



## Old Hutton CE VC Primary School

### COMPLAINTS PROCEDURE

#### Introduction

This procedure fulfils the requirements of the Education Act 2002 (Section 29) for “all governing bodies to have a procedure to deal with complaints relating to aspects of the school, and any community facilities or services that the school provides.”

It sets out for parents and others a clear outline of the procedure for raising a concern, making a formal complaint and appealing to the governing body.

There are additional papers, attached to the statement for parents, intended to help staff and governors determine how the concern or complaint will be dealt with, and how to use this procedure, should it be relevant. This procedure does not apply to complaints or appeals in relation to:

- Admissions
- Child protection
- Collective worship
- Exclusions
- Health and safety
- Staff discipline or capability
- Staff grievance

If a concern is brought to the attention of the school that relates to any of these matters, the relevant statutory or local authority procedure will be used.

Our school Complaints Procedure/Policy Statement for Parents/Carers and other users of school services can be read below.

The additional papers are:

- Annex 1: Complaints procedure: instructions for staff and governors
- Annex 2: Explanatory notes
- Annex 3: Flow diagram / timeline
- Annex 4: Policy on unreasonably persistent, harassing or abusive complainants

The governing body is not responsible for handling complaints about third party providers offering community facilities or services through our premises or using school facilities for external events. They will have their own complaints procedures.

A short summary of our policy and procedure is included in our school prospectus. This policy/procedure is available on the school website and directly from school on request.

**Policy revised AMW & adopted by Governors, March 2015  
Policy to be reviewed 2017 (or before if required)**

## **SCHOOL COMPLAINTS PROCEDURE**

### **A STATEMENT FOR PARENTS, CARERS AND OTHER USERS OF SCHOOL SERVICES**

We very much hope that you and your child will be very happy at our school, and that any concerns that may arise are dealt with swiftly by our staff.

However, we recognise that there may be an occasion when you are not entirely happy with an aspect of the service that we provide, and that you want the school to deal with your concern through a more formal process. This leaflet sets out what the school will do if you wish to raise that concern informally, or make a formal complaint.

#### **Who can raise a concern or make a complaint?**

Anyone who uses the school, whether a pupil, a parent or carer, or a provider of a service to the school, or a visitor can use this procedure. If you wish to raise a concern or complain on someone else's behalf, the school will only deal with this if the person on whose behalf you are complaining is unable to do so for themselves (for example, they are too young, or they have a disability that prevents them from complaining on their own behalf) or who may not have English as their first language. Cumbria County Council can provide face to face translators or over the phone interpretation services if required.

Cumbria County Council can also offer an advocacy service delivered through Cumbria Multi Cultural Service. The Dual Language Advocates will listen to your problem and will work with you to support you in the complaint process. They can also be used for support in other areas. If you require a Dual Language Advocate please contact Cumbria Multi Cultural Service 15-17 The Mall, Barrow in Furness, Cumbria LA14 1HL to arrange.

#### **How will my concern be handled?**

Our procedure has three stages:

1. Responding to concerns
2. Investigating complaints
3. Appeal to the governing body

At any point in the handling of your complaint, there is the possibility of a 'resolution' meeting.

##### **1. Responding to concerns**

If your concern is about something that a person has or has not done, for example the headteacher, another member of staff, a governor, or a volunteer, you should make an arrangement with that person or through the school office to speak to that person or their manager (and not approach them while they are 'on duty'). If your concern is about an aspect of school practice or policy, you should contact the headteacher. We want to respond to your concern as quickly as possible, but it may not be possible to arrange an immediate meeting: an appointment within a few days may be necessary. We can reassure you that most concerns are usually resolved at this stage.

##### **2. Investigating complaints**

If you remain dissatisfied by our response to your concern, then you should make a complaint to the headteacher. The headteacher will arrange for the complaint to be investigated and respond to you within a reasonable time.

If your complaint is about the headteacher, you should contact the chair of governors who will arrange for it to be investigated by a nominated member of the governing body. If your complaint

is about the chair of governors, you contact the clerk to the governing body/the school office, who will make the arrangement. In all cases,

- state that you are making a formal complaint;
- give specific details;
- say what you want the school to do to put things right.

If you need help to set out your complaint in writing, the school will arrange for this for you. All letters should be sent to the school address, marked 'Confidential: For immediate attention.' Please note that if any investigation by the school concludes that a formal employment procedure should be instigated (such as a disciplinary procedure) you will only receive a brief response, as such procedures must remain confidential, and you will not have a right of appeal.

### 3. Appeal to the governing body

If you remain dissatisfied with the outcome of the investigation into your complaint, you may appeal to the governing body. The chair of governors (or the clerk) will arrange for a panel of governors to consider your appeal and respond to you within a set timescale. For complaints about staff (except the headteacher) or volunteers who work in school, this is the final stage of the complaints procedure and the panel's decision is final. If you are complaining about either the headteacher or a member of the governing body, and are dissatisfied with the nominated governor's response, you also have a right to appeal to the governing body.

The letter giving the school's decision following the investigation will tell you how to make an appeal; this is usually by writing to the clerk. The governing body will arrange for a panel of three governors to review your complaint. After this review, the panel will notify you of their decision. This will include informing you that the school's procedure has been exhausted and that the matter is now closed. There is no further right of appeal to the school against the decision.

### **Unreasonably persistent, abusive or harassing complainants and vexatious complainants**

The school expects anyone who wishes to raise problems with the school to:

- treat all staff with courtesy and respect;
- respect the needs of pupils and staff within the school;
- recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond to your concern;

Whilst we recognise that some concerns may relate to serious and distressing incidents, we will not accept threatening or harassing behaviour, and will take steps supported by legal action as appropriate to ensure that the school can continue its work safely and securely.

### **Further Information**

The governing body is not responsible for handling complaints about third party providers offering community facilities or services through our premises or using school facilities for external events. They have their own complaints procedures. However, the school will liaise with such providers as appropriate.

For any complaint about the following, contact the local authority on 0800 121 8800 for advice and information.

- an appeal against a decision relating to the admission or exclusion of a child
- an appeal against a local authority decision about a child's special educational needs.
- the curriculum, religious education syllabus or collective worship
- an allegation of a criminal offence

## OLD HUTTON CE PRIMARY SCHOOL

### COMPLAINTS PROCEDURE: INSTRUCTIONS FOR STAFF AND GOVERNORS <sup>1</sup>

#### Introduction

#### What is a complaint?

- 1) This procedure applies to concerns or complaints about a school policy or procedure, or the way a school policy or procedure has (or has not) been implemented. It should be distinguished at the outset from an allegation about the conduct or behaviour of a member of staff for which disciplinary procedure will be used. Concerns and complaints may be communicated in writing, by telephone or in person. They may be expressed by parents, carers, volunteers or members of the community with an interest in the working of the school, on matters for which the school is directly responsible. For the purposes of this procedure, a complaint may be regarded as the formal registering of what may previously have been raised informally as a concern, either by the complainant requesting that the school use the formal procedure, or the school determining that it should use the procedure.

This procedure may be used to handle any complaints raised about volunteers, such as governors, where employment procedures are not appropriate.

#### How will a concern or complaint be received?

- 2) It is expected that those wishing to raise a concern about an aspect of their child's education will arrange through the office to meet with the relevant member of staff (or their manager) about whom the concern is being raised. It may be appropriate to arrange for staff to have a senior colleague present for the meeting. Members of staff will
  - deal with and resolve the concern if they can;
  - report to the headteacher that they have been notified about a concern and;
  - explain what action they have taken to deal with it.
- 3) If the concern is about a matter of school policy, then this should be referred to the headteacher.
- 4) If a member of the school (staff or governor) receives any concern, complaint, or allegation which is not about them personally, it will be referred in the first instance to the headteacher<sup>2</sup> so that a decision can be made as to which procedure should be used. If the complaint is about the headteacher, it will be referred to the chair of governors; if it is about the chair of governors, it will be referred to the clerk to the governing body, or in their absence the school office.

#### Responding to concerns

- 5) Many concerns can be resolved by giving the complainant the opportunity to discuss matters with the individual concerned, whether a member of staff or the headteacher. The school expects that the vast majority of concerns will be resolved at this stage.

