

St Martins School - GUIDE TO A SCHOOL COMPLAINTS PROCEDURE

School Complaints Procedure

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School Complaints Procedure – Key Messages

School Complaints Procedure

Overview

1. Since 1 September 2003 governing bodies (GBs) of all maintained schools and maintained nursery schools in England have been required, under Section 29 of the Education Act 2002, summarised in Annex A, to have in place a procedure to deal with complaints relating to the school and to any community facilities or services that the school provides. 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. There are certain complaints which fall outside the remit of the GB's complaints procedure, for example, staff grievances or disciplinary procedures. 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.
3. The guidance contained within this document is based on the 2011 Education Act and DFE advice **The School Complaints Toolkit 2014** and has been adapted to reflect current practice within Shropshire.
4. Ofsted has launched Parent View, a 12-question online survey that allows parents an opportunity to express their opinions on aspects of their child's school at any time, including during an inspection. It is important that parents are aware that Parent View is not a complaints mechanism and should they wish to make a complaint, they must follow the procedure as laid down in the school's own policy.

If schools draw up their own procedure it is recommended that local teacher associations and the LA be involved. An example of a procedure, which schools might find helpful, is at Annex B.

5. Further information can be obtained from:

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

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Part 1: General Principles of Complaints

Dealing with Complaints — Stage 1: Initial concerns

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

7. These key messages deal with complaints but the underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. In most cases the class teacher or the individual delivering the service 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. If a governor is approached they should not get involved in the complaint but should refer the complainant to the headteacher.

Dealing with Complaints — Stage 2: Formal Procedures

8. 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.

9. 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 could be the headteacher.

Framework of Principles

10. An effective Complaints Procedure will:
- encourage resolution of problems by informal means wherever possible;
 - be easily accessible and 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.

Investigating Complaints

11. It is suggested that at each stage, the person investigating the complaint (the complaints coordinator), makes sure that they:

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- 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 or arrange for an independent not taker.

Resolving Complaints

12. 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.

13. 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.

14. 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.

Vexatious Complaints

15. If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the chair of the GB is able to inform them in writing that the procedure has been exhausted and that the matter is now closed from the GBs point of view. However if they wish to further the complaint, the complainant can currently write to The Secretary of State for Education at the Department for Education.

Time-Limits

16. Complaints need to be considered, and resolved, as quickly and efficiently as

School Complaints Procedure – Key Messages

possible. An effective complaints procedure will have realistic time limits for each action within each stage. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline with an explanation of the reason for the delay.

17. Certain stages within the complaints process have specified timescales, others do not as they are very much driven by the complainant, for example between stages 1 and 3. However a letter of complaint requiring the committee to meet (stage 4) should be acknowledged within a ten day period. The meeting should then, wherever possible, take place within three weeks (excluding school holidays) of the acknowledgement letter.

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The Stages of Complaints

18. An efficient school complaints procedure will have well-defined stages. 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.

19. Four school-based stages are likely to be sufficient for most schools:

Stage one informal: complaint heard by staff member (normally complaints coordinator)

Stage two formal: complaint heard by headteacher (if not the subject of the complaint);

Stage three formal: complaint heard by chair of governors;

Stage four formal: complaint heard by GB's complaints committee;

20. 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. Complaints against the head teacher are normally first dealt with by the chair of governors (stage 3). Complaints against the chair of governors or any individual governor should be made in writing to the Clerk to the Governing Body.

21. **An example of a complaints procedure can be found in Annex B.**

School Complaints Procedure — Key Messages

Part 3 — Managing and Recording Complaints

Recording Complaints

22. 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 however a complaint which has reached stage 3 must be in writing. An example of a complaint form can be found in Annex C. 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.

23. The headteacher or complaints co-ordinator would be responsible for the records and hold them centrally.

Governing Body Review

24. In accordance with the suggested terms of reference for the complaints committee, the GB should monitor the level and nature of complaints and review the outcomes on a regular basis (at least annually) to ensure the effectiveness of the procedure and make changes where necessary. Complaints information shared with the whole GB should not name individuals.

25. As well as addressing an individual's complaint, the process of listening to, and resolving complaints will contribute to school improvement. When individual complaints are heard, schools may identify underlying issues that need to be addressed. The monitoring and review of complaints by the school and the GB can be a useful tool in evaluating a school's performance.

Publicising the Procedure

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

- the school prospectus;
- any report/communication from the governors 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.

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Annex A

Section 29 of the Education Act 2002 requires that:

- (1) The governing body of a maintained school (including 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 failing 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 sub-section (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 community, foundation or voluntary school, a community or foundation special school or a maintained nursery school;

‘maintained nursery school’ means a nursery school which is maintained by a local authority and is not a special school.

An Example of a Complaints Procedure

Stage One: (informal) : complaint heard by a staff member (though not the subject of the complaints, this could be the complaints coordinator)

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. To that end, if staff are made aware of the procedures, they know what to do when they receive a complaint.

It would assist the procedure if the school respected the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. Where the complaint concerns the headteacher, he/she or the complaints co-ordinator can refer the complainant directly to the chair of governors.

Similarly, if the member of staff feels too compromised to deal with a complaint he/she may consider referring the complainant to another staff member. The staff member may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

Where the first approach is made to a governor, the next step would be to refer the complainant to the complaints coordinator and advise them about the procedure. Governors should not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a committee at a later stage of the procedure.

Stage Two: (Formal) : Complaint Heard by Headteacher

The head teachers' influence will already have shaped the way complaints are handled in school. At this point the complainant may be dissatisfied with the way the complaint was handled in Stage 1 as well as pursuing their initial complaint. The head may delegate the task of collating information to another staff member but not the decision on the action to be taken.

Stage Three: Complaint Heard by Chair of Governors

If the complainant is not satisfied with the response from the head teacher or if the complaint is about the head teacher, the complainant should write to the Chair of Governors in which the process has been followed and the complaint has not been resolved, they may request that their complaint be considered by the chair of the governors. The chair of governors may investigate the complaint as originally formally reported, and convey the outcome to the complainant.

Stage Four: Complaint Heard by the Governing Body Complaints Committee

If the complainant feels that their complaint still hasn't been resolved, and there is need to review the process they should write to the chair of the governors' complaints committee giving details of the complaint. The chair would acknowledge receipt of the letter within a 10 day period and would ask the clerk to convene a GB complaints committee meeting. This meeting should, wherever possible, take place within three weeks (excluding school

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holidays) of dispatch of the acknowledgement letter unless a longer period (perhaps to arrange suitable dates or collate information) is necessary in which case the chair must inform the complainant the reason for the delay.

The governors' complaints committee is the last school-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions. However, the committee will not deal with any new issues or concerns introduced at this stage, either verbally or in writing, by the complainant.

Individual complaints would not be heard by the whole GB at any stage, as this could compromise the impartiality of any committee set up for a disciplinary hearing against a member of staff following a serious complaint.

The governing body should appoint a committee consisting of three or five members (preferably with reserves) with delegated powers to hear complaints at this stage in the complaint process, and set out its terms of reference. These can include:

- drawing up its procedures;
- hearing individual complaints;
- making recommendations on policy as a result of complaints.

If the governing body does not appoint a chair, the committee will choose its own chair.

It would not be appropriate to appoint anyone who works at the school to sit on this committee.

The complainant and the person who is the subject of the complaint (if appropriate) should be permitted to bring a supporter (friend, spouse, union representative, etc) should they so chose.

The Remit of the Complaints Committee

The committee can:

- 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, procedures or policies to ensure that problems of a similar nature do not recur.

There are several points which any governor sitting on a complaints committee needs to remember:

a) It is important that the committee is independent and impartial and that it is seen to be so. No governor may be a member of 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 committee, 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.

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b) The aim of the meeting, 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 the complainant might not be satisfied with the outcome if the committee 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 often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.

d) Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The committee needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend. It would not normally be appropriate for the child to be present throughout the meeting.

e) The governors sitting on the committee need to be aware of the complaints procedure.

Roles and Responsibilities

The Role of the Clerk

It is important that any complaints committee meeting which is considering complaints should be clerked. The clerk would be the contact point for the complainant and be required to:

- set the date, time and venue of the meeting, 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 meeting;
- meet and welcome the parties as they arrive at the meeting;
- record the proceedings;
- notify all parties of the committee's decision.

As best practice the Clerk should share copies of the panel minutes with all parties involved in the panel hearing, providing a reasonable opportunity for the minutes to be agreed and if necessary challenged.

It is not unknown for complainants to raise additional complaints because they do not agree with the record of the meeting.

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The Role of the Chair of the Governing Body

The chair of the governing body shall:

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

The Role of the Chair of the Committee

The chair of the committee has a key role, ensuring that:

- Introductions are made;
- the remit of the committee is explained to the parties (including what happens after the meeting) and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- the meeting is effectively conducted;
- 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 meeting 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;
- written material is seen by all parties;
- The complaint, as originally registered, is the focus of attention.

Notification of the Committee's Decision

The chair of the committee needs to ensure that the complainant is notified of the decision, in writing, with the committee's response; within seven days of the meeting. The letter needs to explain that the complainant can contact the Secretary of State for Education at the Department for Education if they wish.

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

If a complaint has exhausted the local procedures, SCU will examine if the complaints policy and any other relevant policies were followed in accordance with the provisions set out. SCU also examines policies to determine if they adhere to education legislation. However, the department will not re-investigate the substance of the complaint. This remains the responsibility of schools.

If legislative or policy breaches are found, SCU will report them to the school and the complainant and, where necessary, require remedial action to be taken. Failure to carry out remedial actions could ultimately result in a formal Direction being issued by the Secretary of State.

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Checklist for Complaints Committee Meeting

The panel needs to take the following points into account:

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

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Annex C – Summary for Dealing with Complaints

Stage 1 – Complaint heard by staff member

- Ensure complaints co-ordinator informed of outcome

If not resolved, then escalate to Stage 2 – Complaint heard by headteacher

- Acknowledge receipt of complaint
- Write to complainant with outcome of investigation
- Ensure complaints co-ordinator informed of outcome
 - Offer escalation to Stage 3 if dissatisfied

If not resolved, then escalate to Stage 3 - Complaint heard by Chair of Governors

- Acknowledge receipt of complaint
- Write to complainant with outcome of investigation
- Ensure complaints co-ordinator informed of outcome
 - Offer escalation to Stage 4 if dissatisfied

If not resolved, then escalate to Stage 4 – Governor’s complaints panel meeting arranged

- Issue letter inviting complainant to meeting
 - Issue letter confirming panel decision
- Ensure complaints co-ordinator informed of outcome
- Advise of escalation routes to the Secretary of State for Education

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Annex D

Example of a Complaint Form

Please complete and return to.....(headteacher/complaints coordinator) 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)?

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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: