



Mount Tamar
Aspire - Adventure - Achieve

Complaints Policy

Approved By Board of Governors on 7th May 2021

Definitions

Compliment – Praise for doing a good job that maintained schools can share with the staff and children to ensure they continually improve.

Comment – Suggestion for improving work in the school

Concern – An expression of worry or doubt over an issue considered to be important for which reassurances are sought. Parents/carers and the community should be encouraged to raise concerns as soon as possible so that schools or academies can try to resolve them.

Complaint – A concern which has not been satisfactorily resolved regarding the provision of facilities or services that the school provides. Parents/carers and the community should be encouraged to tell the school as soon as possible that they wish to make a formal complaint, as it is difficult to investigate properly an incident or problem that happened some time ago.

Introduction

Mount Tamar values the good relations it enjoys with parents/carers and the wider community. These relations are based on mutual respect and a willingness to listen to other points of view. Mount Tamar school staff enjoy receiving compliments about their work, however it is important that any concerns are also welcomed and resolved quickly. This is because, in some cases unresolved concerns may turn into complaints.

In such cases it is important to ask the complainant at the earliest stage what they think might resolve the issue – an acknowledgement that a member or members of staff at Mount Tamar could have handled the situation better is not the same as an admission of unlawful or negligent action.

Duty

Under Section 39(1) of the School Standards and Framework Act 1998 the duty to set up a procedure for handling complaints from parents was passed to Boards of Governors. Since 1 September 2003, Boards of Governors of all maintained schools and maintained nursery schools in England have been required, under Section 29 of the Education Act 2002, to have in place and publicise a policy for parents/carers and the community, to deal with complaints relating to the school and to any community facilities or services that the school provides.

Dealing With Complaints – Timescales

Firstly, be aware of the difference between a concern and a complaint – taking informal concerns seriously will reduce the number that develop into formal complaints.

Set and publicise reasonable timescales for acknowledging and dealing with concerns and complaints at each stage of the process.

Complaints about issues and incidents that are more than three months old would not normally be investigated. However if the policy includes a cut-off timeframe, the school must consider exceptions.

Access to Policy

Everyone should have access to information about the complaints policy, information should be provided in the format required by the individual, for example in Braille, on tape or translated into relevant languages. There should be sensitivity to the needs of those who may have literacy difficulties or for whom English is not their first language.

The Board of Governors must ensure that any third party providers offering community facilities or services through the school or academy premises, or using school or academy facilities, have their own complaints procedure in place.

If the complainant seeks to remain anonymous it may not be possible to take action. However, if an anonymous complaint is received which may need to be treated as a child protection matter it must be dealt with under the appropriate statutory procedure.

Senior Leaders at Mount Tamar will ensure the compliments, comments, concerns and complaints policy:

- Encourages resolution of problems by informal means wherever possible
- Is easily accessible and publicised on the school website
- Is simple to understand and use
- Is impartial
- Is non-adversarial
- Enables a full and fair investigation
- Respects people's desire for confidentiality
- Addresses all the points at issue and provides an effective response, and appropriate redress where necessary
- Provides information to the school's senior management team so that services can be improved
- Allows swift handling with established time limits for action and keeps people informed of progress
- Expects complaints to be made as soon as possible after the incident arises (three months is generally considered to be an acceptable timeframe in which to lodge a complaint)
- Ensures that, if the policy includes a cut-off timeframe, the school will consider exceptions and the complaints procedure reflects this. Schools must not have blanket policies of refusing to consider any complaints not lodged within the stated period

Types of Complaints for Which There Are Statutory or Formalised Procedures in Place

| Procedure dealing with: | Further information available from: |
|---|--|
| Appeals with respect to admissions | See school's Admissions policy or contact the local authority's School Admissions Team Telephone: 01752 307481 |
| Appeals with respect to exclusion of pupils | See the school's Behaviour policy or contact the local authority's Inclusion and Attendance Manager Telephone: 01752 307471 |
| Special Educational Needs Statements/Education Health and Care Plans | Local authority's 0-25 SEND Statutory Assessment Team Telephone: 01752 307409 |
| National Curriculum and Religious Education | Local Authority's Education and Learning Team. Telephone 01752 307485 |
| Child Protection Issues | Local Authority's Advice and assessment team, Children's Social Care Telephone 01752 308600 |
| Child Protection Investigations against staff | Local Authority Designated Officer Telephone 01752 307144 |
| Whistleblowing | The school has an internal whistleblowing procedure for employees and voluntary staff which is available from the school office. Other concerns can be raised direct with Ofsted on 0300 123 3155 or via email at whistleblowing@ofsted.gov.uk |
| Staff grievances and disciplinary procedures | The school has internal grievance and disciplinary procedures for employees which are available from the school office |
| Subject Access Requests and Freedom of Information requests | See the school's Freedom of Information and Data Protection policies |
| Services provided by other external organisations who use the school premises or facilities | External providers should have their own complaints procedures and should be contacted direct |
| Services provided by Plymouth City Council | Local Authority's Customer Services Team Telephone: 01752 668000 |

Conflict between estranged parents over the application of parental responsibility is a common cause of complaints made to schools.

