



THE MOUNTBATTEN SCHOOL

School Improvement Committee

Complaints Procedure Policy

December 2019

Review Date: July 2022

Company No. 07560175

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Introduction

Section 29 of the Education Act 2002 requires that the Governing Body of a school shall establish procedures for dealing with all complaints relating to the school and to publicise the procedures so established. The school's Complaints Procedure Policy was developed from the Department for Education's 'School Complaints Procedure 2011' and has the full agreement of the Governing Body. The revised policy was adopted on 2 June 2013 and has been amended in light of the Academies' Complaints Policy as set out in Part 7 of the Education (Independent School Standards) Regulations in March 2014.

This policy is intended for parents/carers of all students in the school including those with Special Educational Needs and the support the school provides.

This policy will be reviewed every two years through the School Improvement Committee. A copy of the policy is available on the school's website.

Aims of the Policy

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. In the vast majority of instances, raising your concern with a member of staff as soon as possible can resolve issues quickly.

Summary of the policy

The Mountbatten School's complaints policy includes four stages of the complaints procedure and guidance:

- Preliminary Stage – informal (speak with the relevant member of staff)
- Stage 1 – formal complaint letter to the **Associate Headteacher**
- Stage 2 – formal complaint letter to the Chair of Governors requesting a hearing by the Governors' Complaints Panel
- Stage 3 – Governors' Complaints Panel

The Complaints Procedure Policy only applies to students who are currently on roll at the school. Once a student has left the school roll, any complaints will not be considered.

Preliminary Informal Stage

Should you have a concern, often the most effective way in which to resolve the issue is to contact the appropriate member of staff to discuss your concern. In most instances, this would be your child's Form Tutor. Contact can be made by telephone or by email. You may wish to discuss the concern over the telephone, via email or arrange an appointment to come into school to discuss the matter. Appointments will be arranged at the earliest opportunity within the constraints of a busy school environment. As part of the discussion, the parties involved

should be encouraged to offer their view of what would be a realistic resolution to the problem.

If parents or carers are dissatisfied with the result of the initial discussions held with the teacher, they should ask for an appointment to meet with the Head of Subject or Head of Year. If a resolution to the issue is proving difficult to find, the Head of Subject or Head of Year can speak to a Deputy Headteacher or the Associate Headteacher about the issue, who may feel it appropriate to offer informal intervention.

Stage 1 – formal complaint letter to the Headteacher

An issue that has not been resolved through the informal stage can become an official complaint. Parents or carers wishing to move to Stage 1 must write a formal letter of complaint to the Associate Headteacher. The letter will need to set out clearly the issues which have previously been discussed and why the parent or carer considers the issue to be unresolved. The Associate Headteacher will acknowledge the written complaint within 5 school days and investigate the concerns raised in the letter. As part of the investigation, the Associate Headteacher may feel it appropriate to meet with the complainant to discuss the concerns. Following investigation and consideration of the complaint, the Associate Headteacher will respond to the complainant in writing and confirm the outcome in writing within 20 school days of receipt of the letter.

The decision that the Associate Headteacher has made as a result of the Stage 1 complaint does not become a complaint about the Associate Headteacher. If the complainant feels the complaint has not been resolved he/she should proceed to Stage 2, a formal complaint to the Chair of Governors.

The Procedure for investigating complaints

On receipt of a complaint, the Associate Headteacher will appoint an appropriate member of staff to investigate the complaint. The appointed member of staff will:

- establish what has happened so far, and who has been involved;
- clarify the nature of the complaint and what remains unresolved;
- either meet with the complainant or contact them (if unsure or further information is necessary);
- clarify what the complainant feels would put things right;
- interview those involved in the matter and/or those of whom the complaint has been made, allowing them to be accompanied if they wish;
- conduct the interview with an open mind and be prepared to persist in the questioning;
- keep notes of the interview.

Resolving complaints

At each stage in the procedure, the school is mindful of ways in which a complaint can be resolved. This may be:

- acknowledging that the complaint is valid in whole or in part;
- offering an apology or explanation;
- admitting that the situation could have been handled differently or better;
- offering an assurance that the event complained of will not recur;

- explaining the steps that have been taken to ensure that it will not happen again;
- undertaking to review school policies in light of the complaint.

