



# Milverton Community Primary and Pre-school

## Complaints Policy

### **Contents:**

|   |                     |
|---|---------------------|
| <b>Complaints Policy</b>                                  | <b>Page 1 - 6</b>   |
| <b>Annex A – Complaints not in scope of the procedure</b> | <b>Page 7</b>       |
| <b>Annex B – Complaints Procedure</b>                     | <b>Page 8 - 13</b>  |
| <b>Annex C – School Complaints Procedure Pro-forma</b>    | <b>Page 14 - 15</b> |
| <b>Annex D – Policy for Unreasonable Complaints</b>       | <b>Page 16 – 18</b> |

### **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 Head teacher 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 that 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.

## How to Raise a Concern or 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 on a complainant, as long as they have appropriate consent to do so.

Concerns should be raised with either the class teacher or Head teacher. 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 2 of the procedure.

Complaints against school staff (except the Head teacher) should be made in the first instance to Nicola Stoddart, Head teacher, via the school office. Please mark them as Private and Confidential.



Complaints that involve or are about the Head teacher should be addressed to Linda Burton, Chair of Governors via the school office. Please mark them as Private and Confidential.

Complaints about the Chair of Governors, any individual Governor or the whole governing body should be addressed to the Clerk to Governors via the school office. Please mark them as Private and Confidential.

For ease of use, a template complaint form is included in **Annex C** at the end of this policy. 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 teacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation

### **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.

### **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 explanation
- An admission that the situation could have been handled differently or better
- An apology
- 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.

### **Withdrawal of a Complaint**

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

### **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
- They make insulting personal comments about or threats towards staff.
- Complainants resort to behaving in an intimidating manner, such as blocking exits or refusing to leave a room when a reasonable request to do so is made by a staff member

Threatening, intimidating or violent behaviour towards school staff will not be tolerated and will be reported to the police.

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 Head teacher 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 Head teacher after a meeting with the complainant.

A complaints co-ordinator (could be the Head teacher, but more typically be the Clerk to Governors, who would be bound by confidentiality) will manage the whole process of the complaint; further details are given within the procedure as to their role.



Complaints about the Head teacher will be dealt with initially by the 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 on the school website and by request at the school office.  
<https://www.milvertonprimary.co.uk/about-us/policies>



## Annex A

### Complaints not in scope of the procedure

| Exceptions   | Who to contact  |
|--|---|
| <ul style="list-style-type: none"> <li>• Admissions to schools</li> <li>• Statutory assessment of Special Educational Needs (SEN)</li> <li>• School re-organisation proposals</li> <li>• Matters likely to require a Child protection investigation</li> </ul> | <p>Concerns should be raised direct with local authorities (LA).</p> <p>For school admissions this will depend on who is the admission authority (either the school or the LA).</p> <p>Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.</p> <p>In the case of child protection contact the LADO – local authority designated officer or Multi-agency Safeguarding Hub (MASH)</p> |
| <ul style="list-style-type: none"> <li>• Exclusion of children from school</li> </ul>  | <p>Concerns will be dealt with under the school exclusion policy/procedure.</p>   |
| <ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>   | <p>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 <a href="mailto:whistleblowing@ofsted.gov.uk">whistleblowing@ofsted.gov.uk</a>. The DfE (Department for Education) is also a prescribed body for whistleblowing in education.</p>   |
| <ul style="list-style-type: none"> <li>• Staff grievances and disciplinary procedures</li> </ul>   | <p>These matters will invoke the school’s internal grievance procedures. Complainants will not be informed of the outcome of any investigation.</p>   |
| <ul style="list-style-type: none"> <li>• Complaints about services provided by other providers who use the school premises and/or facilities</li> </ul>  | <p>Providers have their own complaints procedure to deal with complaints about the service they provide and should be contacted direct.</p>   |
| <ul style="list-style-type: none"> <li>• Any complaint or other notice that suggests that a child has been at risk of significant harm through violence, emotional abuse, sexual interference or neglect</li> </ul>  | <p>Any complaint or report relating to the abuse of children should be dealt with through our Child protection Policy. It may be referred immediately to Children’s Social Care or, in the case of an allegation of abuse by a member of staff, to the LADO (Local Authority Designated Officer). In extreme cases, the matter should be reported directly to the police.</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 Milverton Community Primary and Pre-school 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.





