

Directorate for Children & Adults

A Model Schools Complaints Procedure

Reviewed March 2016

It is the responsibility of individual schools to respond to complaints about the school. This document is intended to assist headteachers and governors to deal effectively with any concerns raised. Schools may, if they wish, amend the model procedure to meet their own needs.

The school has a duty under the Education Act 2002 to publicise the procedure. This can be done by including a summary in the school's prospectus, displaying posters or leaflets, or on the school's website. Foundation schools have their own complaints procedure, which is independent of the LA. Voluntary aided schools should ensure the involvement of the relevant diocese.

Individuals contacting the local authority regarding a school complaint will be provided with information on the procedure and encouraged to contact the school directly. The headteacher will be informed of any calls that have been made to the LA regarding a complaint about their school. If the complaint relates to the leadership and management of a maintained the school the LA will carry out its own investigation. The LA does not have direct involvement in academies and is therefore unable to investigate a complaint unless it relates to a safeguarding issue.

A complaint is defined as:

“An expression of dissatisfaction or disquiet in relation to a school or teacher, which requires a response.”

Pupils, parents or carers can make a complaint to the school about most aspects of its function including:

- Attitude / behaviour of staff
- Teaching and learning
- Application of behaviour management systems
- Bullying
- Provision of extra-curricular activities

In maintained schools the Local Authority retains responsibility for:

- The National Curriculum
- Collective Worship in schools
(In the case of denominational schools, concerns relating to worship and spiritual matters may be referred to the relevant Diocese or Archdiocese.)
- Provision of support services e.g. SEN, education welfare, educational psychology

Complaints about these matters should be referred to the relevant officer in the Directorate for Children & Young People.

Members of the general public may make complaints to the school if the school is directly responsible for the issue being complained about e.g.

- Behaviour of pupils during break-times
- Disturbance to neighbours during school hours
- Health and Safety issues of premises
- Behaviour of staff

Schools are not responsible for the actions or behaviour of pupils outside school hours.

Legal, child protection or staff disciplinary proceedings take precedence over complaints procedures and timescales.

General principles

The school should be clear about the difference between a concern and a complaint. By taking informal concerns seriously at the earliest stage, the numbers that develop into formal complaints can be kept to a minimum.

The underlying principle is that concerns ought to be handled without the need for formal procedures. For example, it would be helpful if the staff receiving the first approach were able to resolve issues on the spot, including apologising, where necessary.

Formal procedures need only to be started 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 school should:

- welcome complaints as a positive means of promoting pupil/parent satisfaction
- use complaints as a way of identifying opportunities to do things better
- listen to pupils and parents
- seek to resolve complaints swiftly
- reply with an acknowledgement letter in the first instance if a complaint is sent in by letter and state you are looking into the matter (*not acknowledging a complaint either by a phone call or a letter could exacerbate the problem. It is in the schools best interest to arrange a meeting with the complainant to discuss and resolve the complaint as soon as possible*)
- have clear, simple to understand and use, published procedures for making complaints (**All schools are required by law to have, and to make available to parents, their complaints procedures**)
- keep complainants informed about progress
- provide redress where a complaint is found to have substance
- regularly review the effectiveness of the complaints procedure

Investigating complaints

The person who takes forward the first stage of the formal procedure should make sure they:

- establish what has happened so far and who has been involved
- clarify the nature of the complaint and what remains unresolved
- meet the complainant or contacts them if further information is required
- clarify what the complainant feels would put things right
- interview those involved, with an open mind
- keep notes of any interviews
- keep the chair of governors informed without giving any details at this stage

Resolving complaints

At each stage, the school should keep in mind ways the complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. It might also be appropriate to offer:

- an apology
- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that the event complained of will not recur
- an explanation of the steps taken to make sure it will not happen again
- an undertaking to review school policies in light of the complaint

The school should encourage complainants 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.

The awkward or vexatious complaints

A good complaints procedure will limit the number of complaints that become protracted. But there will be occasions when a complainant becomes dissatisfied even though all stages of the procedure have been followed. If the complainant tries to re-open the same issue, again, the chair of governors can write to say that the procedure has been exhausted and the matter is now closed.

Timescales

The school will consider and resolve complaints as quickly and efficiently as possible and set realistic time limits for each action. However, where investigations are complex, new time limits can be set as long as school informs the complainant of the reason for the delay and give them new deadlines.

1 Stage One **Complaint heard by a staff member**

It is in everyone's interest to resolve complaints at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. Staff should be fully aware of the procedures and know what to do if and when they receive a complaint.

A complainant might feel they would have difficulty discussing a complaint with a particular member of staff. Be flexible and refer the complainant to another member of staff. If the complaint is about the headteacher, the complaint should be referred straight to the chair of governors.

If a staff member directly involved feels compromised and unable to deal with the matter, once again refer to another staff member. This does not have to be a more senior member of staff; the ability to consider a complaint objectively and impartially is more important.

If a complainant approaches a governor in the first instance, the complainant should be referred to an appropriate member of staff. Governors should not act on individual complaints outside the formal procedure or be involved in the early stages in case they need to sit on a panel at the later stage.

2 Stage Two **Complaint heard by the headteacher**

The headteacher will have shaped the way complaints are handled in a school and will have decided who is the most appropriate person to deal with a complaint. In a large school it may be the deputy head or a head of year. The headteacher should be kept informed of any investigation carried out and should be involved in the final decision.

If the complaint is by letter the headteacher should acknowledge the complaint within 3 school days. The acknowledgement should include a summary of the complaints procedure and a target date of 15 school days for providing a response. If this date cannot be met, the complainant should be contacted and given a reason for the delay and a revised target date.

The headteacher should meet with the complainant to discuss their concerns and find solutions. The complainant may bring a friend, family member or advocate to the meeting and interpreting services should also be made available where necessary. The headteacher may find it useful to have another member of staff present to observe and record the meeting and promote staff safety. Care should be taken in these circumstances not to create an intimidating atmosphere for the complainant.

The headteacher should make whatever enquiries they consider necessary to ascertain the facts and the legitimacy of decisions taken. This may include:

- Interviewing staff / pupils
- Reviewing minutes of meetings
- Reviewing school records

Pupils should be interviewed in the presence of another member of staff, or in the case of serious complaints (e.g. where the possibility of criminal investigation exists) in the presence of their parents. Again, care should be taken in these circumstances not to create an intimidating atmosphere.

It is important that the headteacher investigates complaints thoroughly and objectively. If they feel unable to do this (e.g. if they have been directly involved in the decision making process that led to the complaint) they should delegate responsibility for investigating the complaint to another member of the management team or the chair of governors. It is strongly advised that the headteacher (or designated person) should keep a record of interviews, telephone conversations and other documentation.

Once all the relevant facts have been established, the headteacher should provide a written response to the complainant. This should include a full explanation of decisions taken and the reasons for them. Where appropriate, it should include details of actions the school will take to resolve the complaint.

It may be useful at this point to offer the complainant a meeting to discuss the response and seek reconciliation. The complainant should be provided with details of how to contact the Governing Body if they are not satisfied with the response.

3 Stage Three **Complaint passed to Chair of Governors**

The Chair of Governors decides whether to convene the Complaints Committee to look into the complaint or commission the LA to start an investigation which will be charged at the consultancy rate.

If the complaint is about the headteacher then the Chair is advised to seek guidance from LA before proceeding. The LA will determine whether the matter is actually a complaint, which should be addressed through the governing body complaints committee or a disciplinary matter, which should be dealt with through the appropriate process with the assistance of the Human Resources (HR) team.

Stage Four

The Governors' Complaints Committee

If the Complaints Committee is activated this is the last school based stage of the process and should not be perceived as a rubber stamp exercise.

The constitution of a complaints committee

In appointing members to the complaints committee, consideration must be given to the possible need for further action by the staff disciplinary/dismissal committees with regard to the issue of tainting other committees. With that in mind, the complaints committee should be small and constituted as follows:

- That a minimum of 3 governors be appointed, with a quorum of 3
- That the committee, when it meets, includes at least one parent governor
- That governors who are employed to work at the school or who may have a direct involvement or prior knowledge of the case, are precluded from membership
- That the committee has delegated powers. As such it needs formal notice, an agenda and brief minutes (care needs to be taken about the content of minutes re: tainting, when reporting back to the full governing body)
- If the governing body has not appointed a chair, or the chair is not available, the committee shall appoint one of their number to be chair.

The chair of the complaints committee should contact the complainant and invite them to a meeting.

The meeting should allow for:

- The complainant to explain their complaint and the headteacher to explain the school's response.*
- Witnesses to be brought by the complainant or the headteacher.
- The headteacher and the complainant to ask questions of each other and any witnesses.
- The committee to ask questions of the complainant, headteacher and any witnesses.
- The complainant and the headteacher to summarise their position

** There may be situations in which it is not appropriate for the complainant and/or the headteacher to meet in the same room or one or other party refuses to do so. In these cases, the complaints committee should make arrangements such that views and questions may still be provided to and from the committee by the separate parties, possibly in separate rooms or at separate times.*

Having considered all the evidence and questioned all parties, the Committee can:

- dismiss the complaint in whole or in part
- uphold the complaint in whole or in part

- request an investigation by an officer of the local authority

Brief minutes of the meeting should be made, regarding the date, time and place of the meeting; people present; a brief account of the complaint; a brief account of the headteacher's decision; a record of the committee's decisions. The minutes should not refer to people by name but by initials and will be resolved to be 'not available to the public at the school'.

A written response detailing the decisions, recommendations and the basis on which these have been made should be sent to the complainant within 15 school days.

The Complaints Committee should feedback to the Headteacher and governors who may choose to revisit or review their policies.

The school should retain a copy of all correspondence and records of meetings.

If the complainant remains dissatisfied with the outcome they should be notified of the right to appeal to the Secretary of State for Education.

A complaint may be made to the Secretary of State for Education if a person believes a governing body or LA is acting unreasonably or is failing to carry out its statutory duties properly. In academies the YPLA handles complaints on behalf of the Secretary of State. The complaint should set out fully the concerns and reasons why the complaint is being submitted, enclosing all previous correspondence relevant to the complaint. The complaint should be mailed to the Department.

Ofsted has powers to investigate certain complaints by parents about their child's school for the purpose of deciding whether to use its inspection powers. For further information see the Ofsted website:

<http://www.ofsted.gov.uk/resources/complaints-ofsted-about-schools-guidance-for-parents>

Parents may also comment on their view of the school under twelve headings on Parent View:

<http://parentview.ofsted.gov.uk/>

