

# School Complaints Procedure

## Introduction

Good relationships between schools and families are important in supporting pupils to succeed in developing their potential, in terms of their social and emotional well-being and meeting or exceeding their predicted outcomes in academic achievement.

One mechanism for building good relationships is to encourage feedback on the services that school provides. Feedback can help to improve and develop practices and services provided by school. Encouraging feedback is one way to show those who work in partnership with schools that their views are valued.

Occasionally feedback on difficulties and challenges that arise will be received and these will need to be addressed to ensure that the supportive partnership continues. In many cases issues can be resolved informally. However, where there is an issue that cannot be concluded informally a formal procedure is required that will attempt to resolve and reconcile all parties concerned.

## **What is a complaint?**

A complaint can be defined as:

“any expression of dissatisfaction, whether justified or not, which requires a response.” (Taken from the Corporate Feedback Policy 2005)

Schools need to be clear about the difference between a concern (managed at the informal stage) and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

## General principles

There is a duty on Schools to have in place a complaints procedure.  
(Section 29 of the Education Act 2002)

This procedure is intended to apply to **general** complaints that are received by school. However some complaints are subject to statutory procedures.

These complaints are:

Delivery of the National Curriculum, religious education or collective worship	Governors agreed complaints procedure applies but complainant has further right to approach the LA
Complaint by member of staff *	Grievance procedure - adopted by school
Capability issues *	Capability procedure - adopted by school
Pupil Exclusion *	Pupil Discipline procedure - DCSF guidance
Admissions to school *	Dealt with via LA admissions team
Child Protection	LA Child Protection procedures apply
Special Educations Needs	LA Procedures apply

*In schools where the Governing Body is the employer (Foundation, Voluntary Aided and Trust schools) complaints relating to \* should be addressed to the school's Governing body.*

In dealing with any complaints:

- Any procedure should aim to balance the rights and responsibilities of pupils, parents and school staff and to recognise that responsibilities rest with each of these.
- The procedure should be easily accessible and well publicised.
- It should be impartial and non-adversarial
- The procedure should have established time limits for action and keeping people informed.
- Confidentiality must be maintained at all times although all parties will need to accept that some information may need to be shared if the complaint is to be fully investigated.
- A complaint is not part of any staff disciplinary process and staff who may be interviewed as part of the investigation must be treated fairly and have an opportunity to state their case. Staff should be offered support in dealing with any investigation into a complaint.
- Any member of staff who is complained about will have the opportunity to respond to the complaint during the investigation and will be able to see any response as a result of the investigation. Any disciplinary procedures that may arise from the investigation will be dealt with separately under the school's disciplinary procedure.
- A complaint about a member of the Governing Body should be referred to the Complaints Committee of the Governing Body.

## **Resolving complaints**

At each stage of the procedure schools should 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 admission that the school could have handled the situation better is not the same as an admission of negligence)
- 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.

## **Stage One - Informal Concerns and Complaints**

- 1.1 Any parent/carer who has a concern/complaint should make contact with the appropriate member of staff who should clarify the nature of the concern/complaint and reassure them that the school wants to hear about it. This would usually be the teacher or may be the Headteacher. If the member of staff cannot deal with the matter immediately they should make a clear note of the date, name and contact details of the complainant and agree at convenient time to make contact.
- 1.2 The member of staff should record details of the concern/complaint and try to identify what action/outcome the parent/carer is looking for. (A sample recording form is in Annex A)

- 1.3.1 If no satisfactory solution has been found within 10 working days the complainant should be asked if they wish their concerns to be considered further. If that is the case and matter has previously been dealt with by a teacher then the next stage, Stage 2, should be dealt with by the Headteacher. If the informal stage was dealt with by the Headteacher the Stage 2 contact should be the Chair of Governors

