

## **SCHOOL COMPLAINTS PROCEDURES**

**This document should be read and understood with reference to the following documents:**

- Secure Data Handling Policy
- Education Act 2002 (Section 29)
- Child Protection Policy
- The Equality Act 2010
- Single Equality Policy
- Schools Complaints Toolkit (DfE August 2014) – Appendix 1
- Keeping Children Safe in Education (DfE July 2015)
- A Guide to the Law for School Governors

### **Principles:**

#### **Legal requirements**

- Under Section 29 of the Education Act 2002, the Governing Body is required to have a procedure in place to deal with complaints relating to the school and to any community facilities or services that the school provides. The law also requires that the procedure is published.

#### **Exemptions:**

These procedures do not cover complaints in the following areas:

- Admissions
- Exclusions
- Special Educational Needs
- Child Protection

#### **Dealing with Complaints – Initial concerns**

- The school recognises the difference between a concern and a complaint. A concern is an issue which can usually be sorted out informally and requires little or no recording. The school feels taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.
- Whilst this policy lays out the formal procedures for dealing with complaints, the underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally.
- In most cases the class teacher or the individual delivering the service, will receive the first approach. It would be helpful if staff were able to resolve issues on the spot, including apologising where necessary.

#### **Dealing with Complaints – Formal procedures**

- The formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.
- The member of staff who has responsibility for the operation and management of the school complaints procedure is the Head Teacher or in their absence the Deputy Head Teacher (known from here on as the Complaints Co-ordinator).

**Aims:**

By having in place an effective Complaints Procedures we aim to:

- encourage resolution of problems by informal means wherever possible
- provide a clear and simple structure
- ensure impartiality
- be non-adversarial
- allow swift handling with established time-limits for actions and keep people informed of progress
- ensure a full and fair investigation by an independent person where necessary
- respect people's desire for confidentiality
- address all the points at issue and provide an effective response and appropriate redress, where necessary, and
- provide information to the school's senior management team so that services can be improved.

**Investigating Complaints:**

At each stage the complaints coordinator should ensure that they:

- establish what has happened so far, and who has been involved
- clarify the nature of the complaint and what remains unresolved
- meet with the complainant or contact them (if unsure or further information is necessary)
- clarify what the complainant feels would put things right
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- conduct the interview with an open mind and be prepared to persist in the questioning, and
- keep notes of the interview (including date and names of those present).

**Resolving Complaints:**

- At each stage in the procedure the complaints coordinator and all those involved should bear in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:
  - an apology
  - an explanation
  - an admission that the situation could have been handled differently or better
  - an assurance that there will be no reoccurrence
  - an explanation of the steps that have been taken to ensure that it will not happen again
  - an undertaking to review school policies in light of the complaint.
- Complainants should be encouraged to state what actions they feel might resolve the problem at any stage.
- An admission that the school could have handled the situation better is not the same as an admission of negligence.
- An effective procedure will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.
- It may also be that the complaint is not upheld. Where that is the case, the complainant should be advised of the reason why that decision has been made.

### **Vexatious Complaints**

- If properly followed, this policy should limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant writes again on the same issue, then the correspondence may be recognised as vexatious and there will be no obligation on the part of the school to respond. It is important to note that should a complainant raise an entirely new and separate complaint, it must be responded to in accordance with the complaint's procedure as it is not the complainant that is vexatious; it is the correspondence.

### **Time-Limits:**

- Complaints need to be considered, and resolved, as quickly and efficiently as possible and realistic time limits will be set for each stage. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

### **The Stages of the Complaints Procedure**

The school's procedure follows four well-defined stages as outlined below. More detailed information can be found in Appendix 2. ***[These are suggested time limits and need to be adapted to suit your school. It may be that small schools would wish to go straight to Stage 2.]***

STAGE	ACTION	TIME LIMIT
Stage 1	Informal Complaint heard by a member of staff (though not the subject of the complaint)	Member of staff will meet to discuss complaint within 48 hours of contact being made
Stage 2	Formal complaint heard by Head Teacher or Deputy	Meeting will take place within 5 working days of complainant making contact with office
Stage 3	Formal complaint heard by Chair of Governors	Meeting will be arranged within 5 working days of written complaint being received by Head Teacher
Stage 4	Formal complaint heard by GB's complaints appeal panel	Date for panel will be sent within 10 working days of formal written complaint being received by GB

- Any unsatisfied complainant can always take a complaint to the next stage.
- Where the complaint is against the Head Teacher or a Governor then the first step will usually be for the complainant to be dealt with by the Chair of Governors (Stage 3). If the complaint is against the Chair of Governors or any individual Governor then the complainant should write a formal letter to the Clerk of Governors .

### **Managing and Recording Complaints:**

#### **Recording Complaints**

- A complaint may be made in person, by telephone, or in writing. Details of the complaint should be recorded by the person handling it in the first instance. Where the person receiving the complaint feels it would support the process, a complaint form should be used ( Appendix 4) At the end of a meeting or telephone call, the member of staff dealing with the complaint

should ensure that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls can be kept and a copy of any written response added to the record. A record should also be kept of the final outcome.

- The complaints co-ordinator could be responsible for the records and hold them centrally.

### **Governing Body Review**

- The GB will monitor the level and nature of complaints through their regular meetings. The Head Teacher and Chair will review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Where complaints information is shared with the whole GB individuals will not be named.
- As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to school improvement. When individual complaints are heard, schools may identify underlying issues that need to be addressed. The monitoring and review of complaints by the school and the GB can be a useful tool in evaluating a school's performance.

### **Publicising the Procedure**

As a school we are legally required to publicise our Complaints Policy and copies can be found on our school web site and/or obtainable from the school office.

### **Review of Policy**

This policy will be reviewed every **3** years by the appropriate governor and the Senior Management Team, or earlier if a change in legislation or guidance necessitates it.

### **APPENDICES:**

**Appendix 1:** School Complaints Toolkit (DfE August 2014)

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/346867/School Complaints Toolkit 2014.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/346867/School_Complaints_Toolkit_2014.pdf)

**Appendix 2:** The Complaints Procedure

**Appendix 3:** Checklist for Panel Hearing

**Appendix 4:** Complaints form

## **APPENDIX 2: The Complaints Procedure:**

### **Stage 1 (Informal): Complaint heard by staff member**

- It is in everyone's interest that complaints are resolved at the earliest possible stage and the experience of the first contact between the complainant and the school can be crucial in determining whether or not a complaint will escalate. Therefore staff need to be fully aware of the procedures as laid out in this policy so that they know what to do when they receive a complaint.
- The school will respect the views of a complainant who indicates that he/she will have difficulty discussing the complaint with a particular member of staff. In such cases, the Complaints Co-ordinator will refer the complaint to another member of staff. Where the complaint concerns the Head Teacher, the Complaints Co-ordinator should refer the complaint to the Chair of Governors.
- Equally, should the member of staff directly concerned feel too compromised to deal with a complaint, the Complaints Co-ordinator may refer the complainant to a more another member of staff. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.
- Where the first approach is made to a governor, the next step would be to refer the complainant to the appropriate person and advise them about the procedure. Governors should not act unilaterally on an individual complaint outside the formal procedure or be involved in the early stages in case they are needed to sit on a panel at a later stage.

### **Stage 2 (Formal): Complaint heard by Head Teacher**

- At this point, the complainant may be dissatisfied with the way the concern/complaint was handled at Stage 1, as well as pursuing their initial complaint. The head may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

### **Stage 3 (Formal): Complaint heard by Chair of Governors**

- If the complainant is not satisfied with the response of the head teacher or the complaint is about the head teacher, the complainant should write to the Chair of Governors to request that their complaint is considered further.

### **Stage 4 (Formal): Complaint heard by Governing Body's Complaints Appeal Panel**

- The complainant should write to the Chair of Governors giving details of the complaint and asking that it is put before the appeals panel.
- The Chair of Governors, or a nominated governor (if the Chair has been involved at any previous stage in the process), will convene a GB complaints panel.
- The governors' appeal hearing is the last school-based stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.
- The GB may nominate a number of members with delegated powers to hear complaints at this stage and set out their terms of reference. These might include:
  - drawing up its procedures;
  - hearing individual appeals
  - making recommendation on policy as a result of complaints
- The panel can be drawn from nominated members and may consist of three or five people.
- The panel may choose its own chair.

### **Remit of the Complaints Appeal Panel**

The panel can:

- dismiss the complaint in whole or part
- uphold the complaint in whole or part
- decide on the appropriate action to be taken to resolve the complaint
- recommend changes to the school's systems or procedures to ensure that problems of a similar nature to not recur.

There are several points which any governor sitting on a complaints panel need to remember:

- It is important that the appeal hearing is independent and impartial and that it is seen to be so. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to issues of race, gender and religious affiliation.
- The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that the complainant may not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.
- Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and given them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
- The governors sitting on the panel need to be aware of the complaints procedure.

### **Roles and Responsibilities**

#### **The role of the Clerk:**

Any panel or group of governors considering complaints should be clerked. The clerk will be the contact point of the complainant and be required to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue proceedings are accessible
- collate any written material and send it to the parties in advance of the hearing
- meet and welcome the parties as they arrive for the hearing
- record the proceedings
- notify all parties of the panel's decision

#### **The role of the Chair of the Governing Body or Nominated Governor:**

- check that the correct procedure has been followed
- if a hearing is appropriate, notify the clerk to arrange the panel

### **The role of the Chair of the Panel**

The Chair of the Panel has a key role ensuring that:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption
- the issues are addressed
- key findings of fact are made
- parents and others who may not be used to speaking at such a hearing are put at ease
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy
- the panel is open minded and acting independently
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- each side is given the opportunity to state their case and ask questions
- written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

### **Notification of the Panel's Decision**

- The chair of the panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response; this is usually within a set deadline which is publicised in the procedure. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.
- The final stage of appeal is to the Secretary of State for Education and complainants who wish to pursue this course of action need to write to:

The School Complaints Unit  
Department for Education  
2<sup>nd</sup> Floor Piccadilly Gate  
Manchester  
M1 2WD

Who will examine if the complaints policy and any other relevant policies were followed in accordance with the provisions set out. They will also examine policies to determine if they adhere to education legislation. However, the department **will not** reinvestigate the substance of the complaint. If legislative or policy breaches are found, SCU will report them to the school and the complainant and, where necessary, require remedial action to be taken.

### **Appendix 3: Checklist for a Panel Hearing**

The panel needs to take the following points into account:

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The Head Teacher may question both the complainant and the witnesses after each has spoken.
- The Head Teacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the Head Teacher and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The Head Teacher is then invited to sum up the school's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The chair explains that both parties will hear from the panel within a set time scale.

**APPENDIX 4 – Example of a complaint form**

Please complete and return to ..... (complaints co-ordinator) who will acknowledge receipt and explain what action will be taken.

**Your name:**

**Pupil's name:**

**Your relationship to the pupil:**

**Address:**

**Postcode:**

**Day time telephone number:**

**Evening telephone number:**

**Please give details of your complaint.**

**What action, if any, have you already taken to try and resolve your complaint.  
(Who did you speak to and what was the response)?**

**What actions do you feel might resolve the problem at this stage?**

**Are you attaching any paperwork? If so, please give details.**

**Signature:**

**Date:**

**Official use**

**Date acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Date:**