Milverton Community Primary School
Milverton, Somerset TA4 1JP
Email: office@milvertonprimary.co.uk
www.milvertonprimary.co.uk

Milverton Community Primary School

Complaints Policy

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Contents:

Complaints Policy	**Page 1 - 6**
Annex A – Complaints not in scope of the procedure	**Page 7**
Annex B – Complaints Procedure	**Page 8 - 12**
Annex C – School Complaints Procedure Pro-forma	**Page 13 - 14**
Annex D – Policy for Unreasonable Complaints	**Page 15 – 16**

The Law

Section 29 of the Education Act 2002 requires that all LA maintained schools must have and make available a procedure to deal with all complaints relating to their school and that this will also apply to any community facilities or services that the school provides.

Concern or a Complaint

We should be clear about the difference between a concern and a complaint. Informal concerns, taken seriously at the earliest stage, will reduce the numbers that develop into formal complaints.

Concern – defined as ‘an expression of worry or doubt over an issue considered to be important for which reassurances are sought’.

Complaint – defined as ‘an expression of dissatisfaction however made, about actions taken or a lack of action’.

The underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. In most cases classroom teachers will receive the first approach and it would therefore be beneficial if staff were able to resolve issues on the spot, including apologising where necessary, so that concerns do not develop into formal complaints. In other cases, where the complaint is about the school but not from a parent/carer, it will be the Headteacher that will receive an approach; again it is beneficial if they can resolve the issue.

Formal procedures should only be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

Anyone can make a complaint about any provision or services that the school provides. Our complaints procedure is not limited to parents or carers of children in our school but will also include members of the general public. Those complaints not in the scope of the procedure and they are covered by a separate statutory procedure are shown in the table in **Annex A**.

Framework of Principles

Our complaints procedure will:

- Encourage resolution of problems by **informal** means wherever possible
- Be **clear** on the issues that will be dealt with under the formal complaints process
- Be easily **accessible** and **publicised**
- Be **simple** to understand and use
- Be **impartial**
- Be **non-adversarial**
- Allow **swift** handling with established **time-limits** for action and keeping people informed of the progress
- Ensure a full and **fair** investigation by an independent person where necessary
- Respect people's desire for **confidentiality**
- Address all the points at issue and provide an **effective** response and **appropriate** redress, where necessary
- Provide **information** to the school's senior management team so that services can be improved

Investigating Complaints

At each stage the person investigating the complaint will ensure that they:

- Establish what has happened so far, and who has been involved
- Clarify the nature of the complaint and what remains unresolved
- Meet with the complainant or contact them (if unsure or further information is necessary)
- Clarify what the complainant feels would put things right
- Consider interviewing those involved in the matter and/or those complained of allowing them to be accompanied if they wish
- Conduct any interviews with an open mind
- Keep notes of any interviews

Resolving Complaints

At each stage in the procedure we will want to keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, 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 or better
- An assurance that the event complained of will not recur
- An explanation of the steps that have been taken to ensure that it will not happen again
- An undertaking to review school policies in light of the complaint

Complainants will be encouraged to state what actions they feel might resolve the problem. An admission that the school could have handled the situation better is not the same as an admission of negligence.

We will try to identify areas of agreement between the parties. We will also try to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

Serious and Persistent Complainants

If properly followed, our complaints procedure is expected to limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedure having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of the Board of Governors will inform them in writing that the procedure has been completed/exhausted and that the matter is now closed.

If the complainant contacts the school again, and the complainant has completed the procedure, the school will view the correspondence as ‘serial’ or ‘persistent’ and will not respond.

We will only take the decision to stop responding if:

- We have taken every reasonable step to address a complainant’s needs.
- The complainant has been given a clear statement of the school’s position and their options (if there are any)
- The complainant is contacting the school repeatedly but making substantially the same points each time

- The school has reason to believe the individual is contacting them with the intention of causing disruption or inconvenience as confirmed in a letter, email or telephone call
- Letters, emails and telephone calls are often or always abusive or aggressive
  or
- They make insulting personal comments about or threats towards staff

We have a separate policy for dealing with Unreasonable Complaints provided in **Annex D.**

However, should a complainant raise a completely new separate/different complaint we will respond in accordance with our complaints procedure.

Time-Limits

Complaints need to be considered and resolved as quickly and efficiently as possible, with the expectation being that complaints will be made as soon as possible after the incident arises but no later than 3 months (although the school will consider exceptions). The complainant will be informed about the expected timescales associated with dealing with the complaint within each stage. Where further investigations are necessary, the complainant will be sent details of the new deadline and an explanation for the delay.

