

Learning together

School Complaints Procedure (for a maintained school)

Evidence of intentions and practice - for the information of
staff, governors, parents, LA, OFSTED and DfE

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Overview

1. In accordance with Section 29 of the Education Act 2002, all local authority (LA) maintained schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides, summarised in Annex A. The law also requires the procedure to be publicised.
2. The majority of schools already have a complaints procedure in place, generally based on Local Authority (LA) or Diocesan Board models. This document is intended to help schools draw up a complaints procedure if they have not already done so, or to review their existing procedure if they wish. A framework of principles can be found at paragraph 12.
3. In addition, there are certain complaints which fall outside the remit of the GB's complaints procedure – see Annex G, ***The complaints procedure is a forum for dealing with parental complaints e.g instances of bullying, comments made by teachers to pupils/parents, wearing of jewellery, pupils running out of school etc.*** It is recommended that the governing body ensures that any third party providers offering community facilities or services through the school premises, or using school facilities, have their own complaints procedure in place.
4. When schools draw up their procedure it is recommended that local trade union representatives and LAs be involved. An example of a procedure, which schools might find helpful, is at Annex B.

Part 1: General Principles of complaints

The difference between a concern and a complaint

- 5 A 'concern' may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'. A complaint may be generally defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

Who can make a complaint?

- 6 Any person, including members of the general public, may make a complaint about any provision of facilities or services that the school provides, unless separate statutory procedures apply (such as exclusions or admissions). The school must not limit complaints to parents or carers of children that are registered at the school.

Informal stage

- 7 It is in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to invoke formal procedures. The school should take informal concerns seriously and make every effort to resolve the matter as quickly as possible.
- 8 In most cases the class teacher or the individual delivering the service in the case of extended school provision, will receive the first approach. It would be helpful if staff were able to resolve issues on the spot, including apologising where necessary.
- 9 There are occasions when complainants would like to raise their concerns formally. In those cases, the school's formal procedure should be invoked through the stages outlined within this procedure.

Dealing with Complaints – Formal procedures

- 10 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.
11. Schools might wish to nominate a member of staff to have responsibility for the operation and management of the school complaints procedure. They could be termed the school's 'complaints co-ordinator'. In smaller schools this may often be the headteacher.

Framework of Principles

12. An effective Complaints Procedure will:
- encourage resolution of problems by **informal** means wherever possible;
 - be easily **accessible** and **publicised**;
 - be **simple** to understand and use;
 - be **impartial**;
 - be **non-adversarial**;
 - allow **swift** handling with established **time-limits** for action and keeping people informed of the 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;
 - provide **information** to the school's senior management team so that services can be improved.

Timeliness

- 13 Complaints need to be considered and resolved as quickly, and efficiently as possible by:
- Setting realistic and reasonable time limits for each action within each stage. Where further investigations are necessary, set new time limits, send the complainant details of the new deadline and give an explanation for the delay;
 - Understanding that the DfE does not consider excessive time limits to be reasonable or acceptable, except in extenuating circumstances;
 - Expecting complaints to be made as soon as possible after an incident arises, although three months is generally considered to be an acceptable time frame in which to lodge a complaint;
 - Ensuring that, if the policy includes a cut-off timeframe, the school will consider exceptions and that their complaint procedure reflects this. The school must not have blanket policies of refusing to consider any complaints not lodged within the stated period.

Investigating Complaints

14. It is suggested that at each stage, the person investigating the complaint, makes sure 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;
 - keep notes of the interview.

Resolving Complaints

- 15 At each stage in the procedure schools will want to keep 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 the event complained of will not recur;
 - 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.
16. It would be useful if complainants were 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.
17. 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.

Serial and Persistent Complainants

- 18 The school should do their best to be helpful to people who contact them with a complaint or concern or a request for information. However, in cases where the school is contacted repeatedly by an individual making the same points, or who asks them to reconsider their

position, the school will need to act appropriately.

19 There will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. It is important for the school to recognise when they really have done everything they can in response to a complaint. It is a poor use of the school's time and resources to reply to repeated letters, emails or telephone calls making substantially the same points. If a complainant tries to re-open the same issue, the Chair of Governors can inform them that the procedure has been completed and that the matter is now closed.

20 If the complainant contacts the school again on the same issue, then the correspondence may be viewed as 'serial' or 'persistent' and the school may choose not to respond. However, the school must be careful that they do not mark a complaint as 'serial' before the complainant has completed the procedure.

