



*Learning through hard work, friendship and fun.*

# **Mill Lane**

# **Complaints Policy**

Adopted and ratified by governing body: April 2016

Review date: June 2020

In accordance with Section 29 of the Education Act 2002, all local authority (LA) maintained schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides. This policy has also been written in consultation with the DfE's Best Practice Advice for School Complaints Procedures 2016.

### **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 generally defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'. It is in everyone's interest that complaints are resolved at the earliest possible stage.

At Mill Lane Primary School we believe that many issues can be resolved informally, without the need to invoke formal procedures. Concerns are taken seriously and as a school we will make every effort to resolve the matter as quickly as possible. There are occasions when complainants would like to raise their concerns formally. In those cases, the school's formal procedure should be invoked through the stages outlined within this document.

Some complaints fall outside the school's complaints procedure, for example, staff grievances, admissions complaints or disciplinary procedures.

### **Timescales**

This policy has been written to ensure that all complaints will be dealt with as quickly and efficiently as possible by the school. The length of the period of time to respond to and resolve complaints will vary with the gravity and complexity of the complaint and the urgency with which it needs to be settled. The intention is that all complaints should be settled within a period which is considered reasonable by all parties and where appropriate indicative timescales have been identified.

### **Levels of complaint**

There are 3 levels which define the procedure for making a complaint:

- **Level 1** – informal complaint to the Headteacher
- **Level 2** – formal complaint to the Headteacher
- **Level 3** – formal complaint to the governors

#### **Level 1**

- If parents have any concerns about their child they should first discuss their concerns with the class teacher. This usually enables the problem to be sorted out swiftly and to everyone's satisfaction. Class teachers will share concerns/complaints, as appropriate, with the key stage leader, Deputy Headteacher and Headteacher.
- If, following discussion with the class teacher, the parent is still not satisfied, they may wish to bring their concerns to the attention of the key stage leader, Deputy Headteacher or Headteacher. Full investigation and discussion should enable most complaints to be resolved at this stage.
- Expressions of concern or complaints at this stage may be verbal or in writing.

## **Level 2**

- Where complaints cannot be resolved informally the matter may then be considered to be the subject of a formal complaint and the complainant may then refer it to the Headteacher.
- The formal complaint should be made in writing and a suggested format for the complaint is provided in Appendix A.
- Acknowledgement of receipt of this complaint will be made within 5 school days.
- The Headteacher will fully investigate the complaint and respond, in writing, within 10 school days.

***Where a formal complaint concerns the Headteacher then it should be referred to the chair of governors.***

## **Level 3**

- Where complaints cannot be resolved by the Headteacher the matter may then be considered to be the subject of a formal complaint to the governing body.
- If any complaint is received by individual governors, including the chair, before the above stages have been completed, those governors should refer the parent to the teacher, k, Deputy Headteacher or Headteacher and to this published Complaints Policy.
  - A formal complaint to the governors will need to be in writing to the clerk or chair of the governing body. A suggested format for making a formal complaint is provided in Appendix A. Acknowledgement of receipt of the complaint will be made within 5 school days.
- Depending on the nature of the complaint, it may be that action will need to be taken by the chair before the panel meets. This may include the resolution of the complaint without proceeding to a governors' panel hearing.
- A panel of governors will be established to investigate and hear the complaint. The panel will not previously have been involved in any detailed discussion of this complaint.
- Urgent cases will be considered as a priority and the time between receipt of the complaint and the panel hearing will not normally exceed 15 school days.
- The complainant may wish to make an oral presentation in support of their complaint and may wish to be accompanied by a friend or representative (not a member of the press or a member of the legal profession).
- The panel will consider the complaint and the chair of the panel will notify the complainant, in writing, of the panel's decision within 5 school days.

## **Policy Monitoring & Review Recording complaints**

- The Headteacher will monitor all written complaints and keep a copy of all relevant correspondence.
- If there are a number of complaints about the same issue, or a rise in the number of complaints overall, the Headteacher will ensure a full investigation is undertaken.

## **Governing body review**

- The governing body will monitor the level and nature of all written complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. The process of listening to, and resolving complaints should contribute to school improvement.
- Wherever practicable, complaints information shared with the whole governing body will not name individuals.

## **Policy for Unreasonable Complainants**

Mill Lane 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.

Mill Lane 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 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, complicated and stressful contact with staff regarding the complaint in person, in writing, by email 12 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 Mill Lane 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 Mill Lane Primary School.

### **Barring from the School Premises**

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community. If a parent's behaviour is a cause for concern, the school can ask him/her to leave school 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. School should always give the parent the opportunity to formally express their views on the decision to bar in writing.

The decision to bar will then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent should be notified in writing, explaining how long the bar will be in place. Anyone wishing to complain about being barred can do so, by letter or email, to the Headteacher or Chair of Governors.

However, complaints about barring cannot be escalated to the Department for Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

**Appendix A – Formal Complaint Form** If making a complaint in writing the following form identifies the key information required.

<b>Name:</b>	
<b>Pupils Name (if applicable)</b>	
<b>Relationship to the pupil:</b>	
<b>Address:</b>	
<b>Postcode:</b>	
<b>Daytime Telephone:</b>	
<b>Evening Telephone:</b>	
<b>Please give details of your complaint:</b>	
<b>What action, if any, have you already taken to try and resolve your complaint? (i.e. Who</b>	

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.

<b>Signature:</b>	
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<b>Date:</b>	
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**Official use:**

<b>Date note of receipt sent:</b>	
<b>Sent by:</b>	
<b>Complaint referred to:</b>	
<b>Date:</b>	