




**MOUNT HOUSE  
SCHOOL**

INSPIRING EVERY INDIVIDUAL

## **SCHOOL POLICIES**

# **COMPLAINTS PROCEDURE**

<b>Review</b>	<b>Date</b>	<b>By</b>
<b>Current Review</b>	<b>Sept 2023</b>	
<b>Next Review</b>	<b>Sept 2024</b>	

## **Introduction**

Mount House School prides itself on the quality of the teaching and pastoral care provided to its students. However, if parents of a student at the School have a complaint, they can expect it to be treated by the School with care and in accordance with this Procedure. It is available to all parents of students on the School's website and on application to the School Office during the school day.

All 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.

In accordance with paragraph 32(1)(b) of Schedule 1 to the Education (Independent School Standards) Regulations 2014, Mount House School will make available to parents of students and provide, on request, to the Chief Inspector, the Secretary of State or an Independent Inspectorate; details of the complaints procedure and the number of complaints registered under the formal procedure during the preceding school year.

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## **What Constitutes a Complaint?**

A complaint is an expression of dissatisfaction with a specific, real or perceived problem. It may be made about the School as a whole, about a specific department, or about an individual member of staff. A complaint is likely to arise if a parent of a student currently at the School, acting reasonably, believes that the School has done something wrong, failed to do something that it should have done or has acted unfairly.

This policy applies only to complaints from the following:

- Parents of current students;
- Parents of former students if the complaint was initially raised when the student was registered at the School.

All parents should be aware that, regardless of the nature of the complaint and whether or not it is upheld, parents are not entitled to details of any related sanctions imposed on staff, students or parents.

A dispute over fees or charges is a contractual matter dealt with under the School contract and is not a matter for this Complaints Policy.

Parents of students at the School can be assured that all complaints will be treated seriously and confidentially. The School is here to support your child and you can be assured that your child will not be penalised for a complaint that you, or your child, raise in good faith.

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### **Complaints relating to Child Protection**

Any complaint about the conduct of a member of staff must be directed immediately to the Head. Other complaints about Child Protection should be directed to one of the three Designated Safeguarding Leads of Child Protection (DSLs) in the School:

- Mr Gerrard Crosby Deputy Head (Pastoral) and Designated Safeguarding Lead
- Ms Natasha Hillcoat-Hyde, Assistant Head - Deputy Designated Safeguarding Lead
- Ms Patrice Smyth, Assistant Head - Deputy Designated Safeguarding Lead (Maternity leave)
- Mrs Sara Trickey, Assistant Head – Deputy Designated Safeguarding Lead (Maternity cover)

If the complaint includes a child protection matter, that element shall be prioritised under the School's Safeguarding Policy and DfE Guidance "Keeping Children Safe In Education". Any other aspects of the complaint will still be investigated in a timely manner.

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### **Appeals against Internal Assessment of Work for External examinations**

Appeals against the procedures used in internal assessments will be conducted in accordance with the Internal Appeals Procedure, which is available on request. This policy does not apply to such appeals.

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### **Timeframe for Dealing with Complaints**

All complaints will be handled seriously and sensitively. They will be acknowledged within **24 hours** if received during term time, and as soon as practicable during holiday periods.

The School aims to resolve a complaint as speedily as possible whilst allowing proper time to give due consideration and attention to everyone involved. Under normal circumstances the School's **aim is to fully complete each stage as follows:**

- **Stage 1** (informal) of the procedure **within 5 working days** of receiving the complaint
- **Stage 2** (formal) **within 13 working days** of the Head receiving a written request for a formal process, if the complaint is lodged during full term time, and as soon as practicable during holiday periods.
- **Stage 3** (Panel Hearing) **within 25 working days** of the Chairman receiving a written request for a Panel Hearing, if the request is lodged during full term time, and as soon as practicable during holiday periods.

For the purposes of this policy, 'working day' means Mondays to Fridays in full term time, excluding bank holidays; out of term time the matter will be dealt with as soon as possible subject to the availability of staff.