Note: *The Department for Education does not itself use the term 'vexatious' when dealing with serial or persistent correspondents as it could potentially be inflammatory. However, it is a recognised term. In the context of Freedom of Information (FOI) requests, the Upper Tribunal concluded that 'vexatious' could be defined as the '...manifestly unjustified, inappropriate or improper use of a formal procedure.' An exemption therefore exists in Section 14(1) of the Freedom of Information Act 2000. However, this exemption can only be applied to requests themselves, and not the individuals who submit them. More information about dealing with vexatious requests for information is available on the Information Commissioner's Office (ICO) website.*

21 Under no circumstances should an individual be marked as serial for exercising their democratic right to refer their complaint to their local MP regardless of which stage the complaint has reached. The application of a 'serial or persistent' marking should be against the subject or complaint itself rather than the complainant.

When is it time to stop responding?

22 The decision to stop responding should never be taken lightly. The school needs to be able to say yes to all of the following:

- The school has taken every reasonable step to address the complainant's needs;
- The complainant has been given a clear statement of the school's position and their options (if any); and
- They are contacting the school repeatedly but making substantially the same points each time.

23 The case is stronger if the school agrees with one or more of these statements:

- The school has reason to believe the individual is contacting them with the intention of causing disruption or inconvenience - have they actually said as much in a letter, email or telephone calls
- Their letters/emails/telephone calls are often or always abusive or aggressive
- They make insulting personal comments about or threats towards staff.

24 The school should not stop responding just because an individual is difficult to deal with or asks complex questions. In most circumstances the subject matter is what you can refuse to respond to, not the correspondent.

25 Schools must provide parents with the information they are entitled to under The Education (Pupil Information) (England) Regulations 2005.

26 However, where an individual's behaviour is causing a significant level of disruption, the school may wish to implement a tailored communications strategy such as restricting them to a single point of contact via an email address or by limiting the number of times they

make contact; eg: a fixed number of contacts per term.

- 27 Complainants have a right to have any new complaint heard and failure to respond at all to a complainant could mean that the school is failing to comply with its legal obligations. The school needs to ensure that they are acting reasonably and that any genuine complaint can still be heard.
- 28 If the school staff find it difficult to deal direct with a complainant because of their unreasonable behaviour and other strategies are not working, they may be able to approach the local authority to ask for assistance. If this is agreed, complainants can be advised not to contact the school, but to communicate instead with the LA who will coordinate any response. Complainants who may have been restricted in their communications with the school can also be advised to ask a third party to act on their behalf, such as the local Citizen's Advice Bureau.
- 29 Ultimately, if a complainant persists to the point that the school considers it to constitute harassment, legal advice should be sought as to the next steps. In some cases, injunctions and other court orders could be considered due to the complainant's behaviour.
- 30 Different procedures apply to FOI and Data Protection (DP) correspondence. The school should talk to the local authority or FOI/DP advisor contact for further advice.
- 31 Once the school has decided that it is appropriate to stop responding, they will need to let the complainant know; ideally, through a hard copy letter but an email will suffice.

Dealing with Unreasonable Complainants

- 32 Parkstone Primary School is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.
- 33 The school defines unreasonable complainants as *'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'*.
- 34 A complaint may be regarded as unreasonable when the person making the complaint:-
- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
 - refuses to cooperate with the complaints investigation process while still wishing their complaint to be resolved;
 - refuses to accept that certain issues are not within the scope of a complaints procedure;
 - insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
 - introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
 - makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
 - changes the basis of the complaint as the investigation proceeds;
 - repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);

- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

35 A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:-

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

36 Complainants are required to limit the numbers of communications with the school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

37 Whenever possible, the headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

38 If the behaviour continues the headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the school causing a significant level of disruption, the school may specify methods of communication and limit the number of contacts with the school. This will usually be reviewed after 6 months.

39 In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the school.

Barring from the School Premises

40 Although fulfilling a public function, schools are private places. The public has no automatic right of entry. The school will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

41 If a parent's behaviour is a cause for concern, the school can ask them to leave school premises. In serious cases, the headteacher or the local authority can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. The school should always give the parent the opportunity to formally express their views on the decision to bar in writing.

42 The decision to bar should then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed, the parent should be notified in writing, explaining how long the bar will be in place.

