



NEW MILTON JUNIOR SCHOOL

COMPLAINTS POLICY

Date Agreed: December 2024

Review Date: December 2026

Rationale

The Education Act 2002 requires Governing Bodies to have procedures to deal with complaints not covered by other existing statutory requirements and to publicise these procedures.

The vast majority of concerns are dealt with immediately, satisfactorily and at an informal state. New Milton Junior School encourages this approach. However, occasionally things can go wrong and it is not always possible to predict how a minor concern can escalate into a major, stressful and time-consuming complaint. An efficient and accessible complaints policy and procedure will help ensure that all parties are aware of, and have confidence in, a clear process and challenge of communication.

This policy does not cover complaints about issues for which there are specific statutory regulations and LA appeal mechanisms, namely:

- the Locality Authority's decisions on Special Educational Needs
- assessments and school placements
- exclusions
- employment

Similarly, more specific procedures apply to staff disciplinary issues: financial impropriety or other criminal activities: and alleged child abuse.

Objectives

Governors and staff at New Milton Junior School recognise that things can go wrong. We are committed to resolving concerns as quickly and effectively as possible. This policy aims to:-

1. Strengthen parental confidence and relationships between parents/carers, the school and the wider community
2. Respond to all concerns and complaints in an open and consistent manner
3. Resolve concerns through informal discussions at the earliest stage
4. Prevent concerns from developing into major complaints or litigation

5. Be speedy, with well defined time scales and named contacts
6. Focus on resolution and service review rather than blame
7. Be accessible to people with disabilities, special needs or language barriers
8. Promote confidentiality and discretion
9. Include fair and transparent processes for staff as well as complainants
10. Indicate other resources of advice, for example Citizens Advice Bureau, parent/partnership services, the Advisory Centre for Education
11. Be forthright in dealing with vexatious, abusive, malicious and anonymous complaints.

Strategies for implementation

It is intended that the following stages are sequential. It would not normally be appropriate for any stage to be omitted

Stage 1 An informal approach

Stage 2 Complaining to the Headteacher

Stage 3 Complaining to the Chair of Governors (or nominated governor)

Stage 4 Complaining to the Board of Governors Complaints Panel: Reconsideration or Review

COMPLAINTS PROCEDURE

Stage 1

An Informal Approach

1.1 New Milton Junior School places great emphasis on this informal approach to achieve a satisfactory resolution for all parties at the earliest opportunity. Effective communication systems and complaint-handling strategies will help this.

1.2 We encourage complainants to speak informally with an appropriate member of staff as they have a concern. Depending on the nature of the concern, the first point of contact will normally be the child's teacher, or, in some circumstances the Headteacher.

1.3 If the concern is about the Headteacher, we encourage complainants in the first instance to discuss their concerns with the Headteacher. However, depending on the circumstances, they may wish to approach the Chair of Governors.

1.4 Most concerns will be dealt with informally to everyone's satisfaction but, failing this, parents may wish to initiate a formal complaint

Stage 2

The Formal Process - Complaining to the Headteacher

2.1 If an informal approach has not satisfactorily resolved a concern, the complainant should write to the Headteacher, giving details of the concern and enclosing any appropriate paperwork.

2.2 Depending on the nature of the concern, the Headteacher, or a designated senior member of staff, will respond to the parent in writing as soon as possible. Our standard practice will be to acknowledge any complaint, or offer a full response, within five school days of receipt.

2.3 The Headteacher, or designated senior member of staff, will summarise the concern on an in-house complaints form (*see Appendix 1*)

2.4 If the complaint requires an in-depth investigation, the Headteacher or designated senior member of staff, will acknowledge this and let the complainant know that a full response will take longer than usual. Our standard practice will be to investigate the complaint and prepare a response within 20 school days of receipt

2.5 In order to prevent any misunderstanding and ensure that all parties have a clear record of progress and/or agreements, the Headteacher or designated senior member of staff will, following any meeting with a complainant, summarise the main points in a follow up letter

2.6 If a complainant remains dissatisfied, the Headteacher will decide when to give a final response and refer the complainant to Stage 3 of the complaints process. The Headteacher will offer support to parents in making a written complaint.

