



# COMPLAINTS POLICY

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## Millfields Community School COMPLAINTS POLICY

### Introduction

It is in everyone's interest that complaints are resolved at the earliest possible stage to ensure the ongoing wellbeing and education of the children at Millfields Community School. We aim to deal with any complaints in a professional, fair and sensitive manner; working in partnership with our parents and the wider community.

Any person, including members of the general public, may make a complaint unless separate statutory procedures apply (such as exclusions or admissions). Whilst the vast majority of complaints can be resolved informally, governing bodies are required to have a procedure in place to deal with complaints relating to aspects of the school or the provision of facilities or services that are provided.

### 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 defined as '*an expression of dissatisfaction however made, about actions taken or a lack of action*'.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints' procedure. Millfields Community School takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

### How to raise a concern or make 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 of a complainant, as long as they have appropriate consent to do so. A complainant may want a preliminary discussion about an issue to help decide whether they wish to take it further. The complainant will typically be asked at the earliest stage what they think might resolve the issue.

A concern becomes a complaint only when the complainant asserts that the school has acted wrongly in some significant decision, action or failure to take action. Even when a complaint has been made it can be resolved or withdrawn at any stage.

Parents raising concerns over their child or another child in the school should approach their child's class teacher or the relevant member of staff to discuss the concerns in the first instance. Parents should not approach other children or parents in an attempt to resolve issues as this most often creates further dispute.

- Complaints against school staff (except Headteacher) should be made in the first instance, to the Headteacher
- Complaints that involve or are about the Headteacher should be addressed to the Chair of Governors via [chair@millfields.hackney.sch.uk](mailto:chair@millfields.hackney.sch.uk)
- Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to the Clerk of the Governing Body.

All written complaints should be sent via the school office and marked as 'private and confidential.' For ease of use, a template complaint form is included at the end of this procedure. In accordance with equality law, the school 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.

All complaints will be dealt with by the school and Hackney Education has no formal responsibility for resolving complaints. However, officers in the Admissions and Pupil Benefits team may provide advice and guidance to schools and parents on this procedure.

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.

#### **Anonymous complaints**

The school will not normally investigate anonymous complaints. However, the Headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

#### **Special circumstances**

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 may be referred without further notice to Children's Social Care and/or to the social services authority for the area in which the child lives. If a social services authority decides to investigate a situation this may postpone or supersede investigation by the senior leadership team or governing body.

Conflict between estranged parents over the application of parental responsibility is a cause of complaints made to schools. <https://www.gov.uk/government/publications/dealing-with-issues-relating-to-parental-responsibility/understanding-and-dealing-with-issues-relating-to-parental-responsibility> published by the Department of Education contains specific guidance about how to properly approach such issues.

#### **Recording meetings**

Any meetings 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. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

#### **Time scales**

The school expects complaints to be made as soon as possible after an incident arises although a complaint must be raised within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents.

#### **Scope of this Complaints Procedure**

This procedure covers all complaints about any provision of community facilities or services by Millfields Community School, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>• Admissions to schools</li> <li>• Statutory assessments of Special Educational Needs (SEN)</li> <li>• School re-organisation proposals</li> </ul>	<p>Concerns should be raised directly with local authority (LA). For Hackney this is Hackney Education.</p> <p>Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.</p>
<ul style="list-style-type: none"> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p>
<ul style="list-style-type: none"> <li>• Exclusion of children from school*</li> </ul>	<p>Further information about raising concerns about exclusion can be found at: <a href="https://www.gov.uk/school-discipline-exclusions/exclusions">https://www.gov.uk/school-discipline-exclusions/exclusions</a></p> <p><i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i></p>
<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	<p>The school has an internal whistleblowing procedure for all our employees, including temporary staff and contractors. Other concerns can be raised with Ofsted by email at: <a href="mailto:whistleblowing@ofsted.gov.uk">whistleblowing@ofsted.gov.uk</a></p> <p>The Department for Education is also a prescribed body. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a></p>
<ul style="list-style-type: none"> <li>• Staff grievances</li> </ul>	<p>Complaints will be dealt with under the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation. However will be notified that the matter is being addressed.</p>
<ul style="list-style-type: none"> <li>• Staff conduct</li> </ul>	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
<ul style="list-style-type: none"> <li>• Complaints about services provided by other providers who may use school premises or facilities</li> </ul>	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.</p>
<ul style="list-style-type: none"> <li>• National Curriculum - content</li> </ul>	<p>Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a></p>

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may affect the school's 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 Millfields Community School in relation to their complaint, the school will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

### **Resolving complaints**

At each stage in the procedure, Millfields Community School will seek to resolve the complaint. If appropriate, the school will acknowledge that the complaint is upheld in whole or in part. In addition, the school may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that the school will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology.

### **The meeting arranged to discuss concerns informally**

#### **The Informal Stage: Concern heard by class teacher or adult concerned**

- Initial concerns will be expressed to the staff member in the first instance and resolved at this informal stage.
- Complainants can bring a friend to any discussion.
- The member of staff will make sure what action (if any) or monitoring of the situation has been agreed.
- This stage will be completed speedily and concluded in writing where appropriate.
- Where no satisfactory solution has been found, the complainant will be informed that they can make a formal complaint preferably in writing to the Head of School which will take matters to stage 1 of the complaints procedure.

#### **Formal Stage 1-Complaint to the Head of School for investigation**

Formal complaints must be made to the Headteacher (unless they are about the Headteacher), via the school office. This may be done in person, in writing (preferably on the Complaint Form), or by telephone.