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<sup>1</sup> At any point where this procedure lacks clarity or includes any apparent contradictions, this will be resolved by a decision taken by, in the first instance, the investigator or, subsequently, the chair of the panel, taking into account, any relevant advice provide by the LA or Diocesan adviser. Where a procedural query cannot be resolved, this should be referred to the governing body, or, in the event of emergency, to the chair or vice chair as appropriate.

<sup>2</sup> or relevant senior member of staff or line manager in the event of long term absence of the Head.

- 6) The conclusions of any meeting with the complainant and the outcomes of any informal investigation by a member of staff will be put in writing and copied to the complainant within 5 school days following the meeting. The letter to the complainant should also explain that if they remain dissatisfied, they have a further 10 school days from receipt of the letter, (or fortnight in the event of school holidays,) to request that their concern is dealt with formally as a complaint.

### **Investigating complaints**

- 7) This is either
1. An investigation by the headteacher or a senior member of staff (for complaints against members of staff other than the headteacher). OR
  2. An investigation by a nominated member of the governing body (for complaints against the headteacher, or a governor).

In the following paragraphs, the word 'investigator' refers to either the headteacher, senior member of staff or governor as appropriate.

- 8) The complainant should put his/her complaint in writing. The complainant may make a request for formal consideration of their complaint in person, or by telephone. In this case, the person receiving the request will record the details, confirm with the complainant that the written record correctly reflects their complaint, and then pass it to the investigator.
- 9) However the complaint is notified, it will be acknowledged within 5 school days by the investigator. The investigator may provide the complainant with a copy of this procedure, provided that it is clear that this will be the procedure the investigator will follow.
- 10) The investigator will offer an opportunity to meet the complainant within 10 school days of the initial acknowledgment to discuss the complaint and what outcome the complainant seeks; and to agree what will be investigated. The outcomes of this meeting should then be confirmed in writing with the complainant and signed by both the complainant and the investigator. A copy of the outcomes should be sent to the complainant within 10 school days of the meeting.
- 11) If the complainant is expecting to know that disciplinary action will be taken as a result of the complaint, or that a decision taken as part of another statutory process will be overturned, then the investigator should either make clear that this is not possible (as disciplinary procedures are confidential) and/or close the meeting and take advice to make sure that the right procedure is being used.
- 12) The complaint will then be investigated. The investigation can include a review of any written papers, interviews with the person against whom the complaint is made (whether staff, governor, visitor), and any relevant witnesses. Interviews with children will only be undertaken by professionals (such as teachers or support staff who have a clearly established working relationship with the child) and not by governors. Permission will normally need to be obtained from pupils' parents for such interviews to take place. The school will take advice as necessary from the local authority to ensure that such interviews are conducted appropriately.
- 13) The complainant is not normally entitled to see any written records, notes or minutes made by the investigator during the investigation, except notes of meetings where the complainant was present (The school may nevertheless be required to comply with a release of information through a Data Protection disclosure or Freedom of Information request).

- 14) The investigation will usually be concluded within 10 school days dating from the meeting with the complainant (or from receipt of the complaint where no meeting has taken place, or from the date of confirmation by the complainant that no meeting is sought) and a written response sent to the complainant at the end of the investigation. If there is to be a delay in concluding the investigation, a letter should be sent to the complainant explaining the reason for the delay and providing a revised date.
- 15) The written response will explain briefly
- a) what the investigation entailed (but not details of what was said or written by witnesses);
  - b) whether the complaint has been upheld and if it isn't, the main reasons for not upholding;
  - c) any action the school proposes to take to resolve the complaint where it is upheld, including offering a resolution meeting (but not including any subsequent, specific actions against any individual);
  - d) any policy or procedure recommendations to be made to the headteacher or governing body in the light of the investigation (whether the complaint is upheld or not);
  - e) that there is a right of appeal to a panel of governors;
  - f) that any appeal must be made in writing within 10 school days of their receiving the outcome letter (or of any failed resolution meeting);
  - g) that if the right of appeal is not exercised, the matter is closed.
- 16) Where a member of staff or volunteer (eg a governor) is the subject of the complaint, s/he will also receive a copy of the written response.
- 17) A recorded verbal notification of the complainant's request for an appeal hearing is acceptable, provided it is given within the relevant timescale.

