

COMPLAINTS PROCEDURE

This document sets out the Complaints Procedure for King's College (College).

1. Introduction

- 1.1 King's College has long prided itself on the quality of the teaching and pastoral care provided to its students. The College welcomes suggestions and comments from parents, guardians, students, staff members and members of the community. The College takes any complaints which may arise seriously. If parents, guardians, students, staff members and members of the community do have a complaint, they can expect it to be treated by the College with care and in accordance with this Complaints Procedure. This Complaints Procedure is made available on the College's website, and via the Schoolbox Parent Portal.
- 1.2 Anonymous complaints will not be responded to, but may be investigated at the College's discretion.
- 1.3 It is envisaged that this Procedure, especially where escalated through various levels of seniority, will cover complaints about matters/decisions that are serious.
- 1.4 Please note that, for the purposes of this procedure: 'working days' refers to weekdays (Monday to Friday) during term time, excluding public holidays.

2. What Constitutes a Complaint?

- 2.1 A complaint is an expression of concern or dissatisfaction with a real or perceived problem. It may be made about the College as a whole, about a specific department or about an individual member of staff, and any matter about which a parent, guardian, student, staff member or member of the community (complainant) is unhappy and seeks action by the College is within the scope of this procedure. A complaint is likely to arise if a complainant believes that the College has done something wrong, failed to do something that it should have done or has acted unfairly.
- 2.2 Complainants can be assured that all complaints will be treated seriously, confidentially and with impartiality at all times. The College is here for its students, and parents and guardians can be assured that their child will not be penalised for a complaint that is raised in good faith.

3. Stage 1 - Informal Resolution

- 3.1 It is hoped that most complaints will be resolved quickly and informally.
- 3.2 Complainants should normally contact the appropriate staff member, such as the student's Teacher or Mentor. In many cases, the matter will be resolved straightaway by this means to the complainant's satisfaction. If the appropriate staff member cannot resolve the matter alone, they may need to consult other members of staff, such as the Housemaster, a Head of Department, a Deputy Head or the Headmaster.
- 3.3 Complaints made directly to the Housemaster, a Head of Department, a Deputy Head or the Headmaster will usually be referred to the appropriate staff member unless the individual

receiving the complaint deems it appropriate for them to deal with the matter personally. Complaints deemed by the College to be serious in nature will be dealt with by a member of the Senior Leadership Team.

- 3.4 Staff members will make a written record of all complaints and the date on which they were received. Should the matter not be resolved within fifteen (15) working days or, in the event that the appropriate staff member and the complainant fail to reach a satisfactory resolution, then the complainant will be advised to proceed with their complaint in accordance with Stage 2 of this Complaints Procedure.
- 3.5 If, however, the complaint is against the Headmaster, the complainant should detail their complaint directly to the Chair of the Board of Governors, at s.wilson@kingscollege.school.nz.

4. Stage 2 - Formal Resolution

- 4.1 If the complaint cannot be resolved on an informal basis, then the complainant(s) should put their complaint in writing and email it to the College at complaints@kingscollege.school.nz. Complainants should outline the issues and include all relevant information, stating that they wish to make a formal complaint, which members of staff they have already spoken to, the nature of the complaint and the remedy sought. The College will decide, after considering the complaint, the appropriate course of action to take.
- 4.2 Complainants 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, complainants will be advised that they will be dealt with under Stage 1.
- 4.3 The College will take immediate action if there is a risk of harm to a student.
- 4.4 The College will acknowledge all complaints within five (5) working days following a complaint notification.
- 4.5 The College will identify the appropriate person to manage a complaint. This person will be identified as the Contact Person. Complainants may request to have a different Contact Person. The Contact Person may ask for more information to help them understand the complaint. If possible, a resolution will be reached at this stage.
- 4.6 It may be necessary for the Contact Person to carry out further investigations.
- 4.7 The Contact Person will keep written records of all meetings and interviews held in relation to the complaint.
- 4.8 Once the Contact Person is satisfied that, so far as is practicable, all of the relevant facts have been established, a decision will be made about the veracity of the complaint and the complainant(s) will be informed of this decision and any associated outcomes in writing within a further ten (10) working days, or as soon as possible thereafter. The Contact Person will also give reasons for their decision and any associated outcomes.
- 4.9 If the complaint is against the Headmaster, the complaint should be made to the Chair of the Board of Governors who will either investigate and decide upon the concerns raised or nominate someone on their behalf to do so. Once the Chair of the Board of Governors or their nominee is satisfied that, so far as is practicable, all of the relevant facts have been established,

the complainant(s) will be informed of the decision in writing or in person. The Chair of the Board of Governors or their nominee will give reasons for their decision.

