



HARROW SCHOOL

COMPLAINTS PROCEDURE FOR PARENTS

1. Introduction and definitions

1.1 This is the Complaints Procedure for Parents (**Complaints Procedure**) referred to in Harrow School's Terms and Conditions (**Parent Contract**).

1.2 Harrow School (**the School**) welcomes suggestions and comments from Parents. It takes seriously complaints and concerns they may raise and wishes to work with them in the best interests of the young people in the School's care.

1.3 In this Complaints Procedure:

1.3.1 Capitalised terms have the same meanings as in the Parent Contract, unless expressly defined in this Complaints Procedure or the context otherwise requires.

1.3.2 The following words and expressions have the following meanings:

Complaint means any matter about which a Parent is unhappy and in respect of which he or she seeks action from the School.

The Pupil means the pupil in respect of whom a Complaint is made (see below). Other pupils are referred to as pupils.

Working days means days other than Saturdays, Sundays, public holidays in the UK, days falling on an exeat and the usual School holidays. In calculating the number of working days, the day of receipt and the day of despatch shall not be counted.

Working hours means between 9:30am and 5:30pm on a working day.

The Clerk means the Clerk to the Governors of Harrow School or his or her deputy whose address is:

The Clerk to the Governors of Harrow School
C/o Cripps Pemberton Greenish
2nd Floor,
80 Victoria Street,
London
SW1E 5JL
andrew.millett@cripps.co.uk

2. General

2.1 The purpose of the Complaints Procedure is:

2.1.1 to provide a clear process to enable Parents to make a Complaint; and

2.1.2 to provide a fair and efficient structure for resolving or otherwise determining a Complaint and a timeframe within which the Complaint can be expected to be resolved or otherwise determined.



HARROW SCHOOL

- 2.2 The Complaints Procedure is to be used as a mechanism for resolving issues of genuine concern in good faith and in a non-adversarial manner. It shall not be used:
- 2.2.1 where the complaint relates to the Permanent Exclusion or the permanent removal of a pupil at the request of the School, the procedure for which is set out in the Appeal Procedure for Parents against Exclusions or to any other complaint in respect of a matter for which a different procedure is expressly provided;
 - 2.2.2 to obtain information from the School not available under the Parent Contract or otherwise by law;
 - 2.2.3 to re-open a Complaint on a matter in respect of which the process set out in the Complaints Procedure has been completed;
 - 2.2.4 to avoid or delay payment of any sum due under the Parent Contract;
 - 2.2.5 by pupils to raise concerns (there is specific policy dealing with pupils' complaints); or
 - 2.2.6 in bad faith, in an abusive or threatening manner or to pursue a frivolous issue or in a way that is frivolous or vexatious.
- 2.3 The making of a Complaint shall not prejudice the right of the School to require the Parents to remove their son from the School in accordance with the Parent Contract.
- 2.4 After making a Complaint, the Parents should not thereafter approach any Governor or member of the School's staff about the Complaint, except in accordance with the Complaints Procedure. Such an approach may preclude the Governor or staff member's involvement in the procedure.
- 2.5 All Complaints will be handled seriously, sensitively and within clear and reasonable timescales. The timeframes set out in this Complaints Procedure may change depending on the circumstances of each particular case.
- 2.6 It may take longer to resolve a complaint which has been raised during or shortly before a School holiday, when statutory agencies are involved (for example the Local Authority and/or the Police), during periods of significant disruption to school life or as a consequence of unavoidable staff absence. However, deviation from the normal timescales for resolving a Complaint during term-time will be on an exceptional basis, and the School will take reasonable steps to limit such delays, and will keep Parents informed should revisions to the timeframes be required.
- 3. Who may complain?**
- 3.1 The Complaints Procedure may be used by Parents of pupils who have started at the School (i.e. currently registered pupils on the roll). It may not be used by Parents of prospective pupils, nor by Parents of former pupils, unless, in the case of a former pupil, the Complaint was initially raised when the pupil was still registered as a pupil.
- 3.2 Where a Complaint is brought by one Parent only, other than in exceptional circumstances (including in accordance with a Court order) any other adult who entered into the Parent Contract will be kept informed and invited to participate in the formal stages of the process set out in the Complaints Procedure. Other adults whom the School believes have "parental responsibility" for the Pupil may also be kept informed and



HARROW SCHOOL

invited to participate in the formal stages of the process set out in the Complaints Procedure (unless prevented from doing so by law).