2.7 It is particularly helpful to establish the desired outcomes of a complaint at an early stage. Responses might include: an apology; a review of a decisions; an explanation; an assurance that an incident will not be repeated; a meeting with a member of staff; or an official investigation

Stage 3:

The Formal Process - Complaining to the Chair of Governors (or nominated governor)

3.1 If a concern has not been satisfactorily resolved by the Headteacher, the complainant should write to the Clerk to the Board of Governors, who will be responsible for logging complaints, acknowledging receipt of the letter and forwarding it to the Chair of Governors

3.2 Complainants should send a letter, outlining their complaint, explaining their reasons for pursuing it beyond the Headteacher's response and to enclose any relevant paperwork.

3.3 The complaint will be acknowledged within 5 school days. When acknowledging receipt of complaints, the Clerk to Governors will describe Governors' powers relating to complaints and remind the complainant not to write to other governors, explaining that it would make it difficult to set up a Panel of three Governors who have not had prior involvement in the case. (*Appendix 6*)

3.4 The clerk will also remind the complainant that the Board of Governors has a largely strategic role, responsible for the School's strategic framework, including its aims and objectives, priorities, targets and policies to achieve those aims and objectives. The Headteacher is responsible for the internal organisation, management and control of the school and for advising on and implementing the Governors' policies. The Headteacher is solely responsible for making day to day decisions.

3.5 This stage offers an opportunity for achieving conciliation between all parties. Informal discussions between the Chair of Governors and the Headteacher will be key to resolving the complaint and agreeing a way forward. This should prevent any further escalation of the disagreement. This stage 3 process will normally be within 20 school days, unless there are exceptional circumstances.

3.6 The Chair of Governors or nominated governors will decide who is responsible for dealing with the issues involved and what powers, are therefore, available to Governors in respect of the particular complaint. In reaching this decision, the Chair of Governors or nominated governor will determine to what extent the issues relate to responsibilities that:-

- (a) are delegated to the Headteacher by the Board of Governors; or
- (b) fall within the Board of Governors remit only; or
- (c) are within the Headteachers Terms and Conditions of Employment and relate to the internal organisation, management and control of the school.

3.7 For delegated responsibilities and matters within the remit of the Board of Governors, the Chair of Governors or nominated governor may look at the whole issue afresh (*see paragraph 4.5 for details*).

3.8 If the matter relates to the Headteacher's conduct, the Chair of Governors or nominated governor will decide whether the matter should be dealt with through the Complaints Procedure or Staff Disciplinary Procedure.

Advice may be sought from Hampshire County Council's Education Personnel Services.

3.9 For matters that are the Headteacher's responsibility, the Chair of Governors or nominated governor is empowered only to look at whether the Headteacher's decision or action was reasonable in the light of the information available at the time. (*see paragraph 4.6 for details*).

3.10 The complainant will receive a written response to the outcome of the stage 3 investigation.

3.11 In the rare circumstances that a complainant is unhappy with the outcome, the Chair of Governors or nominated governor, will offer a right to appeal to the Board of Governors' Complaints Panel. The appeal needs to be received within 20 school days

Stage 4:

The Formal Process - Complaining to the Board of Governors Complaints Panel

4.1 The Board of Governors will include a Complaints Panel when setting up its committees for the year (*see Appendix 2*)

4.2 Complainants who wish to appeal to the Governors will be advised to request this in writing to the Clerk to the Board of Governors. Complainants should describe the issues in detail and say why they are dissatisfied with the outcomes of the previous stages

4.3 The Clerk to Governors will acknowledge receipt of the complaint within five school days and will remind the complainant not to write or discuss the issue with Governors individually, explaining that it would make it difficult to set up a Panel of three Governors who have had no prior involvement in the case

4.4 The Clerk to the Governors will remind complainants of the extent of Governors' powers and of the two forms of appeal available at this stage. The Panel can:

- (a) dismiss the complaint in whole or in part
- (b) uphold the complaint in whole or in part
- (c) decide on the appropriate action to be taken to resolve the complaint
- (d) recommend changes to the School's systems or procedures to ensure that problems of a similar nature do not recur

4.5 RECONSIDERATION (CONSIDERING AFRESH)

4.5.1 When the issue relates to delegated responsibilities, the Governors Complaints Panel can reconsider the matter. They may look at the matter afresh, with any new information of which the Headteacher may not have been aware at the time of the original response or action. In the light of the additional information, the Panel may decide to write and ask the Headteacher to give the matter further consideration.