Stage 2 – formal complaint letter to the Chair of Governors

Parents or carers who feel that an issue has not been resolved through the formal Stage 1 wishing to move to Stage 2 must write a formal letter of complaint to the Chair of Governors. The letter will need to set out clearly the issues which have previously been discussed and why the parent or carer considers the issue to be unresolved by the actions or discussions that have taken place at Stage 1. The school will provide the Chair of Governor's name and the complainant should write to him or her at the school address marking the envelope 'urgent, private and confidential'. The Chair of Governors should acknowledge the complainant's letter in writing within 10 school days of receipt and investigate the concerns raised in the letter; this may entail speaking with the Associate Headteacher and/or a formal meeting with the complainant to discuss the issue. Following investigation and consideration of the complaint, the Chair of Governors will respond to the complainant either in a formal meeting or in writing within 20 school days of receipt of the letter stating the outcome of the investigation.

Concerns or complaints specifically about the Associate Headteacher or the Executive Headteacher

If the concern or complaint is specifically about the Associate Headteacher or Executive Headteacher and is unable to be resolved at the informal stage, then it will be necessary for the complainant to write a formal letter of complaint to the Chair of Governors. The school will provide the Chair of Governor's name and the complainant should write to him or her at the school address marking the envelope 'urgent, private and confidential'. The Chair of Governors should acknowledge the complainant's letter in writing within 10 school days of receipt and investigate the concerns raised in the letter; this may entail contacting a Governor Support Service Officer or an external agency for advice. Following investigation and consideration of the complaint, the Chair of Governors will respond to the complainant in writing and confirm the outcome in writing within 20 school days of receipt of the letter.

Concerns or complaints specifically about Governors

Complaints against the Chairs of Governors

In the event of a formal complaint being made against the Chair of Governors, which is unable to be resolved at the informal stage, then it will be necessary for the complainant to formally complain to the Vice-Chair of Governors. The school will provide the Vice-Chair of Governor's name and the complainant should write to him or her at the school address marking the envelope 'urgent, private and confidential'. The Vice-Chair of Governors should acknowledge the complainant's letter in writing within 10 school days of receipt.

A governor who is the subject of the complaint would normally be advised of the situation immediately. However, if the complaint involves a child protection issue, child protection arrangements will come into force. The complaint will be considered to be a Stage 3 formal complaint and therefore will be considered by Governors' Complaints Panel. Complainants will be informed of the limited powers of such a committee in these circumstances. If the

complaint is upheld or upheld in part, the committee may make recommendations to the Governing Body. If necessary, the complaints panel may be composed of governors from another school within Hampshire.

Complaints against a Governor

A formal complaint against a governor, other than the Chair of Governors, should be referred to the Chair, who will investigate and seek to resolve it. The school will provide the Chair of Governor's name and the complainant should write to him or her at the school address marking the envelope 'urgent, private and confidential'. The Chair of Governors should acknowledge the complainant's letter in writing within 10 school days of receipt. The governor who is the subject of the complaint would normally be advised of the situation immediately. However, if the complaint involves a child protection issue, child protection arrangements will come into force. If it cannot be resolved by the Chair, the complaint will be considered to be a Stage 3 formal complaint and therefore will be considered by Governors' Complaints Panel. Complainants will be informed of the limited powers of such a committee in these circumstances. If the complaint is upheld or upheld in part, the committee may make recommendations to the Governing Body. If necessary, the complaints panel may be composed of governors from another school within Hampshire.

Governors co-opted or elected on to the governing body can be suspended for a period of up to six months. Governors appointed by the Local Authority can be suspended or removed from the governing body.

Stage 3 – formal complaint letter requesting a hearing by the Governors' Complaints Panel

Complainants wishing to move to Stage 3 of the formal complaints procedure will need to write a letter to the Chair of Governors to request that a Governors' Complaints Panel meets to hear the complaint. This formal complaint letter must be received within 20 school days of the last contact with the Chair of Governors concerning the issue. The complainant should write to the Chair of Governors at the school address marking the envelope 'urgent, private and confidential'. The letter will need to set out the complaint that has previously been formally discussed with the Chair of Governors and show why the matter is not resolved. Additionally, it should detail what actions would resolve the complaint.

Before the meeting:

The Chair of Governors, or the Nominated Governor, should:

- appoint a clerk to the Governors' Complaints Panel;
- acknowledge the complainant's letter in writing within 10 school days of receipt;
- arrange for a panel of governors to meet. The panel will include one member who is independent of the running and management of the school. Whilst there is no statutory timescale for the hearing to take place, the clerk will try to set up the hearing within 20 school days;

- provide the Executive Headteacher with a copy of the complainant's letter, and request written documentation relevant to the complaint from the school. The clerk should send both the complainant's letter and the school documentation to the Governors' Complaints Panel members, complainant and Executive Headteacher (and anyone else involved in the meeting) at least 5 school days before the date of the meeting. The complainant and Executive Headteacher will be invited to attend the Governor's Complaints Panel meeting to give a verbal statement in support of their documentation. Each of them can bring someone to support them if they wish. At the meeting: The complainant and Executive Headteacher (or his/her representative) should provide all the relevant information they wish and the Governors' Complaints Panel members should clarify any points. After the complainant and Executive Headteacher (or his/her representative) have provided all the information they wish, the Chair will ask all parties to leave except the panel members and the clerk.