43 Anyone wishing to complain about being barred can do so, by letter or email, to the headteacher or Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education. Once the school's own complaints procedure

has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

Part 2: The Formal Complaints Procedure

The Stages of Complaints

44. An efficient school complaints procedures will have well-defined stages. A flow chart of suggested stages can be found in Annex C. At each stage it would be helpful to clarify exactly who will be involved, what will happen, and how long it will take. There may, on occasion, be the need for some flexibility; for example, the possibility of further meetings between the complainant and the member of staff directly involved and further investigations may be required by the headteacher after a meeting with the complainant. Both of these examples could be included.
45. Three school-based stages are likely to be sufficient for most schools:
- Stage one: concern heard by staff member (though not the subject of the complaint);
 - Stage two: complaint heard by headteacher;
 - Stage three: complaint heard by GB's complaints committee;

In very small schools it may be necessary to go straight to stage 2.

46. Regardless of how many stages the school chooses, an unsatisfied complainant can always take a complaint to the next stage. Some procedures may allow for an additional stage if the LEA, Diocese Body (DB) or other external agency provides an independent appeal or review.
47. An effective procedure will specify how a complaint will be dealt with if it concerns the conduct of the headteacher or a governor or where a headteacher or governor has been involved in the issue previously.
48. Complaints against the headteacher are usually first dealt with by the Chair of Governors. Complaints against the Chair of Governors or any individual governor should be made by writing to the Clerk to the Governing Body.
49. An example of a complaints procedure can be found in Annex B.

Interviewing Best Practice Tips

Children/young people

50. Children/young people 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/carers. However, it might not always be possible to conduct an interview in case it prejudices a LADO or police investigation.
51. Care should be taken in these circumstances not to create an intimidating atmosphere.
52. Children/young people should be told what the interview is about and that they can have someone with them.

Staff/Witnesses

53 The following principles should be followed

- Explain the complaint and your role clearly to the interviewee and confirm that they understand the complaints procedure and their role in it.
- Staff are allowed a colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager.
- Use open, not leading questions.
- Do not express opinions in words or attitude.
- Ask single not multiple questions, i.e. one question at a time.
- Try to separate 'hearsay' evidence from fact by asking interviewees how they know a particular fact.
- Persist with questions if necessary. Do not be afraid to ask the same question twice. Make notes of each answer given.
- Deal with conflicting evidence by seeking corroborative evidence. If this is not available, discuss with the complaints co-ordinator/ headteacher/ Chair of Governors the option of a meeting between the conflicting witnesses.
- Make a formal record of the interview from the written notes as soon as possible while the memory is fresh. Show the interviewee the formal record, ask if s/he has anything to add, and to sign the record as accurate.

Part 3 – Managing and Recording Complaints

Recording Complaints

54 The school must ensure that they comply with their obligations under the Equality Act 2010. In this complaints procedure, the complainant will be asked to complete the complaint form. However, if the complainant has communication preferences due to disability or learning difficulties, the school must allow alternative methods of contact:

- A complaint may be made in person, by telephone, or in writing and the complainant will be asked to complete the complaint form if appropriate. An example of a complaint form can be found in Annex D;
- In order to prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls should be kept and a copy of any written response added to the record. At the end of a meeting or telephone call, it would be helpful if the member of staff ensured that the complainant and the school have the same understanding of what was discussed and agreed. Where there are communication difficulties, the school may wish to use recording devices to ensure the complainant is able to access and review the discussions at a later point. .
- The school should record the progress of the complaint and the final outcome. The headteacher or complaints coordinator should be responsible for these records and hold them centrally.
- The school should be aware that complainants have a right to copies of these records under the Freedom of Information and Data Protection Acts.

Governing Body Review

55 Principles to be followed by the governing body:

- Complaints should not be shared with the whole governing body, except in very general terms, in case an appeal panel needs to be organised;
- If the whole governing body is aware of the substance of a complaint before the final stage has been completed, the school will need to arrange for an independent panel to

hear the complaint. They may approach a different school to ask for help or their Governors' team or the Diocese;

- Complainants have the right to request an independent panel, if they believe there is likely to be bias in the proceedings. The school should consider the request but, ultimately, the decision is made by the governors;
- The process of listening to and resolving complaints can contribute to school improvement. When individual complaints are heard, the school may also identify underlying issues that need to be addressed. The monitoring and review of complaints can be a useful tool in evaluating the school's performance. However, complaints information shared with the whole governing body should not name individuals in case an appeal panel needs to be constituted.
- It is the governing body which determines how often the complaints procedure is reviewed. For this school, the review period will be every two years. This will enable the school to take into account any new guidance issued by the Department for Education or legislative changes.

56 Responsibility for reviewing the procedure may be delegated to a committee of the governing body, an individual governor or the headteacher. For this school, this has been delegated to the Personnel Committee and ratified at the full Governing Body meeting. The review dates are published on the policy document. Failure to do so could constitute a failure to adhere to a policy.

Publicising the Procedure

57. There is a legal requirement for the Complaints Procedures to be publicised. It is up to the GB to decide how to fulfil this requirement but details of the Complaints Procedures could be included in:

- the school prospectus;
- the governors' report to parents;
- the information given to new parents when their children join the school;
- the information given to the children themselves;
- the home-school agreement;
- home school bulletins or newsletters;
- documents supplied to community users including course information or letting agreements;
- a specific complaints leaflet which includes a form on which a complaint can be made;
- posters displayed in areas of the school that will be used by the public, such as reception or the main entrance;
- the school website.

Further information

58 **Useful Resources and External Organisations**

- National Governors Association
- Information Commissioner's Office

Other Relevant Departmental Advice and Statutory Guidance

- Section 29 of the Education Act 2002
- Governors Handbook
- Understanding and Dealing with Issues Relating to Parental Responsibility

Other Departmental Resources

- How to complain about a school - Advice for complainants
- Parental Responsibility Guidance – non-statutory advice for schools

Section 29 of the **Education Act 2002** requires that:

- (1) The governing body of a maintained school (including a maintained nursery school) shall –
 - (a) establish procedures for dealing with all complaints relating to the school or to the provision of facilities or services under section 27, other than complaints falling to be dealt with in accordance with any procedures required to be established in relation to the school by virtue of a statutory provision other than this section, and
 - (b) publicise the procedures so established.
- (2) In establishing or publicising procedures under subsection (1), the governing body shall have regard to any guidance given from time to time (in relation to England) by the Secretary of State).

Section 39 of the Education Act 2002 provides the following:

“maintained school” means a community, foundation or voluntary school, a community or foundation special school or a maintained special school;

“maintained nursery school” means a nursery school which is maintained by a local education authority and is not a special school;

KINGSTON UPON HULL CITY COUNCIL

SCHOOL'S COMPLAINTS PROCEDURE Parkstone Primary School

Introduction

It is in everyone's interest that complaints are resolved at the earliest possible stage. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints. In most cases the class teacher will receive the first approach and it would be helpful if issues were resolved as soon as practicable.

The complaints procedure is a forum for dealing with parental complaints eg: instances of bullying, comments made by teachers to pupils/parents, wearing of jewellery, pupils running out of school, environmental issues, health and safety issues etc.

In the event of the formal complaints procedure being implemented the member of staff concerned may be represented by a friend or trade union representative.

It should be remembered, however, that certain complaints will fall outside the remit of the governing body's complaints procedure, for example, staff grievances, disciplinary procedures and curriculum issues which are already dealt with in accordance with separate procedures.

In the case of allegations relating to physical, sexual or emotional abuse by staff, the procedures should be followed alongside Child Protection guidelines and procedures relating to allegations against staff.

The Head teacher will coordinate investigations and maintain records of the complaints and any outcomes.

Stage One: Preliminary Stage (Informal) - Concern Heard by Staff Member

The experience of the first contact between the complainant and the school can be crucial in determining whether the concern will escalate into a formal complaint. It is the responsibility of the governing body to ensure that staff are made aware of the procedures and they know what to do when they receive a complaint.

In the first instance the complainant must raise the concern to the appropriate member of staff. Where the concern is about the headteacher, the complainant should refer the matter to the chair of governors who may decide to involve the LA at a later stage.

In exceptional circumstances, if the member of staff directly involved feels unable to deal with the concern, the headteacher may nominate another member of staff to investigate. The ability to consider the concern objectively and impartially is crucial.

Where the first approach is made to a governor, the governor must refer the complainant to the appropriate person and advise them about the procedure. It is important that all stages of the complaints procedure are followed.

Stage Two: Complaint Heard by Headteacher

In the event of the complainant not being satisfied regarding the outcome of Stage One, they may refer the complaint to the headteacher. At this stage the complainant must submit written notice of the complaint to the headteacher – Annex D, Complaint Form. The headteacher will then forward a copy of the complaint to the member of staff concerned.

