

# Complaints Procedure and Guidance for Schools

**People Services**

Revised Edition Summer 2019

## **Introduction**

Section 29 of the Education Act 2002, places a duty on Governing Boards of all maintained schools and maintained nursery schools in England, 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.

Where there are established statutory and other procedures for dealing with a complaint, these will be followed. These guidelines therefore do not cover those matters for which such a procedure already exists such as:

- Admissions to schools
- Exclusions from school
- Special Educational Needs Provision
- School re-organisation
- Matters concerned with the school curriculum
- Serious complaints against school staff
- Child Protection issues
- Public examinations

## **Extended Services**

It is also recommended that the governing board ensure that any third party providers offering community services or facilities through the school premises or using school facilities (even if it is hiring it out for a function or meeting) have their own complaints procedures in place.

Please contact the relevant Service or the Advice and Conciliation Service for further guidance.

## **Underlying Principles**

Complaints should be treated seriously and courteously and given the time they require to be heard. It is important to the school that complainants have confidence in these procedures and know that their case will be investigated impartially.

Complainants should be advised at the earliest possible stage about:

- The scope, if any, for pursuing their complaint and the extent of the procedure for dealing with it
- The way in which the complaint is likely to be handled

Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

The key to guaranteeing a successful outcome is to ensure that the correct procedure is followed from the outset. If Governors or Head Teachers are unsure of the procedure to be followed, the flow chart towards the end of this guide should be consulted. It may well be the case that action taken under the complaints procedure may lead to action being initiated under other, for example statutory, procedures. In these instances, the investigations under the complaints procedure should be suspended until action under other (including appeals) procedures has been concluded. The complainant should be advised that alternative action is being taken, but will have to remain confidential until that procedure has been completed. The complainant should also be advised of any likely delay in the final resolution of the complaint that will result.

## **Definition of a Complaint**

For schools, the definition of a complaint within the terms of the procedures described here is an expression of dissatisfaction verbally or in writing by parents or carers of children who attend the school, or from neighbours of the school or school community affected by the services the school provides.

After initial investigation of a complaint, a decision may well be made to use the discipline, capability or other appropriate procedure.

Anonymous complaints will not normally be considered under the procedure set out here.

The procedure set out in the following pages outlines the stages both formal and informal through which a complaint made against the school will proceed. At all stages, the aim is resolution to the satisfaction of both parties and a mutual understanding of the problems believed to exist in order that improvements can be made where necessary.

**Where agreement and resolution cannot be reached, the aim of the procedure is to ensure that all parties are treated fairly and equitably.**

**Conciliation or mediation between school and complainant can be considered at any time within the informal or formal stages as set out in this guide. The Advice and Conciliation Service within the Local Authority is independent of the school and can be contacted at any stage for advice and guidance.**

## General Principles

### 1. Publicity

Parents and carers should always know how they can raise concerns or lodge a formal complaint. Complaints procedures should be easily accessible and well publicised.

A summary of how the school deals with complaints should be included in the information that is given to parents when their children join the school. Schools should also prepare leaflets for parents explaining how problems are dealt with and how the complaints procedures work.

Consideration should be given as to whether the procedures need to be made available in languages other than English and whether audio-cassette, Braille or large-print versions are necessary.

It is good practice to advise parents and carers at regular intervals of the procedures.

### 2. Accessibility

Procedures should be as speedy as possible, consistent and fair to all concerned. Each stage of the procedure should have known time limits. Where it is not possible to meet these, the complainant should be kept informed of progress.

### 3. Support for complainant

It is important that parents and carers know that at any stage of the procedure they can be accompanied by a friend, relative or representative and to know where they can go for information, advice and advocacy, if required.

### 4. Support for a person complained against

Staff who may be questioned as part of the investigation of a complaint must feel that they are being treated fairly, that they will have the opportunity to put their case and that a friend or representative may accompany them at any stage. There is a crucial balance to be maintained between supporting the individual so that his/her rights are maintained and reputation protected, and investigating a complaint thoroughly and impartially.

