



THE MOUNTBATTEN SCHOOL

## **School Improvement Committee**

### **Complaints Procedure Policy**

**November 2023**

**Review Date: November 2025**

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## 1. Introduction

This document sets out the policy and procedure for the management of complaints in The Mountbatten School. It reflects the latest guidance provided by the Education and Skills Funding Agency (ESFA) in March 2021.

## 2. Background

Academies are required to adhere to the following legislation with regards to the management of their complaints:

### ***Education (Independent School Standards (England) Regulations 2014 Schedule 1 Part 7***

- (a)** that the complaints procedure is in writing;
  - (b)** is that the complaints procedure is made available to parents of students;
  - (c)** sets out clear time scales for the management of a complaint;
  - (d)** allows for a complaint to be made and considered initially on an informal basis;
  - (e)** where the parent is not satisfied with the response to the complaint made in accordance with sub-paragraph **(d)**, establishes a formal procedure for the complaint to be made in writing;
  - (f)** where the parent is not satisfied with the response to the complaint made in accordance with sub-paragraph **(e)**, makes provision for a hearing before a panel appointed by or on behalf of the proprietor and consisting of at least three people who were not directly involved in the matters detailed in the complaint;
  - (g)** ensures that, where there is a panel hearing of a complaint, one panel member is independent of the management and running of the school;
  - (h)** allows for a parent to attend and be accompanied at a panel hearing if they wish;
    - (i)** provides for the panel to make findings and recommendations and stipulates that a copy of those findings and recommendations is—
    - (ii)** provided to the complainant and, where relevant, the person complained about; and
    - (iii)** available for inspection on the school premises by the proprietor and the headmaster;
  - (j)** provides for a written record to be kept of all complaints that are made in accordance with sub-paragraph **(e)** and—
    - (i)** whether they are resolved following a formal procedure, or proceed to a panel hearing; and
    - (ii)** action taken by the school as a result of those complaints (regardless of whether they are upheld);
- and
- (k)** provides that correspondence, statements and records relating to individual complaints are to be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

## 3. Complaints v concerns

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

A concern (or informal complaints) may be defined as ‘an expression of worry or doubt over an issue considered to be important for which reassurances are sought’.

The Mountbatten School takes all concerns seriously and will make efforts to resolve matters as quickly as possible. Our ethos at The Mountbatten School is ‘we care, we respect, we achieve’ and we aim to maintain a caring, supportive and disciplined learning environment where children benefit from the best possible education. All staff are committed to this aim. However, occasionally things can go wrong, and we would like to know if you think that we are not meeting your expectations so that we can respond appropriately and allay concerns.

Many issues can be resolved informally without the need to use the formal complaints procedure. If you would prefer not to raise your concern with a particular member of staff, in these cases we will refer you to another member of staff. It may be that a member of staff does not feel able to deal with a concern, we will refer you to another person.

The school aims to deal with all issues objectively and impartially.

We understand, however, that there are occasions when people would like to raise their concerns formally or when any initial attempts taken to resolve an issue informally are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further. The school will attempt to resolve the matter through the stages outlined in the school’s Complaints Policy (see section 9).

#### **4. Who can make a complaint?**

Parents or carers with children registered at the school may make a complaint.

The school will not usually investigate anonymous complaints or when a student has left the school roll; in these circumstances the Headmaster or Chair of the Board of Trustees will determine if the matter warrants an investigation, if appropriate.

#### **5. How to complain**

A concern or informal complaint can be made:

- in person
- in writing
- by telephone
- by anyone acting on behalf of a complainant (with appropriate consent to do so).

Informal complaints or concerns should be raised with either the class teacher, year or subject head. If the matter is not resolved, the next step is to make a formal complaint (see the table below). Formal complaints should be made to the appropriate person depending on what the complaint is about. Complainants should **not** approach individual Trustees as it may prejudice

their ability to consider complaints at Stages 2 and 3 of the school’s procedure and they have no power to act on an individual basis.