Formal complaints Procedure

There are 3 formal stages to our complaints procedure:

- Stage One – complaint heard by the Headteacher or delegated to a member of staff (though not the subject of the complaint).
- Stage Two – complaint heard by the Chair of Governors or nominated Governor.
- Stage Three – complaint heard by the Board of Governors complaints appeal panel.

There may, on occasion, be the need for some flexibility; for example, the possibility of further meetings between the complainant and the member of staff directly involved and further investigations may be required by the Headteacher after a meeting with the complainant.

A complaints co-ordinator (could be the Headteacher but would more typically be a member of the school office staff, who would be bound by confidentiality) will manage the whole process of the complaint; further details are given in **Annex B** within the procedure as to their role.

Complaints about the Headteacher will be dealt with initially by the Chair or Vice-Chair of Governors

An unsatisfied complainant can always take a complaint to the next stage and will always be given the opportunity to complete the complaints procedure in full.

The complaints procedure can be found in **Annex B**.

Managing and Recording Complaints

Recording Complaints – We recognise that it is useful for us to record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, or in writing and our complaint form can be found at **Annex C**. At the end of a meeting, or telephone call, a brief note of the conversation will be made to make sure that all parties have the same understanding of what was discussed and agreed and a copy of any written response will be retained for the record. This will avoid any later challenge or disagreement over what was said. The progress of the complaint and the final outcome will be recorded and held centrally within the school. Complainants will have a right to copies of these records.

Review by the Board of Governors – Complaints will not be shared with the whole Board of Governors except in general terms in case an appeal panel needs to be organised. If the whole board is made aware of the substance of a complaint, prior to the final stage being completed, an independent panel will be arranged to hear the complaint comprising of governors from another school and/or members of the governor services team. Complainants can request an independent panel if they believe there is likely to be bias in the proceedings and the Board will consider the request but the decision will be made by the Governors.

As well as addressing an individual's complaint, the process of listening to and resolving complaints will contribute to our school improvement. The monitoring and review of complaints by the school and the Board of Governors is a useful tool in evaluating our school's performance. We can monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of our procedure making changes where necessary. Complaint information shared with the whole governing body will not name individuals.

The procedure and policy are reviewed by the Board every 2 years.

Publicising the Procedure –There is a legal requirement for the complaints procedure to be publicised. As a Board of Governors we include details of our procedure in:

- Information given to new parents when their children join the school
- On our website

The Role of the School Complaints Unit

Once a complainant has completed the school procedures and if they remain dissatisfied, they have the right to refer their complaint to the Secretary of State (SoS). The SoS has a duty to consider all complaints raised but will only intervene where the Board of Governors has acted unlawfully or unreasonably and where it is expedient or practical to do so.

It will be the School Complaints Unit (SCU) that will consider complaints relating to LA maintained schools on behalf of the SoS. They will look at whether the complaints policy and any other relevant statutory policies were adhered to. In addition they will look at whether statutory policies adhere to education legislation. However, the SCU will not normally re-investigate the substance of the complaint; this is the responsibility of the school.

The SCU will not overturn a school's decision unless there are exceptional circumstances such as the school having acted unlawfully or unreasonably. If the SCU finds that the school has not handled a complaint in accordance with the school's procedure they may request that the complaint is looked at again, by the school.

If legislative or policy breaches are found, the SCU will report them to the school and the complainant, and where necessary, ask for corrective action to be taken. A written assurance will also be required as to future conduct. A failure by the school to carry out remedial actions or provide written assurances could result in a formal direction being issued by the SoS.

Annex A

Complaints not in scope of the procedure

Exceptions	Who to contact
• Admissions to schools • Statutory assessment of Special Educational Needs (SEN) • School re-organisation proposals • Matters likely to require a Child protection investigation	Concerns should be raised direct with local authorities (LA). For school admissions this will depend on who is the admission authority (either the school or the LA). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman. In the case of child protection contact the LADO – local authority designated officer.
• Exclusion of children from school	Concerns will be dealt with under the school exclusion policy/procedure.
• Whistleblowing	Our school has an internal whistleblowing procedure for our employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, or via email at whistleblowing@ofsted.gov.uk. The DfE (Department for Education) is also a prescribed body for whistleblowing in education.
• Staff grievances and disciplinary procedures	These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.
• Complaints about services provided by other providers who use the school premises and/or facilities	Providers have their own complaints procedure to deal with complaints about the service they provide and should be contacted direct.

Annex B

Complaints Procedure

At Milverton Community Primary School there are 3 stages to our formal complaints procedure:

Stage One: Complaint heard by the Headteacher or delegated member of staff.
Stage Two: Complaint heard by Chair of Governors or other nominated Governor.
Stage Three: Complaint heard by Complaints Panel

These stages are explained in more detail later in our complaints procedure. A complaints co-ordinator will manage the complaints process and the complaints co-ordinator for this school is the Clerk to Governors.