The complaints procedure is distinct from formal disciplinary proceedings for staff and this will need to be made clear to all concerned. However there may be occasions where a complaint leads to a disciplinary procedure which puts the complaints process on hold. If so, the complainant should be informed of this, without going into details, and updated regularly on likely further delay. After the disciplinary process is completed it will be necessary to decide what further response to the complainant is required.

## 5. Confidentiality

It is very important to treat all concerns and complaints with discretion. It is vital that parents and carers feel confident that their complaint will not penalise their child. However, a complainant will need to be aware that some information will have to be shared with those involved in order that the complaint can be investigated. It is usual to disregard anonymous complaints, but the danger is that they may relate to something serious and the complainant may subsequently surface and say that he/she alerted the school. It should be at the Headteacher or governing board's discretion to decide whether the gravity of an anonymous complaint warrants an investigation.

## 6. Redress

If the outcome of the complaints procedure shows 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, an undertaking to review school policies or practices in the light of the complaint, or, in appropriate circumstances, financial compensation. Fear of litigation should not prevent a school from admitting to parents when mistakes have been made, but it is recommended that advice be sought from the Local Authority if it is possible that the parent might take legal action.

## 7. Staff Awareness and Training

All staff should be aware of the procedures, as potentially many will be involved with handling complaints, especially at the informal level. To be confident in doing so depends on them having clear information about the procedures, reassurances that senior staff are committed to the procedures and some basic training in dealing with people who are upset or angry. All staff should also have clear information about which staff have which responsibilities so that parents do not get continually passed from one to another.

## 8. Record Keeping

Complaints should be recorded and monitored regularly by staff and governors. It is recommended that recording should begin at the point when an initial concern or complaint cannot be resolved immediately but needs some investigation and/or consultation with others in school and a subsequent report back to the parent.

Recording at the earliest stage need only be a very basic record of the complaint, giving the date, name of parent and general nature of the complaint. A pro-forma or a 'comments and complaints' book could be used.

## A Staged Approach

Governing bodies are advised to adopt a staged approach as follows:

### Stage 1: The First Contact

There needs to be clarity as to the difference between a concern and a complaint. Taking informal concerns seriously at an early stage will reduce the number that develop into formal complaints. There are many occasions where concerns are resolved straight away through the class teacher, head teacher or other staff, depending on who is first approached. Parents and carers should feel able to raise concerns with members of staff informally. On occasion it may be appropriate for someone to act on behalf of a parent and this must be taken into consideration.

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

### Stage 2: Referral to the Headteacher

At this stage it will be apparent that the concern is a definite complaint and should be investigated according to school guidelines (See Model Complaints Procedures attached) to ensure consistency and to make sure that nothing happens which could make it difficult for later stages to proceed smoothly.

In some cases the headteacher may already have been involved in looking at the matter; in other cases it may be his/her first involvement and in a large school it may be appropriate to delegate the investigation at this stage to another member of staff. What is important is that a staged procedure exists which reassures complainants that their grievance will be heard by more than one person, and that headteachers ensure that their involvement will not predominate at every stage of a particular complaint.

In some instances, headteachers will have been involved at Stage 1, or the complaint may be against them, in which cases Stage 2 should be carried out by the Chair of Governors. In other cases, where the headteacher has delegated the investigation at Stage 2 to another member of staff, s/he is advised to become involved if the parent is not satisfied, before the Stage 2 process is completed and the matter referred to the governing board.

### Stage 3: Review by the Governing Board or Governing Board Complaints Panel

It is anticipated that complaints should rarely reach this formal level, but it is important that governing bodies are prepared to deal with them when necessary. At this stage schools may wish to seek advice from the Local Authority or Diocese as appropriate.

It is important that this review is not only independent and impartial but that it is seen to be so. Complaints should always be considered by a panel, **not** by the full governing board. Some governors may have previous knowledge of the

problem which led to the complaint being made and would be unable to give fair and impartial consideration to the issue. Furthermore should a complaint result in disciplinary action against a member of staff it would be necessary for there to be sufficient governors with no prior involvement to form a staff disciplinary committee.

