

Complaints Procedure

Whole School including EYFS and Boarding

Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to The Mount School York about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

The difference between a concern and a complaint

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

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

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. The Mount takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Head will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, they will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, The Mount will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

How to raise a concern or make a complaint

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so.

Concerns should be raised with either the class teacher, Head of Department/ Subject Head of Year, Deputy Head or Head. If the issue remains unresolved, the next step is to make a formal complaint.

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

Complaints against school staff should be made in the first instance, to the Head via the Head's office. Please mark them as Private and Confidential.

Complaints that involve or are about the Head, any individual governor, or the whole of the Committee should be addressed to the Clerk of Committee via the school office. Please mark them as Private and Confidential.

Complaints about the Clerk of Committee should be addressed to the Deputy Clerk of Committee. Please mark them as Private and Confidential.

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

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

Anonymous complaints

We will not normally investigate anonymous complaints. However, the Head or Clerk of Committee, if appropriate, will determine whether the complaint warrants an investigation.

Time scales

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

If at any point we cannot meet the timescales we have set out in this policy, we will:

- Set new time limits with the complainant
- Send the complainant details of the new deadline and explain the delay

Complaints received outside of term time

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

Scope of this Complaints Procedure

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

Exceptions	Who to contact
<ul style="list-style-type: none">• Admissions to schools• Statutory assessments of Special Educational Needs• School re-organisation proposals	Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with City of York Council.
<ul style="list-style-type: none">• Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).
<ul style="list-style-type: none">• Exclusion of children from school*	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-

	<p><u>exclusions/exclusions.</u></p> <p><i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure which is available on the school website.</i></p>
<ul style="list-style-type: none"> • 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 whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p>
<ul style="list-style-type: none"> • Staff grievances 	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>
<ul style="list-style-type: none"> • Staff conduct 	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
<ul style="list-style-type: none"> • Complaints about services provided by other providers who may use school premises or facilities 	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.</p>
<ul style="list-style-type: none"> • National Curriculum - content 	<p>Please contact the Department for Education at: www.education.gov.uk/contactus</p>

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

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

Resolving complaints

At each stage in the procedure, The Mount wants to resolve the complaint. 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 explanation
- an admission that the situation could have been handled differently or better

- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology.

Withdrawal of a Complaint

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

Stage 1 – Informal Resolution

It is hoped that most complaints and concerns will be resolved quickly and informally. If a parent has a complaint, they should contact their child's Pastoral Mentor, Teacher, Before/After School Care Leader or Houseparent (where appropriate). In many cases, the matter will be resolved immediately by this means to the parent's satisfaction.

If the Pastoral Mentor/Teacher/House Staff or Before/After School Care Leader cannot resolve the matter alone, it may be necessary for them to consult the Head of Year and/or the Head of Junior School and/or the Deputy Head and/or the Head of Boarding.

Complaints made directly to the Head of Junior School or the Deputy Head of School will usually be referred to the relevant Form Tutor/Teacher/Houseparent or Before/After School Leader unless the Head of Junior School or the Deputy Head of School deem it appropriate to deal with the matter personally.

A written record of all concerns and complaints and the date on which they were received will be passed on to the Head of Junior School or the Deputy Heads of School and ultimately to the Head.

Should the matter not be resolved within **14 working days** or in the event that the key member of staff and the parent fail to reach a satisfactory resolution, then parents will be advised to proceed with their complaint in accordance with Stage 2 of this Procedure.

Parents wishing to proceed to Stage 2 of the Procedure must do so within **10 working days** of receiving the Stage 1 resolution.

Stage 2 – Formal Resolution

If a complaint cannot be resolved informally at Stage 1 and the complainant wishes to take the matter further, they can escalate the complaint to Stage 2. To do so, the complainant must address their wish to escalate to Stage 2 in writing (preferably using the Complaints Form below) to The Head (or Clerk of Committee if the complaint is regarding the Head).

Within this response, the Head will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Head can consider whether a face to face meeting is the most appropriate way of doing this. The Head may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken. During the investigation, the Head (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish

- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of the investigation, the Head will provide a formal written response within 14 school days of the date of receipt of the complaint. If the Head is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions The Mount will take to resolve the complaint. The Head will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

If the complaint is about the Head, or a member of the governing body (including the Clerk or Deputy Clerk), a suitably skilled governor will be appointed to complete all the actions at Stage 2. Complaints about the Head or member of the governing body must be made to the Clerk of Committee, via the school office. If the complaint is jointly about the Clerk and Deputy Clerk; the entire governing body; or the majority of the governing body, Stage 2 will be considered by an independent investigator appointed by the governing body. At the conclusion of their investigation, the independent investigator will provide a formal written response.

Stage 3 – Panel Hearing

If a complainant is dissatisfied with outcomes from stages 1 and 2, they may choose to invoke Stage 3. To do so, they are asked to write formally to the Bursar, who has been appointed by the school Committee to call hearings of the Complaints Panel. The Bursar will acknowledge the Stage 3 Panel Hearing request within **5 working days** of receiving the request.

The matter will then be referred to the Complaints Panel for consideration. The Panel will consist of three persons not directly involved in the matters detailed in the complaint, one of whom shall be independent¹ of the management and running of the school. The Panel will be provided with clear terms of reference and a clear process and timeline to work to. The Bursar, on behalf of the Panel, will then schedule a hearing to take place as soon as practicable and usually **within 28 working days** of acknowledging the Stage 3 request.

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 normally not later than **10 working days** prior to the hearing.

The Committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs. If the complainant is invited to the hearing, but rejects the offer of three proposed dates for the hearing, without good reason, the Bursar will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.

For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation. Complaints about staff conduct will not generally be handled under this

¹ The DfE has given the following guidance on the identity of an independent panel member: "Our general view is that people who have held a position of responsibility and are used to analysing evidence and putting forward balanced arguments would be suitable. Examples of persons likely to be suitable are serving or retired businesspeople, civil servants, heads or senior members of staff at other schools, people with a legal background and retired members of the Police Force might be considered."

complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

Representatives from the media are not permitted to attend.

If possible, the panel will resolve the complaint without the need for further investigation. Where further investigation is required, the panel will decide how it should be carried out. After due consideration of all facts they consider relevant, the panel will reach a decision and issue findings on the substance of the complaint and may make recommendations. The committee will not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

The hearing will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

Following the hearing, the panel will write to the complainant informing them of its decision and the reasons for it, within **14 working days** of the hearing. The decision of the panel will be final, and will be communicated in writing to the complainant. The letter will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled. A copy of the panel's findings and recommendations (if any) will be sent by electronic mail or otherwise given to the parent and, where relevant, the person complained about. A record of the complaint and outcome will be kept on the school premises for monitoring and inspection purposes. Records of all complaints and outcomes (of all stages) are regularly reviewed by school management (including governors) to ensure any patterns are effectively identified and responded to.

Whilst we endeavour to resolve any complaint in the timescales indicated above, there may be cases, perhaps for reasons of holiday or illness, when a deviation from the normal timescale is necessary. These cases will be the exception and in such circumstances the school commits to explain the reasons for any such deviation or delay.

Next Steps

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

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by The Mount. They will consider whether The Mount has adhered to education legislation and any statutory policies connected with the complaint.

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

Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD.

Unreasonable Complaints

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- 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
- 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 complaints procedure or with good practice
- Introduces trivial or irrelevant information that they expect to be taken into account and commented on
- Raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- Makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- Changes the basis of the complaint as the investigation proceeds
- Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- Refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed, including referral to the Department for Education
- Seeks an unrealistic outcome
- Makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- Uses threats to intimidate
- Uses abusive, offensive or discriminatory language or violence
- Knowingly provides falsified information
- Publishes unacceptable information on social media or other public forums

Please note: the above list is not intended to be exhaustive and is for guidance purposes only. It is at the discretion of the school what is deemed to be unreasonable.

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

Steps we will take

We will take every reasonable step to address the complainant's comments and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process,

including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

Whenever possible, the Head or Clerk of Committee will discuss any concerns with the complainant informally before applying an 'unreasonable' marking. If the behaviour continues, the Head will write to the complainant explaining that their behaviour is unreasonable, refer them to this policy and remind them to act in accordance with it. For complainants who excessively contact the school causing a significant level of disruption, we may:

- Give the complainant a single point of contact via an email address
- Limit the number of times the complainant can make contact, such as a fixed number per term
- Ask the complainant to engage a third party to act on their behalf, such as [Citizens Advice](#)
- Put any other strategy in place as necessary

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from school premises and ensuring appropriate measures of support are provided to staff where they are the subject of aggression and/or violence.

Serial/persistent Complaints

If the complainant contacts the school again on the same issue, the correspondence may then be viewed as 'serial' or 'persistent'. We may stop responding to the complainant when the following conditions are met:

- We have taken every reasonable step to address the complainant's concerns
- The complainant has been given a clear statement of our position and their options
- The complainant contacts the school repeatedly, making substantially the same points each time

The case to stop responding is stronger if:

- The complainant's communications are often or always abusive or aggressive
- The complainant makes insulting personal comments about or threats towards staff
- We have reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience

Where we decide to stop responding, we will inform the individual that we intend to do so. We will also explain that we will consider any new complaints they make provided the concerns raised are materially different to those raised previously and/or are unconnected to the previous concern

Duplicate complaints

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and that the local process is complete
- Direct them to the DfE if they are dissatisfied with our original handling of the complaint

If a duplicate complaint is raised, which in the view of the school, warrants further consideration, the complaint will be re-considered beginning at Stage 1.

Complaint campaigns

Where the school receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school may respond to these complaints by:

- Publishing a single response on the school website
- Sending a template response to all of the complainants
- If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the normal procedures will apply.

Subject Access Requests (SAR)

Please see our Data Protection Policy for details on how The Mount School York handles and processes your data.

Under the UK GDPR, you are entitled to submit a subject access request for yours or your child's personal data at any time. When you submit a Subject Access Request, the school is obligated to complete a reasonable and proportionate search for personal data, and to provide this information to you within 30 calendar days. However, this timeframe may be extended by up to two months for complex or numerous requests.

If a subject access request is made during any investigation under this policy, the school will consult with our Data Protection Officer to ascertain whether releasing certain data may prejudice the process. If so, this data may be withheld until after the process is concluded.

To raise any complaint about how yours or your child's data has been handled or processed, you can contact head@mountschoolyork.co.uk.

If we are unable to resolve your concerns, you may also wish to complain to the Information Commissioner's Office (the statutory regulator). Further advice and information can be obtained from the Information Commissioner's Office www.ico.org.uk.

Complaint Form – Stage 2 Formal Resolution

Please complete and return to the Head (or Clerk of Committee if the complaint involves the Head) who will acknowledge receipt and explain what action will be taken.

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address:
Postcode:
Day time telephone number:
Evening telephone number:
Please give details of your complaint, including whether you have spoken to anybody at the school about it.

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

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

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date: