





**Complaints Policy**  
**(Learning and Growing Together)**

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| <b>Date ratified by Governing Body</b> | <b>2nd October 2023</b>  |
| <b>Review Cycle</b>                    | <b>Every year, or when there is a change in statutory guidance or legislation</b>    |
| <b>Review Date</b>                     | <b>October 2024</b>  |
| <b>Signed Headteacher</b>              |  |
| <b>Signed COG</b>                      |   |



# MERRIOTT & HASELBURY PLUCKNETT

## PRIMARY SCHOOLS FEDERATION

### 1. The Law.

- a. [Section 29 Education Act 2002](#) requires that all Local Authority (LA) maintained schools must have and publish 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, apart from those that have separate (statutory) procedures.
- b. In addition, the governance board must have regard to any guidance given by the Secretary of State for Education.
- c. Following changes to the [School Information Regulations](#) that came into force from 1 Sep 16, maintained schools must publish their procedures on their school website. Where the school is part of a federation each school within the federation must publish on their website in addition to publication on the federation website.
- d. Schools must have their own distinct complaints procedure in place, a guidance document on how parents can make a complaint does not satisfy legal requirements to have in place a procedure to deal with all complaints.
- e. Your procedure must also be made in line with the principles of administrative law, where complainants should be allowed to complete your procedure in full, except where you have clear evidence that the complaint meets the criteria of a serial or persistent complaint (further details on this are given later in this guidance). This means a decision is:
  - i) lawful - it complies with education and other law, including human rights and equality law, such as the [Human Rights Act 1998](#) and the [Equality Act 2010](#)
  - ii) rational.
  - iii) reasonable.
  - iv) fair.
  - v) proportionate.
- f. You must not have 'blanket' policies of refusing to consider any complaints not lodged, or escalated, within the stated period. Blanket policies are where all cases are treated in the same way, with no allowances made for individual circumstances – this also goes against the principle of 'objectivity' as set out in [The 7 Principles of Public Life](#). It is for schools to determine what constitutes exceptional circumstances.
- g. [Complaints outside the scope](#) – of the legal framework for your procedure are listed [within the complaints not in scope guidance on the DfE website](#) but some examples would be:
  - i) exclusions – covered by the [statutory guidance on exclusions](#) from maintained schools, academies and pupil referral units.
  - ii) Staff grievances and disciplinary procedures – dealt with under the school's grievance and disciplinary policies.



- iii) Safeguarding and child protection – dealt with under the school’s child protection and safeguarding policies and in line with statutory guidance.

**2. Framework of Principles for a Complaint Procedure.**

- a. Any procedure cannot limit complaints from parents or carers but must be open to any complaint made to the school about any provision of facilities or services they provide, including governance. Although it should be noted that any third parties using the school premises or facilities should have their own complaints procedures in place.
- b. There needs to be clarity 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. The DfE defines the difference between a concern or complaint is as follows:
  - i) Concern – defined as ‘an expression of worry or doubt over an issue considered to be important for which reassurances are sought’.
  - ii) Complaint – defined as ‘an expression of dissatisfaction however made, about actions taken or a lack of action’.
- c. The underlying principle is that concerns ought to be handled, if possible, without the need for formal procedures.
- d. 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. When this happens the complaints procedure should be followed.
- e. Any complaints procedure should:
  - i) Encourage resolution of problems by informal means wherever possible.
  - ii) Be clear on the issues that will be dealt with under the formal complaints process.
  - iii) Be easily accessible and publicised, including on the school website.
  - iv) Be simple to understand and use.
  - v) Be impartial.
  - vi) Be non-adversarial.
  - vii) Allow swift handling with established time-limits for action and keeping people informed of the progress.
  - viii) Ensure a full and fair investigation.
  - ix) Respect people’s desire for confidentiality.
  - x) Address all the points at issue and provide an effective response and appropriate redress, where necessary.
  - xi) Provide information to the school’s senior management team so that services can be improved.
- f. An effective procedure will make sure that the complainant is asked, at the earliest stage, what they feel will resolve the issue. If the school acknowledges that a situation could have been handled better, they are not admitting to any unlawful or negligent action. Complainants should be informed of their escalation



options so at the outcome of stage 1 you would inform them of details of stage 2. Your procedure should also be clear about what you 'will' do rather than 'should' or 'may'.