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### **Recording complaints**

The School will keep a written record of all Stage 2 formal complaints and whether they are resolved at the formal stage or proceed to a Stage 3 Panel Hearing. A written record will be kept of action taken by the School as a result of these complaints regardless of whether they are upheld. Records may be kept of other concerns or complaints resolved at the preliminary and informal Stage 1, where deemed appropriate.

The School processes data in accordance with its Data Privacy Policy. When dealing with complaints the School (including any panel member appointed under the Stage 3 process) may process a range of information, which is likely to include the following:

- Date when the issue was raised
- Name of parent
- Name of student
- Description of the issue
- Records of all the investigations (where appropriate)
- Witness statements (where appropriate)
- Name of member(s) of staff handling the issue at each stage
- Copies of correspondence on the issue (including emails and records of phone conversations)
- Notes of the hearing (where appropriate)
- The written decision of the Head or Panel.

The School will keep records of formal complaints and panel hearings in accordance with its Data Privacy Notice, which is for as long as the data is required to perform its purpose, or for as long as it is required to be held by law. At a minimum, this will be until the student's date of birth plus 25 years, but can be for longer depending on the nature of the complaint (safeguarding elements can allow data to be held for longer).

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

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### **Stage 1 – Informal Resolution: Referral to Appropriate Member of Staff**

- It is hoped that most complaints will be resolved quickly and informally.
- If parents have a concern or complaint they should normally contact their child's Form Tutor by email to arrange a meeting or obtain clarification, as appropriate. Staff will normally respond **within 24 hours**, but may not be able to deal with emails while they are teaching or are away from the School site.
- In many cases, the matter will be resolved straightaway to the parents' satisfaction. If the Form Tutor cannot resolve the matter alone, it may be necessary for him/her to

consult the Head of Year, Head of Department, Assistant Head or Deputy Head as appropriate.

- Complaints raised directly with a senior member of staff will usually be referred to the relevant Head of Year or Head of Faculty unless they deem it appropriate to deal with the matter personally.
  - Each member of staff will make a written record of all complaints and the date on which they were received.
  - If parents feel that their complaint is not receiving suitable attention or do not know to whom a complaint should be addressed, they should contact the Deputy Head (Pastoral) or the Senior Deputy Head who will ensure that it is dealt with by the most suitable person in a timely manner.
  - Should the matter not be resolved within 5 working days, or in the event that the member of staff and the parent fail to reach a satisfactory solution, then parents are entitled to proceed with their complaint in accordance with Stage 2 of this procedure.
  - If the complaint is against the Head, parents should make their complaint directly to the Chairman of the Board of Directors, who may be contacted through the Clerk to the Board.
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### **Stage 2: Formal Resolution**

- If the complaint cannot be resolved on an informal basis then the parent should write their complaint to the Head, stating the nature of their complaint and the outcome they are seeking and providing any relevant evidence to support their complaint. The Head will decide, after considering the complaint, the appropriate course of action to take.
- If a parent has raised a complaint directly with the Head, without going through the Stage 1 informal part of the procedure, the Head may deem it appropriate to refer the complaint to a suitable member of staff to deal with under the Stage 1 informal rather than start the process from Stage 2.
- In most cases, the Head will speak to and, if necessary, meet with the parent to discuss the matter, normally **within 10 working days of receiving the written complaint**. If possible, a resolution will be reached at this stage.
- It may be necessary for the Head to carry out further investigations, in which case it may take longer to reach a decision.
- The Head will keep written records of all meetings and interviews held in relation to the complaint.
- Once the Head is satisfied that, so far as is practicable, all the relevant facts have been established, he/she will inform the parent of the decision in writing, normally **within 3 working days** of meeting with the parent. The Head will give reasons for his/her decision.
- If the complaint is against the Head, the complaint should be made to the Chairman of the Board of Directors, who may be contacted via Ms Nisha Nathwani, Bursar & Clerk to the Board (email: [bursar@MountHouse.org.uk](mailto:bursar@MountHouse.org.uk)). The Chairman of the Board will nominate a non-executive Director to review the complaint. The nominated Director will call for a full report from the Head and for all the relevant documents. The nominated Director may also call for a briefing from members of staff, and will in

most cases, speak to, or meet with, the parents to discuss the matter further. Once the nominated Director is satisfied that, so far as is practicable, all the relevant facts have been established, the parents will be informed of the decision in writing. The nominated Director will give reasons for his/her decision.

