



The Duke of York's Royal Military School

Complaints Policy

Date of Approval 15/05/2024
Approved By Col Andy Thorne
Role Chairman of Trustees
Signed 

Last Reviewed	May 2024
Next Review	May 2025



THE DUKE OF YORK'S ROYAL MILITARY SCHOOL COMPLAINTS POLICY (inc. STUDENT COMPLAINTS PROCEDURE - APPENDIX D)

Introduction

The Duke of York's Royal Military School (DOYRMS) endeavours to provide the best education possible for all its students in an open and transparent environment. We welcome any feedback that we receive from parents, students and third parties, and we accept that not all of this will be positive. Where concerns are raised the School intends for these to be dealt with:

- Fairly
- Openly
- Promptly
- Without Prejudice

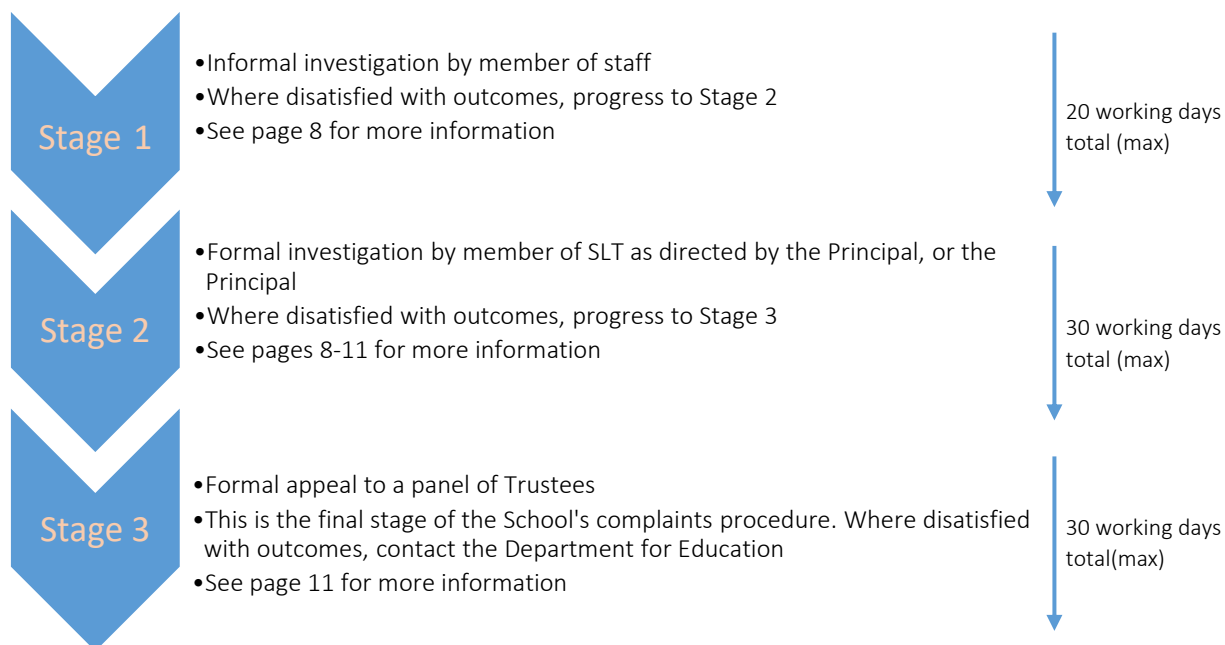
In order to do so, the Trustee Board of DOYRMS has approved the following procedure which explains what you should do if you have any concerns about the School. All members of staff will be familiar with the procedure and will be able to assist you. This procedure has been adopted using the Department for Education's best practice guidance for school complaints procedures 2020, the National Governance Association's and Optimus Education's model complaints procedures where appropriate.

Procedure

The policy and procedure refer to complaints brought by a parent or parents; however, this same procedure will be used where complaints are received by members of the general public. For this reason, the procedure uses the word 'complainant' to describe the person making the complaint.

If you need to raise an issue in the first instance, please do so with the relevant member of staff who will be happy to talk to you and seek to establish a solution. If you are not satisfied with this response and believe the issue has not been resolved, please use the following procedure as detailed below. Please note that all timescales refer to school working days i.e., excluding weekends, school holidays etc.

Timeline



The difference between a concern and a complaint

A concern may be defined as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*.

A complaint may be defined as *'an expression of dissatisfaction however made, about actions taken or a lack of action'*.

Raising Concerns or Making a Complaint

Most concerns can be dealt with without going beyond the informal Stage 1 of the procedure. Where you have a concern about any aspect of the School or your child's education or wellbeing, raise this with a member of staff/class teacher via the phone/email or in person. Ideally, they will be able to address your concerns on the spot or can arrange a meeting with you to discuss the issue.

All concerns will be dealt with confidentially, although the staff member may need to take notes if they feel that the matter may need to be taken further or it may arise again in the future. Any such notes will be kept in accordance with the principles of the Data Protection Act 2018. However, such notes would be able to be used as evidence if further investigation were required, or if the concern became a formal complaint. Depending on the nature and seriousness of the complaint the staff member concerned may be required to consult others (possibly including outside agencies) and to this extent complete confidentiality cannot be guaranteed.

Complainants should not approach individual Trustees to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 3 of the procedure.

For ease of use, a template complaint form is included at the end of this procedure (Appendix C). If you require help in completing the form, please contact the School office. You can also ask third party organisations like the Citizens Advice to help you.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

Which procedure do I need?

Sometimes, when concerns are more specific, there are alternative and more appropriate policies for dealing with them. The following list details specific topics of complaints, and the correct policy to refer to. You can access these policies on the School's website (www.doyrms.com).

- Student admissions; please see the School's admissions policy
- Student exclusions; please see the School's Exclusion policy or Department for Education (DfE) guidance on exclusions (www.gov.uk)
- Staff grievance, capability or disciplinary; these are covered by the School's Capability (Competence) Procedure, Grievance, and Disciplinary policies
- Where the complaint concerns a third party used by the School; please complain directly to the third party themselves but be aware that the School may need to be involved
- Anonymous complaints – We will not normally investigate anonymous complaints. However, the Principal or Chairman of Trustees, if appropriate, will determine whether the complaint warrants an investigation.
- Subject Access Requests and Freedom of Information Requests; please see the School's Data Protection and Freedom of Information policies.

Safeguarding

Wherever a complaint indicates that a child's wellbeing or safety is at risk, the School is under a duty to report this immediately to the local authority. Any action taken will be in accordance with the School's safeguarding policy on the School's website.

Social Media

For complaints to be resolved as quickly and fairly as possible, DOYRMS requests the complainants do not discuss complaints publicly via social media such as Facebook and twitter. Complaints will be dealt with confidentially for those involved, and we expect complainants to observe confidentiality also.

Complaints that result in staff capability or disciplinary

If at any formal stage of the complaint it is determined that staff disciplinary or capability proceedings are necessary in order to resolve the issue, the details of this action will remain confidential to the Principal and/or the individual's line manager. The complainant is not entitled to participate in the proceedings or receive any detail about them. The complaint procedure may be suspended pending resolution of those other proceedings.

Time scales

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply. What is meant by exceptional circumstances is where new evidence has come to light, where the complaint is of an especially serious matter or where there is reasonable justification for why the complainant has been unable to raise the complaint before this time. The Principal will review the situation and decide whether to enact the complaints procedure, informing the Chairman of Trustees of the decision.

DOYRMS will endeavour to abide by timeframes stated under each stage but acknowledges that in some circumstances, this is not always possible due to the complexity of information needed to review a complaint or difficulties regarding individual's availability to deal with the complaint, for example. If it becomes apparent that it is not possible to complete any stage of the complaints procedure within a given timeframe, the individual responsible for handling the complaint will contact the complainant as soon as possible seeking to achieve an agreed timeframe that works for all parties involved.

Complaints received outside of term time

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by DOYRMS other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
<ul style="list-style-type: none">• Admissions to schools• Statutory assessments of Special Educational Needs• School re-organisation proposals	Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Kent County Council www.kent.gov.uk
<ul style="list-style-type: none">• Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.

	<p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding.</p> <p>https://www.kscmp.org.uk/procedures/local-authority-designated-officer-lado</p>
<ul style="list-style-type: none"> • Exclusion of children from school 	<p>Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.</p>
<ul style="list-style-type: none"> • Boarding Fees 	<p>The School has a Parent Contract signed by those with parental responsibility for their child prior to them joining the School. It contains terms and conditions relating to the payment and notice requirements of boarding fees and complainants will be referred to this document in relation to any 'fees in lieu of no notice given' issues/complaints</p>
<ul style="list-style-type: none"> • Whistleblowing 	<p>The School has a Whistleblowing Procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus</p>
<ul style="list-style-type: none"> • Staff grievances 	<p>Complaints from staff will be dealt with under the School's internal grievance procedures.</p>
<ul style="list-style-type: none"> • Staff conduct 	<p>Complaints about staff will be dealt with under the School's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member because of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
<ul style="list-style-type: none"> • Complaints about services provided by other providers who may use school premises or facilities 	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.</p>
<ul style="list-style-type: none"> • Curriculum 	<p>Please contact the Vice Principal (Curriculum and Learning)</p>

If other bodies are investigating aspects of the complaint, for example the police, Local Authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against DOYRMS in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

Withdrawal of a Complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

Who should I approach?

Education Matters	Tutor
Pastoral Care	Tutor or Housemaster/mistress
Disciplinary Matters	Tutor or member of staff that gave the sanction
Financial/Administration Matters	Bursar

Complaint about a staff member's conduct: direct approach to the staff member themselves. Where this does not resolve the situation, their line manager should be approached. Where the complaint relates to child protection or safeguarding then the first direct approach should be to the Designated Safeguarding Lead.

Complaints about the Principal or the Trustees

Where a complaint regards the Principal, the complainant should first directly approach the Principal in an attempt to resolve the issue informally. If the complainant is not satisfied with this outcome, they should notify the Clerk to the Trustees (see contact details at Appendix A). The Stage 2 process (see page 8) will then commence, but with the Chairman of Trustees as the individual with overarching responsibility for the investigation rather than the member of SLT.

Where a complaint regards a Trustee, the same process applies as for the Principal. Where a complaint concerns the Chairman of Trustees, or the whole Board of Trustees, the individual should contact the Clerk to the Trustees. Informal resolution will be sought, but where this fails, the complaints procedure at Stage 2 will take immediate effect. The Vice Chair or an independent investigator/panel will mediate any proceedings.

In exceptional circumstances the Board of Trustees may appoint an independent investigator to investigate the concerns. If the complaint is not resolved then the complainant should write to the Clerk to Trustees, requesting that the complaint is considered by the Board of Trustees' Appeal Panel at Stage 3 of the process (see pages 8-11). The School may wish to use a reciprocal arrangement (if the complaint concerns the whole Board of Trustees) whereby the panel stage of the complaint's procedure involves reference to a panel drawn from the Trustee Body of another school.

STAGES OF THE COMPLAINT PROCEDURE

Stage 1 – Informal Investigation by a Member of Staff

Whereas a result of raising a concern the complainant still feels that the issue has not been addressed, or where the outcome has been that the complaint needs further investigation than can be resolved briefly, they may progress by making an informal complaint. In doing so, the following steps will be followed:

1. Complainant contacts the member of staff
2. The complainant must explain in writing
 - An overview of the complaint so far
 - who has been involved
 - why the complaint remains unresolved
 - action they would like to be taken to put things right.
3. The member of staff will respond within 5 working days (excluding those which fall in the school holidays) of having received the written complaint. They will explain what action they intend to take.
4. Where the complaint is about a member of staff or a school Trustee, the member of staff will arrange an informal mediation meeting between the two parties to see if they can come to a resolution .
5. The staff member will provide a written confirmation of the outcome of their investigation within 15 working days (excluding those which fall in the school holidays) of having sent confirmation of the intended action. Where the complainant is not satisfied with the outcome, they are able to progress to Stage 2 of the complaints process and launch a formal written complaint.
6. The staff member will make and retain a record of the concern and the outcomes of the investigation.

