



WINCHESTER  
COLLEGE

## Complaints Procedure for Parents

**Next review date:** March 2024

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The School prides 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. The School makes its Complaints Procedure available to all parents of current pupils on the School's website and will ensure that parents of 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) Regulations 2014, the School will also make available, on request, to Ofsted, the Department for Education (DfE) or the Independent Schools Inspectorate (ISI), details of this Complaints Procedure and the number of complaints registered under the formal procedure during the preceding school year. This procedure complies with the Education (Independent School Standards) Regulations 2014, as amended.

Complaints by parents of former pupils will be dealt with under this Complaints 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. The only exception to this is if the complaint is a review of a decision taken by the Headmaster to exclude or require the removal of a pupil under the School's Terms and Conditions (the Parent Contract) in which case such a review must be requested by no later than seven working days from the date of the decision to exclude or require the removal of a pupil.

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

### 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 in a matter about which a parent is unhappy and seeks action by the School is within the scope of the procedure. A complaint is likely to arise if a parent believes that the School has done something wrong, or failed to do so something that it should have done or acted unfairly.

Parents can be assured that all concerns and complaints will be treated seriously and confidentially, and that their child will not be penalised for a complaint that they or their child raise[s] in good faith. 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 109 of the Education and Skills Act 2008 requests access to them.

### **Timeframe for dealing with complaints**

All complaints will be handled seriously and sensitively. They will be acknowledged within seven working days.

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 28 working days of the complaint being lodged and Stage 3, the Appeal Panel Hearing, within a further 28 working days.

For the purposes of this Procedure, a working day is any day within term time as published on the School's website (but not including Leave-outs). If a complaint is received shortly before or during a school holiday, the School may endeavour to deal with the complaint within the holiday period. If not practicable, it will adhere to the timeframes set out in this Procedure, viz, within 28 working days for the first two Stages and within a further 28 working days for any Stage 3 proceedings.

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 occur 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 made, and whether they are resolved at Stage 1 (the informal stage), Stage 2 (the formal stage) or proceed to a Panel Hearing (Stage 3), and of any action taken by the School as a result of these complaints (regardless of whether they are upheld).

The School processes data in accordance with its Privacy Notice, which can be found on the School's website. 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 or minutes of the hearing.
- The Panel's written decision.

This may include 'special category personal data' (as further detailed in the School's Privacy Notice, but potentially including sensitive data such as 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 Privacy Notice.

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 in most cases for a period of at least seven years after the pupil leaves the School. All records relating to complaints will be treated as confidential. In addition to where requested by the Secretary of State or an inspector (see above), there may be other circumstances where disclosure of the substance of a complaint or particular confidential records relating to it is required, for example, where there is a legal, regulatory, safeguarding or data protection obligation (for example, in response to a subject access request) which prevails over the requirement to maintain the records as confidential.

## **The Three-Stage Complaints Procedure**

### **Stage 1 – Informal Resolution**

- 1.1 It is hoped that most complaints and concerns will be resolved quickly and informally.
- 1.2 If parents have a complaint, they should normally contact their child's Housemaster. In many cases, the matter will be resolved straightaway by this means to parents' satisfaction. If the Housemaster cannot resolve the matter alone, it may be necessary for him/her to consult a relevant Head of Department, and/or the Undermaster, Deputy Head Pastoral, Second Master or Headmaster.
- 1.3 Complaints made directly to a Head of Department, the Undermaster, Deputy Head Pastoral, Second Master or Headmaster will usually be referred to the Housemaster unless the Head of Department, Undermaster, Deputy Head Pastoral, Second Master or Headmaster deems it appropriate for him/her to deal with the matter personally.
- 1.4 The Housemaster will make a written record of all concerns and complaints and the date on which they were received. Should the matter not be resolved within seven working days, or in the event that the member of staff and the parent fail to reach a satisfactory resolution, then parents will be advised to proceed with their complaint in accordance with Stage 2 of this Procedure.
- 1.5 If, however, the complaint is against the Headmaster, parents should make their complaint directly to the Warden (i.e. the Chairman of Governors of the School) through the Bursar in his capacity as Secretary to the Governing Body.