**Resolution meeting (Only to be carried out with the express agreement of all those concerned.)**

- 18) Where a complainant agrees to attend a resolution meeting, this will usually be arranged no later than 10 school days after the date of the letter to the complainant. The purpose of the meeting is to give the opportunity for all parties to meet and agree any restorative actions.**
- 19) Matters raised in this informal meeting would be confidential to that meeting with the only minutes being agreed outcomes. The meeting will be chaired or conducted by the investigator or the chair of governors or a third party external to the school. (This might be a representative of the local authority, the diocese, a governor of another school, a retired headteacher or other professional known in the community). The chair of the meeting may be nominated by either party, but should be acceptable to both.**
- 20) In the event that the complaint has not been upheld, such a meeting may be delayed until after any appeal has been heard.**
- 21) Should the meeting not produce a resolution, then the complainant can still appeal to a panel of the governing body against the outcome of the investigation. This request must be made within 10 school days of the resolution meeting.**

### **Appeal to the governing body**

- 22) A letter will be sent to the complainant acknowledging that they have exercised their right to an appeal review. This letter will:
- a) notify the complainant of the date by when his/her complaint will be reviewed (which will usually be within 10 school days of receiving the appeal request);
  - b) explain the format of the appeal review;
  - c) inform the complainant of his/her right to submit any documents relevant to the complaint (but not material that would constitute an additional complaint) not later than 5 school days prior to the review);
  - d) explain the complainant's right to be accompanied at the hearing by a friend/adviser of their choice;
- 23) A panel of a minimum of three governors, appointed by the governing body, will review the complaint. Governors who have detailed prior knowledge of the complaint, or are involved in some other material way, will not be on this panel.
- 24) The investigator will also be invited to prepare a written report in response to the appeal and be invited to attend the hearing. They have the same rights as the complainant.
- 25) All relevant correspondence and any additional written materials produced by either side will be circulated to all parties not later than 5 school days before the date of the appeal review. Any such material must not divulge confidential information relating to individual employees or children other than the complainant's.

### **Appeal review**

- 26) **The panel will meet and review all the written evidence presented to them. Their remit is to consider**
- a) **whether the previous handling of the complaint was sound;**
  - b) **whether the previous judgement reached was justifiable;**
  - c) **whether to uphold or overturn the appeal**
- 27) **The panel may agree to adjourn to enable them to consider any significant written evidence not previously considered, or to remedy any significant defect in the previous investigation. This will not normally include any further interviewing of either the investigator or the complainant, nor witnesses for either side. The aim is to ensure that if there have been any defects in the previous investigation, these are put right and a just decision reached.**
- 28) **The panel will draft a response to the appeal. The written response will summarise**
- a) **what evidence the appeal panel considered;**
  - b) **whether the appeal has been upheld and if it isn't, the main reasons for not upholding;**
  - c) **any policy or procedure recommendations to be made to the headteacher or governing body in the light of the appeal (whether the complaint is upheld or not);**
  - d) **that there is a right of appeal to the Local Commissioner (and contact details included);**
  - e) **that this concludes the school based complaints procedure.**

29) The complainant, the investigator of the complaint and any member of staff or volunteer who is the subject of the complaint will be notified of the outcome within 5 school days of the review by the chair of the appeal panel.

The following referrals are included for the information of the school and complainant. They do not form part of the governing body's own complaints procedure and should not be regarded as further appeal stages.

### **Referral to the Secretary of State**

30) The school recognises that a complainant currently<sup>3</sup> has a separate right to complain to the Secretary of State if they believe that the governing body or the LA is acting unreasonably or is failing to carry out its statutory duties properly.

### **Referral to Ofsted**

31) The school recognises that a complainant has a separate right to complain to the Office for Standards in Education (Ofsted). Contact details can be found at [www.ofsted.gov.uk](http://www.ofsted.gov.uk).

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<sup>3</sup> This right is to be replaced by the right to appeal to the Local Commissioner; when this is enforced, this procedure will be amended accordingly.

**OLD HUTTON CE PRIMARY SCHOOL**

**COMPLAINTS PROCEDURE: EXPLANATORY NOTES FOR STAFF AND GOVERNORS**

CHILD PROTECTION

- 1) If a complaint is received against a member of staff that amounts to an allegation of child abuse, the advice of the Local Authority Designated Officer (LADO) will be immediately sought.

WHICH PROCEDURE?

- 2) The school will always try to resolve concerns at the earliest possible stage, but will not prolong the use of an informal approach in order to delay or avoid a formal investigation. It reserves the right to use the formal complaints procedure to deal with a concern, if this will resolve matters more speedily.
- 3) The school will not normally investigate anonymous complaints, but may retain and review any written material submitted anonymously for future reference and to ensure any warning signs are considered that will secure the safety of pupils and staff.
- 4) Complainants may not determine how a complaint will be investigated. Where a statutory or local authority procedure does not have to be followed, the school will use the relevant procedure most recently adopted by the governing body. Any variation to the procedure by the school should be agreed with the complainant in advance.
- 5) Complaints about governors will only be handled by the chair or clerk, using either this procedure, or by referring to guidance set out in A Guide to the Law for School Governors. (Ch 2 paras 26-32 Removal from Office; Ch 2 paras 37-39 Qualifications and Disqualifications; Ch 3 paras 51-53 Removal of the chair or vice-chair from office).
- 6) If the complainant has raised concerns about racist or homophobic incidents, staff should ask the complainant if they wish to record any hate crimes through the County Council's Prejudicial Incident reporting system. This can be reported directly through Allyson Carty, 5 Portland Square, Carlisle, Cumbria CA1 1PU or email: [allyson.carty@cumbriacc.gov.uk](mailto:allyson.carty@cumbriacc.gov.uk) If further support is needed for the complainant this can be gained again from Allyson Carty or Sara Nobili-Park email [sara.nobili-park@cumbriacc.gov.uk](mailto:sara.nobili-park@cumbriacc.gov.uk)

TIMESCALES

- 7) All concerns will be responded to swiftly and appropriate action taken, including making an apology where appropriate, so that concerns do not escalate to formal complaints.
- 8) All references to 'days' are to school days. Where timescales are prescribed, the school recognises that there may be circumstances for both parties that prolong the procedure – such as sickness absence or holiday – and it would be reasonable to expect some variation or flexibility. The complainant will be informed of any change to timescales as soon as possible.
- 9) When a complaint is being handled, the investigator should arrange provisional dates for all stages in the procedure, allowing the school to plan for the appeal stage in advance.