The headteacher will investigate the complaint and will decide the most appropriate action to be taken. This could include, for example, an apology or a review of a policy. At this stage, it may be appropriate for the headteacher to refer the investigation of the complaint under a different procedure e.g. where the conduct of the member of staff is in question the disciplinary procedure should be followed.

The headteacher may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

The headteacher will be responsible for writing to the complainant to inform them of the outcome of the investigation and, if the complainant is not satisfied at this stage, their right for the complaint to be referred to the Complaints Committee.

Stage Three: Complaint Heard by the Governing Body's Complaints Committee

The complainant needs to submit another complaint form (Annex E), which should be updated in light of the headteacher's decision, to the Chair of Governors. The Chair, or a nominated governor, will convene a meeting of the governing body's Complaints Committee. At this meeting the complainant may attend to present their case, with a friend/relative in a supporting role if requested. The headteacher will also be in attendance to explain their decision regarding the complaint and the school's actions. Witnesses may be called by either party. An LA representative may attend in an advisory capacity.

(A procedure for conducting the meeting is enclosed as Annex F).

The Committee may decide the following:-

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in 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 do not recur.

The governors' hearing is the last school-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions.

Individual complaints must not be heard by the whole governing body at any 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 e.g. where the Committee believes that the headteacher has not taken appropriate action.

Notification of the Complaints Committee's Decision

The chair of the committee needs to ensure that the complainant is notified of the decision, in writing, within 2 working days. There is no further right of appeal.

Roles and Responsibilities

The Complainant

The complainant or person who makes the complaint will receive a more effective response to the complaint if he/she:-

- co-operates with the school in seeking a solution to the complaint;
- expresses the complaint in full as early as possible;
- responds promptly to requests for information or meetings or in agreeing the details of the complaint;
- asks for assistance as needed;
- treats all those involved in the complaint with respect.

The Complaints Coordinator (or headteacher)

The complaints coordinator should:-

- ensure that the complainant is fully updated at each stage of the procedure;
- ensure that all people involved in the complaint procedure will be aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000;
- liaise with staff members, headteacher, Chair of Governors and Clerk to ensure the smooth running of the complaints procedure;
- keep records;
- be aware of issues regarding:-
 - sharing third party information;
 - additional support - this may be needed by complainants when making a complaint including interpretation support.

The Investigator

The Investigator is the person involved in Stages 1 and 2 of the procedure. The Investigator's role can include:-

- providing a comprehensive, open, transparent and fair consideration of the complaint through:-
 - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved;
 - consideration of records and other relevant information;
 - interviewing staff and children/young people and other people relevant to the complaint;
 - analysing information;
- effectively liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right;
- identifying solutions and recommending courses of action to resolve problems;
- being mindful of the timescales to respond; and
- responding to the complainant in plain and clear language.

The person investigating the complaint should make sure that they:

- conduct interviews with an open mind and be prepared to persist in the questioning;
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting.

There are several points which any governor, as a panel member, sitting on the complaints committee needs to remember

Panel Members (governors)

- a. It is important that the hearing is independent and impartial and that it is seen to be so. No governor may sit on the committee 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 the issues of race, gender and religious affiliation.
- b. 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 might 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.
- c. An effective committee will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents/carers often feel emotional when discussing an issue that affects their child. The committee 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.
- d. Extra care needs to be taken when the complainant is a child/young person and present during all or part of the hearing. Careful consideration of the atmosphere and proceedings will ensure that the child/young person does not feel intimidated. The panel should respect the views of the child/young person and give them equal consideration to those of adults.
- e. If the child/young person is the complainant, the panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the panel should give the parent the opportunity to say which parts of the hearing, if any, the child/young person needs to attend.
- f. The parent should be advised however that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting which the panel considers not to be in the child/young person's best interests.
- g. The welfare of the child/young person is paramount.
- h. The governors sitting on the committee need to be aware of the complaints procedure.

The Role of the Clerk

The Clerk to the Committee would be the contact point for 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 and 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 at the hearing;
- record the proceedings; and
- notify all parties of the committee's decision.

The Role of the Chair of the Governing Body

The Chair's role is to:

- check that the correct procedure has been followed; and
- if a hearing is appropriate, notify the clerk to arrange a meeting of the Complaints Committee.

