



Complaints Policy - Parents

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Headteacher:	Signed:	Date:
<i>Chair of Governors:</i>	Signed:	Date:

Written: June 2012

Reviewed: July 2013 – add extra, clear information for parents to follow.

Reviewed: January 2016 – to be in line with new DfE guidance issued on 6.1.16: including information on serial, persistent and unreasonable complainants and complaints not in the scope of this policy.

Reviewed February 2018 – still in line with DfE guidance issued on 6.1.16

Rationale

This policy is intended to set out how the school will deal with all general complaints. Parents should feel able to express their views in the full knowledge that they will be dealt with fairly.

It is not intended to cover those aspects of school life where the law sets specific complaints procedures i.e. admissions, exclusions, complaints about the delivery of the National Curriculum and the provision of collective worship and religious education. Parents who are not satisfied with an LA's decision about special needs assessments may appeal to the SEN Tribunal. Further details about these procedures are available in other documents.

Aims

- An accessible and easily understood procedure for complaints.
- Encourage parents to express their views at the earliest opportunity, through the appropriate channels.
- To aid communication between parents and school.

Whether a complaint is made informally or formally, all parties should ensure details are only known to those involved in investigating the complaint. Parents should be assured that making a complaint will not affect their child.

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*'.

Who can make a complaint?

Any person, including members of the general public, may make a complaint about any provision of facilities or services that a school provides, unless separate statutory procedures apply (such as exclusions or admissions). Schools must not limit complaints to parents or carers of children that are registered at the school.

Time Frame:

School would expect a complaint to be made as soon as possible after an incident arises (up to three months). However, in exceptional circumstances, school will consider complaints after this time frame.

Stage 1: The First Contact: Dealing with Concerns and Complaints Informally

1.1 The vast majority of concerns and complaints can be resolved informally.

There are many occasions where concerns are resolved straight away through the class teacher or school Administration Officer / Assistant, Headteacher or chair of governors depending on the nature of the complaint.

1.2 If the person first contacted cannot deal with the matter immediately, s/he will make a clear note of the date, name, contact address or phone number and the issue raised.

1.3 Any member of staff will know how to refer, if necessary, to the person with responsibility for the particular issue raised by the parent. S/he will check later to make sure the referral has been successful. Complaints made informally to governors will be referred to the relevant member of staff or to the chairman where appropriate.

1.4 On certain major issues, the Headteacher may decide to deal with concerns directly at this stage.

1.5 If the complaint relates to the Headteacher, the parent is advised to contact the Chair of the Governing Body. If the complaint is against the Chair, or any individual governor it should be made by writing to the Clerk to the Governing Body.

1.6 The person dealing with the concern makes sure that the parent is clear what action (if any) or monitoring of the situation has been agreed, putting this in writing only if this seems the best way of making things clear.

1.7 Where no satisfactory solution has been found, parents are asked if they wish their concern to be considered further. If so they are given clear information, both orally and in writing, about how to make a formal complaint and about any independent advice available to them.

1.8 Any allegations against staff/pupils will be treated in accordance with Hampshire Local Authority allegations policy.

Stage 2: Formal Complaint to the Headteacher

2.1 When a formal complaint is made, it will be acknowledged within 3 working days.

2.2 The Headteacher (or designate) acknowledges the complaint orally or in writing within 3 working days of receiving the written complaint. When a complaint has been oral, this must be recorded. The acknowledgment will give a brief explanation of the school's complaints procedure and a target date for providing a response to the complaint. This should normally be within 10 working days: if this proves impossible, a letter is sent explaining the reason for the delay and giving a revised target date.

2.3 The Headteacher (or designate) may provide an opportunity for the complainant to meet with them to supplement any information provided previously. It is made clear to the complainant that if they wish they may be accompanied to any meeting by a friend, relative, representative, or advocate who can speak on their behalf, and asked if they have any special requirements the school needs to be aware of e.g. wheelchair access, signing etc.

2.4 If necessary, the Headteacher (or designate) should interview witnesses and take statements from those involved. If the complaint centres around a pupil, the pupil should also be interviewed. Pupils would normally be interviewed with parents/guardians present. In some situations, circumstances may prevent this e.g. where this would seriously delay the investigation of a serious/urgent complaint or where particular circumstances mean that a pupil has specifically said they would prefer that parents or guardians were not involved. In such circumstances another member of staff with whom the pupil feels comfortable should be asked to attend. If a member of staff is complained against, the needs of that person should be borne in mind.

2.5 The Headteacher (or designate) keeps written records of meetings, telephone conversations, and other documentation.

2.6 Once all the relevant facts have been established, the Headteacher (or designate) should then produce a written response to the complainant, or may wish to meet the complainant to discuss /resolve the matter directly.