Roles and Responsibilities:

The complainant – or person making the complaint will receive a more effective response to their complaint if they:

- Co-operate with the school in seeking a solution to the complaint.
- Contact the school as early as possible with the full details.
- Respond promptly to requests for information or meetings or in agreeing the details of the complaint.
- Ask for assistance as needed and
- Treat all those involved in the complaint with respect.

The Complaints Co-ordinator will:

- Ensure that the complainant is fully updated at each stage of the procedure;
- Make sure that all involved in the procedure will be aware of any legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000;
- Liaise with any member of staff, the Headteacher, the Chair of Governors and Clerk to the Governors to make sure of the smooth running of the complaints procedure;
- Keep records;
- Be aware of issues regarding sharing 3rd party information and additional support such as an interpreter.

The Investigator is the person involved at stages 1 and 2 of the formal procedure. They will:

- Provide a comprehensive, open, transparent and fair consideration of the complaint through:-
    - A sensitive and thorough conversation with the complainant to establish what has happened and who has been involved.

- Consideration of records and any other relevant information.
- The interview of staff and children/young people and any others relevant to the complaint.
- Analysing any relevant information.
- Liaison with the complaints co-ordinator to ascertain what the complainant feels would put things right.
- Identifying solutions and making recommendations in regard to actions to resolve the issues.
- Being aware and mindful of the timescales within the procedure to responding and
- Writing the outcomes to the complainant in plain and clear language.

The person doing the investigation will at all times conduct interviews with an open mind and be prepared to persist in the questioning and keeping notes of interviews (or arranging for an independent note-taker to record minutes of any meetings).

The Board of Governors Panel Clerk will be the contact point for the complainant for the panel meeting and would:

- Set the date, time and venue of the hearing, making sure that dates and times are convenient to all parties and that the venue is accessible.
- Collate any written material and make sure that all parties are in receipt of this in advance of the hearing.
- Meet and welcome the parties as they arrive at the hearing.
- Record the proceedings.
- Circulate minutes of the panel hearing.
- Notify all parties of the decision of the panel.
- Liaise with the complaints co-ordinator.

The Panel Chair - has a key role in making sure that:

- The meeting is minuted.
- The remit of the panel is explained to the complainant and that they and the school will have the opportunity of putting their case before the panel and to seek clarity.
- The issues are addressed.
- Key findings of fact are made.
- Those unfamiliar with speaking at such hearings are put at ease.
- The hearing is conducted in an informal manner with everyone treated with respect and courtesy.
- The layout of the room is informal and not adversarial.
- The panel is open-minded and acts independently.

- No member of the panel has an external interest in the outcome of the proceedings or any involvement in any part of the procedure prior to the hearing.
- Any written material has been seen by everyone attending the hearing.
- Liaise with the clerk and complaints co-ordinator.

Panel members – will 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 will be allowed to form part of the panel if they have had prior involvement or knowledge in regard to the complaint and the circumstances around it)
- The aim of the hearing will always be to resolve the complaint and achieve reconciliation between the school and the complainant (however it will be recognised that the outcome of the hearing might not always be to the satisfaction of the complainant and it may only be possible to be in receipt of established facts and make recommendations that provide the complainant with the assurance that their complaint has been taken seriously)
- Many complainants may feel nervous and inhibited in a formal setting.
- Extra care will need to be taken when the complainant is a child/young person and present during the hearing.

The Stages

It is in everyone's interest that complaints are resolved at the earliest possible stage by informal means. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint/concern will escalate. To that end, staff are aware of the procedures, they know what to do when they receive a complaint.

The ability to consider the complaint objectively and impartially is crucial. The school will respect the view of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the Headteacher can refer the complainant to another staff member, or will hear the complaint themselves. Where the complaint concerns the Headteacher, the complainant will be referred to the Chair of Governors.

Where the first approach is made to a Governor, the next step would be to refer the complainant to the appropriate person and to advise the complainant about the procedure for making a complaint. Governors will not act unilaterally on an individual complaint outside the formal procedure or be involved in the early stages in case they are needed to sit on a panel at a later stage of the procedure.

Stage One: Complaint heard by the Headteacher or delegated to a staff member (not the member of staff involved in the complaint)

The Headteacher's influence will already have shaped the way complaints are handled in the school. If the complainant was dissatisfied with the way the complaint was handled informally by a member of staff the headteacher will hear, and investigate, the complaint although the headteacher can delegate the task of collating the information to another staff member, but not the decision or any action to be taken.