Stage 2 – Formal Investigation by member of SLT as directed by the Principal

1. The complainant may submit a formal complaints form to the Principal (see Appendix A for the Principal's contact details and Appendix C for a copy of this form). It is recommended that the complaints form is completed before moving on with this process. The Principal may delegate the investigation to another member of the School's senior leadership team but not the decision to be taken.
2. The Principal will respond in writing within 10 working days (excluding those that fall in the school holidays) of the date of receipt of the complaint to acknowledge receipt of the complaint and explain what action will be taken, giving clear timeframes.
3. A log of all correspondence in relation to the complaint will be kept in accordance with the Data Protection Principles.
4. The Principal will consider all relevant evidence; this may include but is not limited to:
 - a statement from the complainant,

- where relevant a statement from an individual who is the subject of the complaint
 - any previous correspondence regarding the complaint
 - any supporting documents in either case
 - interview with anyone related to the complaint.
5. The Principal may decide to have a meeting with the complainant (and where relevant, the subject of the complaint) if they feel that it would be appropriate for the investigation.
 6. After considering the available evidence, the Principal can:
 - Uphold the complaint and direct that certain action be taken to resolve it
 - Reject the complaint and provide the complainant with details of the Stage 3 appeals process
 - Uphold the complaint in part: in other words, the Principal may find one aspect of the complaint to be valid, but not another aspect. They may direct for certain action to be taken to resolve the aspect that they find in favour of the complainant.
 7. The Principal must inform the complainant of their decision in writing within 20 working days (excluding those that fall in the school holidays) of having issued written acknowledgement of the receipt of the complaint. They must explain clearly why they have come to the decision that they made. They must detail any agreed actions as a result of the complaint. Finally, they must provide the complainant with details of how to progress the complaint to Stage 3 if they are not satisfied, providing them with the contact details of the Clerk to the Trustees (Appendix A).

Stage 3 – Appeal – Review by a Panel of the Trustee Board

If the complainant wishes to appeal a decision by the Principal at Stage 2 of the procedure, or they are not satisfied with the action that the Principal took in relation to the complaint, the complainant is able to appeal this decision. The panel will not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

The complainant must write to the Clerk to Trustees (see contact details at Appendix A) within 10 days of receiving the Principal's decision or it will not be considered, except in exceptional circumstances. The complainant must briefly outline the content of the complaint requesting that a complaints appeal panel is convened.

On receipt of this written notification, the following steps will be followed:

1. The Clerk will write to the complainant within five working days (not including the school holidays) to confirm receipt of the appeal request and detail further action to be taken.
2. The Clerk will convene a panel of two School Trustees and one independent member. All three panel members will have no prior knowledge of the content of the complaint. The Clerk will fulfil the role of organising the time and date of the appeal hearing, inviting all the attendees, collating all the relevant documentation, and distributing these 5 working days in advance of the meeting, recording the proceedings and circulating the outcome of the meeting.
3. The appeal hearing will take place within 20 working days (excluding those which fall in the school holidays) of receipt of the date of the confirmation letter from the Clerk to the complainant, confirming the appeal. If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then

proceed in the complainant's absence on the basis of written submissions from both parties (the complainant and the Investigating Officer)

4. In addition to the panel, the following parties will be invited, where applicable:

- the complainant
- the SLT member/Investigating Officer who dealt with the complaint at Stage 2
- where the complaint regards a member of staff, the staff member who is the subject of the complaint.

The complainant is also able to bring a companion with them to the hearing if they wish. Where the subject of the complaint is a member of staff, that staff member is also able to bring a companion with them.

The companion will be a friend or a colleague. Neither party is able to bring legal representation with them. If after the hearing any party feels that legal action is necessary, please see the contact details on page 11/12.

5. If the attendance of any students is required at the hearing, parental permission will be sought if they are under the age of 18. Extra care will be taken to consider the vulnerability of children where they are present at a complaints hearing.