The Role of the Chair of the Complaints Committee

The Chair of the Committee has a key role, ensuring that:

- the remit of the committee 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 Committee is open minded and acting independently;
- no member of the Committee 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; and
- written material, **circulated with notice of the meeting**, 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.

Department for Education

The Role of the School Complaints Unit

If a complaint has completed the local procedures and the complainant remains dissatisfied, they have the right to refer their complaint to the Secretary of State. The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing body has acted unlawfully or unreasonably and where it is expedient or practical to do so.

The School Complaints Unit (SCU) considers complaints relating to LA maintained schools in England on behalf of the Secretary of State. The SCU will look at whether the complaints policy and any other relevant statutory policies were adhered to. The SCU also looks at whether statutory policies adhere to education legislation. However, the SCU will not normally re-investigate the substance of the complaint. This remains the responsibility of schools.

The SCU will not overturn a school's decision about a complaint except in exceptional circumstances where it is clear the school has acted unlawfully or unreasonably. If the SCU finds that the school has not handled a complaint in accordance with its procedure, we may request that the complaint is looked at again.

If legislative or policy breaches are found, the SCU will report them to the school and the complainant, and where necessary, ask for corrective action to be taken. The SCU normally also seeks written assurances as to future conduct. Failure to carry out remedial actions or provide written assurances could ultimately result in a formal Direction being issued by the Secretary of State in accordance with her powers under sections 496 and 497 of the Education Act 1996.

Schools may wish to contact the SCU for advice on whether they have acted reasonably; for example: in closing down a complaint from a serial complainant before the local procedure has been completed. However, the SCU will not be able to advise on how to resolve the complaint.

Further information can be obtained from the SCU by calling the National Helpline on 0370 000 2288 or going online at: www.education.gov.uk/help/contactus or by writing to:

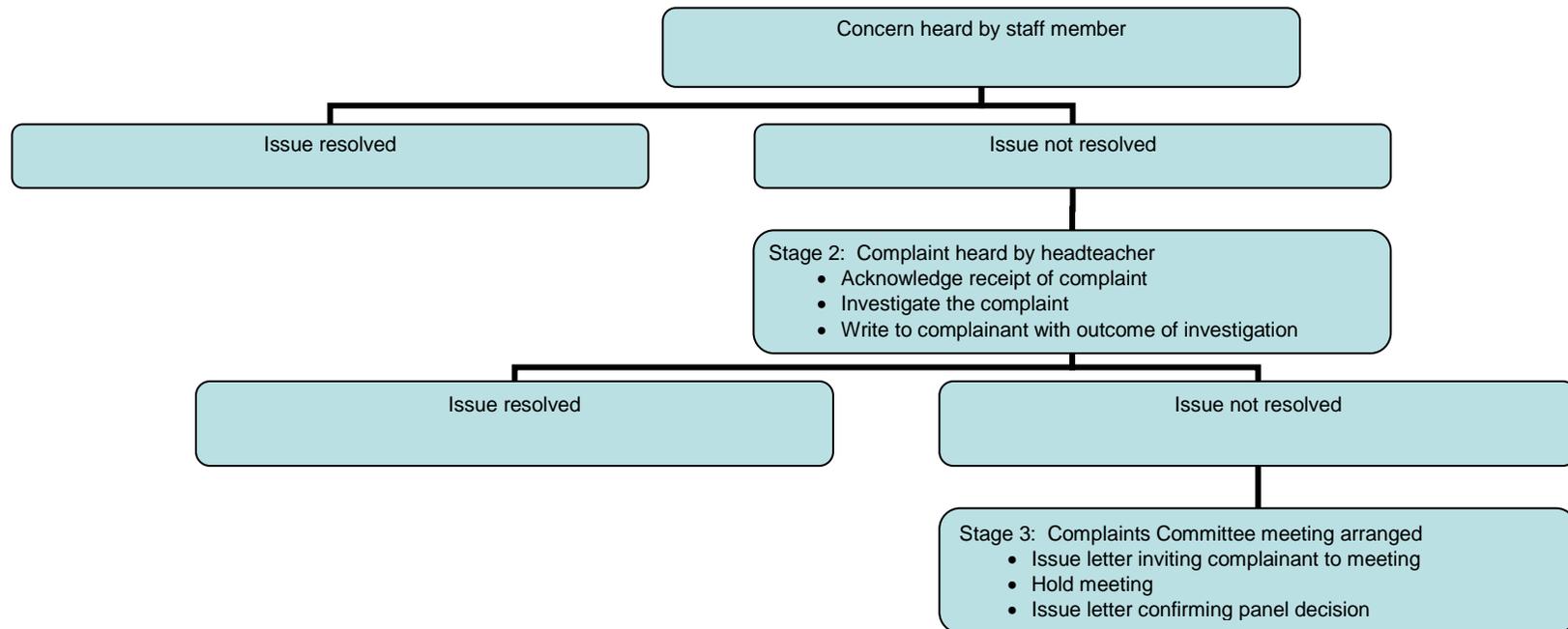
Department for Education
School Complaints Unit
2nd Floor, Piccadilly Gate
Store Street
Manchester M1 2WD