2.7 A written response includes a full explanation of the decisions and the reasons for it. Where appropriate, this includes what action the school will take to resolve the complaint. The complainant is advised that should s/he wish to take the complaint further s/he should notify the Chair of the Governing Body within 5 weeks of receiving the outcome letter.

2.8 If the complaint is against the action of a Headteacher, or if the Headteacher has been very closely involved at stage 1, the Governors' Complaints Panel should carry out all of the stage 2 procedures.

Stage 3: Formal Complaint to Governors

3.1 Upon receipt of a written request by the complainant for the complaint to proceed to stage 3, the procedures outlined below should be followed.

3.2 The Clerk to the Governing Body should write to the complainant to acknowledge receipt of the written request. The acknowledgement should inform the complainant that the complaint is to be heard by three members of the school's Governing Body within 20 working days of receiving the complaint. The letter should also explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received in time for the documents to be received by the full members.

3.3 The Clerk to the Governors should arrange to convene a Governors' Complaints Panel elected from members of the Governing Body.

3.4 The Chair/Vice-Chair will ensure that the complaint is heard by the Panel within 20 working days of receiving the letter in 3. 1. All relevant correspondence regarding the complaint should be given to each panel member as soon as the composition of the Panel is confirmed. If the correspondence is extensive, the Chair of the Panel should prepare a thorough summary for sending to panel members.

3.5 The Chair/Vice-Chair will write and inform the complainant, Headteacher, any relevant witnesses, and members of the Panel at least 5 working days in advance, of the date, time and place of the meeting. The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a friend/advocate/interpreter. The letter will also explain how the meeting will be conducted and the complainant's right to submit further written evidence to the Panel.

3.6 If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interests of natural justice to adjourn the meeting so that the other side has time to consider and respond to the new evidence.

3.7 The meeting will allow for:

- the complainant to explain their complaint and the Headteacher to explain the school's response
- the Headteacher to question the complainant about the complaint and the complainant to question the Headteacher and/or other members of staff about the school's response
- Panel members to have the opportunity to question both the complainant and the Headteacher
- any party to have the right to call witnesses (subject to the approval of the Chair) and all parties having the right to question all the witnesses final statements by both the complainant and the Headteacher.

3.8 The Chair of the Panel will explain to the complainant and the Headteacher that the panel will now consider its decision, and a written decision will be sent to both parties within 15 working days. The complainant, Headteacher, other members of staff and witnesses will then leave.

3.9 The panel will then consider the complaint and all the evidence presented and (a) reach a unanimous, or at least a majority, decision on the complaint and (b) and decide upon the appropriate action to be taken to resolve the complaint and (c) where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again.

3.10 A written statement outlining the decision of the Panel must be sent to the complainant and Headteacher. The letter to the complainant should explain whether a further appeal can be made, and if so, to whom.

Complaints not in scope of the procedure

A complaints procedure should cover all complaints about any provision of facilities or services that a school provides with the **exceptions** listed below, for which there are separate (statutory) procedures.

Exceptions	Who to contact
Admissions to schools • Statutory assessments 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, it 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.
Exclusion of children from school	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions .
Whistleblowing	Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: whistleblowing@ofsted.gov.uk or by writing to: WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD. The 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 may use school premises or facilities.	Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.

Serial and Persistent Complaints:

Merton Junior will always do our best to be helpful to people who contact them with a complaint or concern or request for information. There will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied.

However, in cases where school is contacted repeatedly by an individual making the same points, or who asks them to reconsider their position, we may:

- inform the complainant that the procedure has been completed and the matter is now closed
- not choose to respond and mark the correspondence as 'serial' or 'persistent' after the procedure has been completed
- implement a tailored communications strategy
- Legal advice be sought as to next steps

The application of 'serial or persistent' term should be against the subject or complaint itself rather than the complainant.

'vexatious' is a recognised term when dealing with serial or persistent correspondents. In the context of Freedom of Information (FOI) requests, the Upper Tribunal concluded that 'vexatious' could be defined as the '*...manifestly unjustified, inappropriate or improper use of a formal procedure.*'

Complainants have a right to have any new complaint heard and Merton Junior school will comply with the Complaints Policy, we will ensure that we act reasonably and that any genuine complaint can still be heard

When will school stop responding?

The decision to stop responding will never be taken lightly. If School is able to say yes to all of the following:

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

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

- The school has reason to believe the individual is contacting them with the intention of causing disruption or inconvenience
- Their letters/emails/telephone calls are often or always abusive or aggressive.
- They make insulting personal comments about or threats towards staff.

Once Merton Junior School has decided that it is appropriate to stop responding regarding a subject matter, we will let the complainant know; ideally, through a hard copy letter but an email will suffice as soon as possible.

Unreasonable Complainants

Merton Junior 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.

Merton Junior 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 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 Merton Junior 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 or a set time period.

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 the Merton Site (Includes Infants and Juniors as it is a shared site).

Barring from the School Premises

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Merton Junior will therefore act to ensure it remains a safe place for pupils, staff and other members of its community.

If a parent's behaviour is a cause for concern, we 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. Parents have the opportunity to formally express their views on the decision to bar in writing.

The decision to bar should then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent will 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.

Responsibilities

This policy is to be monitored by the Headteacher and Governing Body.

GENERAL COMPLAINTS POLICY (STAFF APPENDIX)

Guidelines for dealing with concerns and complaints informally

1. Parents must feel able to raise concerns about the school without any formality, either in person, by telephone or in writing. On occasion it may be appropriate, for someone to act on behalf of a parent.
2. At first it may be unclear whether a parent is asking a question or expressing an opinion rather than making a complaint. A parent may want a preliminary discussion about an issue to help decide whether he or she wishes to take it further.
3. Parents should have an opportunity for discussion of their concern with the appropriate member of staff or the Chair of Governors, who clarifies with the parent the nature of the concern, and reassures them that the school wants to hear about it. The member of staff or Chair of Governors may explain to the parent how the situation happened. It can be helpful to identify at this point what sort of outcome the parent is looking for.

Formal complaint to the Headteacher

4. As Headteachers have responsibility for the day-to-day running of their schools, they have responsibility for the implementation of a complaints system, including the decision about their own involvement at various stages. One of the reasons for having various "stages" in a complaints procedure is to reassure complainants that their grievance is being heard by more than one person. Headteachers should make arrangements to ensure that their involvement will not predominate at every stage of a particular complaint. For example arrangements may be made for other staff to deal with parents concerns at stage 1, while the Headteacher deals with contacts with parents at stage 2. Even at that stage the Headteacher may designate another member of staff to collect some of the information from the various parties involved. In some cases, Headteachers may be so involved at stage 1 that stage 2 has to be carried out by the Chair of the Governing Body.

Formal Complaint to Governors

5. Complaints only rarely reach this formal level, but it is important that governing bodies are prepared to deal with them when necessary. At this stage the school should seek advice from the LEA. This can provide a useful "outside view" on the issues.
6. It is important that this review not only be independent and impartial but that it be seen as so. Therefore, individual complaints should not be considered by the full governing body as serious conflicts of interest can arise; for example, in exceptional circumstances a complaint may result in disciplinary action against a member of staff, and governors might be required to give an unprejudiced hearing to an appeal by the member of staff concerned. Similarly some governors might have previous knowledge of the problem which led to the complaint and would be unable to give fair unbiased consideration to the issue.
7. Many complaints are inevitably seen by parents as being "against" a particular member of staff and their actions. However, all complaints which reach this stage will have done so because the complainant has not been satisfied with the Headteacher's response at the earlier stage of the procedure, and it may be appropriate for the Governing Body to consider that the complaint is against the school, rather than against the member of staff whose actions led to the original complaint.
8. It may be necessary for the Governing Body to appoint reserves to the Panel to ensure that three governors are available to carry out their task within the set time. The Panel members should be governors who have had no prior involvement with the complaint. If s/he has not previously been involved, the Chair of the Governing Body should chair the Panel; otherwise the Vice-Chair should do it. Generally it is not appropriate for the Headteacher to have a place on the panel. Governors will want to bear in mind the advantages of having a parent (who is also a governor) on the Panel. Governors will also want to be sensitive to issues of race, gender and religious affiliation.
9. The Chair/Vice-Chair of the Governing Body should invite the Headteacher to attend the Panel meeting and prepare a written report for the Panel in response to the complaint. The Headteacher may also invite

members of staff directly involved in matters raised by the complainant to respond in writing or in person to the complaint. Any relevant documents including the Headteacher's report should be received by all concerned - including the complainant - at least 5 working days prior to the meeting.

10. The involvement of staff other than the Headteacher is subject to the discretion of the Chair of the Panel.

11. It is the responsibility of the Chair of the Panel to ensure that the meeting is properly minuted and that all communications are treated with discretion and confidentiality.

12. The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that sometimes it may only be possible to establish facts and make recommendations which will satisfy the complainant that his or her complaint has at least been taken seriously.

13. The Panel should remember that many parents are unused to dealing with groups of people in formal situations and may feel inhibited when speaking to the Panel. It is therefore recommended that the Chair of the Panel ensures that the proceedings are as informal as possible.

14. The school should ensure that a copy of all correspondence and notes are kept on file in the school's records. These records should be kept separately from the pupil's personal records.