4.5.2 Complaints about a Governor will also be subject to a reconsideration of the issues.

4.6 REVIEW

4.6.1 If the matter falls within the Headteacher's decision-making remit, by virtue of his or her Terms and Conditions of Employment, then the Panel will have the power only to review the decision, not to consider the matter afresh. The Panel may look at whether the decision or action was unreasonable. An unreasonable decision might be one that is irrational: a decision that no reasonable Headteacher, properly aware of his or her duties and properly taking into account the facts of the case before him or her, would make.

4.6.2 The Panel will need to consider the facts as they were known to the Headteacher at the time and then consider whether the Headteacher:

- (a) to take account of a relevant consideration; and/or
- (b) took into account an irrelevant consideration; and/or
- (c) made a 'perverse' decision in the light of the evidence available at the time

4.6.3 If new evidence does come to light, the Panel will refer it back to the Headteacher, who may consider amending the decision in the light of that new information.

4.6.4 In deciding whether the Headteacher's decision was perverse, the Panel will judge whether the decision was one that, on the facts, was open to the Headteacher to make; that is, within a reasonable range of responses in the light of the evidence available.

4.7 The Clerk will arrange and facilitate the meeting of the Complaints Panel (*see Appendices 3*)

4.8 The Complaints Panel will consist of three Governors with no prior knowledge in the matter and at least one person who is independent of the management and running of the School. The Chair will be designated by the appeal committee before the meeting. The meeting will be held in an informal atmosphere, but will follow a formal agenda (*Appendix 4*)

4.9 The Clerk will inform the complainant in writing of the Panel's decision, preferably within two school days following the meeting. The letter will include:

- a summary of the issues
- an outline of the main points of the discussion
- the reasons for the decision
- proposed actions or outcomes

4.10 The Panel's letter may suggest that the complainant meets the Headteacher again to agree a way forward.

4.11 For general complaints, this is the final stage of the School's Complaints Procedure. If a complainant believes that the Headteachers and Governors' actions have been unreasonable, or that the correct process has not been adhered to, the only recourse is to the Secretary of State. Where complainants remain dissatisfied, they will be advised to seek advice from the Local Authority's Complaints Adviser.

5. Good Practice

- 5.1. Handling complaints effectively will ensure that complainants feel confident that staff will respond to any future complaint in a sensitive, non-defensive and sympathetic manner. Parents need to feel assured of confidentiality and that their child will not be adversely affected.
- 5.2. The Headteacher will keep a record of all complaints not resolved at an informal stage and will be responsible for considering implications for action as a result of such complaints.
- 5.3. No individual Governor will respond to, or investigate a complaint, unless designated to do so
- 5.4. When a complainant approaches a member of staff about a concern that has not been resolved at the informal stage, that member of staff will:
 - listen sympathetically and without comment
 - explain the procedures: that is what will happen next and who will deal with the issue
- 5.5. The Headteacher or designated member of staff will keep a record of any meetings or conversations with a chronological record of events. At the end of the process (or at the end of their involvement in the process) all documentation will be forwarded to the Headteacher for filing.
- 5.6. At the conclusion, the complainant will receive:
 - a specific response, rather than a standard reply;
 - feedback on any outcomes, such as an improvement in service or an agreement to review or amend a Policy; and
 - advice on any further recourse, or the telephone number of the Local Authorities Complaints Advisor

6. Vexatious Complaints

6.1. In rare circumstances, a complainant might, having exhausted the Complaints Procedure, persist with the complaint. Complaints become vexatious when they are:

- repeatedly and obsessively pursued; or
- unreasonable or seeking unrealistic outcomes; or
- reasonable, but pursued in an unreasonable manner.

6.2. Governors may need to decide whether all future contacts should be:

- directed to, and only be dealt with by, a named individual
- restricted, for example, to letter only

6.3. If a conclusion has been reached about a complaint, but a complainant continues to pursue it, the School may wish to consider writing:

- to re-iterate that the matter is concluded and that there will be no further correspondence;
- to say that, if correspondence continues, it will be read and filed but will receive no acknowledgement; or
- to give a short response referring to previous documents that have already dealt with this matter.