After the meeting:

The Governors' Complaints Panel will write to all concerned within 2 school days to explain their decision and suggest a resolution to the problem, if appropriate. The decision of the Governor's Complaints Panel is final.

Any 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 162A of the 2002 Act requests access to them.

The decision of the Governors' Complaints Panel will not be investigated. If, however, the complainant feels that the School and Governors have not followed the school's complaints procedure correctly, he/she can contact the Education Funding Agency for assistance (<https://www.gov.uk/complain-about-school>).

A complaint may be made to the Secretary of state for Education if a person believes that a governing body or LA is acting 'unreasonably' or is failing to carry out its statutory duties properly (see sections 496 and 497 of the Education Act 1996). However, intervention can only occur if the governing body or the LA has failed to carry out a legal duty or has acted unreasonably in the performance of a duty. Intervention would have to be expedient in the sense that there would have to be something that the Secretary of State could instruct either party to do to put matters right. The Secretary of State must be satisfied that a decision is unreasonable in the sense that no reasonable authority or governing body, acting with due regard to its statutory responsibilities, would have reached that decision.

Guidance on Stage 3 – Governors' Complaints Panel

The Remit of the Complaints Appeal Panel

The panel of Governors can:

- 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.

There are several points, which any governor sitting on a complaints panel needs to remember:

1. It is important that the appeal hearing is independent and impartial and that it is seen to be so. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, governors need to try and ensure that it is a cross section of the categories of governor and sensitive to the issues of race, gender and religious affiliation. The panel will include one member who is independent of the running and management of the school.
2. The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations, which will satisfy the complainant that his or her complaint has been taken seriously.
3. An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.
4. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
5. The governors sitting on the panel need to be aware of the complaints procedure.

Roles and Responsibilities

The Role of the Clerk

The Department for Education strongly recommends that any panel or group of governors considering complaints be clerked. The clerk would be the contact point for the complainant and be required to:

- set the date, time and venue of the hearing, ensuring that the arrangements are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- document or record the proceedings in private
- notify all parties of the panel's decision

The Role of the Chair of the Governing Body or the Nominated Governor

The nominated governor role:

- check that the correct procedure has been followed;
- if a hearing is appropriate, notify the clerk to arrange the panel.

The Role of the Chair of the Panel

The Chair of the Panel has a key role, ensuring that:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the panel is open minded and acting independently;
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties. If a new issue arises, it would be useful to give all parties the opportunity to consider and comment on it.

Notification of the Panel's Decision

The chair of the panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response; this is usually within a set deadline, which is publicised in the procedure. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

Checklist for a Panel Hearing

The panel needs to take the following points into account:

- The hearing is as informal as possible

- Witnesses are only required to attend for the part of the hearing in which they give their evidence
- After introductions, the complainant is invited to explain their complaint and be followed by their witnesses
- The Executive Headteacher may question both the complainant and the witnesses after each has spoken
- The Executive Headteacher is then invited to explain the school's actions and be followed by the school's witnesses
- The complainant may question both the Executive Headteacher and the witnesses after each has spoken
- The panel may ask questions at any point
- The complainant is then invited to sum up their complaint
- The Executive Headteacher is then invited to sum up the school's actions and response to the complaint
- The panel chair explains that both parties will hear from the panel within a set time scale
- Both parties leave together while *the panel decides on the issues*

Exceptions to the Policy

The exceptions to this requirement are complaints relating to the Curriculum, Collective Worship and Religious Education, some Special Educational Needs issues and Admission, where Local Authorities have statutory responsibilities. The Associate Headteacher or Deputy Headteacher can give information about this, and advice on whom to contact in Hampshire County Council.

There are certain other complaints that fall outside the remit of the governing body's complaints procedure, for example, staff grievances or disciplinary procedures.

Allegations of abuse against a member of the school staff must be reported to the Executive Headteacher immediately. Allegations of abuse against the Associate Headteacher or Executive Headteacher must be reported to the Chair of Governors immediately. Immediate contact must be made by the Executive Headteacher or Chair of Governors with the Local Authority Child Protection Officer.

For complaints that do not fall within the definition of curriculum complaints, the responsibility for dealing with them falls entirely on the governing body. Hampshire County Council may not take over this responsibility, and appeals against governing body decisions and procedures would be heard by the Secretary of State.

