



# **GENERAL COMPLAINTS PROCEDURE FOR SCHOOLS**

**SEPTEMBER 2016**

# General Complaints Procedure for Schools

## Introduction

This model is intended as a good practice guide, applying to most general complaints which a school is likely to receive from parents. It would also meet the Circular 6/94 requirement to have a school policy about complaints concerning SEN provision within the school. Schools may wish to use the model for considering complaints which are made by pupils.

It is not intended to cover those aspects of school life for which there are specific statutory requirements: in particular, arrangements under s409 of the Education Act 1996 for complaints about the delivery of the National Curriculum, non-approved external qualifications or syllabuses, the provision of information, the conduct of an appeal to the governing body about the head's direction to withdraw/disapply the provisions of the National Curriculum for a pupil and the provision of collective worship and religious education. Parents who are not satisfied with an LA's decision about special needs assessments may appeal to the SEN Tribunal. Concerns about schools admissions and exclusions also have specific appeal rights.

In addition, allegations of child abuse, financial improprieties or other criminal activities will need to be dealt with through different procedures, as will complaints about contracted staff.

Some complaints about general matters of policy, such as the overall resourcing of a school, would also need to be dealt with differently.

## General Information

### Recording Complaints

It would be useful for schools to record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, or in writing. An example of a complaint form can be found at Appendix B. 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. A brief note of meetings and telephone calls can be kept and a copy of any written response added to the record.

A nominated member of staff could be responsible for the records and hold them centrally.

### Monitoring Complaints

The Governing Body can monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Preferably, complaints information shared with the whole Governing Body will not name individuals.

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 Governing Body can be a useful tool in evaluating a school's performance.

## **Publicising the Procedure**

There is a legal requirement, under Section 29 of the Education Act 2002, for the Complaints Procedures to be publicised. It is up to the Governing Body 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.

## **Procedures should be as speedy as possible – consistent with fairness to all concerned**

Each stage of the procedure should have known time limits. Where it is not possible to meet these, information about progress must be given to the complainant. Care should be taken not to draw things out with unnecessary bureaucracy. Schools should have a hierarchy for dealing with complaints.

The complaints procedure is distinct from formal disciplinary proceedings for staff and this needs to be made clear to all concerned. There may be occasions where a complaint launches a disciplinary procedure which puts the complaints procedure on hold. If so, the complainant should be informed of this and any non-disciplinary aspects of the complaint should be dealt with by the usual complaints procedures; the complainant should be up-dated on progress every three weeks on the likely further delay. It may be clear after the disciplinary procedures have been completed that particular responses to the complainant are required (e.g. an apology or an explanation of new policies to avoid a similar problem again).

## **Support for Complainants**

As part of the general publicity about complaints procedures, it is important for parents to know where they can go for information, advice and advocacy, if they require it. Ideally, support should be offered from individuals and organisations who are clearly separate from those complained against, such as Parents' Advice Centres, Citizens Advice Centres, refugee support organisations and other local advice centres. However, advice often comes from LA officers (e.g. specially designated complaints officers)

Parents raising concerns or complaints should be invited to be accompanied by a friend, a relative or a representative at any stage of the procedure.

## **Support for a Person Complained Against**

Staff who may be questioned as part of a complaints procedure investigation must feel that they are being treated in a fair way and be informed that they too will have an opportunity to state their case. They should be told about the procedure, given a copy of it, and be kept informed of progress. There is a crucial balance to be maintained between supporting the individual so that his/her rights and reputation are protected, and investigating a complaint thoroughly and impartially. They have the right to be accompanied by a union representative, friend or colleague at discussions about the complaint.

## **Confidentiality**

It is very important to treat conversations and correspondence with discretion. It is vital that parents feel confident that their complaint will not mean that their child will be penalised. However, from the outset, all parties to the complaint should be made aware that some information may have to be shared with others involved in the operation of the complaints procedure.

It is usually proper to disregard anonymous complaints unless somebody is prepared to substantiate them, but the danger in this is that they may relate to something quite serious. If the forewarned eventuality occurs, to the detriment of the school, the complainant may come forward subsequently and say that s/he alerted the school even though the complaint was unsigned. It should be at the headteacher or governing body's discretion to decide whether the gravity of an anonymous complaint warrants an investigation.