INVESTIGATORS / PANEL MEMBERS

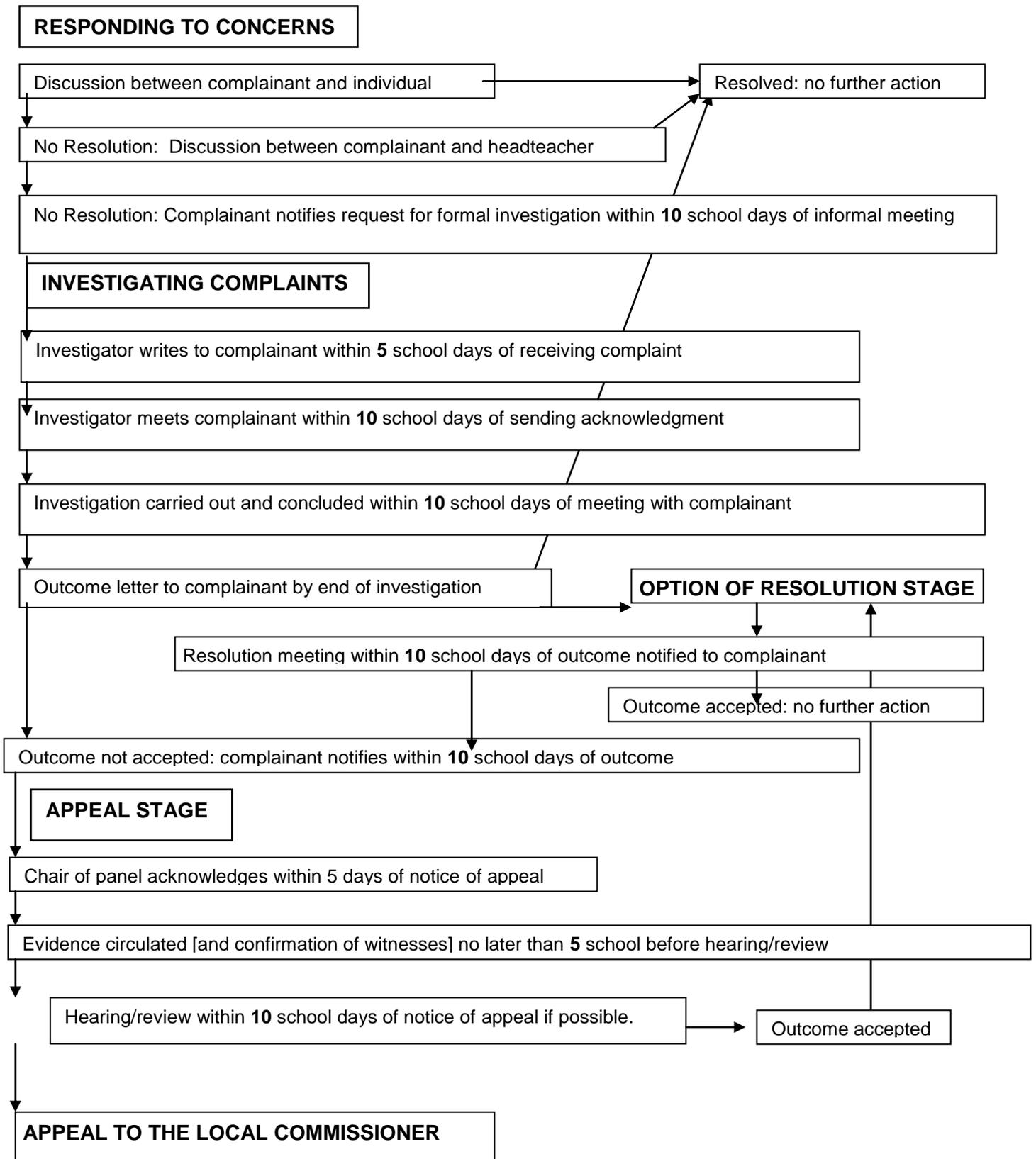
- 10) The headteacher will ensure that those senior staff who may be delegated to act as an investigator will have this duty included in their job description.
- 11) The governing body will delegate to the chair and clerk, the power to appoint any suitable governor at the time a complaint is received.
- 12) All categories of governor may be regarded as suitable to be appointed as investigators or to a panel, provided that a governor is not previously 'tainted' or has a *personal* conflict of interest that would prevent them from acting impartially.
- 13) A governor will only be regarded as 'tainted,' and therefore ineligible to act as investigator or member of an appeal panel, if they have such a degree of prior knowledge of the details of the complaint that would enable them to have formed a preliminary judgement based on incomplete information or biased opinion.
- 14) Relevant staff and governors will attend training to ensure that complaints can be handled appropriately.

#### CONFIDENTIALITY / RECORDS / COMMUNICATION

- 15) A complaint received by any member of the governing body will not be referred to other members of the governing body (except the chair) nor taken to a governing body meeting.
- 16) Governors will advise any such complainant of the school's procedure and refer them either to the headteacher or to the chair of governors, or to put their complaint in writing to the clerk to the governors, whichever is appropriate.
- 17) Complainants will be advised that they may harm the fair hearing of their complaint if they write to all members of the governing body.
- 18) All correspondence will use the school address. All letters from the governing body will be signed from and by the clerk to the governors, even where it is the chair of governors or other member of the governing body that is the investigator or the chair of an appeal panel.
- 19) The school will retain records of complaints for at least one year. As part of its process of self evaluation, the governing body will monitor records to review the effectiveness of the procedure and how the process of resolving concerns can contribute to school improvement.
- 20) If the complainant needs further advocacy assistance on other areas this link may be of use

[www.cumbria.gov.uk/adultsocialcare/rights/advocacy1.asp](http://www.cumbria.gov.uk/adultsocialcare/rights/advocacy1.asp)

**TIMESCALES FOR COMPLAINTS PROCEDURES**



## OLD HUTTON CE PRIMARY SCHOOL

### COMPLAINTS PROCEDURE

#### **POLICY FOR HANDLING UNREASONABLY PERSISTENT, HARASSING OR ABUSIVE COMPLAINANTS**

The headteacher and governing body are committed to the improvement of our school. We welcome feedback from parents/carers and will always try to resolve any concerns as quickly as possible. There is a procedure for parents to use if they wish to make a formal complaint.