<b>Complaints about or involve</b>	<b>Addressee</b>
School staff (except the Headmaster)	The Headmaster’s PA
The Headmaster and the CEO	The Clerk to the Board of Trustees
The Chair/Vice Chair of the Board of Trustees, individual Trustees or the whole board	The Clerk to the Board of Trustees

A complaints form is included for completion (Appendix 3). All complaints should be marked private and confidential, for the appropriate Addressee, and submitted through the main office. The Mountbatten School will consider making reasonable adjustments to enable complainants to access and complete the complaints procedure. If you should need any help in making your complaint, please let the school office know. You can also obtain assistance through other organisations such as local advocacies and the Citizen’s Advice Bureau.

You are able to withdraw your complaint at any time and the school will ask you to confirm this in writing.

## 6. Timescales

In order for the school to deal with your complaint effectively, it would be helpful to receive complaints as soon as possible after the incident concerned. You must raise your complaint within 6 weeks of the incident or if a series of associated incidents, within 6 weeks of the last one taking place. However, in exceptional circumstances the school will consider complaints made outside of this timescale.

Complaints made outside of term time will be deemed to have been received on the first school day after the holiday period.

## 7. Scope of this complaints procedure

This procedure covers all complaints about any provision of community services by The Mountbatten School. It does not cover complaints that are dealt with under separate (statutory) procedures.

This policy does **not** cover the following issues:

Admissions to schools	There is separate guidance about the school’s independent admission appeal panel complaints <a href="http://www.gov.uk/government/publications/academy-independent-admission-appeal-panel-complaints">www.gov.uk/government/publications/academy-independent-admission-appeal-panel-complaints</a>
Statutory assessments of special education needs	Concerns about admissions, statutory assessments of Special Educational Needs <a href="http://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability">www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability</a>

Exclusion of children/young people from school	<p>Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>.</p> <p><i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure</i></p>
Matters likely to require a Child Protection Investigation	<p>All complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) or the Multi Agency Safeguarding Hub (MASH) at Hampshire County Council.</p>
Whistleblowing	<p>We have an internal 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 whistle-blowers in education who do not want to raise matters direct with their employer.</p> <p>Concerns can be raised with ESFA using our <a href="#">contact form</a></p> <p>You can read further information about <a href="#">how Esfa handles whistleblowing disclosures</a></p>
Staff grievances	<p>Complaints from staff will be dealt with under the Trust's internal Resolving Workplace Issues policy.</p>
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 as a result of a complaint.</p> <p>However, the complainant will be notified that the matter is being addressed.</p>
Complaints about services provided by other providers, who may use The Mountbatten School premises or facilities	<p>Providers should have their own complaints procedure. Please contact them directly.</p>
Withdrawal from the Curriculum	<p>Parents and carers can withdraw their child from any aspect of Religious Education (RE), including the Daily Act of Collective Worship without any explanation and the handling of any request to withdraw is considered as a complaint under this procedure. However, the right of withdrawal does not apply to other areas of the curriculum where religious matters may be spontaneously raised by pupils or arise in other subjects such as history or citizenship.</p>
Criminal cases	<p>Please report these to the police</p>

Complaints that have already been investigated cannot be considered again.

Legal, safeguarding or disciplinary proceedings may take precedence over complaints procedures and timescales. If there is a risk that dealing with a complaint might prejudice a concurrent consideration, the complaints procedure will be suspended until the concurrent consideration is concluded. The school will write to the complainant explaining the reason for the decision and the nature of the concurrent consideration. Once the concurrent consideration is concluded, the complaint can be investigated as appropriate.

Should the school receive a number of complaints all based on the same subject or from complainants unconnected with the school, the Headmaster will consider how to respond to these complaints. In these instances, the school may decide to send a template response to all complainants or to publish a single response on the website. These complaints will be acknowledged in the usual way and complainants updated on how the school intends to respond.

## **8. Resolution**

At each stage of the complaints procedure, the school aims to resolve any complaint if at all possible. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an apology
- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that the event complained of will not recur
- an explanation of the steps that have been taken to ensure that it will not happen again along with an indication of timescales within any changes will be made
- an undertaking to review school policies in light of the complaint.

## **9. Formal Complaints Procedure**

### **Stage 1**

#### Where to address the complaint:

All formal complaints should be made to the Headmaster (unless concerning the Headmaster or the Chief Executive Officer (CEO)). These complaints will automatically be considered at Stage 2).

