, we recognise that it is possible for misunderstandings and disagreements to arise or for mistakes to happen. Our Complaints Policy and Procedure is designed to help parents and pupils to resolve such concerns or misunderstandings at an early stage and thereby limit the confusion and upset which they often cause.

Benenden has long prided itself on the quality of the teaching and pastoral care provided to its pupils. However, if parents do have a complaint, they can expect it to be treated by the School with care and in accordance with this Complaints Procedure. Benenden makes its Complaints Policy and Procedure available to all parents of pupils and of prospective pupils on the School's website and in the School office during the school day, and Benenden will ensure that parents of pupils and of prospective pupils who request it are made aware that this document is published or available and of the form in which it is published or available, and of the number of complaints registered under the formal procedure during the preceding school year. In accordance with paragraph 32(1) of Schedule 1 to the Education (Independent School Standards) Regulation 2014, Benenden will also make available, on request, to Ofsted, the Department for Education (DfE) or the Independent Schools Inspectorate (ISI), details of this Complaints Policy and Procedure and the number of complaints registered under the formal procedure during the preceding school year.

Although this Policy and Procedure is made available to parents of prospective pupils, it is not available for use by them; it may only be used by parents of current pupils. Parents of prospective pupils may make use of the complaints procedure outlined in the Admissions policy.

Complaints by parents of former pupils will be dealt with under this Complaints Policy and Procedure only if the complaint was initially raised when the pupil to which the complaint relates was still registered as a pupil at the School. If the complaint is a review of a decision taken by the Head to exclude or require the removal of a pupil under clause 7 of the School's Terms and Conditions of Contract, such a review must be requested by no later than five working days from the date of the decision to exclude or require the removal of a pupil.

Any complaints from members of the general public regarding a commercial event at the School are not covered by this policy and anyone wishing to make a complaint in relation to such an event should refer to the Commercial Complaints policy.

What Constitutes a Complaint?

A complaint is an expression of dissatisfaction with a real or perceived problem. It may be made about the School as a whole, about a specific department or about an individual member of staff, and any matter about which a parent is unhappy and seeks action by the School is within the scope of this policy. A complaint is likely to arise if a parent believes that the School has done something wrong, failed to do something that it should have done or has acted unfairly.

Parents can be assured that all concerns and complaints will be treated seriously and confidentially. The School is here for your child and you can be assured that your child will not be penalised for a complaint that you (or your child) raise(s) in good faith.

The Three-Stage Complaints Procedure

Stage 1 – Informal Resolution

It is hoped that most complaints and concerns will be resolved quickly and informally.

If parents have a complaint, they should normally contact their daughter's Housemaster/Housemistress. In many cases, the matter will be resolved straightaway by this means to the parents' satisfaction. If the Housemaster/Housemistress cannot resolve the matter alone it may be necessary for them to consult a member of SMT.

Complaints made directly to a member of SMT will usually be referred to the relevant Housemaster/Housemistress unless they deem it appropriate for them to deal with the matter personally.

The Housemaster/Housemistress will make a written record of all concerns and complaints and the date on which they were received. Informal complaints may be made in person or via telephone, email or letter. The School endeavours to respond to the parent on weekdays during term time within 48 hours. This might be with an acknowledgement email in the first instance. Follow-up contact will be made within ten working days. Any informal complaint sent to staff who are away on holiday will be responded to once term begins again.

If, however, the complaint is against the Head, parents should make their complaint directly to the Chair of Governing Council whose contact details are available from the School Office on request.

Stage 2 – Formal Resolution

If the complaint cannot be resolved on an informal basis then the parents should put their complaint in writing to the Head. The Head will decide, after considering the complaint, the appropriate course of action to take.

In most cases, the Head will contact the parents concerned within 5 working days of receiving the complaint to discuss the matter. If possible, a resolution will be reached at this stage.

It may be necessary for the Head, or their nominee, to carry out further investigations.

The Head will keep written records of all meetings and interviews held in relation to the complaint.

Once the Head is satisfied that, so far as is practicable, all of the relevant facts have been established, a decision will be made and parents will be informed of this decision in writing. The Head will also give reasons for their decision. In most cases, the Head will make their decision and provide the parents with reasons within 2 working weeks of the complaint being put in writing.

If the complaint is against the Head, the complaint should be made to the Chair of Governing Council (cmabirkett@benenden.school). The Chair of Governing Council or their nominee will call for a full report from the Head and for all the relevant documents. The Chair of Governing Council or their nominee may also call for a briefing from members of staff, and will in most cases, speak to or meet with the parents to discuss the matter further. Once the Chair of Governing Council or their nominee 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 of Governing Council or their nominee will give reasons for their decision.