## **Redress**

If the outcome of the complaints procedure shows that the school is at fault, it is often sufficient to provide redress in the form of an acknowledgement that the complaint is valid. Alternatively, it may be appropriate to offer one or more of; an apology; an explanation; a promise that the event complained of will not recur or an undertaking to review school policies or practices in the light of the complaint. Fear of litigation should not prevent a school from admitting to parents when mistakes have been made, but advice should be taken from the LA if litigation could be possible. Staff should also take advice from their union and/or professional body.

## **Staff Awareness Training**

School staff, including non-teaching staff, should be familiar with the procedures so that they can advise about their operation. Potentially a great many staff are involved in handling complaints, especially at an informal level. Their confidence in doing so depends on their having clear information about the procedures, reassurances that senior staff are committed to the procedures and some basic training in the practical interpersonal skills needed in dealing with people who are upset or angry. All school staff should have clear information about which staff have particular responsibilities at school so that parents do not get passed from one person to another.

# **Stage 1: The First Contact: Guidelines for Dealing with Concerns and Complaints Informally**

The vast majority of concerns and complaints can be resolved informally. There are many occasions where concerns are resolved straight away through the class teacher or school Office Manager or Headteacher.

Parents must feel able to raise concern with members of staff without any formality, either in person, by telephone or in writing. On occasion it may be appropriate for someone to act on behalf of a parent.

At first it may be unclear whether a parent is asking a question or expressing an opinion rather than making a complaint. A parent may want a preliminary discussion about an issue to help decide whether he or she wishes to take it further.

## **Procedure for schools to use at Stage 1**

- 1.1 Parents have an opportunity for discussion of their concern with the appropriate member of staff (e.g. class teacher, head of year, deputy head) who clarifies with the parent the nature of the concern, and reassures them that the school wants to hear about it. The member of staff may explain to the parent how the situation happened. It can be helpful to identify at this point what sort of outcome the parent is looking for.
- 1.2 If the member of staff first contacted cannot immediately deal with the matter, s/he should make a clear note of the date, name, contact address or phone number.
- 1.3 Any member of staff will know how to refer, if necessary, to the person with responsibility for the particular issue raised by the parent. S/he will check later to make sure the referral has been successful.
- 1.4 In smaller schools or on certain major issues, the Head teacher may decide to deal with concerns directly at this stage.
- 1.5 If the concern relates to the Headteacher, the parent is advised to contact the Chair of the Governing Body, via the school.
- 1.6 The staff member dealing with the concern makes sure that the parent is clear what action (if any) or monitoring of the situation has been agreed, putting this in writing only if this seems the best way of making things clear.
- 1.7 Where no satisfactory solution has been found within 10 school days, parents are asked if they wish their concern to be considered further. If so they are given clear information, both orally and in writing, about how to proceed and about any independent advice available to them.

## **Stage 2: Referral to the Headteacher (or designated officer) for Investigation**

At this stage it has become clear that the concern is a definite complaint. In some cases the Headteacher has already been involved in looking at the matter; in others it is his/her first involvement. In either case, it is helpful for the Headteacher (or the person designated to investigate) to use guidelines to ensure consistency among cases, and to make sure that nothing happens at this stage which could make it difficult for later stages to proceed smoothly.

As Headteachers have responsibility for the day-to-day running of their schools, they have responsibility for the implementation of a complaints system, including the decisions about their own involvement at various stages. One of the reasons for having various “stages” in a complaints procedure is to reassure complainants that their grievance is being heard by more than one person. Headteachers should make arrangements to ensure that their involvement will not predominate at every stage of a particular complaint. For example, it is considered good practice for arrangements to be made for other staff to deal with parents’ concerns at stage 1, while the Headteacher has contact with parents at stage 2. Even at that stage the Headteacher may designate another member of staff to collect some of the information from various parties involved. In some cases, the Headteacher may be so involved at stage 1 that stage 2 has to be carried out by a designated officer.