['Understanding and Dealing with Issues Relating to Parental Responsibility'](#) contains specific advice about how to properly approach issues concerning parental responsibility.

Receiving and Recording Complaints

At Mount Tamar we will endeavour to comply with their obligations under the Equality Act 2010. It is common practice to ask for complaints to be made by using a complaint form or in writing, however the complainant may have communication preferences due to disability or learning difficulties and schools and academies must allow alternative methods of contact:

- A complaint may be made in person, by telephone, or in writing.
- In order to prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls should be kept and a copy of any written response added to the record.
- Schools and academies should record the progress of the complaint and the final outcome.
- Schools and academies should be aware that complainants have a right to copies of these records under the Freedom of Information and Data Protection Acts.

Board of Governors' Review

The Board of Governors will review the policy and the methods used to publicise it with the Headteacher every three years, In such reviews certain points need to be borne in mind:

- Complaints should not be shared with the whole Board of Governors, except in very general terms, in case an appeal panel needs to be organised.
- If the whole Board of Governors is aware of the substance of a complaint before the final stage has been completed, they may wish to arrange for an independent panel to hear the complaint. A different school or academy may be approached to ask for help.
- Wherever possible complaints should be resolved informally by the headteacher and other staff without having to be referred to the Board of Governors.
- Staff should be reminded that complaints often amount to no more than a request for information or clarification. Taking such informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.
- It is important to keep the complainant informed and updated with progress.
- Schools and academies should avoid being defensive in responding to complaints. A good organisation displays the confidence and maturity to review its actions, practices and policies objectively and fairly in response to complaints, however difficult the situation to which these relate.
- The Board of Governors should be alert to any signs that staff may be trying to stifle complaints or make complainants feel that pursuing a legitimate complaint is likely to be fruitless, or are trying to take advantage of the reluctance of some individuals to complain because they fear the consequences for their child or themselves.
- At each stage in the procedure schools and academies should keep in mind ways in which a complaint can be resolved and should encourage complainants to state what actions they feel might resolve the problem.
- Should the complaint be upheld it may be appropriate to offer one or more of the following:
 - ❖ an apology
 - ❖ an explanation
 - ❖ an admission that the situation could have been handled differently
 - ❖ an explanation of the steps that have been taken
 - ❖ an undertaking to review policies or procedures in light of the complaint
- The Board of Governors should regularly review the overall level, nature and outcome of complaints and identify any steps that need to be taken to improve policies and procedures.

Where the complaint is received on the last day of term the Chair of Governors should attempt to contact the complainant by telephone to discuss the timescale for the appeal process. The letter

acknowledging the complaint should confirm the details of this conversation or, if the Chair of Governors has been unable to make telephone contact, that the situation will be investigated at the beginning of the following term and suggest a date for a meeting of the complaints appeal panel of the Board of Governors.

Complaints against the headteacher, Chair of Governors or individual governors should be dealt with under the Board of Governors Complaints Appeal Panel stage.

Serial and Persistent Complainants

Staff at Mount Tamar will do their best to be helpful to people who contact them with a complaint or concern or a request for information. However, in cases where a school is contacted repeatedly by an individual making the same points, or asking for further reconsideration, they will need to act appropriately.

There will be occasions when, despite all stages of the complaints procedure having been followed, the complainant remains dissatisfied. It is important for schools and academies to recognise when they really have done everything they can in response to a complaint. It is a poor use of a school or academy's time and resources to reply to repeated letters, emails or telephone calls making substantially the same points. If a complainant tries to re-open the same issue, the Chair of Governors can inform them that the procedure has been completed and that the matter is closed.

If the complainant contacts the school again on the same issue, then the correspondence may be viewed as 'serial' or 'persistent' and the school or academy may choose not to respond. However, schools must be careful that they do not mark a complaint as 'serial' before the complainant has completed the procedure.

Note: The Department for Education does not itself use the term 'vexatious' when dealing with serial or persistent correspondents as it could potentially be inflammatory. However, it is a recognised term. In the context of Freedom of Information (FOI) requests, the Upper Tribunal concluded that 'vexatious' could be defined as the

'...manifestly unjustified, inappropriate or improper use of a formal procedure.' An exemption therefore exists in Section 14(1) of the Freedom of Information Act 2000. However, this exemption can only be applied to requests themselves, and not the individuals who submit them.