- 3.3 The School has no obligation to and will not normally entertain an anonymous complaint.

The Three-Stage Complaints Procedure

4. Stage 1 - Informal Resolution

- 4.1 It is hoped that Complaints will be resolved quickly and informally. If Parents make a Complaint face-to-face or by telephone, it is often possible to resolve the matter immediately.
- 4.2 Parents should normally make the Complaint to the House Master of the Pupil. If the Complaint is of an academic nature, it is likely that the House Master will discuss it with, or refer it to, the relevant Head of Department. If the House Master cannot resolve the Complaint alone, he or she may consult a senior colleague (e.g. the Deputy Head Master or the Director of Studies).
- 4.3 Parents may prefer to take the Complaint directly to another a member of staff of equivalent seniority to the House Master.
- 4.4 In the event that Parents make a Complaint directly to the Head Master, he or she may refer the matter to the House Master or another member of staff with equivalent seniority. Depending on the nature of the Complaint, the Head Master may choose to deal with the Complaint formally under Stage 2, in which case he may ask the Parents to provide the Stage 2 Letter described at paragraph 5.1 below (or if they had already made their Complaint in writing, treat it as the Stage 2 Letter).
- 4.5 If the Complaint is not made in writing, the House Master or other person to whom the Complaint is made will make a written record of the Complaint and the date on which it is received.
- 4.6 Should the matter not be resolved within **ten working days** then the Parents will be advised to proceed with their Complaint in accordance with Stage 2 of this Complaints Procedure (unless the Complaint has been addressed to the Head Master who has already chosen to deal with it formally under Stage 2).

5. Stage 2 – Formal Resolution

- 5.1 In the event the Complaint cannot be resolved on an informal basis as above, Parents should put the Complaint in writing to the Head Master, and should include in this letter what action they would like the School to take (**Stage 2 Letter**).
- 5.2 In most cases, the Head Master will contact the Parents about the Complaint **within five working days** of receipt of the Stage 2 Letter. If possible, a resolution will be reached at this stage.
- 5.3 It may be necessary for the Head Master, or their nominee (for example, the Deputy Head Master or another senior member of staff who has not been substantively involved in the Complaint to date or involved at Stage 1) to carry out an investigation of the issues raised in the Stage 2 Letter and provide an investigation report to the Head Master (**Investigation Report**). When the Head Master is satisfied that, so far as is practicable, all of the relevant facts have been established, he or she will write to the Parents, informing them of his or her decision, giving reasons for the decision and, if appropriate, describe any action taken or proposed (**Decision**). In most cases, the Head Master will provide his or her Decision within **15 working days** of the Stage 2 Letter. The Head Master will normally provide any Investigation Report with the



HARROW SCHOOL

Decision and other relevant documents, subject to any redactions necessary to protect third party data and confidential information.

- 5.4 If the Parents are unsatisfied with the Decision, they should proceed to Stage 3 of this Complaints Procedure.
- 5.5 The Head Master will provide the Clerk with a copy of the Stage 2 Letter, his or her Decision and any Investigation Report and other relevant documents.

6. Stage 3 – Panel Hearing

- 6.1 If the Parents are not satisfied with the Decision at Stage 2 they may appeal the Decision **within 10 working days of receipt** by writing to the Clerk (**Stage 3 Letter**). The Stage 3 Letter should set out:
- 6.1.1 the grounds for appealing the Decision and the action the Parents would like the School to take; and
- 6.1.2 any supporting documentation and material that the Parents wish the Panel to take into account.
- 6.2 **Within five working days of receipt**, the Clerk will write to the Parents to acknowledge receipt, refer the Stage 3 Letter to the Chairman of Governors (together with any Investigation Report, the Decision, other relevant documents and any supporting documentation and material), and schedule a hearing to take place **within the next 20 working days**.

Convening a Panel

- 6.3 A panel will be convened to hear the appeal (**Panel**). The Panel shall be selected by the Chairman of Governors and shall comprise at least three persons. The Panel shall not include any persons directly involved in the matters relating to the Complaint and shall have no connection with the Pupil or family of the Pupil who is the subject of the Complaint. At least one of the Panel members shall be independent of the management and running of the School. This means that he or she shall not be employed or engaged by the School and not a current Governor but may be a former Governor. The Chairman of Governors will appoint one of the Panel members to act as chairman of the Panel (**Panel Chairman**).

The Panel's role

- 6.4 The Panel's role is to review the Stage 3 Letter on the basis of the evidence before it and to decide whether to: (i) uphold the grounds of appeal in full or in part; and (ii) make any recommendations to the School as it sees fit.
- 6.5 The Panel shall not have the power to make any monetary award or compensation or impose sanctions on pupils or staff.
- 6.6 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 **five working days** prior to the hearing.
- 6.7 Any new complaint or evidence which is, in the Panel's opinion, irrelevant to the Stage 3 Letter shall not be considered by the Panel.
- 6.8 The Panel will reach its decision applying the civil standard of proof, i.e. the balance of probabilities.



HARROW SCHOOL

The conduct of the hearing

- 6.9 The hearing will not be conducted in an adversarial way and the primary concern of the Panel will be to determine the appeal justly and fairly.
- 6.10 The Panel Chairman has discretion to conduct the hearing in any way which he or she considers will achieve this. The Panel Chairman may make directions on any matter prior to and during the hearing (directions prior to the hearing being made through the Clerk).
- 6.11 The hearing will take place at a suitable venue (usually the offices of the Clerk) but may be held by video-conference facility at the discretion of the Panel Chairman.
- 6.12 The Head Master will usually attend on behalf of the School. The Parents will also be invited to attend and reasonable steps will be taken to accommodate their attendance. If the Parents do not wish to attend or are unable to attend the hearing for whatever reason and no alternative dates can be reasonably accommodated, the hearing will proceed in their absence and the Panel may rely on written submissions.
- 6.13 Parents may be accompanied by a companion, being a friend or relative (over the age of 18 and not a current pupil or a person involved in or a witness to the matters relating to the Complaint) provided that at least **two working days** before the day of the hearing they provide the Clerk with details of such person (including their professional qualifications, if any) and a statement as to the capacity in which they shall be attending. The companion must undertake to accept the confidentiality of the Complaint, procedures adopted, the persons involved and all documentation. Unless permitted to do so by the Panel Chairman, companions shall not make oral representations on behalf of the Parents, nor answer questions on their behalf.
- 6.14 Legal representation on a formal or informal basis (e.g. the companion is a practising solicitor or barrister acting without a formal retainer) of either the School or the Parents will not be permitted, save in exceptional circumstances and with the permission of the Panel Chairman.
- 6.15 The Panel will decide whether it would be helpful for witnesses to attend the hearing but shall have no power to compel witnesses to attend the hearing or answer any questions.
- 6.16 The Clerk will attend the hearing to ensure that it runs smoothly and in accordance with the Complaints Procedure and any directions of the Panel Chairman. He or she may be assisted by a colleague.
- 6.17 The Panel Chairman may, for any reason, adjourn the hearing at any time. It may be for further investigation or for additional documents or material or further particulars of the matters relating to the Complaint to be presented. In the event of an adjournment, the Panel Chairman shall, in consultation with the Clerk, give directions as to the date on which the hearing will reconvene, which should be no longer than **a further 10 working days**.
- 6.18 The Parents shall not be permitted to record the hearing. The Clerk or his or her colleague will keep a note of the hearing, which (following approval by the Panel Chairman) will be circulated to the parties as the official record of the hearing as soon as practicable following the hearing (usually with the Panel's decision, see below).
- 6.19 If the School or the Parents dispute the contents of the note, the Panel Chairman may require an amendment to be made or direct that their comments be appended to the note.



HARROW SCHOOL

The Panel's decision

- 6.20 The Panel will deliberate in private and reach its decision **within 10 working days** of the conclusion of the hearing. The Panel may require longer to reach a decision, for example because they consider it necessary to undertake further investigation or seek expert guidance, in which case the parties shall be notified accordingly (via the Clerk).
- 6.21 The Panel's decision, the reasons for it, and its recommendations, if any, will be sent in writing to the Parents, the Head Master and the Chairman of Governors and, where relevant, the person(s) complained about. A copy will also be available for inspection on the School's premises by the Head Master and Governors.
- 6.22 The decision of the Panel shall be final and conclude this procedure.