7. Abusive Complaints

7.1. Verbal aggressions can be as intimidating as physical aggression. All parties have a right to be treated courteously and with respect. If staff feel threatened, they should report their fears to the Headteacher, who will consider:

- writing to the complainant that the behaviour cease;
- setting restrictions for further contact with staff; and/or
- reporting the incident to the police

7.2. Consideration will be given to filing a Violet Incident Report form and seeking legal advice

7.3. If a telephone caller becomes aggressive or offensive, the person taking the call should explain that they will end the call if the behaviour persists. If they need to hang up, they should record the action and any further incidence.

7.4. Repeated abusive or aggressive contacts can be considered as harassment and the Headteacher will consider reporting them to the police

7.5. The Headteacher may seek further advice from Legal Services in the Chief Executive's Department

8. Anonymous Complaints

8.1. The School will not respond to anonymous complaints. Nonetheless, the Headteacher and/or the Chair of Governors will consider whether:

- the issue and the fear of identification are genuine
- the issue is one of Child Protection.

All complaints dealt with, other than stage 1, Appendix 5 must be completed.

COMPLAINTS PROCEDURE

COMPLAINTS FORM

To be completed by the member of staff investigating the complaint.

Note:- We aim to acknowledge receipt of a complaint within 5 school days and send a full or interim response within 20 days

Name of Pupil or Brief Detail of Complaint
Name of Complainant
Address Postcode: Telephone (day) Telephone (evening)
What is the concern and how has it affected the complainant, parent and/or pupil?
Has the complainant provided any paperwork? If so list this below

COMPLAINTS PROCEDURE

COMPLAINTS FORM

<p>Has the complainant discussed this matter with a member of staff prior to this form being completed? If so, who did he/she speak to and what was the response?</p>	
<p>What would the complainant want to happen as a result of making this complaint?</p>	
<p>Signature:</p>	<p>Date:</p>
<p>Date complaint first received Action taken and date :</p>	
<p>Initial response and acknowledgment: By whom: Date:</p>	

**COMPLAINTS PROCEDURE
COMPLAINTS PANEL**

To establish a Complaints Panel, the Board of Governors will take the following steps:

1 Appointing the Panel

- The Panel will be appointed regularly each year, not when there is a case to consider. This will be when other committee membership and terms of reference are reviewed.
- Two thirds of Governors who are eligible to vote must be present when the Panel, and its membership, is established (School Government Regulations (1999) paragraph 37).
- A pool of Governors can be appointed so that an impartial Panel can be set up at relatively short notice. The names of these Governors will be recorded in the main body of the minutes.
- When a meeting is requested, the Clerk will avoid any appearance of bias by selecting three Panel members in the order they appear on the list in the minutes, i.e. the first three names. If any of these are unavailable or deem themselves to be non eligible due to having prior knowledge of the case the next named person will be contacted
- To preserve the confidence of all parties in the independence of the hearing, there will be no collusions, or apparent collusion, between members of the Panel and those giving evidence. There will be no meetings or prior discussion, even informal discussions, between the Panel members and the Headteacher or member of staff making submissions to the Panel.

2. Appointing the Clerk

- The Board of Governors will appoint a Clerk to the Panel who will not be a Governor and must not be the Headteacher
- A member of staff can be the Clerk to the Panel, although the Board of Governors will consider whether this would be appropriate. Ideally the Clerk

to the Panel would not be a member of staff as the Panel might not appear impartial if that member of staff had a close working relationship with the Headteacher and/or other staff giving evidence to the Panel.

3. Duties of the Clerk

- To arrange and facilitate the meetings and advise on process and procedures
- To take accurate notes at the meeting (verbatim minutes are not required), which will be typed, approved by the Chair of the Panel and kept in the Governors file of confidential minutes with one set of the supporting submissions. The Clerk must collect and shred all other sets at the end of the decision-making process.
- To remain with the Panel when all other parties have left the meeting. The Clerk will be able to read back relevant sections of the minutes if the Panel requires this when coming to its conclusion. (This is the point where the proceedings might appear impartial if a member of staff acts as clerk). The Clerk does not need to make notes of the discussions in this part of the meeting. The Clerk must record the Panel's conclusions and reasons.
- To draft and distribute the letter from the Chair to all parties

NEW MILTON JUNIOR SCHOOL

COMPLAINTS PROCEDURE

COMPLAINTS PANEL HEARING: ADVICE FOR GOVERNORS AND CLERK

The following agenda and suggestions will help a Panel achieve a satisfactory hearing for all parties and maintain the complainant's confidence in the independence of the Panel.