### **Procedure for school to use at Stage 2**

- 2.1 The Headteacher (or designate) acknowledges the complaint orally or in writing within 3 school days of receiving confirmation that the complaint is now to be dealt with at stage 2. The acknowledgement gives a brief explanation of the school’s complaint procedure and a target date for providing a response to the complaint. This should normally be within 10 school days; if this proves impossible, a letter is sent explaining the reason for the delay and giving a revised target date.
- 2.2 The Headteacher provides an opportunity for the complainant to meet him/her to supplement information provided previously. It is made clear to the complainant that if s/he wishes, s/he may be accompanied to any meeting by a friend, relative, representative, or advocate who can speak on his or her behalf; and that interpreting facilities are available if needed.
- 2.3 If necessary, the Headteacher should interview witnesses and take statements from those involved. If the complaint centres on a pupil, the pupil should also be interviewed. Pupils would normally be interviewed with parents/guardians present. In some situations circumstances may prevent this e.g. where this would seriously delay the investigation of a serious/urgent complaint or where particular circumstances mean that a pupil has specifically said s/he would prefer that parent/guardians were not involved. In such circumstances another member of staff with whom the pupil feels comfortable should be asked to attend. If a member of staff is complained against, the needs of that person should be borne in mind.
- 2.4 The Headteacher keeps written records of meetings, telephone conversations, and other documentation.
- 2.5 Once all the relevant facts have been established, the Headteacher should then produce a written response to the complainant to discuss/resolve the matter.

- 2.6 A written response includes a full explanation of the decision and the reasons for it. Where appropriate, this includes what action the school will take to resolve the complaint. The complainant is advised that should s/he wish to take the complaint further s/he should notify the Chair of the Governing Body within two weeks of receiving the outcome letter.
- 2.7 If a complaint is against the action of a Headteacher the Chair of the Governing Body should carry out the Stage 2 procedures.

## **Stage 2a: Review by the Chair of the Governing Body (or designated officer) and the Head Teacher (or designated officer)**

At this stage the complainant has the opportunity to seek resolution of their complaint with the Chair of the Governing Body and the Headteacher. The complainant will be reassured that the school is taking the complaint seriously.

### **Procedure for school to use at Stage 2a**

- 2.8 The Chair of the Governing Body (or designated Governor) acknowledges the complaint, orally or in writing within 3 school days and invites the complainant to meet with him/her and the headteacher to find a way to move forward.
- 2.9 Any relevant documentation, including the Headteacher's report on the investigation to date should be provided for the Chair of the Governing Body prior to the meeting.
- 2.10 The Chair of the Governing Body keeps written records of meetings, telephone conversations, and other documentation relating to the complaint.
- 2.11 Once all the relevant facts have been established, from the original investigation and this further meeting the Chair of the Governing Body should then adjourn the meeting and produce a written response to the complainant to discuss/resolve the matter directly.
- 2.12 A written response includes a full explanation of the decision and the reasons for it. Where appropriate, this includes what action the school will take to resolve the complaint. The complainant is advised that should s/he wish to take the complaint further s/he should notify the Chair of the Governing Body within two weeks of receiving the outcome letter.

## **Stage 3: Review by the Governing Body**

At this stage, schools should seek advice from the LA. This can provide a useful “outside view” on the issues.

It is important that this review not only be independent and impartial but that it is seen to be so. The review is the last school based stage of the complaints process and is not there to merely rubber stamp previous decisions. Therefore, individual complaints should not be considered by the full governing body as serious conflicts of interest can arise; for example, in exceptional circumstances a complaint may result in disciplinary action against a member of staff, and governors may be required to give an unprejudiced hearing to an appeal by the member of staff concerned. Similarly some governors might have knowledge of the problem which led to the complaint and would be unable to give unbiased consideration to the issue.

Many complaints are inevitably seen by parents as being “against” a particular member of staff and their actions. However, all complaints which reach this stage will have done so because the complainant has not been satisfied by the Headteachers and/or the Chair of the Governing Body’s response at the earlier stages of the procedure, and it may be appropriate for the Governing Body to consider the complaint is against the school rather than against the member of staff whose actions led to the original complaint.

### **Procedure for review by the Governing Body**

- 3.1 Upon receipt of a written request by the complainant for the complaint to proceed to stage 3, the procedures outlined below should be followed.
- 3.2 The Clerk to the Governing Body should write to the complainant within 3 school days to acknowledge receipt of the written request. The acknowledgement should inform the complainant that the complaint is to be heard by three members of the school’s Governing Body within 20 school days of receiving the complaint. The letter should also explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received in time for the documents to be sent to the three members of the panel.
- 3.3 The Clerk to the Governing Body should arrange to convene a Governors’ Complaints Panel elected from members of the Governing Body.
- 3.4 The Panel members should be governors who have had no prior involvement with the complaint. If s/he has not previously been involved, the Vice-Chair of the Governing Body should chair the Panel. If not, a Chair must be elected for this purpose. It is not appropriate for the Headteacher to have a place on the Panel. Governors will want to bear in mind the advantages of having a parent (who is also a governor) on the Panel. Governors will also want to be sensitive to issues of race, gender and religious affiliation.
- 3.5 The Chair of the panel will ensure that the complaint is heard by the Panel within 20 school days of receiving the letter. All relevant correspondence regarding the complaint should be given to each Panel member when the composition of the Panel is confirmed.
- 3.6 The Chair of the Panel will write and inform the complainant, Headteacher, any relevant witnesses, and members of the Panel at least 5 school days in advance, of the date, time and place of the meeting. The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a friend/advocate/interpreter. The letter will also explain how the meeting will be conducted.



3.7 The Chair of the Panel should invite the Headteacher to attend the Panel meeting and prepare a written report for the Panel in response to the complaint. The Headteacher may also invite members of staff directly involved in matters raised by the complainant to respond in writing or in person to the complaint. Any relevant documents including the Headteacher's report should be received by all concerned, including the complainant, at least 5 school days prior to the meeting.

3.8 The involvement of staff other than the Headteacher is subject to the discretion of the Chair of the Panel.

3.9 It is the responsibility of the Chair of the Panel to ensure that the meeting is properly minuted.

3.10 The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that sometimes it may only be possible to establish facts and make recommendations which will satisfy the complainant that his or her complaint has at least been taken seriously.

3.11 The Panel should remember that many parents are unused to dealing with groups of people in formal situations and may feel inhibited when speaking to the Panel. It is therefore recommended that the Chair of the Panel ensures the proceedings are as informal as possible.

3.12 If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interests of natural justice to adjourn the meeting so that the other side has time to consider and respond to the new evidence.

3.13 The meeting should allow for

- the complainant to explain their complaint
  - the Panel to question the complainant
  - the Headteacher to explain the school's response
  - the Panel to question the Headteacher and/or other members of staff about the school's response
- } At this stage it is generally more acceptable to see the Headteacher and complainant separately
- any party to have the right to call witnesses (subject to the approval of the Chair)
  - final statements by both the complainant and the Headteacher.

3.14 The Chair of the Panel will explain to all concerned that the Panel will now consider its decision, and a written decision will be sent to both parties within 15 school days.

3.15 The Panel will then consider the complaint and all the evidence presented and (a) reach a unanimous, or at least a majority, decision on the complaint and (b) decide upon the appropriate action to be taken to resolve the complaint and (c) where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again.

3.16 The written statement outlining the decision of the Panel must be sent to the complainant and Headteacher. The letter to the complainant should explain whether a further appeal can be made, and if so, to whom.

3.17 The school should ensure that a copy of all correspondence and notes are kept. These records should be kept separately from the pupil's personal records.

## Stage 4: Beyond the School

4.1 The **LA** has a role to play in respect of school-specific complaints as an *arbitrator* who can *mediate* between the complainant and the school. Rotherham Metropolitan Borough Council has its own general complaints procedure by means of which complaints are initially handled by the department. **This general procedure is not however appropriate for those complaints made in respect of the internal affairs of the school which remain wholly the responsibility of the School's Governing Body. Such complaints should be dealt with by the Headteacher and the Governing Body of the school concerned.**

4.2 The LA's Performance and Quality Officer is able to attend meetings between complainants and schools as an independent mediator. **It must be understood and made clear however to the complainant that any decision reached by the Governing Body is final and binding; further referral through the LA or the Council's general complaints procedure is unable to be actioned.**

4.3 **The Local Government Ombudsman** investigates complaints about the alleged maladministration of Local Authority Services. As such, a complaint about the way in which the LA operates its general school complaints procedure could, theoretically at least, be referred to the Ombudsman. The Ombudsman does, however, not look at internal school management matters and expects all complaints to have exhausted local arrangements for the consideration and disposal of complaints prior to investigating any matter within its jurisdiction.

4.4 The **Secretary of State for Education** can receive complaints under Section 496 of the Education Act, 1996, on the grounds that a Governing Body or LA is acting or is proposing to act unreasonably, or under Section 497 of the same Act, on the grounds that either the Governing Body or the LA has failed to discharge its duties under the said Act. The Secretary of State may contact the Governing Body or the LA for more information in order to consider the complaint further. These powers relate to County Schools and Voluntary Schools and Grant-Maintained Schools and City Technology Colleges.

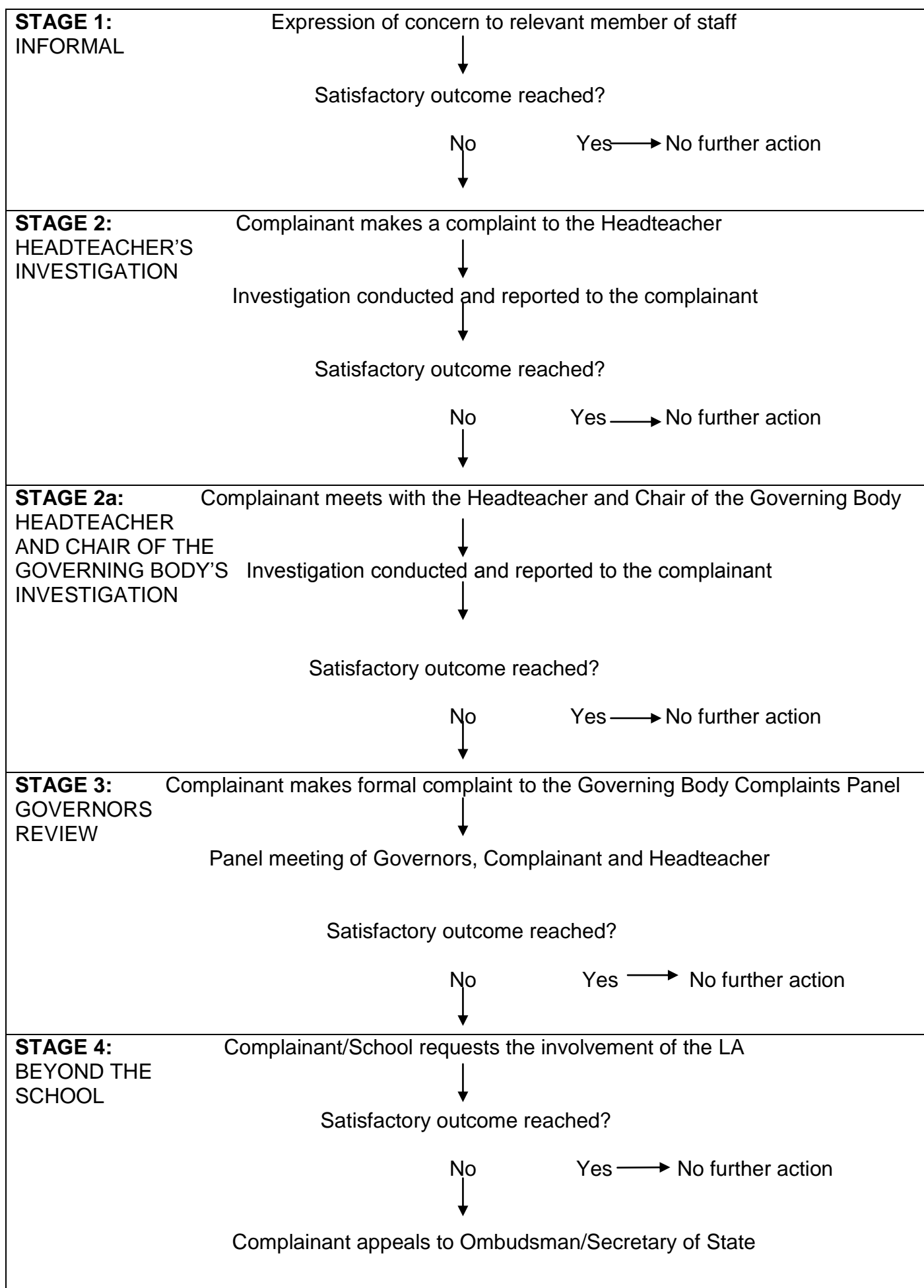
## CONTACTS

The Secretary of State for Education  
Sanctuary Buildings  
Great Smith Street  
London SW1P 3BT

Telephone number: 0870 0002288

Local Government Ombudsman  
PO Box 4771  
Coventry CV4 0EH

Telephone number: 0300 0610614



**Example of a complaint form**

**Please complete and return to ..... 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:**

**Action taken:**

**Date:**

**What Stage is the Complaint at:**

**Stage 1**

**Date:**

**Stage 2**

**Date:**

**Stage 2a**

**Date:**

**Stage 3**

**Date:**

**Stage 4**

**Date:**

**(Beyond the school)**

**(to be amended as necessary)**