6. Where the complaint is about a Trustee, the complainant may request that the appeal is heard by an entirely independent panel. It is at the discretion of the Trustee Body who will notify the Clerk of their decision. Where an entirely independent panel is required, timescales may be affected while the School source appropriate individuals for the review.

7. If the complaint is:

- jointly about the Chairman and Vice Chairman or
- the entire Board of Trustees or
- the majority of the Board of Trustees

Stage 2 will be heard by a committee of independent, co-opted Trustees.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions DOYRMS will take to resolve the complaint.

The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

8. The panel can make the following decisions:

- Dismiss the complaint in whole or in part
- Uphold the complaint in whole or in part
- Decide on the appropriate action to be taken to resolve the complaint
- Recommend changes to the School's systems or procedures to ensure that problems of a similar nature do not recur.

9. All parties who attended the meeting will be informed in writing of the outcome of the appeal within 10 working days (excluding those which fall in the school holidays).

Principles governing the conduct of a panel hearing:

This is a hearing under the complaint's procedure, not a disciplinary hearing and not a trial. The Panel will determine the case on the balance of probabilities and not the higher burden of proof required in a court of law.

The Chairman has discretion to conduct the meeting as he/she thinks appropriate, in accordance with the principles of fairness, transparency, reasonableness and natural justice.

The Chairman may adjourn the meeting at any time should he/she deem that to be appropriate for any reason.

Generally, the hearing will not call for the attendance of witnesses. Reliance will be upon the report of the Investigating Officer which will incorporate the views of witnesses provided by both parties. The Panel members are entitled to ask the Investigating officer to make available to them the witness statements collected as part of the investigation.

Witness statements themselves may not be disclosed to any parties other than the Investigating Officer and the Panel, although the Investigating Officer may, with the witnesses' consent disclose details of witness statements within the Investigation Report itself. The Investigating Officer will attach as an appendix to the report a list of all the individuals who have been interviewed and or who have provided witness statements including their names, role in relation to the School and period of employment with the School in the case of employees.

The hearing will also be recorded, and the Chairman must give notice of that at the start of the hearing.

The School will retain an electronic copy of the recording in secure conditions for no longer than 10 years following the hearing.

Neither party is entitled to receive an electronic copy of the recording of the hearing. In the event of a dispute about what happened or what was said at the hearing, the recording may be referred to by parties to the dispute who may have supervised access to the recording at the School in the presence of a senior member of staff.

The Panel will have access to the recording and may (including at the request of any party) require that a hard copy of whole or part is produced and circulated. No private recording of any part of the hearing by any person for any purpose, will be permitted.

Procedures for the Conduct of the Complaints Hearing

- i. The Chairman of the Panel will introduce himself/herself and invite other members to do likewise.
- ii. The Chairman will invite all other attendees to introduce themselves.
- iii. The Chairman will advise that the meeting is being recorded and explain the rules governing access to the recording.
- iv. The Chairman will confirm the extent of the complaint as investigated and any remedy being sought by the complainant
- v. The Investigating Officer will be invited to speak to the report, summarising the process and identifying the key findings and conclusions.
- vi. The Panel will be invited to question the Investigating Officer and seek any clarifications needed.
- vii. The complainant will be invited to address the Panel to provide their comments on the report and through the Chairman to seek any clarifications needed.
- viii. The Panel may question the complainant.
- ix. If present, the person who is the subject of the complaint or his/her representatives will be invited to address the Panel.

- x. The Panel may question the subject and/or representative.
- xi. The Chairman will call for the meeting to be adjourned pending the Panel's deliberations.
- xii. The Panel will notify both the complainant and the subject of the outcome of the hearing in writing within 5 working days giving reasons for the Panel's decision and advising the complainants of the route for appeal in the event that the Panel does not uphold the complaint.
- xiii. A copy of the decision letter will be sent to the Chairman of Trustees with an indication from the Chairman of the Panel as to what if any action is required on his/her part.

This is the final stage at which the School will consider the complaint. If the complainant remains dissatisfied and wishes to take the complaint further, please see the Next Steps section below. The School will not consider the complaint beyond this.