School Complaints Procedure

Annex C

Flowchart

Summary of Dealing with Complaints



Complaint form

Annex D



Please complete and return to the headteacher in the first instance, 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 whom:

Complaint referred to:

Date:

(Should you not be satisfied with the outcome of the headteacher's investigation, you will be asked to submit a revised copy of this form to the Chair of the Governing Body).

Complaint form to the Governing Body

Annex E



Please complete and return to the Chair of Governors who will acknowledge receipt and arrange a meeting of the Complaints Committee.

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 whom:

Complaint referred to:

Date:

School Complaints Procedure

Annex F

Procedure for Hearing Complaints by the Complaints Committee of the Governing Body

1. Introduction by the Chair of the Committee and a reminder to all present of:
 - a) the Complaints Procedure under which the meeting has been called;
 - b) the manner in which the meeting will be conducted as set out below in paragraphs 1-12;
 - c) the degree of confidentiality;
 - d) those present and the purpose of the hearing; and
 - e) the supporting evidence.
2. Presentation by the complainant, including evidence from witnesses (where appropriate). When witnesses have given evidence and answered all questions put to them, they should leave the room.
3. Questions by the governors and the headteacher (or nominated person) on the evidence.
4. Presentation by the headteacher (or nominated person) to the committee, including evidence from witnesses (where appropriate), to explain the school's actions. When witnesses have given evidence and answered all questions put to them, they should leave the room.
5. Questions by the governors and the complainant on the evidence.
6. Opportunity for the complainant to make a final statement and/or sum up their complaint.
7. Opportunity for the headteacher (or nominated person) to make a final statement and/or sum up the school's actions and response to the complaint.
8. Withdrawal by the complainant and the headteacher (or nominated person) whilst the committee considers the matter.
9. Consideration of the matter by the committee. In the event that further information or clarification is needed from any of the persons who have left the meeting then all such persons should return to the meeting when such information is obtained. An opportunity should be given to each party to question or comment upon this additional information.
10. If there is no clear view about the facts presented by both parties, i.e. they are disputed, the governors should decide on the balance of probability what version of the facts they accept.
11. If any new facts emerge during either presentation, the governing body should decide whether further investigation is required and, if so, adjourn the hearing and reconvene when the investigation is completed.

School Complaints Procedure

12. Before reaching a decision the governors should consider:
 - a) all the information presented by both parties;
 - b) any mitigating circumstances; and
 - c) any decision must be reasonable and fair.
13. Recall of parties concerned to hear the decision of the committee orally (if appropriate and practical).

The Chair of the Complaints Committee should clearly inform the complainant of the decision.
14. Confirmation of the decision of the committee should be sent in writing to all parties concerned by the Clerk to the Committee

SH / CS June 2016

School Complaints Procedure

Annex G

Complaints not in scope of the procedure

A complaints procedure should cover all complaints about any provision of facilities or services that a school provides with the **exceptions** listed below, for which there are separate (statutory) procedures.

Exceptions	Who to contact
<ul style="list-style-type: none">• Admissions to schools• Statutory assessments of Special Educational Needs (SEN)• School re-organisation proposals• Matters likely to require a Child Protection Investigation	Concerns should be raised direct with local authorities (LA). For school admissions, it will depend on who is the admission authority (either the school or the LA). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.
Exclusion of children from school	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions .
Whistleblowing	Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: whistleblowing@ofsted.gov.uk or by writing to: WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD. The Department for Education is also a prescribed body for whistleblowing in education
Staff grievances and disciplinary procedures	These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.
Complaints about services provided by other providers who may use school premises or facilities	Providers should have their own complaints procedure to deal with complaints about service.