### **Stage 2 – Formal Resolution**

The Headmaster may delegate responsibility at this stage to another senior member of staff (normally the Second Master, Deputy Head Pastoral, or Director of Studies). All references to 'Headmaster' under Stage 2 shall therefore automatically be taken to include the Second Master, Deputy Head Pastoral or Director of Studies where appropriate.

- 2.1 If the complaint cannot be resolved informally, then the parents should put their complaint in writing to the Headmaster. The Headmaster will decide, after considering the complaint, the appropriate course of action to take.

- 2.2 In most cases, the Headmaster (or his nominee) will meet or speak to the parents concerned, normally within seven working days of receiving the complaint, to discuss the matter. Every attempt will be made to reach a resolution at this stage.
- 2.3 It may be necessary for the Headmaster (or his nominee) to carry out further investigations.
- 2.4 The Headmaster (or his nominee) will keep written records of all meetings and interviews held in relation to the complaint.
- 2.5 Once the Headmaster (or his nominee) 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 Headmaster (or his nominee) will also give reasons for his decision. In most cases the Headmaster will make his decision and provide the parents with reasons within 21 working days of the complaint being put in writing as set out in paragraph 2.1 above.
- 2.6 If the complaint is against the Headmaster, the complaint should be made to the Warden. The Warden or his nominee will call for a full report from the Headmaster and for all the relevant documents. The Warden or his 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 Warden or his 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 Warden will give reasons for his decision.
- 2.7 If parents are still not satisfied with the decision, they should proceed to Stage 3 of this Procedure.

### **Stage 3 – Panel Hearing**

- 3.1 If parents seek to invoke Stage 3 (following a failure to reach an earlier resolution), they should do so in writing to the Bursar in his capacity as Secretary to the Governing Body within seven calendar days 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. To the extent the parents are unable to provide their complaint within the time period stipulated due to extenuating circumstances which have impeded the parents from taking action, the parents should request an extension in writing. Such a request should be made to the Bursar in advance of the original deadline, setting out the further time period requested and the reason for this. This will be considered.
- 3.2 The Secretary to the Governing Body, who has been appointed by the Governors to call hearings of the Complaints Panel, 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 Warden will appoint one Panel member to act as Chairman of the Panel. The Secretary to the Governing Body, on behalf of the Panel, will then acknowledge the complaint within seven working days and schedule a hearing to take place as soon as practicable and normally within 28 working days.
- 3.3 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 normally not later than seven working days prior to the hearing.

- 3.4 The parents may attend the hearing and be accompanied to the hearing by one other person if they wish. The Headmaster shall also be entitled to be accompanied to the hearing by one other person if he wishes. In both cases, this person may be a relative, teacher or friend. Legal representation will not normally be appropriate. The Panel will decide whether it would be helpful for witnesses to attend.
- 3.5 The remit of the Panel shall be at the discretion of the Warden and the manner in which the hearing is conducted shall be at the discretion of the Panel.
- 3.6 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.
- 3.7 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 accordingly decide whether to:
- dismiss the complaint(s) in whole or in part;
  - uphold the complaint(s) in whole or in part; and
  - make recommendations.
- 3.8 The Panel will write to the parents informing them of its decision and the reasons for it, normally within seven 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 Warden and the Headmaster. A copy of the Panel's findings and recommendations (if any) will also be available for inspection on the School premises by the Warden and the Headmaster.
- 3.9 Any complaint about a decision taken by the Headmaster to exclude or require the removal of the pupil under the School's Terms and Conditions (the 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 if they consider, having regard to the process followed by the Headmaster, that the Headmaster's decision to exclude / require the removal of the pupil was not a reasonable decision for the Headmaster to have taken.

*For the academic year 2021/2022 the School received one formal complaint.*