## **Stage Two - Formal consideration by Headteacher or Chair of Governor**

- 2.1 It should be the aim of all concerned to reach an agreed solution to the problem at this stage for the good of the child, parents/carer and the school.
- 2.2 Stage 2 complaints should be made in writing (Annex B). The complaint should be acknowledged within 3 working days of receipt. The written acknowledgement should give a brief explanation of the school's General Complaints Procedure and a target date for providing a response to the complaint. This will normally be within 10 working days. If this proves impossible, a letter will be sent explaining the reason for the delay and giving a revised target date. Where the complaint at Stage 2 is against the Headteacher the investigation should be conducted by a single governor (usually the Chair of Governors or the Vice Chair).
- 2.3 The Headteacher (or Governor) should provide an opportunity for the complainant to meet him/her to provide any further information relevant to the complaint. Depending on the reason for the complaint, statements from witnesses may be required. The Headteacher (or Governor) should keep written records of meetings, telephone conversations and other documentation.
- 2.4 If the complaint centres on a pupil, the pupil may also be interviewed. It is good practice that when pupils are interviewed in a formal situation, the children's parents are to be present. If this is not possible then a member of staff who is known and trusted by the pupil should be invited to attend.
- 2.5 When all the relevant facts have been established, the Headteacher should produce a written response to the complainant. The written response should include a full explanation of the decision and the reasons for it. Where appropriate, this should include any action the school will take to resolve the complaint. The complainant should be advised that if s/he wishes to take the matter further, s/he should notify the Chair of the Governing Body within 10 working days of receiving the outcome letter. If the complaint is not resolved at this level, the complainant will be given the option to move to Stage 3.

Before progressing the complaint to Stage 3, it would normally be expected that the complainant has:

- sought to resolve the concern through approaches to the school as described in Stages 1 and Two
- allowed reasonable time (normally no more than four school weeks) for investigation of the concern
- accepted any reasonable offer by the school to discuss the result of the investigation
- taken part in any process of mediation offered by the school
- made the initial complaint within two months of the incident occurring

## **Stage Three - Referral to the Complaints Committee of the Governing Body**

- 3.1.1 Complaints rarely reach this stage, but Governing Bodies should be prepared to deal with them when necessary. At this stage schools would normally seek advice from the LA and/or the appropriate Diocese.
- 3.1.2 The Governors who will hear the Complaint Appeal should have no prior knowledge or previous involvement with the complaint. This is to ensure the appeal is both independent and impartial to stop any prejudice of the appeal. Therefore it is very important that discussion about the complaint does not take place outside of the Complaints Panel.
- 3.1.3 As this may be the last chance for a solution or compromise to be reached, every effort should be made to reach agreement through reconciliation or mediation.
- 3.1.4 All Complaint Appeals should be received in writing.
- 3.1.5 It is important that the Complaints Panel views the complaint as being against the school rather than an individual staff member whose actions may have led to the original complaint.

## **Stage Three Procedure**

### **Option One - Investigation by the Complaints Committee**

Upon receipt of a written request by the complainant for the complaint to proceed to Stage 3, the procedures outlined below should be followed:

- 3.2.1 The Chair of the Governing Body or the Governing Body Clerk should write to the complainant to acknowledge receipt of the written request within three days. The acknowledgement should inform the complainant that the Governing Body's Complaints Committee would set up a Complaints Panel, who would hear the complaint within 20 working days.
- 3.2.2 The Clerk to the Governing Body should convene a meeting of a Complaints Panel within the agreed timescale. The panel should consist of at least 3 governors who have not previously been involved in dealing with the complaint. The Headteacher should not be a member of the panel. The clerk should be responsible for making all the arrangements for the meeting, including the time and place. The complainant, Headteacher, any relevant witnesses and members of the Complaints Panel should be informed at least 5 working 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 should also explain how the meeting would be conducted.
- 3.2.3 The Headteacher should be invited to attend the Complaints Panel meeting and to prepare a written report for the Panel in response to the complaint. Any relevant documents, including the Headteacher's report, and any documentation supplied by the complainant should be received by all concerned, including the complainant, at least 5 days prior to the meeting. The committee should elect a Chair for the meeting. The Governing bodies should have regard to the need for ethnic, gender or other mix of members as appropriate. The meeting should be appropriately minuted.
- 3.2.4 The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. The Panel should try to ensure that the meeting is not too formal or intimidating for those involved. All should be told the names of everyone present and have the procedure explained to them at the beginning of the meeting.
- 3.2.5 The meeting should allow