- If the parent is not satisfied with the School's response to their complaint at Stage 2, they may seek a Panel Hearing in accordance with Stage 3 of this procedure.
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### **Stage 3: Panel Hearing**

- If parents seek to invoke Stage 3, remaining dissatisfied with the outcome at Stage 2, they should send written notice to the Clerk. The letter or email from the parent(s), together with a completed Panel Hearing Proforma (Annex A), should be sent **within 7 working days** from the date upon which the decision of Stage 2 was communicated to them.
- The letter requesting a Panel Hearing must:
  - a) Set out all the reasons why the parent considers the decision is wrong,
  - b) Include the completed Proforma outlining the grounds for the Panel Hearing,
  - c) Have attached all documents on which the parent intends to rely,
  - d) Specify the outcome the parent is seeking.
- The Clerk shall deliver a copy of the notice of a request for a Panel Hearing to the Chairman who, on behalf of the Board of Directors, will refer the matter to a Panel for consideration.
- The Panel will consist of three persons not directly involved in the matters detailed in the complaint. At least one member of the Panel shall be independent of the management and running of the School. The Panel may therefore include up to two members of the Board of Directors. Each of the Panel members shall be appointed by the Chairman on behalf of the Board of Directors, who shall also nominate one member of the Panel to chair the Panel.
- The Clerk, on behalf of the Panel, will then acknowledge the complaint and will provide the parent, the Panel and the Head with a copy of the Hearing Procedures. The Clerk will schedule a hearing to take place as soon as reasonably practicable and normally **within 15 working days** of the Chairman receiving a written request for a Panel Hearing including all specific information as set out above.
- Where a complaint that reaches the Panel is brought by one parent only, the School will (save in exceptional circumstances) keep informed and invite to attend the Panel hearing any other adult who entered into the contract with the School for the education of the relevant student. The School has a duty to keep informed and invite to attend the Panel hearing any other adult whom the School believes to have parental responsibility for the relevant student.
- In the case of a complaint regarding a student's temporary or permanent exclusion, the Head shall have complete discretion as to whether to implement the temporary or permanent exclusion of the student pending the Panel's decision.
- If the Panel deems it necessary, it may require that further particulars of the complaint or any related matter be supplied in advance of the hearing. Copies of such particulars shall be supplied to all parties not later than **5 working days prior to the hearing**.

- At least **3 working days** before the hearing, the Head shall submit to the Panel a written statement setting out her/his views in relation to the complaint. The Clerk shall give a copy of the Head's statement to the parent.
- The Panel may conduct, or request that the Clerk conducts, any interviews, before the hearing, as the Panel sees fit to clarify statements made by either the parent, the Head or any witnesses.
- If the Chair of the Panel shall so decide, the hearing may take place at a location outside of the School; members of the panel may attend the meeting remotely through video conferencing.
- The parents may attend the hearing and be accompanied by one other person who is over the age of 18 and not a student at the School. This may be a relative, teacher or friend. Legal representation is not allowed without prior approval of the Chair of the Panel. The accompanying person does not have the right to speak on behalf of the complainant.
- If possible, the Panel will resolve the complaint immediately without the need for further investigation. Where further investigation is required, the Panel will decide how it should be carried out.
- If the Chair of the Panel shall so decide, the hearing may be recorded by a recording device or transcribed by a stenographer.
- If the Chair of the Panel reasonably believes that the Panel should hear evidence from an individual in private (i.e. In the absence of the person bringing the complaint or any third party), he/she may so decide. In those circumstances, the parent will be given reasons for that decision. The parent will be given a summary of the individual's relevant evidence after the event if the Chairman believes the evidence to be relevant to the complaint. The panel may withhold the identity of a student who gives evidence in private to the Panel.
- In all cases, the purpose of the Panel Hearing is to decide whether the complaint has been dealt with appropriately in the circumstances. In the event of the Panel deciding the matter had been dealt with inappropriately, it is within the Panel's remit to instruct the School to act in a different manner.
- After due consideration of all facts they consider relevant, **the Panel will make findings (as to whether the Stage 2 decision was a reasonable one) and may make recommendations.** The Panel may make decisions by majority vote.
- The Panel's findings and any recommendations in relation to the complaint shall be documented in the form of a report.
- The Panel will produce its report within **5 working days**. A copy of the Panel's report will be: (i) sent by electronic mail or otherwise given to the parent and, where relevant, the person complained about; and (ii) available for inspection on School premises by the Board of Directors and the Head.
- If the parent believes that the report is not factually accurate, the parent shall inform the Clerk in writing **within 5 working days** thereafter, giving details of the alleged inaccuracies. If the Head believes that the report is not factually accurate, he/she shall likewise inform the Clerk in writing within 5 working days thereafter, giving details of the alleged inaccuracies.
- The decision of the Panel will be final.
- Subject to the rules set out in this Procedure, the Panel may regulate their proceedings as they see fit.