Stage Two: Complaint heard by Chair of Governors or nominated Governor

If the complainant is not satisfied with the response of the Headteacher, or the complaint is about the Headteacher, the complainant should write to the Chair of Governors to request that their complaint is considered further.

If the complaint is about the Headteacher this stage of the complaints process will be stage one and the Chair or Vice-Chair will investigate. If the complainant remains dissatisfied they will have the right to escalate to Stage Three.

Stage Three: Complaint heard by the Complaints Panel

Complaints would not be heard by the whole Board of Governors at any stage, as this could compromise the impartiality of any Governor that might need to be on a panel associated with a complaint.

The complainant will need to write to the Clerk to the Board of Governors giving details of the complaint and asking that it is put before the appeal panel. The Chair, or if the Chair has been involved at any previous stage in the process, a nominated Governor, will convene a complaints panel.

The appeal hearing is the last stage of the school-based complaints process and is not convened merely to rubber-stamp previous decisions. Members of the panel will be drawn from the nominated members and will consist of three people. The panel will choose their own Chair.

A panel of three Governors, with delegated powers to do so, will hear the complaint. The terms of reference for the panel are to:

- Draw up its procedures.
- Hear individual complaints.
- Make one or more of the recommendations on policy as a result of complaints.

Remit of the Complaints Panel – the complaints panel can:

- Dismiss the complaint in whole or part.
- Uphold the complaint in whole or part.
- Decide on the appropriate action to be taken to resolve the complaint.
- Recommend changes to the school's systems, procedures, or policies to ensure that problems of a similar nature do not recur.

Checklist for the panel hearing –

- The hearing is informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- If the hearing is to meet with the parties individually –
    - The panel will meet with the complainant and any witnesses, they will then leave.
    - The panel will then meet with head teacher and any witnesses to hear the school's response to the complaint.
    - After each meeting the chair will explain the time scales as to when all parties will hear from the panel.
    - The panel decides on the issues.
- If the hearing is to meet with all parties concerned at the same time -
    - After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
    - The Headteacher may question both the complainant and the witnesses after each has spoken,
    - The Headteacher is then invited to explain the school's actions and be followed by the school's witnesses,
    - The complainant may question both the 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 Headteacher is then invited to sum up the school's actions and response to the complaint,
    - The Chair of the panel will explain the time scales as to when all parties will receive notification of their decision,
    - All parties leave together while the panel decides on the issues.

Finally

If the complainant, once the school complaints procedure is completed, remains dissatisfied with the outcome of the complaints procedure they have the right to contact the Secretary of State. Complainants will need to be advised to write to the School Complaints Unit (SCU) at the DfE, 2nd floor, Piccadilly Gate, Manchester, M1 2WD.

The DfE will make sure that the complainant has exhausted all the local procedures and will then examine if the complaints policy and any other relevant policies were followed. The department does not re-investigate the substance of the complaint. If breaches of policy or legislation are found the SCU will report them back to the school for action to be taken.

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Annex C

School Complaints Procedure Complaint Form

Your Name: **Pupil's name:** **Your relationship to the pupil:** **Address:** **Postcode:** **Daytime telephone number:** **Mobile number:**
Please give details of your complaint:

What action, if any, have you already taken to try and resolve your complaint. (who did you speak to and what was the response)?
What actions do you feel might resolve the problem at this stage?
Are you attaching any paperwork? If so, please give details.
Signature: **Date:**
<u>School use</u> **Date acknowledgement sent:** **By whom:** **Complaint referred to:** **Date:**

Annex D

Policy for Unreasonable Complaints

Milverton Community Primary School is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Milverton Community Primary School defines unreasonable complainants as "those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's 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.
- Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raised 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, 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.

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:-

- 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.

Complainants should limit the numbers of communications with a school while a 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.

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

If the behaviour continues the Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact Milverton Community Primary School causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from Milverton Community Primary School premises.

Barring from the school premises

Although fulfilling a public function, our school is a private place and the public has no automatic right of entry. We therefore act to ensure we remain a safe place for pupils, staff and other members of our community.

If a complainant or parents' behaviour is a cause for concern they will be asked to leave school premises. In serious cases the Headteacher or Local Authority will notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any written representation that they wish to make.

The decision to bar will be reviewed upon receipt of any representations made and will either be confirmed or lifted. Any decision will be notified in writing with an explanation of how long the bar will be in place.

Should anyone wish to complain about being barred they can do so via letter or email to the Headteacher or Chair of Governors. However, complaints about being barred cannot be escalated to the Department for Education. Once the school's complaints procedure has been completed the only remaining avenue of appeal is through the Courts.