More information about dealing with vexatious requests for information is available on the [Information Commissioner's Office \(ICO\) website](#).

Under no circumstances should an individual be marked as 'serial' for exercising their democratic right to refer their complaint to their local MP or Councillor regardless of which stage the complaint has reached. The application of a 'serial' or 'persistent' marking should be against the subject or complaint itself rather than the complainant.

When it is the Time to Stop Responding

The decision to stop responding should never be taken lightly. A school needs to be able to say yes to all of the following:

- It has taken every reasonable step to address the complainant's needs
- The complainant has been given a clear statement of the school's position and their options (if any)

and

- The complainant is contacting the school repeatedly but making substantially the same points each time.

The case is stronger if the school agrees with one or more of these statements:

- The school has reason to believe the individual is contacting them with the intention of causing disruption or inconvenience – they may have actually said as much in a letter, email or telephone call
- Letters/emails/telephone calls are often or always abusive or aggressive
- The individual makes insulting personal comments about or threats towards staff

Appropriate Mount Tamar staff should not stop responding just because an individual is difficult to deal with or asks complex questions. In most circumstances the subject matter is what you can refuse to respond to, not the correspondent.

Ultimately, if a complainant persists to the point that the school considers it to constitute harassment, legal advice should be sought as to the next steps. In some cases, injunctions and other court orders have been issued to complainants because of their behaviour.

Unreasonable Complaints

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

- Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- Refuses to 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 a complaints procedure
- Changes the basis of the complaint as the investigation proceeds
- 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 or by telephone while the complaint is being dealt with

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

- Maliciously
- Aggressively
- Using threats, intimidation or violence
- Using abusive, offensive or discriminatory language
- Knowing it to be false
- Using falsified information
- Publishing unacceptable information in a variety of media such as in social media websites and newspapers

Whenever possible, the headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

Barring From the School Premises

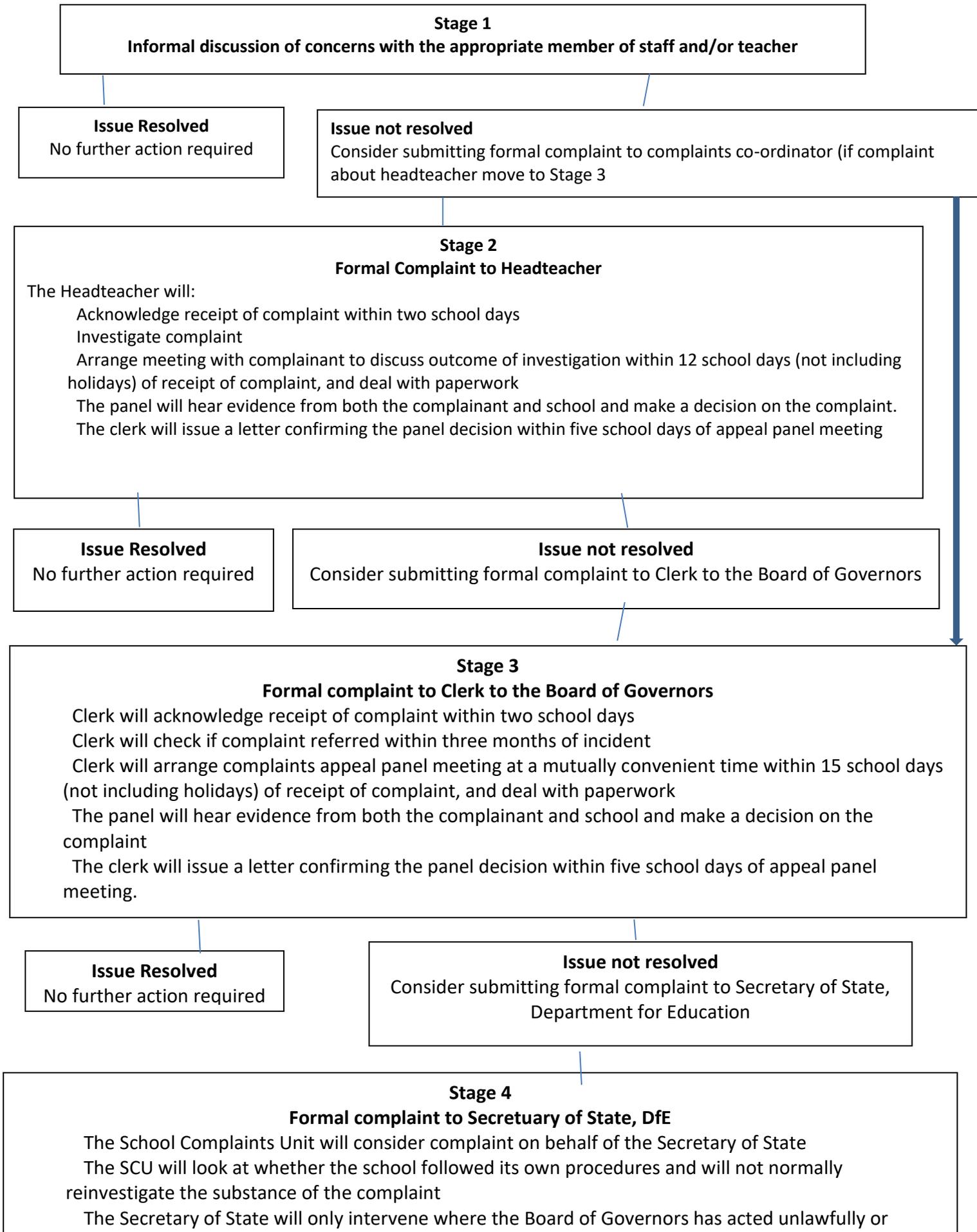
Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Staff will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