It is recommended that the panel appoint a clerk to minute the meeting. The clerk would be the contact point for the complainant and be required to:

- Set the date, time and venue of the hearing, ensure 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.

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

What if the complaint concerns a governor?

The matter should still be referred to the Chair of Governors who will investigate the complaint. If the complaint is about the Chair of Governors, the complaint should be referred to the Vice-Chair or Governing Board Complaints Panel as appropriate.

## **Model Complaints Procedure**

*(For adoption, with amendments as necessary, by the Governing Board)*

### **Sheffield Model School Complaints Procedure**

**In order to investigate complaints as fully as possible, the Governing Board of .....School have implemented a staged approach.**

#### **1. The First Stage**

Dealing with Concerns and Complaints Informally

##### **1.1 Guidelines**

- 1.1.1 It is hoped that all complaints and concerns will be resolved as early and as informally as possible. Parents and carers need not only to be listened to but also to feel that they have been listened to. The underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. Nevertheless, anyone receiving a complaint should ensure that a record of the complaint and its outcome is maintained.
- 1.1.2 The vast majority of concerns and complaints can be resolved informally. There are many occasions where concerns are resolved immediately with the class teacher, school secretary or Head Teacher, depending on whom it is parents or carers first approach. Parents must feel able to raise concerns with members of staff without any formality, either in person, by telephone or in writing. It may, on occasions, be appropriate for someone to act on behalf of the parent or carer.
- 1.1.3 It may be unclear as to whether a parent or carer is asking a question or expressing an opinion, rather than making a complaint. Similarly, a parent or carer may want a preliminary discussion or be seeking clarification of an issue in order to decide whether he or she wishes to take the matter further.
- 1.1.4 The school should inform staff that they have the right to advice or representation from their trade union at any stage of the complaints procedure once it becomes clear that a complaint is being made about a member of staff.

##### **1.2. Procedures**

- 1.2.1 Parents and carers should be given an opportunity to discuss their concern with the appropriate member of staff who will clarify the nature of the concern or complaint and reassure them that the school will hear the concern or complaint and attempt to resolve it at the earliest stage. The member of staff may explain how the matter or incident arose and the issues connected with it. It may be helpful at this point for the parent or carer to identify what outcome is

expected.

- 1.2.2 The member of staff will need to respond appropriately, taking into account the status and seriousness of the complaint. Hopefully, the matter can then be resolved immediately. (See notes on '**How to Listen to Complaints**' at Appendix 1).
- 1.2.3 If the member of staff first approached cannot deal with the matter immediately, then they should make a clear note of the date, the name and contact address or telephone number given by the complainant. The Head Teacher should be informed accordingly.
- 1.2.4 All members of staff should be aware of the procedure for referring a complaint to the staff member having responsibility for the area about which a particular concern has been raised. They should also ensure that when a referral has been made, this is followed through.
- 1.2.5 Where the concern relates to the actions of the Head Teacher, the complainant should be advised to contact the Chair of the School Governing Board. In such circumstances, it is recommended that a Governors Complaints Panel comprising three members of the School's Governing Board.
- 1.2.6 The member of staff dealing with the concern or complaint should make sure that the parent or carer is clear about what action, if any, or monitoring of the issue has been agreed, putting this in writing if this appears to be the best way of advising the complainant clearly about the resolution of the matter.
- 1.2.7 In instances where no satisfactory solution has been found within 10 school working days of the complaint having been made, parents or carers should be given clear information both verbally and in writing about how to progress their complaint and about any independent advice available to them.