The Headteacher 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 Headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Headteacher can consider whether a face to face meeting is the most appropriate way of doing this.

*Note: The Head of School may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.*

During the investigation, the Headteacher (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 reasonable written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the Headteacher will provide a formal written response within 10 school days of the date of receipt of the complaint. They may wish to meet with the

complainant to discuss/resolve the matter before confirming the outcome in writing.

If the Headteacher 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 Millfields Community School will take to resolve the complaint.

Schools will not pay financial compensation as a response to complaints, though may spend money on a relevant educational purpose (e.g. paying a fee for a repeat examination).

The Headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1 by writing to the Chair of Governors within 5 school days of receiving the outcome letter.

If the complaint is about the Headteacher 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 Headteacher or member of the governing body must be made to the Clerk to the Governing Body, 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.

### **Formal Stage 2-Consideration by the Governing Body**

If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2 – a meeting with members of the governing body's complaints appeal panel (CAP), which will be formed of three governors with no prior, direct involvement with the complaint. In deciding the make-up of the CAP, where possible, the governing body will try to ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.

The Headteacher must not serve on the CAP. If the Chair of Governors has had any involvement in the complaint prior to stage 2, then the chair must not sit on the CAP. If there are fewer than three governors from Millfields Community 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 2.

This is the final stage of the complaints procedure.

A request to escalate to Stage 2 must be made to the Clerk/Chair, via the school office, within 5 school days of receipt of the Stage 1 response.

The Clerk/Chair 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 15 school days of receipt of the Stage 2 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 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, it is not encouraged that either party 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 10 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. If either party wishes to introduce previously

undisclosed evidence or witnesses, it is in the interest of natural justice to adjourn the meeting so that the other side has time to respond. Late evidence of witnesses will not be accepted unless there is a good reason for the lateness.

The Chair of the committee will ensure that the meeting is properly conducted. The aim, of the meeting will be to resolve the complaint and achieve reconciliation between the school and the complainant.

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

The meeting will allow for:-

- The complainant to explain his or her complaint and the school representative, the Headteacher to explain the reasons for his or her decision;
- Both parties to question the other about the complaint
- The committee to have an opportunity to question both the complainant and the school representative
- Any party to have the right to bring witnesses (subject to the approval of the Chair of the committee) and all parties having the right to question all the witnesses; and
- A final statement by both parties

The Chair of the committee will explain to the complainant and the school representative that the committee will consider its decision, and a written response will be sent to both parties within 5 school days. The complainant, school representative and any witnesses will then leave.

The CAP will consider the complaint and all the evidence presented and reach an unanimous, or at least a majority, decision on the complaint. Where appropriate the CAP can decide on the action to be taken to resolve the complaint and/or suggest recommended changes to the school's system or procedures to ensure that problems of a similar nature do not happen again.

The CAP will not pay financial compensation as a response to a complaint, though may spend money on an appropriate educational purpose.

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 Millfields Community School with a full explanation of their decision and the reason(s) for it, in writing, within 5 school days of the meeting.



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 by Millfields Community School.

If the complaint is:

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

Stage 2 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 Millfields Community School will take to resolve the complaint.

The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

#### **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 2.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Millfields Community School. They will consider whether Millfields Community 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**

#### **Complaint Form**

Please complete and return to Millfields Community School. The school will acknowledge receipt and explain what action will be taken.

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<b>Your name:</b>
<b>Pupil's name (if relevant):</b>
<b>Your relationship to the pupil (if relevant):</b>
<b>Address:</b> <b>Postcode:</b> <b>Day time telephone number:</b> <b>Evening telephone number:</b>
<b>Please give details of your complaint, including whether you have spoken to anybody at the school about it.</b>

<b>What actions do you feel might resolve the problem at this stage?</b>
<b>Are you attaching any paperwork? If so, please give details.</b>
<b>Signature:</b> <b>Date:</b>
<b>Official use</b>
<b>Date acknowledgement sent:</b>
<b>By who:</b>
<b>Complaint referred to:</b>
<b>Date:</b>

## Complaint Form

### **Roles and Responsibilities**

#### **Complainant**

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- 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.

#### **Investigator**

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
  - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
  - interviewing staff and children/young people and other people relevant to the complaint
  - consideration of records and other relevant information
  - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the school or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The Headteacher, Chair of Governors or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

#### **The Complaints' Coordinator (School Business Manager)**

The School Business Manager should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, Headteacher, Chair of Governors, Clerk and LAs (if appropriate) to ensure the smooth running of the complaints procedure

- be aware of issues regarding:
  - sharing third party information
  - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.

#### **Clerk to the Governing Body**

The Clerk is the contact point for the complainant and the committee and should:

- 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 meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example; stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- minute the meeting
- circulate the minutes of the meeting
- notify all parties of the committee's decision.

#### **Complaints Appeal 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).

### **Complaints Appeal Panel Member**

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so  
No governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant  
We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- many complainants will feel nervous and inhibited in a formal setting  
Parents may often feel emotional when discussing an issue that affects their child.
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting  
Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.  
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.

## **APPENDIX 1**

### **Managing serial and unreasonable complaints**

There may 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 Governing Body can inform the complainant in writing that the procedure has been exhausted and the matter is closed.

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

Millfields Community School defines unreasonable behaviour as that which hinders consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- 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
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- 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 and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information

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- publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the school that relate 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.

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 Millfields Community School causing a significant level of disruption, the school may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after six months.

In response to any serious incident of aggression or violence, the school will immediately inform the police and communicate any actions in writing. This may include barring an individual from Millfields Community School