## **Annex B**

### **Complaints Procedure**

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

Stage One: Complaint heard by the Head teacher, 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
- Treat all those involved in the complaint with respect.
- Refrain from publicising the details of their complaint on social media and respect confidentiality.

**The Complaints Co-ordinator** will –

- Ensure that the complainant is fully updated at each stage of the procedure
- Liaise with any member of staff, the Head teacher, 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 third 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
  - 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).
  - 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
  - Prepare a comprehensive report for the Head teacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

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

- Ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- 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
- 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 -**

The committee's Chair, who is nominated in advance of the complaint meeting, should ensure that:

- Both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- The meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- Complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- The remit of the committee is explained to the complainant
- Written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.
- 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 meeting
- Both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- The issues are addressed
- Key findings of fact are made
- The committee is open-minded and acts independently
- No member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- The meeting is minuted
- They liaise with the Clerk (and complaints co-ordinator, if the school has one).

### **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
- Parents/carers often feel emotional when discussing an issue that affects their child.



- The committee 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 committee 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 committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.
- However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.
- The welfare of the child/young person is paramount.

### **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 Head teacher can refer the complainant to another staff member, or will hear the complaint themselves. Where the complaint concerns the Head teacher, the complainant will be referred to the Chair of Governors.

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

If the complainant was dissatisfied with the way the complaint was handled informally by a member of staff the Head teacher will hear and investigate the complaint. The Head teacher can delegate the investigation and task of collating the information to another senior leader at school, but not the decision or any action to be taken.

The Head teacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days. Within this response, the Head teacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Head teacher can consider whether a face to face meeting is the most appropriate way of doing this.



During the investigation, the Head teacher (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 their investigation, the Head teacher will provide a formal written response within 10 school days of the date of receipt of the complaint.

If the Head teacher 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 Milverton Community Primary and Pre-school will take to resolve the complaint.

The Head teacher 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 teacher, or a member of the governing body (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 1.

Complaints about the Head teacher or member of the governing body must be made to the Clerk, via the school office.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 1 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 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**

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3 – a meeting with members of the governing body's complaints committee, which will be formed of the first three, impartial, governors available. This is the final stage of the complaints procedure.

A request to escalate to Stage 3 must be made to the Clerk, via the school office, within 5 school days of receipt of the Stage 2 response. The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 10 school days of receipt

of the Stage 3 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk 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.

The complaints committee will consist of at least three governors with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee. If there are fewer than three governors from Milverton Community Primary and Pre-school available, the Clerk will source any additional, independent governors through another local school or through their LA's Governor Services team, in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 3.

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 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.



*Note: Complaints about staff conduct will not generally be handled under this 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.

At least 7 school days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible.
- request copies of any further written material to be submitted to the committee at least 5 school days before the meeting.

Any written material will be circulated to all parties at least 5 school days before the date of the meeting. The committee will not normally accept, as

evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee will also 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 meeting 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. If a meeting is being held online on Microsoft Teams the Clerk can ask to record the meeting for minute taking purposes and will agree to delete the recording as soon as possible. Complainants have the right for the meeting not to be recorded and any consent will be recorded in any minutes taken.

The committee will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

The Chair of the Committee will provide the complainant and Milverton community Primary and Pre-school with a full explanation of their decision and the reason(s) for it, in writing, within 5 school days.



The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 3 will be heard by a committee of independent governors.

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 Milverton Community Primary and Pre-school will take to resolve the complaint. The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

#### Checklist for the panel hearing –

- The hearing is as 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 Headteacher and any witnesses to hear the school's response to the complaint.
  - After each meeting the Chair of the panel 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





### **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 Milverton Community Primary and Pre-school. They will consider whether Milverton Community Primary and Pre-school 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](http://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



## **Annex C**

### **School Complaints Procedure: Complaint Form**

**Your Name:**

**Pupil's name:**

**Your relationship to the pupil:**

**Address:**

**Postcode:**

**Daytime telephone number:**

**Evening telephone number:**

**Please give details of your complaint, including whether you have spoken to anybody at the school about it.**



**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:**

**School use**

**Date acknowledgement sent:**

**By whom:**

**Complaint referred to:**

**Date:**



## **Annex D**

### **Policy for Managing Serial and Unreasonable Complaints**

Milverton Community Primary School and Pre-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 and Pre-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 complaints 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 public and/or 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 and Pre-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 and Pre-School.

### **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.

Adopted: January 2025  
Date of next review: January 2026



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.