If a parent's / carer's behaviour is a cause for concern, school can ask him/her to leave the premises. In serious cases, the headteacher or the local authority can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make.

The school will always give the parent / carer 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 representation made by the parent / carer, and either confirmed or lifted. If the decision is confirmed the parent / carer should be notified in writing, explaining how long the bar will be in place.

Concerns and Complaints Flowchart



The complainant or person who makes the complaint will receive a more effective response to the complaint if he/she:

- Co-operates with the school in seeking a solution to the complaint
- Expresses the complaint in full as early as possible
- Responds promptly to requests for information or meetings or in agreeing the details of the complaint
- Asks for assistance as needed
- Treats all those involved in the complaint with respect

The Headteacher

The Headteacher should:

- Ensure that the complainant is fully updated at each stage of the procedure
- Ensure that all people involved in the complaint procedure are aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000
- Liaise with staff members, headteacher, Chair of Governors and Clerk to ensure the smooth running of the complaints procedure
- Keep records and provide regular summaries of the level/type of complaint to the Board of Governors

Be aware of issues regarding:

- sharing third party information
- additional support - this may be needed by complainants when making a complaint including interpretation support

The Investigator

The investigator is the person involved in Stages 1 and 2 of the procedure. The investigator's role can include:

- 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
 - ❖ consideration of records and other relevant information
 - ❖ interviewing staff and children/young people and other people relevant to the complaint
 - ❖ analysing information
 - ❖ effectively liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right
 - ❖ identifying solutions and recommending courses of action to resolve problems
 - ❖ being mindful of the timescales to respond and responding in writing to the complainant in plain and clear language

The person investigating the complaint should make sure that they:

- 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

The panel clerk (Clerk to the Board of Governors)

The clerk is the contact point for the complainant for the panel meeting and is expected to:

- Identify three governors, who have not previously been involved in any aspect of the complaint, to sit on the appeal panel (ensuring they represent a cross-section of the categories of governor and are sensitive to equality issues)
- Set a mutually convenient date, time and venue for the hearing, ensuring that the date is convenient to all parties and that the venue and proceedings are accessible (Model letter – Appendix 1)
- Collate the written material and send it with the agenda (Model agenda Appendix 2) to the parties in advance of the hearing
- Receive confirmation of attendees including supporters. Meet and welcome the parties as they arrive at the hearing
- Set up the meeting room to ensure the layout is informal and not adversarial
- Record the proceedings
- Circulate the notes of the panel hearing
- Notify all parties of the panel's decision
- Liaise with the complaints co-ordinator

(NOTE: if the complaint concerns a member of the Board of Governors the appeal should be heard by an entirely independent panel. Where this is required timescales may be affected while the clerk sources appropriate individuals and the complainant must be kept informed)

The panel chair

The panel chair has a key role in ensuring that:

- The meeting is minuted
- Introductions are made and all participants are reminded that the meeting will be kept to time – with an end time being agreed before proceedings start
- The remit of the panel is explained to the complainant and both they and the school/academy have the opportunity of putting their case without undue interruption
- The issues are addressed
- Key findings of fact are made
- Parents/carers and others who may not be used to speaking at such a hearing are put at ease – this is particularly important if the complainant is a child/young person
- The hearing is conducted in an informal manner with everyone treated with respect and courtesy
- The layout of the room will set the tone – care is needed to ensure the setting is informal and not adversarial
- The panel is open-minded and acts independently
- Confirm 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
- Both the complainant and the school/academy are given the opportunity to state their case and ask questions of each other
- Written material is seen by everyone in attendance – 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 hearing
- Liaise with the Clerk and complaints co-ordinator
- Suspend the meeting at any time should any parties raise their voices, act aggressively, or become upset. The Chair may also adjourn the meeting if short breaks do not resolve the situation or decide that the meeting will be held based only on written submissions

- Remind all parties that the meeting is confidential and notes will be circulated by the clerk
- Advise those present that the panel's decision will be final and will be either relayed at the end of the meeting and/or posted to all parties within 48 hours

The panel members

- Must appoint the chair prior to the start of the meeting

Panellists will need to be aware that:

- It is important that the review panel 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
- The aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school/academy and the complainant. However, it must 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
- Many complainants will feel nervous and inhibited in a formal setting. Parents/carers often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible
- Extra care needs to be taken when the complainant is a child/young person and present during all or part of the hearing. Careful consideration of the atmosphere and proceedings will 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 hearing, if any, the child/young person needs to attend. The parent should be advised however that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting which the panel considers not to be in the child/young person's best interests.

- The welfare of the child/young person is paramount.

Interviewing Best Practice Tips

Children/young people

- Children/young people should be interviewed in the presence of another member of staff, or in the case of serious complaints (eg where the possibility of criminal investigation exists) in the presence of their parents/carers. However, it might not always be possible to conduct an interview in case it prejudices a LADO (Local authority designated officer) or police investigation
- Care should be taken in these circumstances not to create an intimidating atmosphere
- Children/young people should be told what the interview is about and that they can have someone with them

Staff/witnesses

- Explain the complaint and your role clearly to the interviewee and confirm that they understand the complaints procedure and their role in it

- Staff are allowed a colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager
- Use open, not leading questions
- Do not express opinions in words or attitude
- Ask single not multiple questions, ie one question at a time
- Try to separate 'hearsay' evidence from fact by asking interviewees how they know a particular fact
- Persist with questions if necessary. Do not be afraid to ask the same question twice
- Make notes of each answer given
- Deal with conflicting evidence by seeking corroborative evidence. If this is not available, discuss with the complaints co-ordinator/ headteacher/ Chair of Governors the option of a meeting between the conflicting witnesses
- Make a formal record of the interview from the written notes as soon as possible while the memory is fresh. Show the interviewee the formal record, ask if s/he has anything to add, and to sign the record as accurate

APPENDIX 1

Model letter confirming a complaints appeal panel meeting

Dear

Meeting of the Governors' Complaints Appeal Panel

I am writing to confirm that following receipt of your letter of complaint and our subsequent telephone conversation/correspondence a meeting of the Governors' Complaints Appeal Panel has been scheduled for (time/date/venue).

You, and a friend or relation if you wish, are invited to attend that meeting when you will be given the opportunity to speak with governors about your concerns.

The Governors' Complaints Appeal Panel comprises of three governors with no previous involvement in your complaint who will consider both your letter of complaint and any supplemental information you wish to add as well as the headteacher's response.

The panel will then make a judgment based on the evidence available to them.

If you wish to circulate any additional information prior to the meeting please let me have a copy by xxxxxxxxx. If I do not hear from you by then I will assume you are happy to proceed with your original letter of complaint.

Yours sincerely

Clerk to the Board of Governors

APPENDIX 2

Model agenda for a meeting of the Governors' Complaints Appeal Panel

Chair of Panel introduces governors, reminds all parties that the meeting is to be held in a professional manner. Whilst parties may be passionate about their views everyone should behave in a calm manner and the Chair will consider suspending the meeting if basic courtesies are not adhered to.

Remind all that the meeting is confidential and notes will be circulated after the meeting by the clerk together with a letter notifying all parties of the panel's decision.

- 1 Introductions
- 2 Parent(s) outlines the complaint to the panel – it is helpful if this includes an indication of what they consider would resolve the complaint
- 3 Response by the headteacher
- 4 Questions from the parent(s) to the headteacher
- 5 If applicable, statement by any person called by the headteacher to provide further information
- 6 Parent(s) can ask questions of such a person
- 7 If applicable, statement by any person called by the parent(s) to provide information
- 8 Headteacher can ask questions of such a person
- 9 Governors' questions to headteacher and parent(s)
- 10 Closing statement by headteacher
- 11 Closing statement by parent(s)

Governors ask parent(s) and headteacher to leave the meeting whilst they agree the wording of their decision.