



# Milton Road Primary School

## Complaints Procedure Summary and Form

# Our Complaint Procedure

## Milton Road Primary School

### INFORMAL STAGE

School staff seek to resolve the complaint informally through discussion with the complainant. A complaint will not normally be considered unless the complainant has first raised the matter informally with the relevant school leader.

The complainant should submit a formal complaint within 90 school days of the cause for complaint.

### FORMAL PROCEDURE – Stage 1\* (up to 10 school days total)

Written complaint to the Headteacher

- Received by Headteacher
- Acknowledgement – 3 school days
- Investigation (including any discussion with the complainant)
- Formal Response (from the Headteacher – 10 school days from receipt)

\*If the complaint is about the Headteacher then the complaint will be directed to the Chair of Governors and considered as a Stage 2 complaint.

### FORMAL PROCEDURE – Stage 2 (up to 10 school days total)

Complaint to the Chair of Governors requesting review of Head's decision

- Received by Chair of Governors (within 10 days of the Head's response)
- Acknowledgement – 3 school days
- Investigation (including any discussion with the complainant)
- Formal Response (from the Chair of Governors or Clerk)– 10 school days from receipt

### FORMAL PROCEDURE – Stage 3 (Final) (up to 20 school days total)

Request for Review of Chair's Decision – Governors' Complaint Panel

- Received by Clerk to the Governors (within 10 days of the Chair of Governor's response)
- Acknowledgement – 3 school days
- Meeting
- Formal Response (from the Clerk) – 20 school days from receipt

The conclusion of Stage 3 brings to an end the governors' role in considering the complaint. Complainants who remain dissatisfied may wish to contact the Department for Education.

# Frequently Asked Questions

**What if a formal complaint is made about a governor?** The complaint should be passed through to the Chair for investigation. There is opportunity for the complainant to refer the matter to a Review Panel where the complainant is dissatisfied with the response of the Chair.

**What if the complainant seeks support from a governor or governors?** Governors should not involve themselves in matters that are likely to lead to formal complaint. Where a complainant raises their complaint with a governor who is not the Chair (or the Vice-Chair if the complaint is about the Chair), that governor must decline to discuss it and direct the complainant to the Chair. A governor receiving written material about a complaint must forward it to the Chair (or Vice-Chair) without comment.

**What if the complainant wants to make a complaint on behalf of other people's children?** The Governing Body will not accept complaints about other people's children since to do so may well compromise the position of the parents/carers of those children who may have a different view of the matter complained of.

**What if the complainant makes reference to the complaint on social media?** The Chair of Governors should contact the complainant to advise him/her that the complaint is a confidential matter and neither those investigating the issues, nor those who may be investigated would use social media in this way. Some comment made on social media may be prejudicial to the fair investigation of the issues under consideration, and the Governing Body may decline to progress a complaint while unhelpful comments remain on social media.

**What if the complainant contacts the Press while the complaint is being investigated?** Similarly, the Chair of Governors should contact the complainant to remind him/her of the confidential nature of the process and the potential prejudice to fair investigation that can result from media involvement.

**What if the complainant contacts their MP?** MPs are normally conversant with school complaint policies and will usually point the complainant in that direction. Where the MP contacts the school they will be advised of the relevant process and, if the complainant wishes, of the outcome of the complaint at the end of the process.

**What if the parent or school asks for the support of the Local Authority?** The Local Authority has no formal role in responding to complaints. The Local Authority may be involved in a complaint only in the following ways:

- In assisting a complainant to articulate their views in writing, where such support is requested by the complainant, but the responsible officer will remain strictly neutral in carrying out that role;
- In providing procedural advice to headteachers, governors and complainants, as necessary, including attendance at Review Meetings when requested;
- In assisting the parties in a mediation role where both parties agree that this offers a possible way forward as an alternative to more formal procedures;
- In investigating a complaint on behalf of the Governing Body where there is a need for an independent investigator, either in response to a governor view that it is necessary in a particular case to demonstrate the impartiality of the process, or because the subject

matter is sufficiently complex or technical to require a higher level of experience or expertise

**What if the complainant refers the complaint to Ofsted?** Ofsted is unlikely to investigate individual cases, though will record the complaint for information for the lead inspector when the school is next inspected. If there is a safeguarding component to the complaint then Ofsted will refer the matter to the Local Authority where it will be processed by an Education Adviser and/or LADO, as appropriate. The Education Adviser will contact the relevant person in school dealing with the complaint to offer further advice.