#### How to make your complaint:

All complaints should be made in writing (preferably using the complaint form – Appendix 3).

#### What to expect:

The school will record the date the complaint is received and will acknowledge receipt of the complaint in writing (letter or email) within 5 school days.

The Headmaster may decide to delegate the investigation, but not the decision to be taken.

Within the written acknowledgement, the Headmaster (or the person investigating the complaint), Trustee or other delegated person may seek to clarify the nature of the complaint, what is unresolved, and the outcomes the complainant is seeking to resolve the matter.

Consideration will be given by the school as to whether a face-to-face meeting would be the appropriate way forward.

#### During an investigation of the complaint:

During any investigation, the investigator will (if necessary):

- Interview all those who were involved in the complaint – they may be accompanied if they wish.
- Keep a written record of any meetings/interviews relating to their investigation.

#### Timeframe:

The Headmaster, or his delegated investigator, will investigate the complaint and respond to the complainant within 15 school days of the date of acknowledgement of the complaint. If this date cannot be met, the complainant will be given an update and revised response date and updates every 10 school days as necessary.

#### Responding to the complaint:

The complaint response will include:

- details of any actions taken to investigate the complaint
- a full explanation of any decisions made including reasons
- details of actions taken (or to be taken with timescales) to resolve the complaint
- details as to how to escalate the complaint should they remain dissatisfied with the outcome.

#### Escalating the complaint:

If the Complainant is dissatisfied with the outcome of the investigation at Stage 1 and wishes to escalate the complaint, the matter can proceed to Stage 2.

Complainants should set out clearly the issues which have previously been discussed and why the parent/carer considers the issue to be unresolved by the actions or discussions that have taken place at Stage 1.

This submission should be made within 10 school days of receiving the Stage 1 response. The submission should now be addressed to the Clerk to the Board of Trustees via the school's address.



## **Stage 2**

### Where to address the complaint:

Complaints under Stage 2 should be addressed to the Clerk to the Board of Trustees (the Clerk) via the school's address

### How to make your complaint:

All complaints should be made in writing (preferably using the complaint form – Appendix 3).

### What to expect:

The Clerk will record the date the complaint is received and will acknowledge receipt of the complaint in writing (letter or email) within 5 school days. The complaint will then be passed to the Chair of the Board of Trustees (the Chair). The Chair may decide to delegate the investigation, but not the decision to be taken.

Within this acknowledgement, the Clerk (or the person investigating the complaint(s)) may seek to clarify the nature of the complaint, what is unresolved, and the outcomes the complainant is seeking to resolve the matter.

Consideration will be given by them as to whether a face-to-face meeting would be the appropriate way forward.

### During an investigation of the complaint:

the nature of the complaint will determine the investigation. The process of investigation will be outlined in the response letter, but may include:

- Interviewing all those who were involved in the complaint – they may be accompanied if they wish.
- Keep a written record of any meetings/interviews relating to their investigation.

### Timeframe and responding:

The Chair will respond in writing within 15 school days of sending the Clerk's acknowledgement letter.

### Escalating the complaint:

If the Complainant is dissatisfied with the outcome of the investigation at Stage 2 and wishes to take the matter further – they can escalate their complaint to Stage 3.

Stage 3 involves a Board of Trustees' Complaints Panel.

All requests to escalate complaints to Stage 3 must be made to the Clerk via the school office within 5 school days of receipt of the Stage 2 response. Requests received outside this timescale will be considered under exceptional circumstances.

## **The following Complaints are made directly under Stage 2:**

### **Concerns or complaints about the Headmaster or the CEO**

Any formal complaints about the Headmaster or CEO will be investigated at Stage 2 by the Chair of the Board of Trustees (the Chair).

#### **Where to address the complaint:**

Complaints should be sent to the Clerk to the Board of Trustees (the Clerk) via the school address.

#### **How to make your complaint:**

All complaints should be made in writing (preferably using the complaint form – Appendix 3).

#### **What to expect:**

The Clerk will acknowledge receipt of the complaint within 5 working days and pass the complaint on to the Chair. The Chair may decide to delegate the investigation but not the decision to be taken.