## **2. The Second Stage**

Referral to the Head Teacher for Formal Investigation

### **2.1 Guidelines**

- 2.1.1 At this stage, it will be apparent that a formal complaint has been registered and an appropriate response will be required. In some instances, the Head Teacher will already have been involved in looking at the matter; in others, it will be their first involvement. In all instances, it will be helpful for the Head Teacher (or other designated member of staff) to use these guidelines to ensure consistency and to ensure that regard is paid to the stages of the complaints procedure.
- 2.1.2 Head Teachers have responsibility for the day-to-day running of their school. They have responsibility for the implementation of the complaints procedure including decisions concerning their involvement at the various stages. A staged complaints procedure should ensure that more than one individual is involved in hearing and investigating the complaint.
- 2.1.3 Head Teachers should make arrangements to ensure that their involvement does not predominate at each stage of a particular complaint. Arrangements may be made for other staff to deal with parent and carer concerns at Stage 1, allowing for the Head Teacher's involvement at Stage 2, should this be necessary. At any stage, the Head Teacher may designate another member of staff to collect information and prepare a response.

### **2.2 Procedures**

- 2.2.1 Formal complaints should normally be submitted in writing. In exceptional circumstances, the school may consider progressing a verbal complaint where there are believed to be sufficient grounds for doing so. The Head Teacher (or designated member of staff) will acknowledge the complaint within 3 working days of receipt.
- 2.2.2 Schools should be sensitive to the particular needs of parents or carers who may have difficulty in making a written complaint or for whom English is not their first language.
- 2.2.3 An acknowledgement should provide a brief outline of the school's complaints procedure and an expected date for the provision of a response. This will normally be within 10 school working days. If this proves to be unworkable, the complainant should be provided with an explanation for the delay and given a revised date for the provision of a response.
- 2.2.4 The Head Teacher should provide an opportunity for a complainant to meet with them in order to supplement any information previously provided. It

should be made clear to the complainant that, if they wish, they may be accompanied at any meeting by a friend, relative or representative to speak on their behalf; and that interpreting facilities can be made available should this be necessary.

- 2.2.5 The Head Teacher will, if necessary, interview witnesses and take statements from those involved. If the complaint concerns a pupil, the pupil should also be interviewed. In some instances, another member of staff with whom the pupil feels comfortable may be asked to attend. It may be appropriate, depending on the circumstances, to invite a parent or carer to be present when the Head Teacher interviews a pupil. The Head Teacher should keep written records of all meetings, telephone conversations and other contacts made during the course of investigation of a complaint.
- 2.2.6 Once all relevant information has been gathered, the Head Teacher will then formulate a written response to the complainant. The Head Teacher may, additionally, suggest a meeting to discuss the complaint and seek a resolution. The written response should include a full explanation of the conclusion reached and the reasons for that conclusion. Where appropriate, this will include details of the action taken to resolve the complaint. If the complaint concerns a member of staff and action is to be taken against the member of staff concerned, the phrase 'Appropriate action has or will be taken' should be used.
- 2.2.7 The complainant should be advised that, should they find the Head Teacher's response inadequate and they wish to take matters further, that they should notify the Chair of the School's Governing Board within 10 school working days of receipt. The Chair should arrange for a Governors Complaints Panel to investigate the complaint and would normally chair this panel, unless an alternative chair has designated by the Governing Board.
- 2.2.8 Where a complaint has been made against the Head Teacher, arrangements should be made for the initial investigation to be conducted by a single Governor (usually the Chair or Vice Chair of the Governing Board) or a suitably constituted Governing Board Complaints panel who will undertake Stage 2 of these procedures.

### **3. The Third Stage**

Appeal to the Chair of the Governing Board or Governing Board Complaints Panel

#### **3.1 Guidelines**

- 3.1.1 It is anticipated that complaints will rarely reach this stage. It is, however, important that should they do so, any appeal is not only independent and impartial but that it should be seen to be so. All complaints reaching Stage 3 will have done so because the complainant has not been satisfied with the

response provided by the Head Teacher (or Chair of Governors if the original complaint had been about the Head Teacher) at an earlier stage of the procedure. Therefore, governors who have had no prior knowledge of or involvement in the complaint must as far as is possible, handle any appeal.