Any complaints concerning the conduct of school staff will be handled in accordance with the school's internal disciplinary procedures. The details of such an investigation will remain confidential. Extended Schools: the governing body will ensure that any third-party provider offering activities and services through the extended schools programme has their own complaints procedure in place. If a third-party provider's complaints process is exhausted and the matter is not resolved and it will be referred to a Governors' Complaints Panel. This ensures that the Governors are kept aware of complaints about provision.

Policy Agreed

Signed by: Cheryl Parish

Date: December 2019

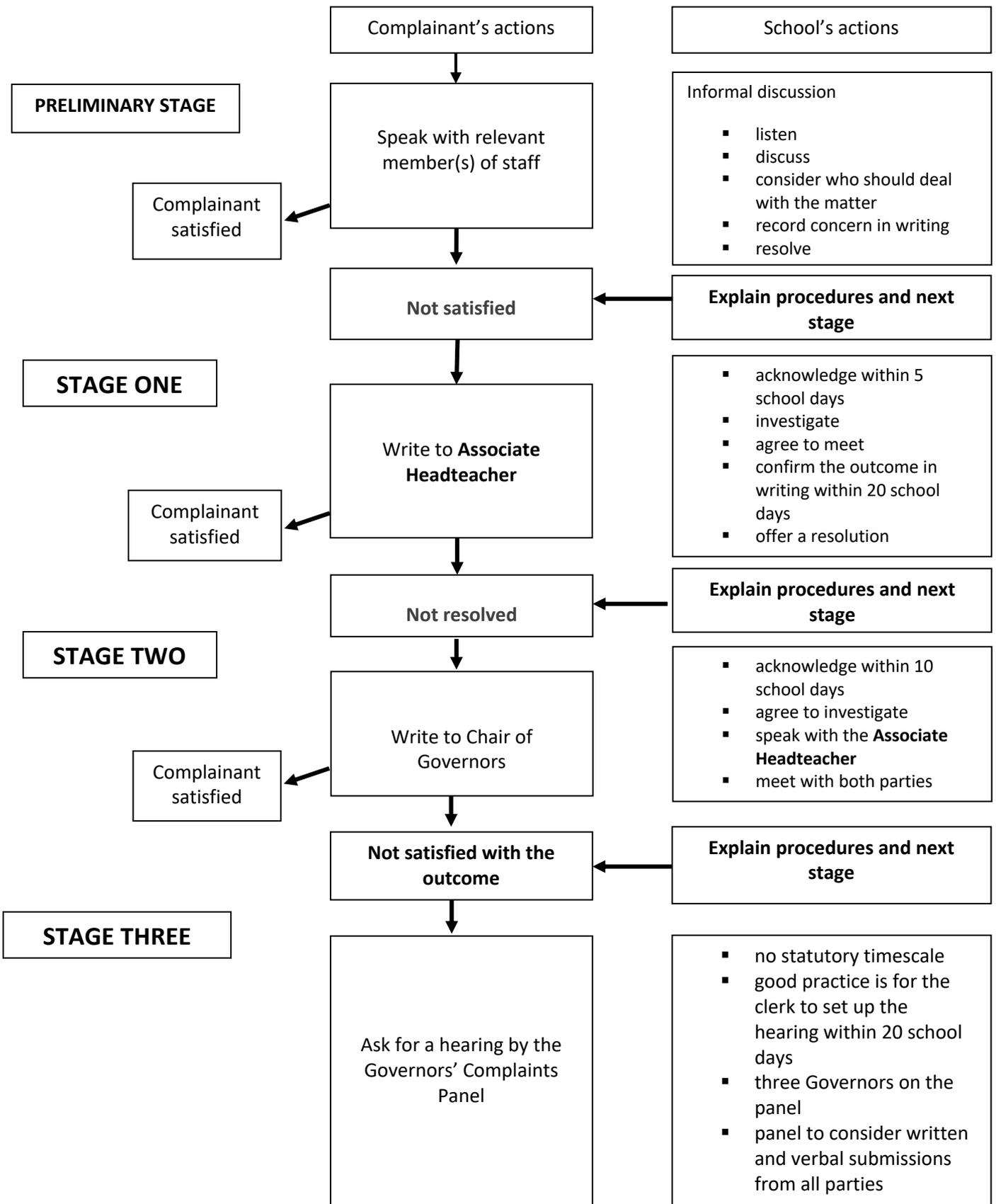
Chair of Governors' School Improvement Committee

Signed by: Jill Hall

Date: December 2019

Chair of Governors

Staged Approach to Handling Complaints



This is the final stage in the school's internal complaints procedure