Next Steps

If the complainant believes the School did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 3.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by DOYRMS. They will consider whether DOYRMS has adhered to education legislation and any statutory policies connected with the complaint. and whether they have followed [Part 7 of the Education \(Independent School Standards\) Regulations 2014](#).

The complainant can refer their complaint to the ESFA online at: www.education.gov.uk/contactus, by telephone on 0370 000 2288 or by writing to:

Department for Education
Piccadilly Gate
Store Street
Manchester M1 2WD

Relevant legislation and guidance

The Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/contents>

The Data Protection Act 2018 [Data Protection Act 2018 \(legislation.gov.uk\)](http://www.legislation.gov.uk/ukpga/2018/12/contents)

The Education (Independent School Standards) Regulations 2014
<http://www.legislation.gov.uk/uksi/2014/3283/contents/made>

Education Act 2002 <http://www.legislation.gov.uk/ukpga/2002/32/contents>

The Department for Education *Best Practice advice for school complaints procedures*
<https://www.gov.uk/government/publications/school-complaints-procedures>

Board of Trustees – records, review, and monitoring of complaints

The School will record the progress of all formal complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The 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 2008 Act requests access to them. The outcome of complaints will be available for inspection on the school premises by the proprietor and the Principal.

Records of formal complaints will be kept securely and for no longer than 10 years in line with data protection law.

DOYRMS will review and evaluate all formal complaints no matter how far they are taken or what the outcome to ensure that similar problems are avoided in the future or to see if they could have been managed any more effectively. The Trustee Body will receive a report on the level of complaints and the lessons that have been learnt from them on an annual basis.

Unreasonable Complaints

DOYRMS is 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 our school. 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.

DOYRMS defines 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:

- 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 co-operate with the complaint's investigation process
- refuses to accept that certain issues are not within the scope of the complaint's procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaint's procedure or with good practice
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- 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 School's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education
- seeks an unrealistic outcome
- 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
- uses threats to intimidate
- uses abusive, offensive, or discriminatory language or violence
- knowingly provides falsified information

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

Complainants should try to limit their communication with the School that relates to their complaint, while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email, or text), as it could delay the outcome being reached.

Whenever possible, the Principal or Chairman of Trustees will discuss any concerns with the complainant informally before applying an '*unreasonable*' marking.

If the behaviour continues, the Principal will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact DOYRMS causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

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

Barring from the School Premises

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Trustee bodies have a responsibility to ensure for the wellbeing of students and staff and will therefore act to ensure that schools remain a safe place.

If a parent's behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the Principal or the local authority can notify them in writing that their implied permission to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. Schools should always give the parent the opportunity to formally express their views on the decision to bar in writing.

The decision to bar should then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent should be notified in writing, explaining how long the bar will be in place. Anyone wishing to complain about being barred can do so, by letter or email, to the Principal or Chairman of Trustees. However, complaints about barring cannot be escalated to the Department for Education. Once the School's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

APPENDIX A

SCHOOL CONTACT DETAILS

The Duke of York's Royal Military School
Guston
Dover
Kent
CT15 5EQ

01304 245023
reception@doyrms.com
www.doyrms.com

Mr A Foreman
Principal
01304 245007
admin.office@doyrms.com

Col A Thorne
Chairman of Trustees
01304 245029
Via Clerk to Trustees – trudy.elkins@doyrms.com

Mrs T Elkins
Clerk to the Trustees
01304 245029
trudy.elkins@doyrms.com

APPENDIX B

ROLES AND RESPONSIBILITIES

Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible.
- co-operate with the School in seeking a solution to the complaint.
- respond promptly to requests for information or meetings or in agreeing the details of the complaint.
- ask for assistance as needed.
- treat all those involved in the complaint with respect.
- refrain from publicising the details of their complaint on social media and respect confidentiality.

Investigating Officer (staff member, member of SLT, Principal or Trustee)

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent, and fair consideration of the complaint through:
 - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved.
 - interviewing staff and children/young people and other people relevant to the complaint.
 - consideration of records and other relevant information.
 - analysing information.
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning.
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting.
- ensure that any papers produced during the investigation are kept securely pending any appeal.
- be mindful of the timescales to respond.
- prepare a comprehensive report for the Principal or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The Principal or complaints panel will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

Clerk to the Trustee Body

The Clerk is the contact point for the complainant and the Panel and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR).
- set the date, time, and venue of the hearing, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible.
- collate any written material relevant to the complaint (for example, Stage 3 paperwork, School, and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale.
- record the proceedings.
- notify all parties of the committee's decision.

Stage 3 Appeal Panel Chairman

The Appeal Panel Chair, who is nominated in advance of the complaint meeting, should ensure that:

- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy.
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person.
- the remit of the Panel is explained to the complainant.
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.
- If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting.
- both the complainant and the School are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself.
- the issues are addressed.
- key findings of fact are made.
- the Panel is open-minded and acts independently.
- no member of the Panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure.
- the meeting is minuted.
- they liaise with the Clerk

Stage 3 Appeal Panel Member

Panel members should be aware that:

- the meeting must be independent and impartial and should be seen to be so.
- No Trustee may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the School and the complainant.
- We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- many complainants will feel nervous and inhibited in a formal setting.
- Parents/carers often feel emotional when discussing an issue that affects their child.
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting.
- Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.
- The committee should respect the views of the child/young person and give them equal consideration to those of adults.
- If the child/young person is the complainant, the Panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the Panel should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.
- However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the Panel considers is not in the child/young person's best interests.
- the welfare of the child/young person is paramount.

APPENDIX C

The Duke of York's Royal Military School Formal Complaint Form (Stage 2)

Please complete and return to the Principal who will acknowledge receipt and explain what action will be taken.

Your name:
Student's Name/Name of Whom the Complaint Refers to (if relevant):
Your relationship to the student/person above (if relevant):
Your Address: Postcode: Day time telephone number: Evening telephone number:
Please give details of your complaint, including whether you have spoken to anybody at the School about it.

What actions do you feel might resolve the problem at this stage?

What are you looking finally to achieve (if different)?

Are you attaching any paperwork? If so, please give details.

Signature:
Date:

Official use

Date acknowledgement sent:

By whom:

Complaint referred to:

Date:

APPENDIX D

STUDENT COMPLAINTS PROCEDURE

The School has a Complaints Procedure for students to ensure that anyone who has a complaint is treated fairly and knows that their complaint is being taken seriously. This procedure also forms part of our Safeguarding and Child Protection Policy.

You might feel someone is discriminating against you because of your race, gender, religion, disability or sexuality, or you feel you are being picked on by a member of staff or by other students, your opinions are being ignored or a School rule is unfair or not applied correctly. Most of the time you should be able to sort out differences of opinion by talking calmly to the other student or member of staff concerned. It is also helpful to talk things through with your parents who can also raise the concern with School staff.

If you feel you haven't been listened to or feel the situation was not dealt with appropriately, you have other options to address the concerns:

- Speak to the member of staff involved and ask that they reconsider their approach.
- Raise the issue with your Tutor, the Head of Faculty, or your Houseparent.
- Raise the issue with a member of the senior leadership team.
- Use the opportunity of 'Headman's Half-Hour' or approach the Principal.
- There are other avenues such as the School Council. Our independent listener, the medical centre, counsellor, or any adult you feel comfortable speaking to.

You might use the Complaints Procedure if you feel that the above options are not appropriate or that they have not provided you with the reassurance you require.



What To Do

Concern/Complaint

This step is almost always the most important. You may just wish to talk to someone about something that is annoying you. You may have misinterpreted something, or another student or teacher may have misinterpreted something that you have said or done. This step also allows you to understand if your worry is a concern or a complaint.