- .3.1.2 As this is the last stage at which a resolution may be reached, every effort should be made to either mediate or conciliate. Parents or carers may therefore wish to seek assistance from the Advice and Conciliation Service, particularly if contact has not previously been made.
- 3.1.3 Appeals should normally be made in writing. In exceptional circumstances, the school may consider progressing a verbal complaint where there are believed to be sufficient grounds for doing so. The appeal should state clearly why it is felt that the complaint has not been resolved satisfactorily and, wherever possible, supported by documentary evidence or witness statements.
- 3.1.4 In the unlikely event of pupils needing to be interviewed, care will need to be taken to ensure that parental permission is obtained. In all instances a single governor should interview the pupil and parents or carers should be given the opportunity to attend but, if they are unable to do so, a nominated member of staff should accompany the pupil.

## **3.2 Procedures**

- 3.2.1 Upon receipt of a written request by a complainant for the complaint to proceed to Stage 3, the procedures outlined below should be followed:
  - 1. The Chair of the Governing Board should write to the complainant acknowledging receipt of the written request.
  - 2. The acknowledgment should inform the complainant that the Chair of Governors or three members of the school's Governing Board, as appropriate, will investigate the complaint within 20 school working days of receipt of the request.
- 3.2.2 The acknowledgement should also explain that the complainant has the right to submit any further information or documentation relevant to the complaint. Any such documentation must, however, be received in sufficient time for this to be sent to the Chair or Panel members charged with conducting the investigation.
- 3.2.3 If a Governors Complaints Panel is conducting the investigation, the Chair of Governors should convene a panel elected from members of the school's Governing Board. Panel members should be governors who have had no prior involvement with the complaint. Generally speaking, it is not appropriate for the Head Teacher or other staff members to have a place on the panel. Governors may wish to bear in mind the advantages of having a parent or

carer (who is also a governor) on the panel. Governors should be sensitive of issues of race, gender and religious affiliation and the make-up of the panel should, if possible, reflect the three categories of LA, Parent and Community governors.

- 3.2.4 The Chair should ensure that the Panel hears the complaint within 20 school working days of receiving the request. All relevant correspondence regarding the complaint should be given to each Panel member as soon as the composition of the Panel has been determined.
- 3.2.5 The Chair should write and inform the complainant, Head Teacher, relevant witnesses and Panel members of the date, time and venue of the meeting, at least 10 school working days in advance. The details of the complaint available at that time should also be sent in writing to the Head Teacher.
- 3.2.6 Notice of the Panel meeting sent to the complainant should also inform him/her of their right to be accompanied to the meeting by a friend, advocate or interpreter. This notice should also explain how the Panel meeting will be conducted and of the complainant's right to submit further written evidence to the Panel at least 5 school working days in advance of the meeting. The Chair should also invite the Head Teacher to attend and prepare a written report for the Panel in response to the complaint.
- 3.2.7 The Head Teacher may invite members of staff who have been directly involved in matters or issues raised by the complainant to respond in writing or, at the discretion of the Panel Chair, to attend the meeting in person. All concerned, including the complainant, should receive all relevant documentation, including the Head Teacher's report, at least 5 school working days in advance of the meeting.
- 3.2.8 It is the responsibility of the panel Chair to ensure that the meeting is properly minuted.
- 3.2.9 The aim of the Panel meeting shall be to resolve the complaint and achieve reconciliation between the school and the complainant. It has to be recognised, however, that whilst the intention is to ensure that any complaint, which reaches this stage, is seen to have been treated seriously, it may not be possible to make recommendations that fully satisfy the complainant.
- 3.2.10 The Panel should be sympathetic to the fact that some parents and carers will not be used to dealing with groups of people in formal situations such as this and may, therefore, feel intimidated by the setting. It is suggested therefore that the Chair ensures proceedings are as informal as the circumstances allow.
- 3.2.11 Should either party wish to produce previously undisclosed or uncirculated documentation, it is in the interests of natural justice to adjourn the meeting to allow sufficient time for each party to consider and respond to this.