- g. A complaints procedure must be clear on the steps to follow when the complaint is about:
  - i) The Headteacher or an executive Headteacher.
  - ii) An individual member of the governance board (including the Chair and Vice-Chair), or
  - iii) The entire board.
  
- h. Timelines. Best practice when handling complaints should be that they are considered and resolved as soon as possible. Whilst a procedure will have realistic and reasonable time-limits within each stage the procedure should be reviewed by the board to ensure that these are still reasonable and not too excessive or restrictive. The DfE consider that 3 months is an acceptable timeframe for a complainant to lodge their complaint, although additional time could be given in exceptional circumstances. Cut-off timeframes for raising a complaint, and escalating a complaint, can be included in your procedure along with a statement making it clear, where there are exceptional circumstances, these will be considered when making the decision to accept or progress a complaint. Whenever published timeframes cannot be met then new time-limits can be set that are reasonable for a complaint to be raised following an incident. The new timescales must be communicated to the complainant along with reasons for the delay.

3. **Stages** Whilst boards are free to choose how many stages a procedure will include, accepted practice and the recommendation of the DfE is that it is limited to 2 stages. The second stage is an appeal stage heard by a governance board panel whose remit is to consider the complaint afresh, not just to consider the handling of the complaint at earlier stages. In having 2 stages to your complaints procedure, you are making sure that decisions aren't taken in isolation, and there is a mechanism for independent review.

- a. **Stage 1** – is the first formal part of the process where the complaint is put in writing, or made in person, to the Headteacher or Executive Headteacher (unless the complaint is about the Headteacher. The date the complaint is received will be recorded and an acknowledgement of receipt will be provided in writing (this could be via email) within the timeframe given in your procedure. The Headteacher will then investigate the nature of the complaint, although they may decide to ask another member of staff to undertake the investigation (the investigator) on their behalf. Upon conclusion a formal written response would be provided to the complainant. When the complaint is about the Headteacher, or anyone serving on the governance board, it must be made in writing via the Clerk to the governance board. Either the Chair, or a suitably skilled governor (especially if the complaint is about the Chair or Vice-Chair) would be appointed to conduct the investigation and provide a formal written response.
  
- b. **Stage 2** – is escalation to a panel of the governance board. Complaints would only be escalated to this stage if the complainant is not satisfied with the



outcome at the first formal stage and has escalated their complaint within the timeframe stipulated in your procedure. Only if exceptional circumstances apply will requests outside of the timeframe be considered. The panel will comprise 3 people from the governance board not directly involved with the complaint. If there are fewer than 3 governors able and eligible to serve on the panel, the Clerk will source additional, independent governor/s from another school or through their LA governance services. Alternatively, an entirely independent panel can be convened to hear and investigate the complaint or, when the complaint is jointly about any Chair and Vice-Chair, all the governance board or the majority of the board. They will provide a formal written response upon conclusion. Whatever you choose your procedure must not state that a complaint will only be escalated, to a next stage, if the school or board permits it. Complainants must be given the opportunity to complete the complaints procedure in full, the exception would be where there is evidence that the complaint is a serial or persistent complaint.

- c. Complaint Campaigns. Occasionally you may receive large volumes of complaints that are about the same topic or complainants not connected to the school. Your policy will need to have a separate section or procedure to handle complaints of this nature and must be published on your website.
- d. Duplicate Complaints. Sometimes you may receive, having completed and closed a complaint, a duplicate complaint from a spouse, partner, grandparent, child or other individual. Your policy should make it clear that the process is now complete that the complaint has already been considered. However, if any new aspect not previously considered is raised these will need to be investigated and dealt with to the full extent of your complaints policy and procedure.
- e. Serial and Persistent Complainants. No complaint should be marked as serial or persistent if the complainant has not completed your complaints procedure. All complainants, in accordance with administrative law principles, should be given every opportunity to complete the complaints procedure in full. If a complainant, having completed the procedure, contacts the school or governance board, again on the same issue then the complaint can be viewed as serial or persistent and you may choose not to respond. Alternatively, you could advise the complainant that the complaint has been dealt with according to your complaints policy and that there will be no response to correspondence regarding the same complaint. A complaint can be deemed to be vexatious if they are:
  - i) Repetitive, persistent, harassing or obsessive.
  - ii) Designed to be disruptive or annoying.
  - iii) Unrealistic in expected outcomes e.g. dismissal of members of staff.
  - iv) Pursued in an unreasonable manner.