5. Stage 3 – Complaints Panel Hearing

- 5.1 If complainants seek to invoke Stage 3 (following a failure to reach an earlier resolution under Stage 2) they should make their request in writing to the Headmaster's PA (by email to Headmaster's PA) within ten (10) working days of the receipt of the decision at Stage 2, requesting a Complaints Panel Hearing, providing their reasons and including all and any relevant supporting documentation they wish to go before the Complaints Panel and full contact details. The Headmaster's PA will forward the complaint to the Headmaster.
- 5.2 Upon receipt of the complaint from the Headmaster's PA, the Headmaster shall:
- Arrange for the complaint to be heard before a specially convened Complaints Panel;
 - Promptly appoint a Chair of the Panel who will deal with pre-hearing issues (in consultation with other members of the Panel);
 - Instruct the Headmaster's PA to schedule a date for the hearing and to send copies, together with all relevant supporting documentation as provided at 5.1 above, to the Headmaster, the Chair of the Panel and arrange any other circulation deemed necessary, including but not limited to the Complaints Panel bundle (see 5.7 below).
- 5.3 The matter will then be referred to the Complaints Panel for consideration. The Panel will consist of no fewer than two individuals not directly involved in the matters detailed in the complaint and not involved at Stage 2.
- 5.4 The Headmaster's PA will then acknowledge the complaint on behalf of the Complaints Panel within five (5) working days, and schedule a hearing to take place within a further twenty (20) working days or as soon as reasonably practicable thereafter, including allowing time for the provision of any further particulars as requested in accordance with 5.6 below.
- 5.5 The Headmaster or his nominee may supply to the Headmaster's PA a statement in response to the Stage 3 complaint and any documentation which the Headmaster wishes to go before the Complaints Panel. The Headmaster should do so within seven (7) working days from the date the Headmaster receives from the Headmaster's PA a copy of the information provided by the complainants at clause 5.1 above. The Headmaster's PA will provide this to the Panel and to the complainant(s).
- 5.6 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. Copies of such particulars shall be supplied to all parties not later than ten (10) working days prior to the hearing. To the extent that further particulars of the complaint or any related matter are provided by the complainants, the Headmaster shall be entitled to submit an addendum to any statement provided, pursuant to clause 5.1 above, if the Headmaster so wishes, provided that such statement is limited in scope to any additional information provided in accordance with this clause 5.6. Copies of such particulars shall be supplied to all parties not later than five (5) working days prior to the hearing.
- 5.7 The Headmaster's PA shall be responsible for collating the documentation provided via 5.1, 5.5, 5.6 and relevant correspondence between the Headmaster's PA and the complainants, the Headmaster's PA and the Headmaster, and the Headmaster's PA and the Panel, for the

purposes of producing a Complaints Panel Bundle. A copy of the bundle shall be provided to the Panel members, the Headmaster and the complainants.

- 5.8 The Complainants 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 normally be appropriate. Complainants are required to confirm the name and profession of the person they wish to be accompanied by no later than five (5) working days after the Panel hearing date is confirmed. The Panel has discretion as to who attends the hearing.
- 5.9 If possible, the Panel will resolve the complainant(s)' complaint without the need for further investigation. Where further investigation is required, the Panel will decide how it should be carried out.
- 5.10 The remit of the Panel shall be at the discretion of the Headmaster and the manner in which the hearing is conducted shall be at the discretion of the Panel. 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 decision and decide whether to dismiss the complaint(s) in whole or in part or uphold the complaint(s) in whole or in part. The Panel may make recommendations. The Panel may make its decision by a majority.
- 5.11 The Headmaster's PA will inform the complainants in writing of the Panel's decision and the reasons for it, within five (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 Complaints Panel's findings and recommendations (if any) will be sent by email or otherwise given to the complainants, and, where relevant, the person complained about, as well as to the Chair of the Board of Governors and the Headmaster.
- 5.12 Complainants should be aware that it is not within the remit of the Complaints Panel to make any financial award, nor to impose sanctions on staff, students, parents or guardians. It has no power to instruct members of staff to implement any recommendation(s) made. Where this is deemed necessary, the matter will be referred to the Headmaster.
- 5.13 A hearing under this procedure is not a legal hearing, but a private and confidential matter. Minutes of the hearing will be taken, but no tape, video or digital recording may be made by any party. The minutes will not be a verbatim account but are intended to be an accurate reflection of what was discussed. The minutes will be shared with all parties in attendance. 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.

6. Closure of Complaints

- 6.1 Very occasionally, the College will feel that it needs to close a complaint where a complainant is still dissatisfied. Despite the College's attempts to resolve a complaint, it is sometimes not possible to meet all of a complainant's wishes and there must be an agreement to disagree.
- 6.2 If a complainant persists in making representations to the College, then it can be extremely time-consuming and detract from the College's responsibility to look after all the students in its care. For this reason, the College is entitled to close correspondence (including personal approaches, telephone calls, letters or emails) on a complaint where the College feels it has

taken all reasonable action to resolve the complaint and the complainant has exhausted the official process as set out in this procedure.

- 6.3 Where a complainant has been through the College's internal complaints procedures and is still unhappy with the outcome or decision the complainant should put their concerns in writing directly to the Headmaster who may consider seeking external mediation.

7. Unreasonable Complaints, and Serial and Persistent Complainants

- 7.1 The College is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. The College will not normally limit the contact complainants have with the College; however, the College does not expect its staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

- 7.2 The College defines serial and unreasonable complainants as 'those who, because of the frequency or nature of their contacts with the College, hinder our consideration of their or other people's complaints'.

- 7.3 A complaint may be regarded as unreasonable when the person making the complaint:
- Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
 - Refuses to cooperate with the complaints investigation process while still wishing their complaint to be resolved;
 - Refuses to accept that certain issues are not within the scope of a complaints procedure;
 - Insists on the complaint being dealt with in ways that are incompatible with the adopted complaints procedure or with good practice;
 - 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;
 - Makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
 - Changes the basis of the complaint as the investigation proceeds;
 - Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
 - Refuses to accept the findings of the investigation into that complaint where the College's complaint procedure has been fully and properly implemented;
 - Seeks an unrealistic outcome;
 - Makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

- 7.4 A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:
- Maliciously;
 - Aggressively;
 - Vexatiously;
 - Using threats, intimidation or violence;
 - Using abusive, offensive or discriminatory language;

- Knowing it to be false;
- Using falsified information;
- Publishing unacceptable information in a variety of media such as on social media, on websites and in newspapers.

7.5 Complainants should limit the number of communications with the College while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, telephone, email or text) as it could delay the outcome being reached.

7.6 Whenever possible, the Headmaster or Chair of the Board of Governors will discuss any concerns with the complainant(s) informally before applying an 'unreasonable' judgement. If the behaviour continues, the Headmaster will write to the complainant(s) explaining that his/her/their behaviour is unreasonable and asking him/her/them to change it. For complainants who excessively contact the College causing a significant level of disruption, the College may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after six (6) months.

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

7.8 In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the College.

8. Recording Complaints and Confidentiality

8.1 Following resolution of a complaint, the College will keep a written record of all formal complaints, whether they are resolved at the formal stage (Stage 2) or proceed to a panel hearing (Stage 3) and any action taken by the College as a result of the complaint (regardless of whether the complaint is upheld). Such records enable the College to look beyond the immediate complaint to ensure that it does not represent a deeper problem that needs to be remediated.

8.2 The College processes personal data in accordance with its Privacy Policy. When dealing with complaints the College may process a range of information, which is likely to include the following:

- Date when the issue was raised;
- Name of the complainant(s);
- Name of the student(s);
- Description of the issue;
- Records of all the investigations (if appropriate);
- Witness statements (if appropriate);
- Name 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 of the meeting/hearing;
- The written decision.

- 8.3 The College will keep records of formal complaints and Complaints Panel hearings for at least seven (7) years.
- 8.4 Informal complaints are logged and more serious or persistent issues raised are enumerated and analysed each term for any trends which need addressing by the Senior Leadership Team and Board of Governors. This information is not published to the wider College community.
- 8.5 Correspondence, statements and records relating to individual complaints will be kept confidential.

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