- The complainant<sup>1</sup> to explain his/her complaint/s and the Headteacher to explain the school's response.
  - The complainant to question the Headteacher and/or other members of staff about the school's response, and the Headteacher to question the complainant about the complaint.
  - Panel members to have an opportunity to question the complainant, the Headteacher and any witnesses, as appropriate.
  - Final statements by both the Headteacher and the complainant. (Procedure for Complaint Hearing Appendix C)
- 3.2.6 The Chair of the Panel should explain to the complainant and the Headteacher that the Panel will now consider its decision, and that a written decision will be sent to both parties within 7 working days. The complainant, Headteacher and other members of staff and witnesses should leave the meeting.
- 3.2.6i The Panel should then consider the complaint and all the evidence presented and:
- a) reach a majority decision on the complaint;
  - b) decide upon the appropriate action to be taken to resolve the complaint;
  - c) where appropriate, recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again. Recommendations should be reported to the Governing Body at an appropriate time;
  - d) where appropriate to do so, recommend any further action.
- 3.2.7 The Clerk to the Governing Body should send the complainant, the Headteacher and Chair of Governors a written statement outlining the decision of the committee within 7 working days of the meeting.
- 3.2.8 Copies of all correspondence should be kept on file in the Governors records. These records should be kept separately from pupil's personal records.

## **Option Two - Investigation by the LA on behalf of the Governing Body**

- 3.3.1 There may be occasions when the Governing Body of a school will ask (or be advised to ask) the Local Authority to investigate a complaint on their behalf. This may particularly apply if the complaint involves a vulnerable child. For the purposes of this document a vulnerable child is one who is at risk of not achieving their predicted outcomes. The Local Authority has no powers or jurisdiction to act independently of the Governing Body.
- 3.3.2 The Local Authority will carry out the investigation on a repayment basis on behalf of the Governing Body. The investigation may be carried out by a Local Authority Officer or an external independent Complaint Investigator. A Local Authority investigating officer will be appointed by the Head of Standards or an external investigating officer would be appointed, in partnership with the Children's Services Complaints Co-ordinator.

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<sup>1</sup> The complainant may allow a friend, relative or advocate to speak on their behalf

- 3.3.3 The investigation will be carried out within an agreed timescale (normally 25 working days). The aim of the investigation should be to establish all the facts with the goal that the complaint be resolved and reconciliation achieved between the school and the complainant.
- 3.3.4 The complainant and the Headteacher will be given an opportunity to make representations to the investigating officer. It will not be possible to introduce new evidence at this stage of the proceedings. The Local Authority will provide an opportunity for all of those involved to provide information relevant to the complaint. Depending on the reason for the complaint, statements from witnesses may be required.
- 3.3.5 The Local Authority will prepare a written report to the Complaints Panel of the Governing Body on the outcome of the investigation. The report will either uphold the complaint or find no substantive evidence to support the complaint.

**There is no appeal mechanism to the Local Authority on the findings of the investigation.**

- 3.3.6 Copies of the report would also be made available to both the Head and the complainant at least 5 days prior to the meeting of the Complaints Panel of the Governing Body to which they should be invited to attend. The Complaint Panel will be convened in the same way as it would be if it was investigating the complaint, to consider the report.
- 3.3.7 The Complaints Panel should be informed at least 5 working days in advance of the date, time and place of the meeting and should also receive the report in this time scale. The meeting should be appropriately minuted.
- 3.3.8 At the meeting the Panel should consider the complaint and the report presented by the LA. As no further evidence can be presented at this stage the Head and Complainant are there as observers and for verification purposes only.
- 3.3.9 The Chair of the Panel should explain to the complainant and the Headteacher that the Panel will now consider its decision, and that a written decision will be sent to both parties within 7 working days. The Complainant and Headteacher should then be asked to leave. The process should continue as per the Complaint Panel procedure - 3.2.6i, in that the Panel:
- a) reach a majority decision on the complaint;
  - b) decide upon the appropriate action to be taken to resolve the complaint;
  - c) where appropriate, recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again. Recommendations should be reported to the Governing Body at an appropriate time;
  - d) where appropriate to do so, recommend any further action.
- 3.3.10 The Clerk to the Governing Body should send the complainant, the Headteacher and Chair of Governors a written statement outlining the decision of the committee within 7 working days of the meeting.
- 3.3.11 Copies of all correspondence should be kept on file in the Governors records. These records should be kept separately from pupil's personal records.