3.2.12 At Stage 3, the complainant and the Head Teacher, together with any other staff who are involved with the complaint should be interviewed separately in order that the Panel can form a clear and independent view of the complaint. The interviews, which can be arranged to run consecutively, should allow for:

- The complainant to explain the nature of their complaint(s)
- The Head Teacher to explain the school's response to the complaint
- Panel members to have an opportunity to question both complainant and Head Teacher
- All parties to have a right to call witnesses (subject to the approval of the Chair) and the Panel to have the opportunity of questioning all witnesses
- Parents and carers, Head Teacher and staff to have the right of representation at the meeting if they so wish

3.2.13 The Chair should explain to the complainant and the Head Teacher that the Panel will consider its decision and a written response sent to both parties within 15 school working days.

3.2.14 The Panel will consider the complaint and all the evidence presented and

- a) Reach a unanimous or at least a majority decision on the complaint;
- b) Decide upon the most appropriate course of 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 arise in future

3.2.15 Recommendations should be reported to the Governing Board at an appropriate time and a written statement outlining the decision of the Panel should be sent to the Head Teacher and complainant. Should any action need to be taken against a member of staff, in order to protect their rights, the phrase 'Appropriate action has or will be taken' should be used.

3.2.16 Governors should ensure that a copy of all correspondence and accompanying notes are kept on file. These records should be kept separately from the pupil's personal records.

### **Is there a time limit for complaining?**

You should complain to the school as soon as possible and certainly within three months. If you do not contact the school within that time, normally no further action will be taken in respect of your complaint. However, any exceptional reasons you may give for not meeting this time limit will always be taken into account.

## **4. Further recourse**

### **4.1 The Secretary of State for Education**

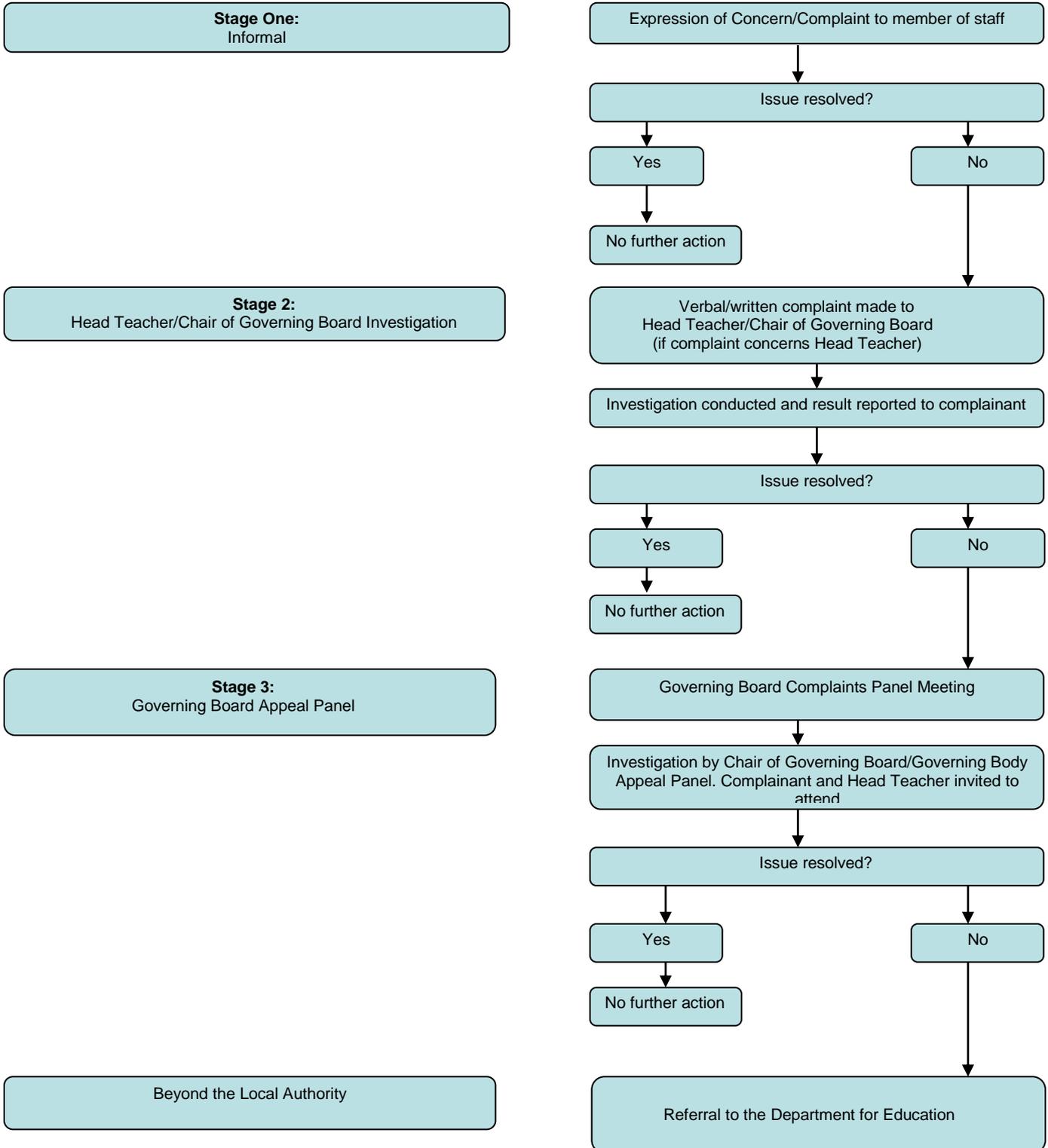
Complaints about school are almost always settled within school but, from 1 August 2012 complaints about maintained schools not resolved by the school should be addressed to the Secretary of State for Education.

Further information is available on the DfE website at [www.education.gov.uk](http://www.education.gov.uk)

#### **Complaints about academies**

Academies operate independently of local authorities. If you have a complaint about an academy which you have been unable to resolve, you should contact the Education Funding Agency (EFA). Further information is available on the website at [www.education.gov.uk/aboutdfe/armslengthbodies/b00199952/the-education-funding-agency/contacts](http://www.education.gov.uk/aboutdfe/armslengthbodies/b00199952/the-education-funding-agency/contacts)

## Flowchart Summary of Stages of Complaints Procedure



## Model School Complaints Form

**Your name:**

**Pupil's name:**

**Your relationship to the pupil:**

**School:**

**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?**

Model School Complaints Form

**Are you attaching any paperwork? If so, please give details.**

**Signature:**

**Date:**

**For Official use by the school**

**Date acknowledgement sent:**

**By whom:**

**Complaint referred to:**

**Date:**

# Model School Complaints Form



## Guidance on Listening to Complaints

**As soon as you realise you are listening to a complaint, remember the following points:**

- **Take responsibility**

Try not to keep transferring an angry person on from one place to another. Make sure you know the contact person for anything you cannot deal with yourself.

- **Don't be flippant**

First impressions count. You and the school may be judged on your immediate reaction.

- **Treat all complaints seriously**

However small or trivial an issue may seem to you, the complaint itself will be an important one for anyone who takes the trouble to complain.

- **Be courteous**

Be sympathetic and helpful, but do not blame other colleagues.

- **Say who you are**

If you are unknown to the complainant, introduce yourself.

- **Ask for their name and use it**

Anonymous complaints are acceptable only in exceptional circumstances.

- **Take time to figure out exactly what the problem is**

It is easy for someone to forget to tell you an important detail, particularly if they are upset or annoyed.

- **Don't take the complaint personally**

To an angry parent or carer, YOU are the school and the only one they can put their feelings to right now.

- **Stay cool and calm**

Do not argue with the complainant. Be polite and try to establish exactly what it is he or she is believes the issue to be.

- **Check you are being understood**

Make certain that the parent or carer understands what you are saying. Avoid using jargon- it can cause confusion and annoyance to someone 'not in the know'.

- **Don't rush**

Take your time. Let the complainant have their say and let off steam if they need to. Listen carefully and sympathetically to their problem before replying and attempting to find a solution or suggesting the next step.