Talk to the person who has upset you. Tell them why you think they have done something wrong or treated you unfairly. Say what you think would put it right. Often an apology is all that's necessary or your discussion confirms that either you or others misinterpreted something. If you feel that you do not want to talk directly with the person concerned, ask a member of staff to help you. If for some reason you can't talk to the person concerned, or you believe that this has not sorted out your concern/complaint you move to Stage 1. The Student Complaint Procedure has the following stages:

Timeline:

Stage 1 	Stage 2 	Stage 3
Informal investigation by member of staff Where dissatisfied with outcomes, progress to Stage 2 See page 21 for more information	Formal investigation by member of SLT as directed by the Principal, Where dissatisfied with outcomes, progress to Stage 3 See pages 22 for more information	Formal appeal to a panel of Trustees This is the final stage of the Student Complaint Procedure. Where dissatisfied with outcomes, contact the Department for Education See page 23 for more information
20 working days total (max)	30 working days total (max)	30 working days total (max)

Stage 1

You should now talk to a teacher, your tutor, Houseparent or another member of staff that you trust. Explain your complaint and the fact that you have already tried to sort it out with the person concerned or why you feel unable to sort it out with the person concerned.

You will be asked to complete a concern/complaints form (Appendix 1), or it will be completed for you. This member of staff will tell you what they are going to do and when they will talk to you again. They should find you to let you know what's happening, usually within seven days.

If you are satisfied with the outcome of your talk with the member of staff your complaint will be filed and there will be no more action. The outcome might be:

- There is no evidence to support the complaint.
- An explanation is offered.
- An apology is offered.
- The complaint is upheld, and support, advice or training is offered to the subject of your complaint.
- School rules or procedures will be revised if necessary.
- The complaint will be dealt with through disciplinary or safeguarding procedures.
- If you are still not satisfied, you can move to Stage 2.

Stage 2

At Stage 2, the Principal will look at your complaint. The Principal may come to the same decision as the member of staff that dealt with the complaint originally or may suggest another solution. You will need to decide whether you are now satisfied. If you aren't, you move on to the third and final stage.

Stage 3

Your complaint is passed on to the School Trustees for consideration. The Trustees will arrange a Complaints Panel (consisting of three Trustees, one of them being independent of the School) to look at your complaint. You also have the option of talking to the Complaints Panel if you wish.

The panel will listen to your complaint and your reasons for rejecting the previous solutions. The panel can then either dismiss the complaint, or uphold the complaint, in full or in part, and offer some different solutions. You will be given a date by which a decision will be taken and a letter explaining the decision. The letter will be written in a way that is easy to understand.

This is the final stage of the Student Complaints Procedure.

Note: You should take any serious concerns about the behaviour of a staff member directly to the Principal, Vice Principal or Designated Safeguarding Lead. Examples of serious concerns include those involving violence, anything of a sexual nature or persistent bullying or humiliation.

Next Steps

If you believe the School did not handle your complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, you can contact the Department for Education after you have completed Stage 3 (please refer to page 12 of this Complaints Policy).

The Designated Safeguarding Lead is: Mr E Pallant

Some People Who Can Help

House staff: Housemaster/mistress, Tutor, Matron, Housekeeper

Any Teacher

Medical Centre Staff

Independent Listener

Senior Leadership Team

Any other member of staff

If you are worried about anything at all, you should try to talk to someone: an adult you feel you can trust. **The choice is yours.**

Here are some other useful contacts:

Childline www.childline.org.uk
0800 1111

NSPCC helpline www.nspcc.org.uk
0808 800 5000

Office of the Children's Commissioner 0800 528 0731

Textline 0800 056 0566

www.thinkuknow.co.uk

Appendix 1



The Duke of York's
Royal Military School

STUDENT CONCERNS/COMPLAINTS RECORD FORM

Please complete and return to the member of staff who is helping you, who will acknowledge receipt and forward for action if appropriate. You may wish to ask them to help you complete this form.

Name of Student _____ **House** _____

Nature of the concern/complaint

Details of your concern/complaint

**What action, if any, have you already taken to try and resolve the issue?
(Who did you speak to and what was the response?)**

What actions do you feel might resolve the problem at this stage?

Give details or attach any paperwork which you feel may be helpful

Name _____

Signature _____ **Date** _____

Position _____

Office Use Only

Date acknowledgement sent _____

Acknowledgement sent by _____

Concern referred to (Name) _____

(Position) _____

Date _____

School's actions, with dates

Final Outcomes

Name _____ **Post** _____
Signature _____ **Date** _____