Complaints Procedure for Schools

September 2012

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1. Introduction

From 1 September 2003 Governing Bodies of all maintained schools and maintained nursery schools in England are required, under Section 29 of the Education Act 2002, summarised in Annex B, 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.

Local Authorities are already required to set up a procedure for dealing with certain types of complaints, for example, complaints about the curriculum or collective worship in a school. The school's complaints procedure does not replace the arrangements made for those types of complaint. 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.

Academies are required to conform to the Education (Independent School Standards) (England) Regulations 2010. This is summarised in Annex C.

For academies, all reference to the Headteacher should, where appropriate, be replaced with Principal/Head of School, and all reference to the Governing Body should, where appropriate, be replaced with the Academy Trust.

2. Scope

This procedure will be used to deal with any complaints relating to the school and to any community facilities or services that the school provides.

This procedure must not be used to deal with staff grievances or to deal with staff conduct. Separate procedures are in place to deal with these matters i.e., Grievance Policy, and Disciplinary Policy respectively.

For academies, all reference to the Headteacher should, where appropriate, be replaced with Principal/Head of School, and all reference to the Governing Body should, where appropriate, be replaced with the Academy Trust.

3. General Principles of complaints

3.1 Dealing with Complaints – Initial concerns

It is important 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.

This policy deals 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.

3.2 Dealing with Complaints – Formal procedures

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.

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.

3.3 Framework of Principles

This Complaints Procedure:

- encourages resolution of problems by **informal** means wherever possible;
- is easily **accessible** and **publicised;**
- is **simple** to understand and use;
- is **impartial;**
- is **non-adversarial;**
- allows **swift** handling with established **time-limits** for action and keeping people informed of the progress;
- ensures a full and **fair** investigation by an independent person where necessary;
- respects people's desire for **confidentiality;**
- addresses all the points at issue and provides an **effective** response and **appropriate** redress, where necessary;
- provides **information** to the school's senior management team so that services can be improved.

3.4 Investigating Complaints

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.

3.5 Resolving complaints

At each stage in the procedure schools will 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.

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.

It is useful to 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.

3.6 Vexatious Complaints

This procedure should 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 Governing Body should inform them in writing that the procedure has been exhausted and that the matter is now closed, and provide them with details of the Department for Education if they wish to pursue the matter further (see paragraph 5.8)

3.7 Time-Limits

Complaints need to be considered, and resolved, as quickly and efficiently as possible using time limits given in this procedure. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

4. Managing and Recording Complaints

4.1 Recording Complaints

It would be useful 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 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.

4.2 Governing Body Review

The Governing Body will 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. Complaints information shared with the whole Governing Body should 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.

4.3 Publicising the Procedure

There is a legal requirement 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.

5. Complaints Procedure

5.1 Stage One: Complaint heard by Staff Member

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, staff should be periodically made aware of the procedures so that they know what to do when they receive a complaint.

Parents should never feel or be made to feel that a complaint made in a reasonable and appropriate way will be taken amiss or will reflect adversely on their child and the child's opportunities at the school. The school should try to investigate and try to resolve every complaint in a positive manner and will treat every complaint as an opportunity to improve service.

The school should try to respect the views of a complainant who indicates that they would have difficulty discussing a complaint with a particular member of staff. In these cases, the matter can be referred to the Headteacher who may, if they feel it appropriate, refer the complainant to another member of staff. Alternatively they may not feel this is necessary. Where the complaint concerns the Headteacher, the complainant can be referred to the Chair of Governors.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, they may consider referring the complainant to the Headteacher. The member of staff 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 appropriate person and advise them about the procedure. It would be useful if governors did 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 panel at a later stage of the procedure.

The person dealing with the complaint should provide a written acknowledgement to the complainant within **5 working days** of receiving the complaint. A copy of the school's Complaints Procedure should be provided at the same time.

The person dealing with the complaint will carry out the necessary investigation to establish the facts. This may include meeting with the complainant. On completion of the investigation, a written response to the complaint should be provided to the complainant within **10 working days** of the school's written acknowledgement of the complaint to the complainant. The written response should contain an outline of the complaint, the response to the complaint, the decisions reached and the reasons for those decisions. This can include:-

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- The concern was not substantiated by the evidence
- The concern was substantiated in part or in full. Some details may then be given of the action that the school may be taking to review procedures etc. but details of the investigation or of any disciplinary procedures should not be released.
- The matter has been fully investigated and that appropriate procedures are being followed which may be strictly confidential (eg where staff disciplinary procedures are being followed)

The written response must be endorsed by the Headteacher. It should also inform the complainant that if they remain dissatisfied with the outcome to their complaint, they can progress it to the second stage of this procedure. Where the complainant wishes to take the matter to the second stage, they must send a written request within **10 working days** of receiving the Stage One written response stating their reasons.

If no further communication is received from the complainant within the given period of time, it is deemed that the complaint has been resolved and the matter is closed.

5.2 Stage Two: Complaint heard by Headteacher

If the complainant is dissatisfied with the way the complaint was handled at stage one, they may go to Stage Two and have the matter considered by the Headteacher. The Headteacher may delegate the task of collating any additional information required to what has already been done at Stage One to another staff member but not the decision on the action to be taken.

The same process and timings apply as in Stage One.

The written response to the complainant should inform them that if they remain dissatisfied with the outcome, they can request for the matter to be considered by a Governing Body Complaints Appeal Panel. This request must be made in writing to the Chair of the Governing Body within **10 working days** of receiving the outcome of Stage Two stating their reasons why they remain dissatisfied.

If no further communication is received from the complainant within the given period of time, it is deemed that the complaint has been resolved and the matter is closed.

5.3 Stage Three: Complaint heard by Complaints Appeal Panel

Following a request being received from the complainant for their complaint to be considered at Stage Three the Chair of the Governing Body, or a nominated governor, will convene a Complaints Appeal Panel within **4 working weeks** of receiving the request. The panel will consist of 3 governors who should ideally not be parent governors.

No person involved should have had previous involvement in the complaint.

The complainant should be given **10 working days'** notice of the meeting. The Clerk to the Governing Body will write and inform the complainant and any witnesses, the panel etc. of the date and location of the meeting. The notification should inform the complainant that they can bring a friend/relative to accompany them to the meeting, and that they if they wish to they can submit further written evidence relevant to the complaint for consideration by the Appeal Panel.

5.4 The Remit of the Complaints Appeal Panel

The panel 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 or procedures to ensure that problems of a similar nature do not recur.

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

a) It is important that the appeal hearing is independent and impartial and that it is seen to be so. No governor may sit on the panel 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 disability, 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 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 panel 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 panel 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.

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

5.5 Roles and Responsibilities

5.5.1 The Role of the Clerk to the Governing Body

It is strongly recommended that any panel or group of governors considering complaints be clerked. The clerk 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;
- notify all parties of the panel's decision.

5.5.2 The Role of the Chair of the Governing Body or the Nominated Governor

The nominated governor role:

- check that the correct procedure has been followed;
- if a hearing is appropriate, notify the clerk to arrange the panel;

5.5.3 The Role of the Chair of the Panel

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

- the remit of the panel 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 panel is open minded and acting independently;
- no member of the panel 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. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

5.6 Hearing the Complaint at the Meeting

The aim of the meeting will be to resolve the complaint and achieve reconciliation between the school and the complainant

In the interest of natural justice, the introduction of previously undisclosed evidence or witnesses would be a reason to adjourn the meeting so that both sides have time to consider and respond to the new evidence.

The recommended conduct of the meeting is as follows:-

- The Chair will welcome the complainant, introduce the panel members and explain the procedure.
- The Chair of the panel will invite the complainant to explain the complaint.
- The panel members may question the complainant about the complaint and the reasons why it has been made.
- The Chair will invite the Headteacher to ask any questions of the complainant relevant to the complaint

- The Chair will invite the Headteacher to make a statement in response to the complaint. At the discretion of the Chair the Headteacher may invite members of staff directly involved in the complaint to supplement the Headteacher's response.
- The panel may ask questions of the Headteacher and the members of staff about the response to the complaint
- The Chair will allow the complainant to ask questions of the Headteacher and members of staff about the response to the complaint.
- Either party has the right to call witnesses, subject to the approval of the Chair.
- The Panel, the Headteacher and the complainant may question any such witnesses
- The Chair will invite the Headteacher to make a final statement to sum up their case
- The Chair will invite the complainant to make a final statement to sum up their case
- The Chair will explain to the complainant and the Headteacher that the panel will now consider all of the information available to them and reach a decision, and a written decision will be sent to both parties within **10 working days** of the date of the meeting. The Chair will then ask all parties to leave except the members of the panel.

The panel will then consider the complaint and all the evidence presented and reach a decision on the complaint and the reasons for it; and decide upon the appropriate action to be taken to resolve the complaint

5.7 Notification of the Complaints Appeal Panel's Decision

The chair of the panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response within **10 working days** of the date of the meeting. The letter should inform the complainant that this was the last stage of the Complaints Procedure and the Complaints Appeal Panel's decision is final. They should be informed of what they need to do if they wish to pursue the claim further (see paragraph 5.8 and 5.9)

5.8 Complaint to the Department for Education – For maintained schools

If the complainant remains dissatisfied with the outcome of the appeal hearing, they can take the matter to the Department for Education. Unless there are exceptional circumstances the Department for Education will not deal with a complaint unless they are satisfied that the school has first had the proper opportunity to consider it and respond.

Complaints about schools can be made by writing to:

Department for Education
Castle View House
East Lane
Runcorn
Cheshire WA7 2GJ

or via the Department for Education's School Complaints Form

5.9 Education Funding Agency (EFA) – for Academies

If the complainant remains dissatisfied with the outcome of the appeal hearing, they can take the matter to the Education Funding Agency (EFA). Unless there are exceptional circumstances, the EFA will not deal with a complaint unless they are satisfied that the Academy has first had the proper opportunity to consider it and respond.
Complaints about academies need to be made through the Department for Education in writing to:

Department for Education
Castle View House
East Lane
Runcorn
Cheshire WA7 2GJ

For further information about making a complaint about academies please visit https://www.gov.uk/government/organisations/education-funding-agency/about/complaints-procedure

Annex A

Checklist for a Complaints Appeal Panel Hearing

The Complaints Appeal Panel need to take the following points into account:

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing 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 panel decide on the issues.
- The Chair explains that both parties will hear from the panel within a set time scale.

Annex B

Summary of Section 29 of the Education Act 2002

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 nursery school;

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

Annex C

Summary of Part 7 of the Education (Independent School Standards) (England) Regulations 2010

Part 7 of the Education Regulations 2010 requires that:

A complaints procedure is drawn up and effectively implemented which –

(a) Is in writing

(b) Is made available to parents of pupils

(c) Sets out timescales for management of the complaint

(d) Has at least three stages
- informal (usually a meeting with the complainant),
- formal (the complaint is put in writing)
- a panel hearing stage

(e) Allows for the parent to attend and be accompanied if they wish

(f) If the complaint progresses to the final panel stage, the academy must ensure one member of the panel is independent of the management of the academy

(g) Provides for the panel to make findings and recommendations

(h) Provides for a written record to be kept

Annex D

Complaint Form

Please complete and return to .....(Complaints Co-ordinator) 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:

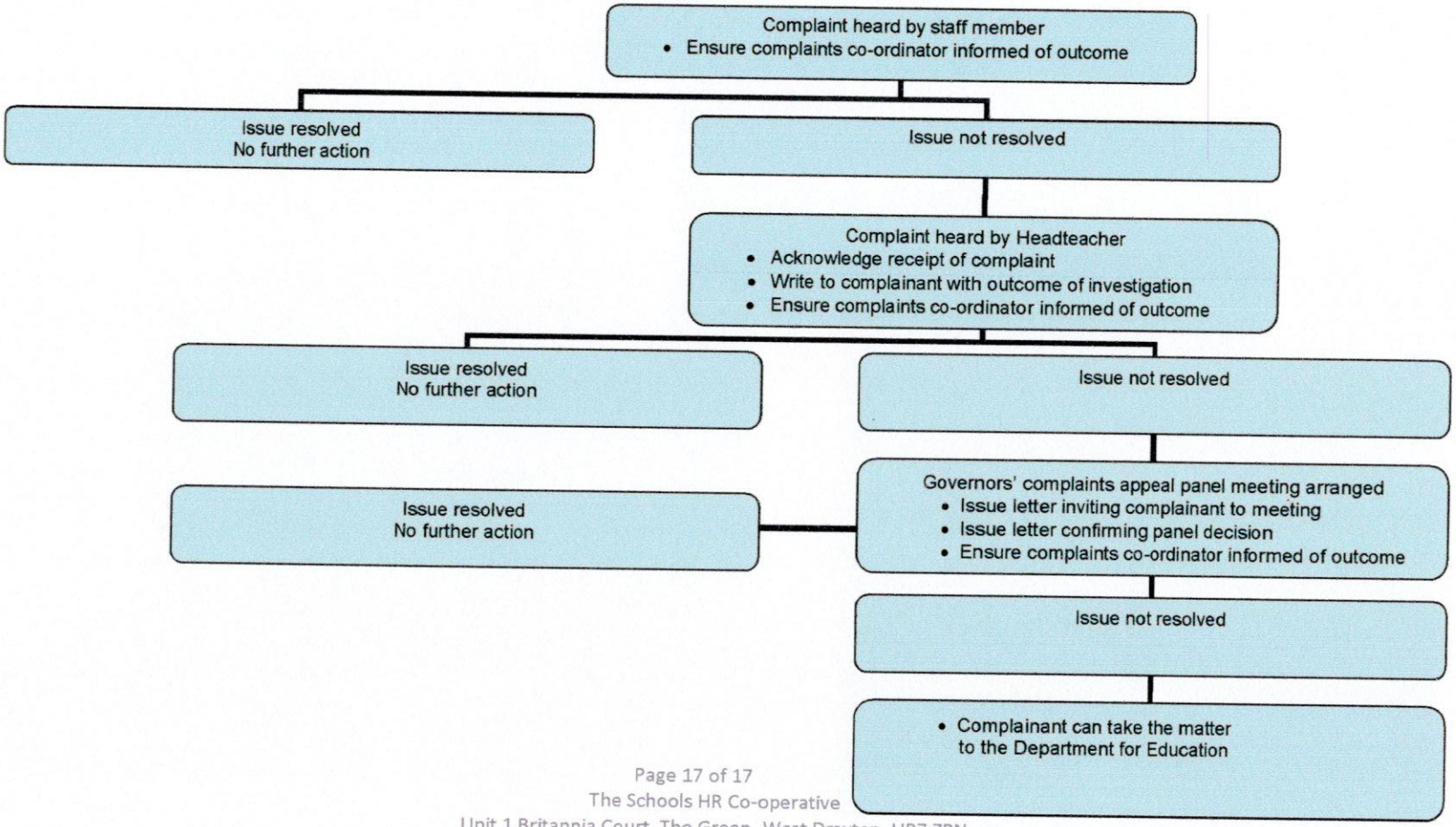
Please give details of your complaint.

What action, if any, have you already taken to try and resolve your complaint.
(Who did you speak to and what was the response)?

Annex E

Flowchart

Summary of Dealing with Complaints



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