**How should records be kept through the complaints process?** There are a number of aspects to this:

- The complainant may wish to take an **audio recording** of meetings, including a recording of the Review Meeting where governors have agreed to a face-to-face review. It should be made clear to complainants that audio recordings are not permitted without the prior consent of everyone who would be present. Audio recordings change the character of a meeting and usually increase tension between the parties. Participants in meetings should be aware that modern technology facilitates concealed recording.
- The clerk should **record any action points**, and **decisions**, and **the reasons for them**, should be recorded in a brief and self-explanatory way and these records should be accessible to the complainant if requested. There is no reason why the complainant should not make notes during the meeting if s/he wishes.
- There should be an emphasis on **confidentiality of record keeping**. No one should share a complaint beyond those who have a role in handling it. In particular, any disciplinary action that might follow the investigation of a complaint is a matter of employment law for employees and of conduct for governors and volunteers. Such action will not be revealed to the complainant. Individuals have certain rights under the Data Protection Act to see their personal data, including records about them.

**What if the Chair of Governors considers the complaint to be vexatious?** These would be cases where the person concerned persists unreasonably with complaints, or who deliberately seeks to make life difficult for school leaders/governors rather than genuinely to resolve the complaint. The LA has guidance to support headteachers and governors contained within the **Schools' Persistent Complaints Policy**. This is a difficult area, particularly where harassment might be disguised as complaint, and it is recommended that the Chair discuss this with the LA's Education Adviser.

# Issues outside of the scope of the complaints policy

Issue	Who to contact	Legislation, policy/procedure (references are generic and may not match the title of the school's own documents)
Complaint about an admission to school	Chair/Clerk in Foundation and Voluntary Aided schools  Local Authority in community and voluntary controlled schools	Admissions and Admissions Appeal Procedure  For information, view the Local Authority website
Complaint about a Pupil Exclusion	Clerk to the Governing Body if the exclusion is over 5 days  Local Authority Inclusion Officer or relevant member of the Specialist Teaching Service	Rights to make representations to the Governors' Discipline Committee about a fixed period exclusion vary according to the length of the exclusion. There is a right of appeal to governors if the pupil is permanently excluded with a further right of review by an Independent Panel.
Allegation that a child has been harmed	Headteacher or Chair if the complaint relates to the Principal/Headteacher  Local Authority Education Adviser. Team telephone number is 01223-706311	DfE procedures – 'Keeping Children Safe in Education'
Special educational needs, content of or failure to maintain an Education, Health and Care Plan	Headteacher  Local Authority  The Local Authority Statutory Assessment and Resources (STAR) Team telephone number is 01480-372600	Local Authority procedures, with appeals made to the Special Educational Needs and Disability Tribunal.
Services provided by an external contractor	Service Manager	Service provider's procedure

Staff capability (competence) Staff conduct	Headteacher, or Chair of Governors if the complaint relates to the Headteacher	Staff Capability Procedure Staff Disciplinary Procedure
Whistleblowing	Designated staff	School Whistleblowing Procedure

# Milton Road Primary School Complaint form

## Section A – Your Details

Title – Mr/Mrs/Ms/Other

Surname

Forename

Home Tel No

Mobile Tel No

Email Address

Address and Postcode

How would you prefer us to contact you?

## Section B

Please give details of your complaint here ... (please use a continuation sheet if necessary)

What would constitute a satisfactory resolution of your complaint?

# Milton Road Primary School Complaint review request form

## Section A – Your Details

Title – Mr/Mrs/Ms/Other	
Surname	
Forename	
Home Tel No	
Mobile Tel No	
Email Address	
Address and Postcode	

How would you prefer us to contact you?

## Section B

Please give reasons why you consider the response to your complaint from the Chair of Governors should be reviewed...

What would constitute a satisfactory outcome by way of resolution of your complaint?