The Clerk will need to:-

- consult complainant on the date of the meeting
- ensure that the Panel members have no previous involvement with the case
- collate and distribute a copy of the Agenda and the same paperwork (with numbered pages) to all parties, preferably two days before the meeting
- avoid holding the meeting in the Headteachers Office
- arrange that the complainant, representatives, Headteacher and/or relevant member of staff enter the meeting together and have had no prior contact with the Panel members

The Chair is advised to:

- maintain a relaxed atmosphere throughout the meeting while keeping to a formal Agenda
- apply the agenda flexibly, if necessary, to avoid confrontation between the parties.

AGENDA

INTRODUCTIONS. Following the introductions, the Chair will explain how the meeting will be conducted and check that everyone has the same paperwork. It is also useful to summarise the purpose of the hearing and explain the powers of the Panel with respect to the specific complaint.

- 1 **The Complainant's verbal submission.** The complainant may be supported by a friend and should describe the reasons for making the complaint. It may be helpful, if the complainant appears nervous, for the Chair to summarise the issues and ask for confirmation and further clarification
- 2 **Questions by the Headteacher.** (In keeping with the informal atmosphere, these may be put directly to the complainant. However, the Chair will need to use discretion if this appears to provoke antagonism)

Panel members may seek clarification at any stage in the meeting

- 3 **The Headteacher's verbal submission.** The Headteacher may be accompanied by another member of staff who has more detailed knowledge relevant to the case.
- 4 **Questions by the complainant.** (As in 2, to maintain the informal atmosphere these may be made direct to the Headteacher. However, the Chair will use discretion if this becomes acrimonious)
- 5 **A brief summary by the complainant.** (without introducing any new information)
- 6 **A brief summary by the Headteacher** (without introducing any new information)
- 7 **Closure of the hearing.** The chair will ask all parties before the end of the meeting whether they are satisfied that they have said everything they wished to say. They will be told when they will receive a response. The timescale will depend on whether the Headteacher will have to first consider any recommendations. In most cases, the response will be straightforward and delivered within two days of the meeting. All parties, except the Panel, will leave the meeting at the same time

The panel then remains to discuss the issues and tell the Clerk what to put in their letter. This letter will summarise the issues, outline the main points of discussion, and explain the reasons for the Panel's decision. It will be copied to the Headteacher (see Appendix 6)

COMPLAINTS PROCEDURE Monitoring Evidence

Formal Complaints Received

	Date Received	Date Resolved	Date Referred to next stage
Stage 2: Complaint to Headteacher			
Stage 3: Complaint to the Chair of Governors (or nominated governor)			
Stage 4: Complaining to the Board of Governors Complaints Panel: Reconsideration or Review			
Referral to the Local Authority			
Referral to the Secretary of State			

Other Complaints Received

	Date received
Vexatious Complaints	
Abusive Complaints	
Anonymous Complaints	

Changes to school policy or procedures arising from any complaint
--

Any other implications for action
--

Form completed by:

Date:

HEADED PAPER

DATE

Dear (Name of complainant)

Thank you for your letter dated the (add date of letter) which I received on the (add date of receipt).

I have forwarded your complaint letter to the Chair of Governors who will investigate your complaint under Stage 3 of the Complaints Policy. You can expect a response within 20 school days.

The Board of Governors has a largely strategic role within the school being responsible for the schools strategic framework including its aims, objectives, priorities and targets together with evaluating related policies.

The Headteacher is responsible for the day to day decisions.

The Stage 3 investigation will ensure that the schools policies and procedures have been followed and that the matter was dealt with appropriately by the (add title of person who dealt with original complaint within the school) and was reasonable in the light of the information available to them at the time.

Please do not discuss this matter with other governors as this will make it difficult to set up an appeals panel consisting of three governors who have not had any prior involvement in this complaint should this be required.

The above statement will need to be agreed by the Chair of Governors as this may not be appropriate in all cases

Yours sincerely