However, should a complainant raise a completely new separate/different complaint you will need to respond and process in accordance with your complaint's procedure.

- f. Recording Complaints. Governance boards will need to decide how long complaints records are kept and under GDPR (General Data Protection Regulations) data must not be kept longer than is necessary. Complainants



would also have a right to copies of any records under the Freedom of Information Act 2000, Data Protection Act 2018 and GDPR. Review by the governance board – Complaints will not be shared with all members of the governance board, 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 need to 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 your school improvement. The monitoring and review of complaints by the school and the governance board is a useful tool in evaluating your school's performance. Expectation is that as a board you will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of your procedure making changes where necessary, even if complaints aren't escalated to the governance board panel stage. Complaint information shared with all the governance board will not name individuals. A decision will need to be taken by the board as to when you will review your policy / procedure. The recommendation by the DfE is 2-3 years and you should adhere to your review date as failure to do so could constitute a failure in adhering to your procedure. Publicising the Procedure – There is a legal requirement for the complaints procedure to be publicised and it must be published on your school's website. As a governance board you could also include details of your procedure within information given to new parents when their children join the school.

- g. The Role of the DfE in a school's complaint. Anyone can make a complaint about a maintained school to the DfE; however, they will expect that complaints will have completed your local procedure first. The DfE make it clear in their contact form that complainants must have completed your procedure before they can submit concerns to them. The only exceptions would be when:
- i) Children are at risk of harm.
  - ii) Children are missing education.
  - iii) A complainant is being prevented from using your published complaints procedure.
  - iv) The DfE have evidence that your school is proposing or is acting unlawfully or unreasonably.

The DfE will only intervene when it is appropriate to do so because either the LA or governance board have acted outside their duties under education law or are acting unreasonably. When considering a complaint, the DfE review all evidence provided, this will include the school's published policies, and will then determine whether they need to take any action. If appropriate where serious failings are identified the DfE may share information about the complaint and their findings with other agencies such as Ofsted. Any maintained school can contact the DfE for general assistance on complaint handling by:

- i) Calling the National Helpline on 0370 000 2288
- ii) Using the DfE's [Contact form](#)





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iii) Writing to – *School Complaints Unit, Department for Education, Piccadilly Gate, Store Street, Manchester, M1 2WD.* They do not provide explicit advice on what a school should do but can explain options that may be open to a school.

#### 4. **DfE model policy for managing serial and unreasonable complaints.**

- a. Note: This policy can also be adapted to manage unreasonable or persistent contact not directly associated with, or resulting from, formal complaints.
- b. Merriott and Haselbury Primary Schools Federation 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 our school. However, we do not expect our staff to tolerate unacceptable behaviour and will act to protect staff from that behaviour, including that which is abusive, offensive or threatening.
- c. Merriott and Haselbury Primary Schools Federation defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:
  - i) refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance.
  - ii) refuses to co-operate with the complaint's investigation process.
  - iii) refuses to accept that certain issues are not within the scope of the complaint's procedure.
  - iv) insists on the complaint being dealt with in ways which are incompatible with the complaint's procedure or with good practice.
  - v) introduces trivial or irrelevant information which they expect to be considered and commented on.
  - vi) raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales.
  - vii) makes unjustified complaints about staff who are trying to deal with the issues and seeks to have them replaced.
  - viii) changes the basis of the complaint as the investigation proceeds.
  - ix) repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed).
  - x) 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.
  - xi) seeks an unrealistic outcome.
  - xii) makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.
  - xiii) uses threats to intimidate.
  - xiv) uses abusive, offensive or discriminatory language or violence.
  - xv) knowingly provides falsified information.
  - xvi) publishes unacceptable information on social media or other public forums.



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- d. Complainants should try to limit their communication with the school that relates to their complaint, while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached. Whenever possible, the Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an '*unreasonable*' marking.
- e. If the behaviour continues, the Headteacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact Merriott and Haselbury Primary Schools Federation causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.
- f. In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from Merriott and Haselbury Primary Schools Federation.