Within the acknowledgement, the Chair (or the person investigating the complaints) may seek to clarify the nature of the complaint, what is unresolved and the outcomes the complainant is seeking to resolve the matter. Consideration will be given by the school as to whether a face-to-face meeting would be the appropriate way forward.

#### **During an investigation of the complaint:**

the nature of the complaint will determine the investigation. The process of investigation will be outlined in the response letter, but may include:

- Interviewing all those who were involved in the complaint – they may be accompanied if they wish.
- Keep a written record of any meetings/interviews relating to their investigation.

#### **Timeframe and responding:**

The Chair will respond in writing within 15 school days of sending the Clerk's acknowledgement letter.

## **Complaints against the Chair/Vice Chair of the Board of Trustees**

In the event of a formal complaint being made against the Chair of the Board of Trustees (the Chair) which is unable to be resolved at the informal stage, then it will be necessary for the complaint to be considered by the Vice Chair of the Board of Trustees (the Vice Chair). If the complaint relates to both the Chair and Vice Chair, an independent person will be appointed to undertake the investigation.

### Where to address the complaint:

Complaints should be sent to the Clerk to the Board of Trustees (the Clerk) via the school address.

### How to make your complaint:

All complaints should be made in writing (preferably using the complaint form – Appendix 3).

### What to expect:

The Clerk will acknowledge receipt of the complaint within 5 working days and the complaint will be passed to the relevant person.

The relevant person may decide to delegate the investigation but not the decision to be taken.

Within the acknowledgement, the person investigating the complaint may seek to clarify the nature of the complaint, what is unresolved and the outcomes the complainant is seeking to resolve the matter. Consideration will be given by the school as to whether a face-to-face meeting would be the appropriate way forward.

### During an investigation of the complaint:

the nature of the complaint will determine the investigation. The process of investigation will be outlined in the response letter, but may include:

- Interviewing all those who were involved in the complaint – they may be accompanied if they wish.
- Keep a written record of any meetings/interviews relating to their investigation.

### Timeframe and responding:

The relevant person will respond in writing within 15 school days of sending the Clerk's acknowledgement letter.

## **Complaints against a Trustee**

A formal complaint about a Trustee should be referred to the Chair of the Board of Trustees (the Chair) who will investigate and seek to resolve it.

### Where to address the complaint:

Complaints should be sent to the Clerk to the Board of Trustees (the Clerk) via the school address.

### How to make your complaint:

All complaints should be made in writing (preferably using the complaint form – Appendix 3).

### What to expect:

The Clerk will acknowledge receipt of the complaint within 5 working days and pass the complaint on to the Chair. The Chair may decide to delegate the investigation but not the decision to be taken.

Within the acknowledgement, the Chair (or the person investigating the complaints) may seek to clarify the nature of the complaint, what is unresolved and the outcomes the complainant is seeking to resolve the matter. Consideration will be given by the school as to whether a face-to-face meeting would be the appropriate way forward.

### During an investigation of the complaint:

the nature of the complaint will determine the investigation. The process of investigation will be outlined in the response letter, but may include:

- Interviewing all those who were involved in the complaint – they may be accompanied if they wish.
- Keep a written record of any meetings/interviews relating to their investigation.

### Timeframe and responding:

The Chair will respond in writing within 15 school days of sending the Clerk's acknowledgement letter.

### **Stage 3**

If the Complainant is dissatisfied with the outcome of the investigation at Stage 2 and wishes to take the matter further – they can escalate their complaint to Stage 3.

Stage 3 involves a meeting of the Board of Trustees' Complaints Panel (the Complaints Panel).

The Complaints Panel will consist of 3 members. One member of the panel will be independent of the management and running of the school. The other two members of the panel will be two impartial Trustees. None of the panel members will have been involved in the incidents or the events which led to the complaint or have been involved in dealing with the complaint in the previous stages or have any detailed prior knowledge of the complaint.

If the complaint is about the Chair or the Vice Chair, the majority or entire Board of Trustees then Stage 3 will be heard by a completely independent panel. The complainant will be advised accordingly.

Stage 3 forms the final stage of the school's complaints procedure.