If parents are still not satisfied with the decision, they should proceed to Stage 3 of this procedure.

Stage 3 – Panel Hearing

If parents seek to invoke Stage 3 (following a failure to reach an earlier resolution) they should do so in writing to the Chair of Governing Council within 2 weeks of receiving the decision at Stage 2, setting out their grounds of appeal. Any supporting evidence which the parents wish to rely on should also be provided with their grounds of appeal.

The Chair of Governing Council will then refer the appeal to the Complaints Panel for consideration. The Panel will consist of three persons not directly involved in the matters detailed in the complaint and one of whom shall be independent of the management and running of the School. The Chair of Governing Council will appoint one Panel member to act as Chair of the Panel. The Chair of the Panel will then acknowledge the complaint within 5 working days and schedule a hearing to take place within 3 working weeks.

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 or further investigation be carried out. Copies of such particulars shall be supplied to all parties not later than 5 working days prior to the hearing.

The parents may attend the hearing and be accompanied to the hearing by one other person if they wish. This may be a relative, teacher or friend. Legal representation will not be appropriate. The Panel will decide whether it would be helpful for witnesses to attend.

The manner in which the hearing is conducted shall be at the discretion of the Panel.

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

After due consideration of all facts, they consider relevant, the Panel will make findings as to whether or not the Stage 2 decision was a reasonable one and accordingly decide whether to:

- Dismiss the complaint(s) in whole or in part;
- Uphold the complaint(s) in whole or in part; and
- may make recommendations.

The Panel will write to the parents informing them of its decision and the reasons for it, within 5 working days of the hearing (although 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. A copy of the Panel's findings and recommendations (if any) will be sent by electronic mail or otherwise given to the parents, and, where relevant, the person complained about as well as the Chair of Governing Council and the Head. A copy of the Panel's findings and recommendations (if any) will also be available for inspection on the School premises by the Chair of Governing Council and the Head.

Any complaint of a decision taken by the Head to exclude or require the removal of the pupil under clause 7 of the School's Terms and Conditions (Parent Contract) will be governed by this Stage 3 of the School's Complaints Procedure. In such circumstances, the Panel may only uphold the complaint and ask the Head to reconsider their decision if they consider, having regard to the process followed by the Head, that the Head's decision to exclude/require the removal of the pupil was not a reasonable decision for the Head to have taken.

Timeframe for Dealing with Complaints

All complaints will be handled seriously, sensitively and within clear and reasonable timescales.

Please note that, for the purposes of this procedure, working days refers to weekdays (Monday to Friday) during term time, excluding bank holidays. This means that during School holidays it may take longer to resolve a complaint although the School will do what is reasonably practicable to avoid undue delay. It may also take longer to resolve a complaint during periods of significant disruption to School life or as a consequence of unavoidable staff absence, however deviation from the normal timescale for resolving a complaint during term time will only be permitted on an exceptional basis, and the School will take all reasonable steps to limit any such delay.

Persistent correspondence

Where repeated attempts are made by a parent to raise the same complaint after it has been considered at all three stages, this may be regarded by the School as vexatious and outside the scope of this procedure.

Recording Complaints and use of personal data

Following resolution of a complaint, the School will keep a written record of all complaints, whether they are resolved at the informal stage, the formal stage or proceed to a Panel hearing and any action taken by the School as a result of the complaint (regardless of whether the complaint is upheld).

The School processes data in accordance with its Privacy Notice [Data Protection Privacy Notice](#). When dealing with complaints the School (including any Panel member appointed under the Stage 3 process) may process a range of information, which is likely to include the following:

- Date when the issue was raised
- Name of parent
- Name of pupil
- Description of the issue
- Records of all the investigations (if appropriate)
- Witness statements (if appropriate)
- Name and contact details of member (s) of staff handling the issue at each stage
- Copies of all correspondence on the issue (including emails and records of phone conversations)
- Notes/minutes of the hearing, and
- The Panel's written decision



This may include 'special category personal data' (as further detailed in the School's *Privacy Notice* and *Data Protection Policy*, but potentially including, for instance, information relating to physical or mental health) where this is necessary owing to the nature of the complaint. This data will be processed in accordance with the School's *Data Protection Policy*.

The School will keep records of formal complaints and Complaints Panel hearings, as required by regulation. It will do so in accordance with its *Privacy Notice and Data Protection Policy*.

Correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the Education and Skills Act 2008 requests access to them.

For the academic year 2020-21 the School received 2 formal complaints.

For the academic year 2021-22 the School received 3 formal complaints.