## Further Action

### Stage Four - LA Review

The Complainant has no further right of appeal except where they consider that the process followed by the Governors' Complaints Committee had been unfair.

If that is the case the complainant can approach the Local Authority to conduct a review to ensure that reasonable procedures have been followed (as set out in this policy), that the complainant has been treated fairly and that there has been no breach of statutory regulations.

**There is no further or wider appeal to the Local Education Authority who have no powers to intervene further in the disposal of general complaints.**

### Stage Five – Secretary of State

The complainant may approach the Secretary of State for Children, Schools and Families on the grounds that a governing body has acted or is proposing to act unreasonably, or that the governing body or LA has failed to discharge its duties under legislation. Complaints of this nature rarely succeed, however, providing that all procedures have been followed correctly. Where complaints are made the Secretary of State may contact the governing body or the LA for more information.

## Unreasonably persistent complainants

The great majority of people with complaints or concerns about the school behave reasonably in pursuing their complaint. This means that they:

- treat all school staff with courtesy and respect;
- respect the needs of pupils and staff within the school;
- avoid the use of violence (including threats of violence) towards people and property;
- recognise the time constraints under which members of staff work and allow the school a reasonable time to respond to a complaint;
- recognise that resolving a specific problem can sometimes take some time;
- follow the school's complaints procedures.

However, a small number of complainants may be deemed "**unreasonably persistent complainants**". This means that, in complaining about issues, either formally or informally, they behave unreasonably, for example by:

- actions which are obsessive, persistent, harassing, prolific, repetitious; and/or
- prolific correspondence or excessive e-mail or telephone contact about a concern or complaint; and/or
- an insistence upon pursuing unmeritorious complaints and/or unrealistic or unreasonable outcomes; and/or
- an insistence upon pursuing meritorious complaints in an unreasonable manner.

- 5.3 A model procedure for identifying and responding to such complainants is attached as Appendix D.

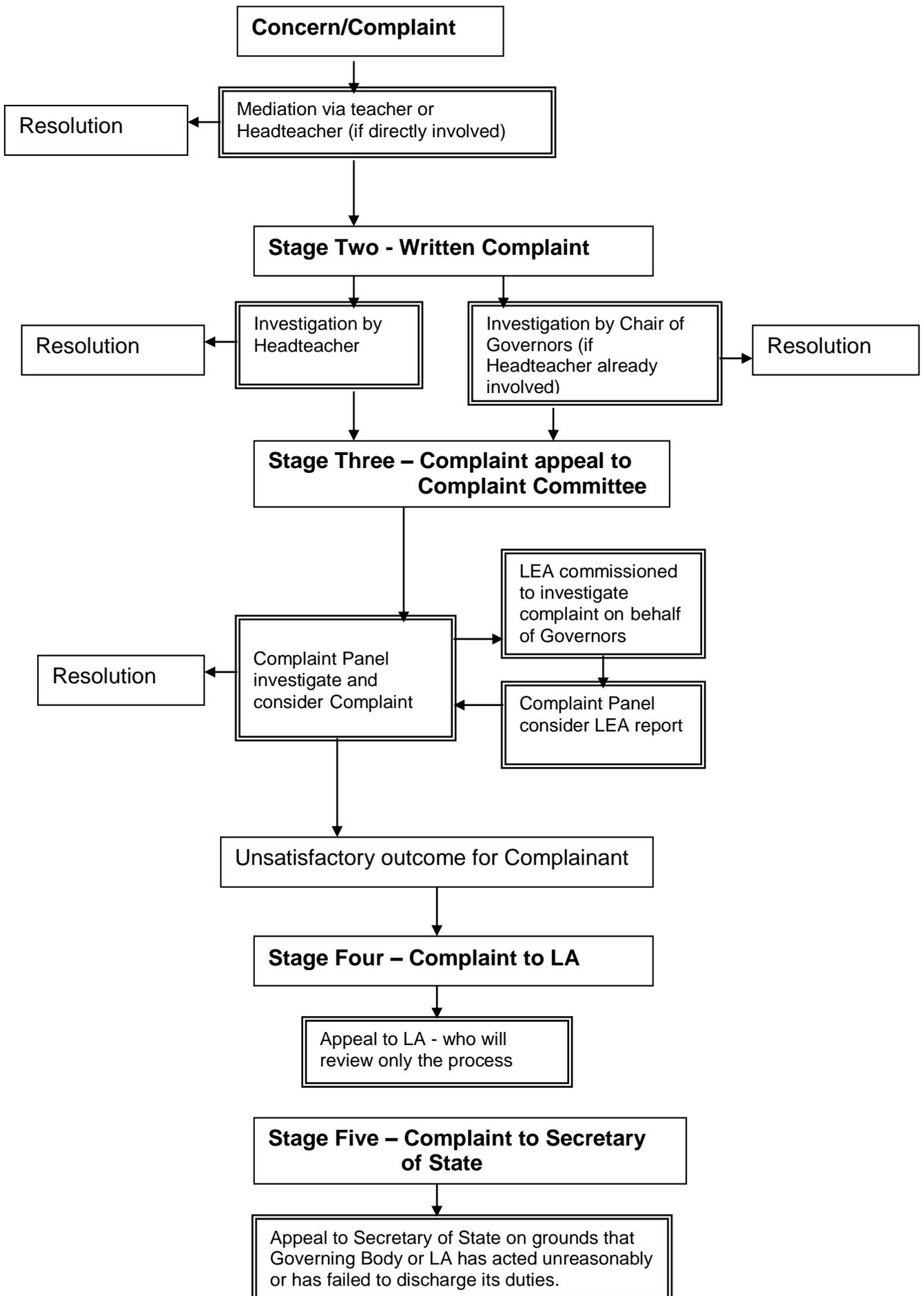
## **Parent Support**

Free and independent advice for Parents as available through the Advisory Centre for Education (ACE). ACE is a National Charity which aims to provide the information, support and high-quality advice that parents need to help their children at school, particularly where there are problems.

The telephone number for ACE is 08088005793

The web address is: [www.ace-ed.org.uk](http://www.ace-ed.org.uk)

# COMPLAINTS PROCESS



**APPENDIX A**

**INITIAL SCHOOL RECORD OF COMPLAINT**

<b>School</b>	
<b>Name of Complainant</b>	
<b>Childs Name</b>	
<b>Date of Contact with School</b>	
<b>Nature of Complaint:</b>	
<b>Actions Taken:</b>	
<ul style="list-style-type: none"><li>•</li><li>•</li><li>•</li><li>•</li><li>•</li></ul>	
<b>Signature</b>	<b>Date</b>

**Complainant Form**

Please complete and return to the Headteacher 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:**