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## **EXCLUSIONS**

The arrangements for exclusion are set out in the Behaviour Policy. Appeals against permanent exclusion will be dealt with under the Complaints Procedure. If parents request a review by Panel Hearing, the student may be temporarily excluded from School until the decision to permanently exclude has been overruled or upheld. While temporarily excluded, the student shall remain away from School and will have no right to enter the School premises during that time without written permission from the Head.

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## **RECORD OF COMPLAINTS**

The number of complaints in the previous school year may be obtained by contacting the Head's PA or the school office.

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### **Unreasonable complaints**

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

The School adopts the Department for Education definition of unreasonable complainants as those who, because of the frequency or nature of their contacts with the School, hinder consideration of their or other people's complaints.

Unreasonable complaints are taken seriously by the School as they put a strain on valuable resources and hinder the progress of proper investigations. The School may judge that a complaint is unreasonable by assessing a number of factors, including those that are outlined below.

1 A complaint may be regarded as unreasonable when the person making the complaint:

- 1.1 refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- 1.2 refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- 1.3 refuses to accept that certain issues are not within the scope of a complaints procedure;
- 1.4 insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;



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

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

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

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

1.9 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;

1.10 seeks an unrealistic outcome;

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

2 A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:

2.1 maliciously;

2.2 aggressively;

2.3 using threats, intimidation or violence;

2.4 using abusive, offensive or discriminatory language;

2.5 knowing it to be false;

2.6 using falsified information;

2.7 publishing unacceptable information in a variety of media such as in social media websites and newspapers.

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

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

3.1 whether a complaint has reasonable foundation;

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

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

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

3.5 unexplained delay in raising a complaint or issue;

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

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

Whenever possible, the Head will discuss any concerns with the complainant informally before dismissing a complaint as unreasonable. The Head will normally only do so after consultation with the Board of Directors.

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

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

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

It is open to a complainant to request that a Panel be convened to determine the single issue of whether the School's dismissal of the complainant's original complaint(s) was justified.

## **ANNEX A**

### **PROFORMA TO ACCOMPANY A WRITTEN NOTICE REQUESTING A PANEL HEARING**

*Full Name of Student:*

*Date of Birth:*

*Name of Parent(s):*

*Parent Contact Details*

*Daytime telephone:*

*Email:*

1. *Please state the decision of the Head against which the request for a Panel Hearing is being made:*
2. *Please state here precisely the grounds on which the request for a Panel Hearing is being made. Include in your statement any matters of procedural concern that you intend to raise:*
3. *List here all documents in support of your case which you would like a Panel Hearing to consider: (Please number all relevant documents and include these in your written submission. In the case of electronic communications please provide printed copies. Please note that all documents to be considered by the Panel must be included within this pack – new evidence cannot normally be submitted at the time of the Panel Hearing.)*
4. *Please specify the outcome you are seeking:*
5. *Do you and your child intend to be accompanied by anyone else at a Panel Hearing? If so, please include this person's details and their connection to your family. (N.B. If this person is legally qualified please state the nature of their involvement. Legal representation requires the prior approval of the Chair of the Panel and in such instances, the Head reserves the right to be supported in the hearing by the School's legal representatives)*

*Name:*

*Signed:*

*Date:*