#### Where to address the complaint:

Complaints should be sent to the Clerk to the Board of Trustees (the Clerk) via the school address within 5 school days of receipt of the Stage 2 response. Requests received outside this timescale will be considered under exceptional circumstances.

#### How to make your complaint:

All complaints should be made in writing (preferably using the complaint form – Appendix 3).

#### What to expect:

The Clerk will record the date the request was received and acknowledge receipt in writing (either by letter or email) within 5 school days. The Clerk will write to the complainant to inform them of the dates of the meeting.

The Mountbatten School will aim to convene a meeting within 20 school days of the Stage 3 request. If this timescale is not achievable, it will be convened as soon as practicably possible, and the complainant will be kept updated.

If the complainant rejects the offer of 3 proposed dates, the Clerk will decide whether to hold the panel meeting. If yes, it will then proceed in the complainant's absence with written submissions from both parties.

The Complaints Panel will consist of 3 members as specified above.

#### Procedure before the Complaints Panel meeting:

At least 10 school days before the meeting the Clerk will:

- Notify the complainant of the date, time and venue of the panel meeting. If the complainant is invited, these dates to be convenient to all parties and then venue and proceedings are accessible.

- Request copies of any further written material to be submitted to the panel at least 5 school days before the meeting.

Any written material will be circulated to all parties at least 2 school days before the date of the meeting. If any material is submitted after this date, it is at the discretion of the Complaints Panel whether or not it will be admissible.

During the Complaints Panel meeting:

Before the meeting, the panellists will decide who will act as Chair of the Complaints Panel.

In the event that there are less than 2 available school Trustees, the Clerk will source independent governors/trustees through either another school or the local authority governor services team. Alternatively, an entirely independent panel may be appointed by the Clerk to hear the complaint at Stage 3.

If the complainant attends the meeting, they are permitted to be accompanied by a supporter (either a relative or a friend).

Legal representatives for either party are not usually encouraged to attend the panel meeting, but it is accepted that there may be occasions where it is appropriate to do so. An example of this may be a school employee who is called as a witness and may wish to be supported by a union and/or legal representative.

**NB** Matters of staff conduct are not usually considered by the complaint's procedure, they are usually considered under staff disciplinary procedures and outcomes will not be shared with complainants.

Representatives from the media are not permitted to attend.

During the Complaints Panel meeting:

The panel meeting will:

- be held in private
- not review any new complaints at Stage 3 or consider evidence unrelated to the original complaint to be included. Any new complaint must be considered at Stage 1 of the procedure
- not accept, as evidence recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded
- not permit electronic recordings of meetings or conversations unless the complainant's own disability or special needs requires it. In that case, prior knowledge and consent of all parties attending must be sought by the Clerk before meetings or conversations take place. Consent will be recorded in any minutes taken
- The Chair of the Complaints Panel will decide, at their absolute discretion, which witnesses (including members of staff) will be permitted to attend the Complaint Panel Hearing to give a verbal statement rather than relying on a written statement which will be signed by the witness.

The Panel will consider the complaint and all the evidence presented by all parties.



Scope of the Complaints Panel meeting:

The Complaints Panel can:

- uphold the complaint in whole or part
- dismiss the complaint in whole or part

If the complaint is upheld (in whole or part) the Complaints Panel will:

- decide on the appropriate action(s) to be taken to resolve the complaint
- recommend changes to school systems or procedures to prevent similar issues reoccurring in future, where appropriate

Timeframe and responding:

Within 10 working days of the Complaints Panel meeting, the Chair of the Panel will provide the complainant and the school with a full explanation of their decision(s) and the reason(s) in writing.

Where appropriate, it will include details of the actions the school will take to resolve the complaint and timescales to achieve them.

The response will also include details of how the complainant may escalate their complaint should they remain dissatisfied with the outcome of Stage 3.



## 10. Next steps

If, after Stage 3 has been completed the complainant:

- remains unhappy with the outcome.
- believes that the school did not handle their complaint in accordance with their published procedure.
- believes that the school has acted unlawfully or unreasonably in the exercise of their statutory duties

they can contact the Education & Skills Funding Agency by using the [Contact Us](#) form.