### **A Model Procedure for the Conduct of a Complaint Hearing at Stage Three**

1. The Clerk for the meeting should invite everybody into the room, introduce them and explain the role of each person.
2. The Chair should explain to all present that the purpose of the meeting is to review the complaint, resolve any differences and achieve a reconciliation between the school and the complainant.
3. The chair should then outline the proposed procedure for the meeting. S/he should listen to any concerns about the procedure but has the final decision about the arrangements:
  - (a) The complainant will outline the complaint and may call witnesses.
  - (b) The Headteacher will be given the opportunity to seek clarification from the complainant and/or witnesses.
  - (c) The Panel may seek clarification from the complainant and/or witnesses.
  - (d) The Headteacher will be given the opportunity to respond and call witnesses.
  - (e) The complainant will be given the opportunity to seek clarification from the head teacher and/or witnesses.
  - (f) The Panel will seek clarification from the complainant and/or witnesses.
  - (g) The complainant will be given the opportunity to sum up.
  - (h) The Headteacher will be given the opportunity to sum up.
  - (i) Both parties will then leave the room to allow the committee to deliberate. Any LA representative may remain to offer technical and/or procedural advice.
4. The committee will then arrive at its decision. This will cover:
  - (a) Findings on the complaint.
  - (b) Appropriate action to be taken by the school.
  - (c) Any recommended changes to the school's systems or procedures.
5. The decision will be notified to all parties, in writing, within 7 school days.

## Procedure for Dealing with Unreasonably Persistent Complainants

### Introduction

1. The great majority of people with complaints or concerns about the school behave reasonably in pursuing their complaint. This means that they:
  - treat all school staff with courtesy and respect;
  - respect the needs of pupils and staff within the school;
  - avoid the use of violence (including threats of violence) towards people and property;
  - recognise the time constraints under which members of staff work and allow the school a reasonable time to respond to a complaint;
  - recognise that resolving a specific problem can sometimes take some time;
  - follow the school's complaints procedures.
2. However, this appendix to the Model Complaints Procedure for Schools deals with **complainants that are unreasonably persistent**.

### Definitions

3. For the purposes of this appendix, an “**unreasonably persistent complainant**” is defined as follows:

*An unreasonably persistent complainant is a person who complains about issues, either formally or informally, or frequently raises issues that he/she considers to be within the remit of the school and whose behaviour is unreasonable. Such behaviour may be characterised by:*

- *actions which are obsessive, persistent, harassing, prolific, repetitious; and/or*
  - *prolific correspondence or excessive e-mail or telephone contact about a concern or complaint; and/or*
  - *an insistence upon pursuing unmeritorious complaints and/or unrealistic or unreasonable outcomes; and/or*
  - *an insistence upon pursuing meritorious complaints in an unreasonable manner.*
4. For the purposes of this appendix, “**harassment**” is defined as follows:
 

*Harassment is the unreasonable pursuit of the actions listed above in (3) in such a way that they:*

    - *appear to be targeted over a significant period of time on one or more members of school staff; and/or*

- *cause ongoing distress to individual member(s) of school staff; and/or*
- *have a significant adverse effect on the whole/parts of the school community; and/or*
- *are pursued aggressively."*

### **Deciding whether a complainant should be deemed an unreasonably persistent complainant**

5. Only the Headteacher, with the agreement of the Chair of Governors, may deem a complainant an unreasonably persistent complainant.
6. The Headteacher will ensure that there is sufficient evidence available to justify the decision. He/she will consult the Authority's Legal Services to confirm that the evidence is sufficient.

### **Action to be taken where a complainant is deemed an "unreasonably persistent complainant"**

7. The Headteacher will write to the complainant to explain the decision and the way that future complaints will be dealt with. Any restrictions imposed will be appropriate and proportionate.
8. Some or all of the following actions may be taken, depending on the particular circumstances of the case:
  - insisting that no member of staff should meet the complainant on his/her own;
  - restricting telephone calls from the complainant to specified days and times;
  - requiring that all future contacts with the school are in writing, except in emergencies; this includes contacts with members of the governing body, who should only be contacted at the school address;
  - merely acknowledging correspondence from the complainant that raises issues that have already been dealt with;
  - after consulting the Authority's Legal Services, banning the complainant from the school premises where the complainant's behaviour constitutes a nuisance or disturbance, with any appointments with staff to be agreed in writing via the Head teacher.
9. However, all correspondence from the complainant will be considered and any new **and** substantive issues will be addressed and a reply sent to the complainant.
10. New complaints from people who have been deemed unreasonably persistent complainants will be treated on their merits.