



COMPLAINTS POLICY

Warwick Schools Foundation

This policy applies to Warwick School (including Warwick Junior School), King's High School, Warwick Preparatory School and The Kingsley School.

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COMPLAINTS POLICY

1.0 Introduction

- 1.1 The Complaints Policy (“the Policy”) applies to all parents of pupils at the Schools that form Warwick Schools Foundation (“the Foundation”) (Warwick Preparatory School, King’s High School, Warwick School, Warwick Junior School, and The Kingsley School [collectively “the Schools”]) including, where applicable, parents of pupils in the Early Years Foundation Stage, and to parents of parents of former students if the complaint was raised when their child was registered as a pupil at the Foundation.
- 1.2 The Schools have long prided themselves on the quality of the teaching and pastoral care provided to their pupils. However, if parents do have a complaint, they can expect it to be treated by the Schools in accordance with this Policy and Procedure.
- 1.3 This Policy encompasses notifications of an actual or perceived problem arising from an event or process under the jurisdiction of the school, which causes parents to be concerned or dissatisfied about their child’s experience or their own and where they are seeking action by the school. Parents should raise any complaints directly and we reserve the right to modify the procedures in this policy as necessary to address complaints raised by more than one set of parents together.
- 1.4 In order to assist in a speedy and satisfactory resolution, parents are asked, from the beginning, to state clearly the exact nature of their concern and the remedy sought. It can greatly assist a speedy and satisfactory resolution if the notification is prompt and specific, including examples and factual evidence where this is appropriate and practicable.
- 1.5 A central record will be kept securely of informal complaints, allowing the pattern of concerns and complaints to be monitored regularly by appropriate members of the senior management team.
- 1.6 The number of complaints under the formal resolution process (Stage 2) in the preceding academic year will be made available to parents on request.

2.0 Definitions for the purposes of this Policy

- 2.1 A *parent* is defined as a biological parent or any other person with parental responsibility or care for a pupil currently attending the school¹.
- 2.2 *Working days* refers to full school days in term time. This therefore excludes all school holidays, weekends, public holidays and half-days. Where the word ‘normally’ is used, it is expected that the timescale would only be altered by the school or the parents in exceptional circumstances, such as the illness of a parent or a key member of staff involved in the process. Should the matter progress to an appeal, the availability of any of the participants including the panel members may also be a constraint. In these circumstances, notification will be sent to complainants to inform them of the proposed length of time it will take to undertake initial enquiries above and beyond the normal time indicated.

¹ Section 576 of the Education Act 1996 states that a ‘parent’, in relation to a child or young person, includes any person who is not a parent (from which can be inferred ‘biological parent’) but who has parental responsibility, or who has care of the child. For the purposes of education law, the department considers a ‘parent’ to include: all biological parents, whether they are married or not; any person who, although not a biological parent, has parental responsibility for a child or young person - this could be an adoptive parent, a step-parent, guardian or other relative; any person who, although not a biological parent and does not have parental responsibility, has care of a child or young person. A person typically has care of a child or young person if they are the person with whom the child lives, either full or part time and who looks after the child, irrespective of what their biological or legal relationship is with the child.

2.3 Correspondence and documentation received after 5PM on a working day will be deemed to have been received on the next working day.

3.0 Policy

In our Schools, we wish to have a community that listens and is able to respond in a positive, appropriate and sympathetic way to any concerns. It is important that all stakeholders feel valued and involved with the school and are able to voice their concerns. This is helped where the culture of the school is open and where all complaints are received in a positive manner.

3.1 All concerns need to be handled seriously. A gentle expression of concern, or a simple query, may grow into a painful matter if people feel that they have been brushed aside. Equally, issues with the potential to become acutely difficult may dwindle and fade if they are handled well at the initial stage.

4.0 Procedure

Stage 1 – Informal Resolution

Contact: Tutor, Key Stage Coordinator or Deputy Head

Timescale: Complaint normally acknowledged within 2 working days
Complaint to be dealt with, with a view to a full resolution,
normally within 10 working days

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

4.2 If parents or guardians have a complaint, they should contact the pupil's form tutor (class teacher) or Key Stage Coordinator, or the Deputy Head. If he/she is not the appropriate person to deal with it, he/she will pass it to the person who is. If this individual cannot resolve the matter alone, it may be necessary for him/her to consult the Deputy Head or the Head.

4.3 Boarders' parents or legal guardians should direct complaints to the Boarding House Parents. Alternatively, they can be directed to the Head or Deputy Head. Boarding House complaints will be addressed in accordance with the Foundation Complaints Policy.

4.4 The aim is to resolve the matter promptly to the parents' or guardians' satisfaction.

4.5 Complaints made directly to the Deputy Head or the Head will be referred to the relevant member of staff unless the Deputy Head or the Head deems it appropriate to deal with the matter personally.

4.6 The member of staff in receipt of the complaint/concern will make a written record of it and the date on which it was received and will normally acknowledge it within 2 working days. The school will normally deal with the matter within 10 working days of receipt of the notification.

4.7 Where an informal resolution is not achieved, parents may make a formal complaint under Stage 2 of this Policy within 10 working days from the date of the Stage 1 decision. If there is no further communication following the resolution of the Stage 1 complaint, the matter will be considered closed.

Complaints about the Head

- 4.8 The procedure for dealing with an informal complaint about the Head of the School is set out below:
- parents may choose to raise complaints directly with the Head if they feel that the matter is capable of resolution informally. The complaint may be raised orally or in writing. The School will not automatically treat the complaint as a formal (Stage 2) complaint and the Head will endeavour to resolve the complaint informally under Stage 1;
 - the Head will acknowledge informal complaints within 2 working days and will seek to resolve the matter under this Stage 1 by means of direct conversation or a meeting with the parents, to be held within 10 working days of the initial complaint;
 - if the parent is dissatisfied with the Head's response to the informal complaint or in the event that the complaint cannot be resolved by informal means, the parent may make a formal complaint under Stage 2 of this Policy within 10 working days from the date of the Stage 1 decision. If there is no further communication following the resolution of the Stage 1 complaint, the matter will be considered closed.
- 4.9 Alternatively, parents may choose to make their complaint about the Head to the Principal. In this case, the complaint will be treated as a formal complaint under Stage 2 of this procedure.

Stage 2 – Formal Resolution

Contact: Head

Timescale: Complaint normally acknowledged in writing by Head / Principal within 5 working days

Complaint to be dealt with, with a view to a full resolution, normally within 28 working days.

Note – special additional circumstances apply to Early Years Foundation Stage (EYFS) complaints – see Section 5.0 below.

- 4.10 If the complaint cannot be resolved at Stage 1 (Informal Resolution), then the parents or guardians should put their complaint in writing to the Head stating explicitly that, having been through Stage 1 of the procedure, they remain dissatisfied and now wish to make a “formal complaint”, invoking Stage 2 of the policy.
- 4.11 In the Formal Stage 2 Complaint, parents should:
- state the nature of the complaint,
 - state the remedy sought, and
 - include all relevant information.

Parents should note that the complaint at this stage should not change in scope from that presented at Stage 1. Should any new matters be presented, parents will usually be advised that they will be dealt with under Stage 1.

- 4.12 A formal complaint should normally be lodged within 10 working days of the date of a verbal or written report to parents under the Stage 1 procedure.
- 4.13 The Head will acknowledge in writing receipt of the complaint and confirm that it is being treated as a Stage 2 Complaint, normally within 5 working days, and will normally appoint a senior member of staff to investigate the issues raised (“Investigating Officer”).
- 4.14 The Investigating Officer will keep written records of all meetings and interviews held in relation to the complaint which will be provided to the Head once collated.
- 4.15 Once the Head is satisfied, so far as is practicable, that all of the relevant facts have been established, a meeting with the parent(s) will be arranged. At or after that meeting, a decision will be made and the parent(s) will be informed in writing, detailing the reasons.
- 4.16 The school will normally deal with a formal complaint within 28 working days of receipt.
- 4.17 If the parent(s) remain dissatisfied with the decision, they may choose to invoke Stage 3 of this Procedure and must do so within 10 working days from the date of the Stage 2 decision. If there is no further communication following the resolution of Stage 2 complaint, the matter will be considered closed.

Complaints about the Head

- 4.18 The procedure for dealing with a formal complaint about the Head of the School is set out below:
- The complaint should be put in writing to the Principal. The complaint should include the same information referred to above.
 - The Principal will acknowledge the complaint within 5 working days of receipt and indicate the action that is being taken and the likely timescale. Such action may include an investigation and/or a meeting with the parent. The parent will usually receive a response to the complaint within 28 working days.
- 4.19 If the parent(s) remain dissatisfied with the decision, they may choose to invoke Stage 3 of this Procedure and must do so within 10 working days from the date of the Stage 2 decision. If there is no further communication following the resolution of Stage 2 complaint, the matter will be considered closed.

Stage 3 – Panel Hearing

Contact: Governance Manager (see Appendix 2 for contact details), who will call Complaints Panel

Timescale: Hearing normally to take place within 28 working days
Any documentation will normally be provided no later than 5 working days before the hearing.
Decision normally made within 10 working days of hearing.

Note – special additional circumstances apply to Early Years Foundation Stage (EYFS) complaints – see Section 5.0 below.

- 4.20 If parents seek to invoke Stage 3 (following a failure to reach resolution at Stages 1 or 2), they will be referred to the Governance Manager, who has been appointed by the Governors to call hearings of the Complaints Panel. The matter will then be

referred to the Complaints Panel for consideration. A Complaints Panel hearing is a review of the decisions taken by the Head at Stage 2.

- 4.21 Parents should be advised that it is only their Stage 2 complaint which will be considered by the Complaints Panel. The Panel will not consider any new material or areas of complaint at this stage. They will refer any new material or complaint back to the school for investigation under the appropriate earlier stage of this procedure.
- 4.22 It is not the Complaints Panel's purpose to re-investigate the complaint, but to consider the matters raised by the parent(s), and the report from the school, and to decide whether the determination reached at Stage 2 was reasonable and fair.
- 4.23 Parents should be aware that it is not within the remit of the Panel to make any financial award, nor to impose sanctions on staff, pupils or parents. It has no power to instruct the Head, Principal or any member of staff to implement any recommendation(s) made. Where this is deemed necessary, the matter will be referred to the Chair of Governors for action under delegated powers or be presented to the Governing Body.
- 4.24 The Governance Manager will acknowledge the complaint and schedule a hearing to take place as soon as practicable and usually within 28 working days of the complaint being lodged with the Governance Manager.
- 4.25 The Complaints Panel will consist of at least three persons not directly involved in the matters detailed in the complaint, one of whom shall be independent of the management and running of the school. The other two panel members will usually be comprised of members of the Foundation's Governing Board.
- 4.26 The Governance Manager will provide written notification of the time, date, and place of the hearing. The hearing may proceed in the absence of the Parents if the Parents do not attend. The hearing duration is usually expected to be 2 hours.
- 4.27 The Governance Manager will provide the Complaints Panel with a copy of any documentation no later than 5 working days before the hearing. The parents shall be entitled to receive copies of all documents that will be considered by the Panel.
- 4.28 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. This may result in a need to delay the date of hearing; parents will be informed if this is the case. Copies of such particulars shall be supplied to all parties not later than 5 working days prior to the hearing.
- 4.29 If parents wish the Panel to consider any further information or documentation, this should be sent to the Governance Manager at least 3 working days prior to the date of the hearing.
- 4.30 If it is considered necessary by the Governance Manager, reasonable redactions may be applied to the documentation provided for the hearing to remove or protect third party data.
- 4.31 The parents may be accompanied to the hearing by one other person who will be present to provide support and not to participate in the discussions. This may be a relative, teacher or friend. Legal representation will not be appropriate. Parents must inform the Governance Manager if they will be accompanied, and by whom, at least 5 working days prior to the date of the hearing.
- 4.32 A hearing under this procedure is not a legal proceeding, but a private and

confidential matter. The Governance Manager will make a minute of the hearing, but no tape, video or digital recording may be made by any party. No notes, other records or oral statements about any matter discussed or arising from the proceedings shall be made available directly or indirectly to third parties, including the press or other media.

- 4.33 The Panel's aim is to, if possible, resolve the parents' complaint as soon as it has met without the need for further investigation, on the understanding that they already have all the necessary information to conclude matters. Occasionally, it may become necessary to adjourn and reconvene the Panel if further information comes to light that alters the key facts of the case.
- 4.34 After due consideration of all facts they consider relevant, the Panel will reach a decision and may make recommendations as soon as reasonably possible usually within 10 working days of the Hearing. The Panel will write to the parents informing them of its decision and the reasons for it.
- 4.35 The decision of the Panel will be final. The Panel's findings and recommendations (if any) will be sent in writing to the parents, the Head, the Governors and, where relevant, the person about whom the complaint was made.
- 4.36 A copy of those findings and recommendations will be kept by the Heads' PA and is available for inspection on the school premises by the Governors and the Head.

5.0 **Complaints about Data Protection**

- 5.1 The Foundation takes its obligations under the UK General Data Protection Regulations and the Data Protection Act 2018 seriously and is committed to handling personal data lawfully, fairly and transparently.
- 5.2 Individuals have the right to raise concerns or complaints about the way the School(s) and/or the Foundation has collected, used, stored, shared or other processed their personal data.
- 5.3 The Foundation is not required to operate a separate complaints system for data protection matters. Data protection complaints are therefore handled through the Foundation's existing complaints procedure, as adapted by this section to meet statutory data protection requirements.
- 5.4 Complaints relating to data protection matters should, where possible, be made in writing and addressed to the Foundation's Director of Data and Information Management. Appendix 2 provides the relevant contact details, including a telephone number.
- 5.5 A data protection complaint is any expression of dissatisfaction about how the School or the Foundation has handled an individual's personal data, including (but not limited to):
- handling of subject access or other data rights requests;
 - accuracy, retention, security, access to or disclosure of personal data;
 - use of personal data for administrative, educational or safeguarding purposes;
 - personal data breaches, whether or not reportable to the ICO;
 - Use of photographs or recordings; or
 - Any alleged breach of data protection legislation
- 5.6 The complaint should include sufficient detail to enable the Foundation to understand and investigate the concern.

- 5.7 The Foundation must acknowledge receipt of a data protection complaint within 30 calendar days.
- 5.8 Once acknowledged, the Foundation will take appropriate steps to investigate the complaint, which may include:
- reviewing relevant records;
 - making enquiries as are reasonable and proportionate in the circumstances;
 - considering relevant policies, procedures and legal obligations; and
 - corresponding with the complainant where further information is required.
- 5.9 The Foundation will investigate and substantively respond to the complaint without undue delay, considering the nature, complexity, and seriousness of the complaint. The Foundation will keep the complainant reasonably informed of the progress of the complaint and will provide a written outcome once the investigation has concluded.
- 5.10 There is no fixed statutory timescale for completing investigations; however, the Foundation will aim to resolve complaints as promptly as possible and, where feasible, within a reasonable timeframe consistent with similar regulatory processes.
- 5.11 The outcome of the complaint will normally be provided in writing, usually via email, unless another format is appropriate and agreed with the complainant.
- 5.12 Complaints specifically relating to the processing of personal data may be dealt with under this section rather than under the Foundation's general complaints procedure, where the Foundation considers this to be more appropriate.
- 5.13 Where a complaint raises both data protection issues and wider operational or educational concerns, the Foundation may determine the most appropriate procedure to apply or may address different aspects of the complaint under different procedures.
- 5.14 Individuals are normally expected to raise data protection concerns with the Foundation first and the Foundation will inform individuals of their right to complain to the ICO as part of its response.
- 5.15 Once the Foundation has issued its outcome, and if the complaint has not been resolved satisfactorily, individuals may complain to the Information Commissioner's Office (ICO) (see Appendix 2 for contact details). Information about the right to complain to the ICO will be provided as part of the data protection complaint outcome.

6.0 Early Years Foundation Stage (EYFS)

- 6.1 Written complaints about the fulfilment of the EYFS requirements will be investigated and parents will be informed of the outcome of this investigation within 28 days.
- 6.2 If, following this process, parents believe that the school is not meeting EYFS requirements, they may contact Ofsted and/or the Independent Schools Inspectorate (ISI) at the addresses outlined in Appendix 2. The record of the complaint is available to Ofsted and ISI on request.
- 6.3 Records of such complaints are kept for at least three years.

7.0 Boarding House

- 7.1 This policy is available to all staff and parents or legal guardians at Warwick School or King's High School's Boarding Houses.

7.2 In accordance with the National Minimum Standards for Boarding Schools standard 18, this policy is compliant with regulatory standards.

7.3 Boarders' parents should direct complaints initially to the Boarding House Parents. Alternatively, they can be directed to the Head or Deputy Head. Boarding House complaints will be addressed in accordance with the Foundation Complaints Policy. This includes details of how parents may appeal against a decision made by the school about their complaint.

7.4 The Boarders' Guide provides information to Boarders as to how they can raise specific concerns relating to the Boarding Houses, such as by approaching a member of staff or raising the matter in Boarders' Council.

8.0 Record-keeping

8.1 Written records of both formal and informal complaints will be kept securely for at least three years, including:

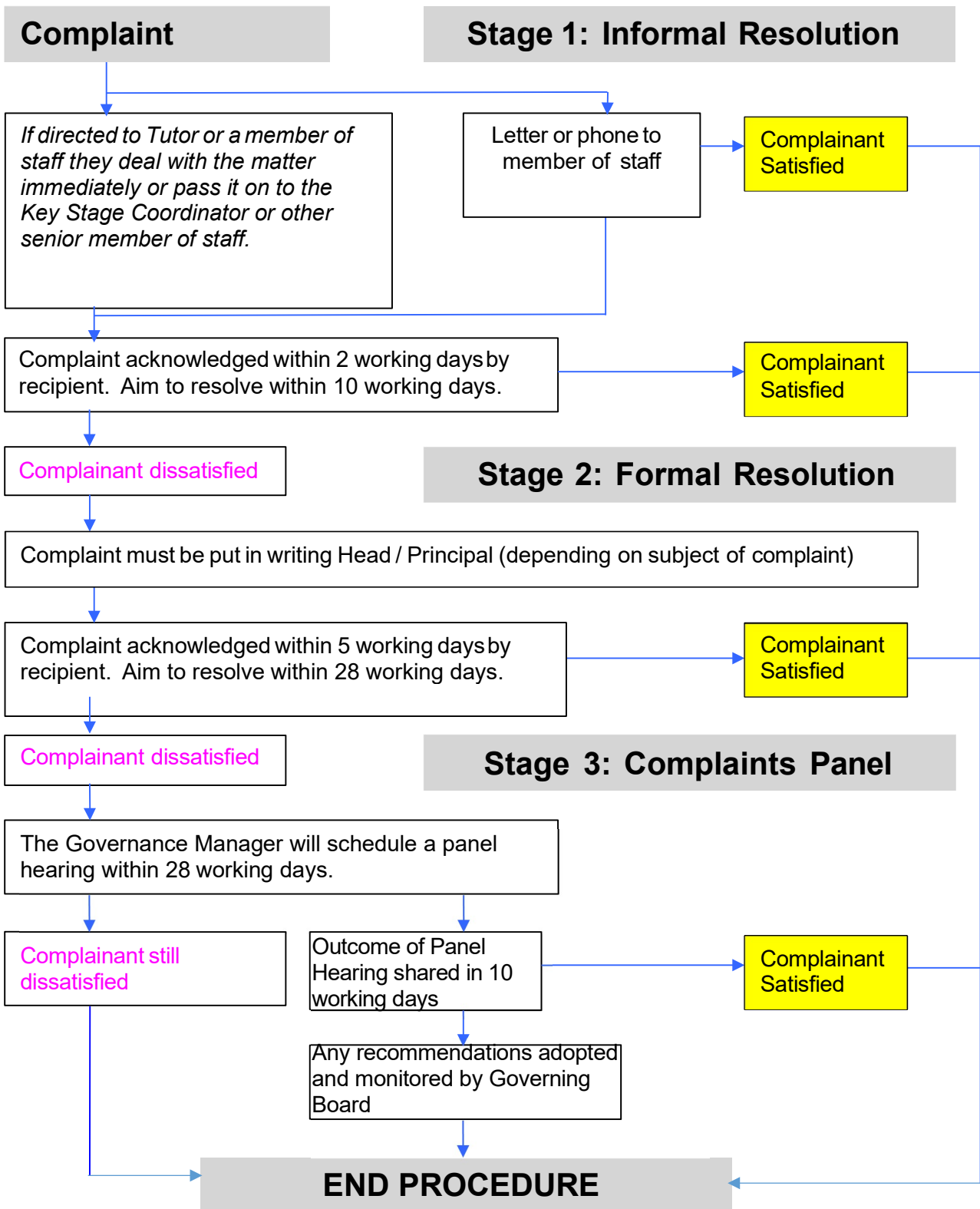
- whether formal complaints were resolved at the preliminary stage or panel hearing stage
- what action the school has taken as a result of each complaint regardless of whether it was upheld.

8.2 Parents or guardians can be assured that all concerns and complaints will be treated seriously and confidentially as is required by paragraph 25(k) of the Education (Independent Schools Standards) Regulations 2014. Correspondence, statements and records will be kept confidential except insofar as is required of the school by paragraph 7(k) of the Education (Independent Schools Standards) Regulations 2014; where disclosure is required in the course of the school's inspection; or where any other legal obligation prevails.

9.0 Reporting

9.1 At the beginning of each academic year, a report will be provided to Governors on the number of Stage 2 complaints made in the previous academic year.

WARWICK SCHOOLS FOUNDATION COMPLAINTS PROCEDURE FOR PARENTS



Appendix 1: Unreasonable complaints

1 We are committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with us. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

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

3 Unreasonable complaints are taken seriously by the Foundation and its Schools as they put a strain on valuable resources and hinder the progress of proper investigations.

4 We adopt the Department for Education's definition of unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the School, such as if the complainant:

4.1 refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;

4.2 refuses to co-operate with the complaints investigation process;

4.3 refuses to accept that certain issues are not within the scope of a complaints procedure;

4.4 insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;

4.5 introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;

4.6 makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;

4.7 changes the basis of the complaint as the investigation proceeds;

4.8 repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);

4.9 refuses to accept the findings of the investigation into that complaint where the School's complaints procedure has been fully and properly implemented and completed;

4.10 seeks an unrealistic outcome;

4.11 makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with;

4.12 uses threats to intimidate;

4.13 uses abusive, offensive or discriminatory language or violence;

4.14 knowingly provides falsified information;

4.15 publishes unacceptable information on social media or other public forums.

5 A complaint may also be considered unreasonable if it is manifestly unjustified, inappropriate, or an improper use of formal procedure.

6 In assessing this, the School shall have regard to all the circumstances of the case and the nature of the complaint itself rather than the nature of the complainant. In assessing all of the circumstances of the case the School will consider a range of factors including:

6.1 whether a complaint has reasonable foundation;

6.2 the history and context of the complaint (and any evidence where relevant);

6.3 whether the time and cost of investigating the complaint is proportionate to the issue(s) complained of;

6.4 whether an investigation of the complaint is likely to cause a disproportionate or unjustified level of disruption, irritation or distress;

6.5 unexplained delay in raising a complaint or issue;

6.6 if the purpose of the complaint is to obtain an outcome which is unavailable via the complaints procedure, such as a claim for compensation, damages or a refund of fees paid;

6.7 any evidence of a complaint being brought for an improper purpose.

7 Whenever possible, the Head and / or Chair of Governors will discuss any concerns with the complainant informally before dismissing a complaint as unreasonable.

8 If the behaviour continues, the School will write to the complainant explaining that their behaviour is unreasonable and ask them to change it.

9 For complainants who excessively contact the School causing a significant level of disruption, the School may specify methods of communication and limit number of contacts in a communication plan. This will be reviewed after six months.

10 In response to any serious incident of aggression or violence, the School will immediately inform the police and communicate its actions in writing. This may include barring an individual from the School.

Appendix 2: Contact Details

Governance Manager:

Mrs Jessica Bonfield

governance@warwickschools.co.uk

01926 735 400

Director of Data and Information Management:

Mrs Denise Luckhurst

data@warwickschools.co.uk

01926 735 400

Ofsted (Midlands)

Ofsted (Midlands)
Building C
Cumberland Place
Park Row
Nottingham
NG1 6HJ

08456 404040

Independent Schools Inspectorate (ISI)

CAP House
9-12 Long Lane
London
EC1A 9HA

020 7600 0100

Information Commissioner's Office (ICO)

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

0303 123 1113