7. Records and use of personal data

- 7.1 A written record of all formal Complaints and whether they are resolved at Stages 1, 2 or 3 and any action taken by the School as a result of those Complaints (regardless of whether they were upheld), shall be kept as required by regulation, and in accordance with its Data Protection Policy, Parent and Pupil Privacy Notices, Records Management Policy and Data Protection Schedule.
- 7.2 The School processes data in accordance with its Data Protection Policy, Parent and Pupil Privacy Notices, Records Management Policy and Data Protection Schedule. When dealing with Complaints, the School (including the Chairman, Clerk and his or her colleague(s) and any Panel member appointed under Stage 3) may process a range of information which is likely to include:
- 7.2.1 the date(s) of the matters relating to the Complaint and when the Complaints Procedure was invoked;
 - 7.2.2 name(s) and contact details of Parents;
 - 7.2.3 name of Pupil;
 - 7.2.4 name of other current or former pupils;
 - 7.2.5 description of the matters relating to the Complaint;
 - 7.2.6 records and investigations (if appropriate);
 - 7.2.7 the Investigation Report and relevant documentation and other material;
 - 7.2.8 witness statements (if appropriate);
 - 7.2.9 name and contact details of staff;
 - 7.2.10 copies of correspondence (including emails and records of phone conversations);
 - 7.2.11 notes of meetings and the hearing;
 - 7.2.12 the Decision; and
 - 7.2.13 the Panel's written decision.



HARROW SCHOOL

7.3 This may include “special category data” (as further defined in the Schools’ Data Protection Policy, Parent and Pupil Privacy Notices, Records Management Policy and Data Protection Schedule and potentially including information relating to an individual’s mental and physical health where necessary owing to the matters relating to the Complaint). This data shall be processed in accordance with the School’s Data Protection Policy, Parent and Pupil Privacy Notices, Records Management Policy and Data Protection Schedule.

8. Confidentiality

8.1 Knowledge of the Complaint and all matters relating to it, including the identities of those involved (including witnesses and those involved in the handling of the Complaint under this procedure) and related documentation and material (“**Confidential Information**”) shall be kept confidential and will usually be limited to those directly involved in the handling of the Complaint under this procedure, such as the Parents, the Pupil, the Head Master, the Chairman of Governors, the Panel, and others involved in any investigations and the Clerk and his or her colleague(s).

8.2 Confidential Information is and shall remain confidential and must not be disclosed or used by anyone (including but not limited to those persons referred to above) except for the purposes of this Complaints Procedure or further legal process arising from the subject-matter of the Complaint or where they are required to do so by law or regulation (including by the School in response to a request for access from the Secretary of State or a body conducting an inspection under section 109 of the Education and Skills Act 2008, as may be amended or superseded from time to time) or where action is or needs to be taken under staff disciplinary procedures or otherwise as a result of the Complaint, in which case it shall be handled confidentially within the School.

9. Availability of the Complaints Procedure

9.1 The School will ensure that the Complaints Procedure and the number of formal Complaints during the preceding School year is published or available. The School makes the Complaints Procedure available on the School’s website and may be obtained from the Head Master’s office during working hours.

9.2 In the academic year 2019/20 the School received 1 formal Complaint.

9.3 In accordance with paragraph 32(1) of Schedule 1 to the Education (Independent School Standards) Regulation 2014 the School shall also make available, on request, to Ofsted, the Department for Education (DfE) or the Independent School Inspectorate (**ISI**) details of the Complaints Procedure and the number of formal Complaints during the preceding school year.

10. Review

Governors will monitor the number and type of formal Complaints (i.e. those that have reached Stages 1, 2 or 3 of the Complaints Procedure) **annually** to consider not only the Complaint itself but any systemic or institutional issues arising from the Complaint and will review the Complaints Procedure every **three** years (at the Autumn Term’s Governors’ meeting).

11. Approval and next review

11.1 Approved by Governors, Harrow School (Registered Charity No. 310033) on 20th March 2021.

11.2 Next Review date: November 2024.