Sometimes, however, parents or carers pursuing complaints or other issues treat staff and others in a way that is unacceptable. Whilst we recognise that some complaints may relate to serious and distressing incidents, we will not accept threatening or harassing behaviour.

The aim of this leaflet is to provide information about our school policy on unreasonably persistent complainants or harassment of staff.

#### **What do we mean by 'an unreasonably persistent complainant'?**

An unreasonably persistent complainant may be anyone who engages in unreasonable behaviour when making a complaint. This will include parents and carers who pursue complaints in an unreasonable manner.

Unreasonable behaviour may include:

- actions which are
  - out of proportion to the nature of the complaint, or
  - persistent – even when the complaints procedure has been exhausted, or
  - personally harassing, or
  - unjustifiably repetitious and/or
- an insistence on
  - pursuing unjustified complaints and/or
  - unrealistic outcomes to justified complaints and/or
- an insistence on
  - pursuing justifiable complaints in an unreasonable manner (eg using abusive or threatening language; or
  - making complaints in public; or
  - refusing to attend appointments to discuss the complaint.

#### **What is 'harassment'?**

We regard harassment as the unreasonable pursuit of issues or complaints, particularly if the matter appears to be pursued in a way intended to cause personal distress rather than seek a resolution.

Behaviour will fall within the scope of this policy if:

- it appears to be deliberately targeted over a significant period of time at one or more members of school staff or others, without good cause;
- the way in which a complaint or other issues is pursued (as opposed to the complaint itself) causes ongoing distress to school staff or others;

- it has a significant and disproportionate adverse effect on the school community, interfering with the daily business of the education of pupils.

### **What can you expect from the school?**

Anyone who raises informal or formal concerns and complaints with the school can expect us to:

- keep in touch regularly in writing over
  - how and when problems can be raised with the school
  - details of the school's complaints procedure
  - details of the school's Unreasonably Persistent Complaints/Harassment Policy.
- respond within a reasonable time;
- be available for consultation within a reasonable time limit, bearing in mind the needs of pupils;
- respond with courtesy and respect;
- attempt to resolve problems using reasonable means in line with the school's complaints procedure and advice from Cumbria County Council or diocesan authority;
- keep those involved informed of progress.

This leaflet forms part of the school's complaints procedure, available on request from the school office.

### **What the school expects of you**

The school expects anyone who wishes to raise concerns with the school to:

- treat all staff with courtesy and respect;
- respect the needs of pupils and staff within the school;
- avoid the use of violence (including threats of violence) towards people or property;
- recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond to a complaint;
- recognise that some problems may not be resolved in a short time;
- follow the school's complaints procedure.

### **Schools' responses to unreasonably persistent complaints or harassment**

This policy is intended to be used in conjunction with the school's complaints procedure. Taken together, these documents set out how we will always seek to work with parents, carers and others with a legitimate complaint to resolve a difficulty.

However, in cases of unreasonably persistent complaints or harassment, the school may take the following steps, as appropriate:

- inform the complainant informally that his/her behaviour is now considered by the school to be unreasonable or unacceptable, and request a changed approach;
- inform the complainant in writing that the school considers his/her behaviour to fall under the terms of the Unreasonably Persistent Complaints/ Harassment Policy;
- require all future meetings with a member of staff to be conducted with a second person present. In the interests of all parties, notes of these meetings may be taken;
- inform the complainant that, except in emergencies, the school will respond only to written communication.

The school has a duty of care to staff and pupils and will take emergency measures should these become necessary in extreme cases.

### **Physical or verbal aggression**

The school will not tolerate **any** form of physical or verbal aggression against school staff. If staff are subject to this type of aggression the school may:

- ban the individual from entering the school site, with immediate effect;
- request an Anti-Social Behaviour Order (ASBO);

- prosecute under Anti-Harassment legislation.

Legitimate new complaints will always be considered, even if the person making them is (or has been) subject to the Unreasonably Persistent Complaints/ Harassment Policy. The school nevertheless reserves the right not to respond to communications from individuals subject to the policy.