[www.gov.uk/government/organisations/skills-funding-agency](http://www.gov.uk/government/organisations/skills-funding-agency)

Academy Complaints and Customer Insight Unit  
Education and Skills Funding Agency  
Cheylesmore House  
Coventry  
5 Quinton Road  
Coventry  
CV1 2WT

Tel: 0370 000 2288

## 11. Records

Written records will be kept of all complaints to show:

- The progress of the complaint and the outcome.
- Whether the complaint progressed to a Panel Hearing at Stage 3
- The action taken by the school regardless of the outcome
- Who is responsible for this data and ensures it is kept securely

All correspondence statements and records relating to individual complaints will be kept confidential, except where the Secretary of State or body conducting an inspection under section 109 of the 2008 Act requests access to them.

### Policy Agreed

Signed by:

Date: 8 December 2023

Chair of the School Improvement Committee

Signed by:

Date: 8 December 2023

Chair of the Board of Trustees

(Signed copies kept in school)



### 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

#### Investigator

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 Headmaster or complaints panel that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The Headmaster 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.

**Complaints Co-ordinator** (this could be the Headmaster / designated complaints Trustee or other staff member providing administrative support)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
  - liaise with staff members, Headmaster, Chair of Trustees, clerk and Local Authority (if appropriate) to ensure the smooth running of the complaints procedure
  - be aware of issues regarding:
    - sharing third party information.
    - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records

### **Clerk to the Board of Trustees**

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)
- ensure that one of the Panel members is independent of the management and running of the school
- set the date, time and venue of the meeting, 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 1 and Stage 2 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the Panel's decision

### **The Complaints Panel Chair**

The Panel's Chair, who is nominated in advance of the complaint meeting by the panel members, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- 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 (and complaints co-ordinator, if the school has one)

### **Panel Members**

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 panel 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 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 panel 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.

### Unreasonable complainant policy

The Headmaster and staff at The Mountbatten School deal with specific complaints as part of their day-to-day management of the school in accordance with its complaints procedure. They are committed to dealing with all complaints fairly and impartially and to provide a high-quality service to all those who complain. The majority of complaints are handled in an informal manner and are resolved quickly, sensitively and to the satisfaction of the complainant.

We will not normally limit the contact complainants have with the school. We do not expect our staff to tolerate unacceptable behaviour. The school will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

In these circumstances the school may take action in accordance with this policy.

The Mountbatten School defines unreasonable behaviour as that which hinders our consideration of their or other people's complaints due to the frequency or nature of the contact with the school.

A complaint can 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 co-operate 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 the complaints procedure
- Insists on the complaint being dealt with in ways which 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
- Raises large numbers of detailed but unimportant questions and insisting that 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 process has been fully and properly implemented and exhausted including referral to the ESFA
- 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 whilst 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
- Acts in a persistent way by:
  - sending numerous letters
  - making multiple phone calls
  - sending multiple e-mails
  - leaving multiple voicemails
  - sending multiple text messages

Complainants should try to limit their communication with the school about their complaint, whilst their complaint is being progressed. If repeated correspondence or contact is made by letter, phone, email, text or in person it could delay the progression of the investigation and an outcome being reached.

Whenever possible, the Headmaster or Chair of the Board of Trustees will discuss the concerns with the complainant informally before invoking the procedure. This will be confirmed in writing.

If the behaviour continues, the Headmaster will write to the complainant explaining that their behaviour is unreasonable and being considered under this policy. The Headmaster may also specify methods of communication and times in a communication plan. This action may or may not include barring from the school premises as detailed below. Any communication plan will be reviewed by the school after six months and lifted as appropriate.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing.



**Complaint Form – The Mountbatten School**

Your name:

Student's name:

Your relationship to the student:

Address:

Postcode:

Daytime telephone number:

Evening telephone number:

Email:

Please give details of your complaint, what you think the school did wrong or did not do. Include dates, names of witnesses etc.

What action, if any, have you already taken to try to resolve your complaint? (Who have you spoken with or written to and what was the outcome?).

What do you think the school needs to do to resolve matters at this stage?

Please list any paperwork you are attaching:

Do you need the paperwork to be returned to you: Yes/No

Signature: .....

Date: .....

Official Use

Date form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

Complaint referred to:

Date referred:

Date response sent: