



February 2016

OVERBURY CE FIRST SCHOOL POLICY FOR COMPLAINTS

At Overbury, our expectations of our school community's behaviour and attitudes are underpinned by:

- Our school ethos - We look out for others;
- Our Christian Values - forgiveness, responsibility, respect, courage, trust, caring, resilience, love, hope and understanding; and
- Our Keys to Success - Stickability, Risk Taker, Curiosity, Creativity, Purposeful, Honesty, Ambitious, Be Independent, Be Reflective, Collaborate, Make Connections, Communicate

We have also due regard for these, whenever applicable and possible, within our learning.

1. Introduction

We recognise that parents and carers are important partners in providing a happy, safe environment in which children may learn. It is based on an equal partnership founded on good communications between school staff and parents/carers. However, at times, communications may break down and need a formal approach and this policy provides a consistent 4 stage complaints process.

However, the scope of this policy **excludes** complaints about the following (where separate procedures apply):

- National Curriculum
- Collective worship
- Religious education
- Pupil admissions
- Pupil exclusion
- Special educational needs
- Child protection
- Employee grievances and disciplinary proceedings

This policy should be read in conjunction with Appendix A - WCC Governor Services Non-Curriculum Complaints Procedure Guidance.

Any complaint received will be cross-referenced with other appropriate documentation as suggested by Human Resources at WCC. Complaints relating to racism should be dealt with in accordance with section 3 of Appendix A.

2. Framework of Principles

2.1 An effective complaints procedure will:

- encourage resolution of problems by **informal** means wherever possible;
 - be easily **accessible** and **publicised**;
 - be **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;
 - 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.
-
- Confidentiality should be respected at all times, although it may be necessary that some information will need to be shared to enable a thorough investigation to be carried out.
 - A complaint will usually be considered as 'out-of-time' if it is raised more than 3 months after the matter in question was known to the complainant, unless the Governors agree that there are good reasons for the delay.
 - Anonymous complaints will not be investigated, except in exceptional circumstances - such as child protection issues or bullying allegations, where the school would either involve appropriate external agencies or carry out its own review to test whether there is any evidence to commence a formal investigation.

2.2 **Time Limits**

Complaints need to be considered, and resolved, as quickly and efficiently as possible. The time limits specified within this document reflect this. However, these limits may on rare occasions be subject to exceptional circumstances and be exceeded as a result. In this situation new time limits must be set and the parent/carer sent details of these with an explanation for the delay.

2.3 **Out-of-Time Decision**

A complaint will usually be considered as 'out of time' if it is raised more than 3 months after the matter in question being known to the complainant. However, if good reasons for delay are given, the Governors may consider an out-of-time complaint.

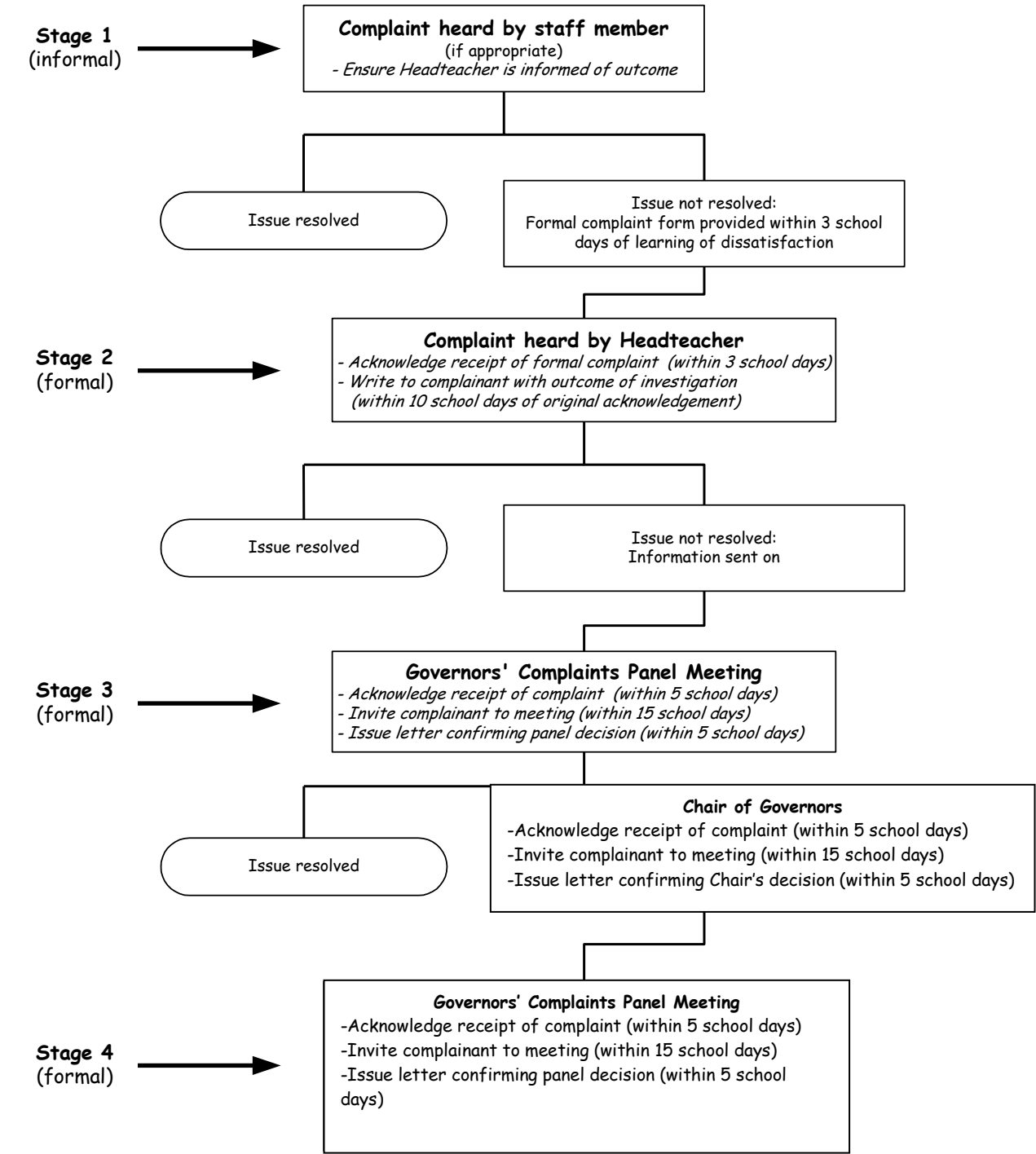
2.4 **Vexatious Complaints**

If properly followed, the school complaints procedure will limit the number of complaints that become protracted. However, there may be occasions when despite all stages of the procedure

being followed, the individual remains dissatisfied. If the individual tries to re-open the same issue, the Chair of Governors is able to send written information that the procedures have been exhausted and that the matter is now closed. If the complainant writes again on the same issue, then the correspondence may be recognised as vexatious and there will be no obligation on the part of the school to respond.

3. Complaints Procedure

A four-stage process applies, as shown in the following flowchart and detailed in sections 3.1 to 3.4.



Complaints Procedure Flowchart

3.1 Stage 1 (Informal)

Where any member of staff becomes aware of a voiced concern, they should deal with it themselves if it is appropriate, and they feel comfortable in doing so. Many concerns can be resolved by simple clarification of the provision of information. It is anticipated that most concerns can be readily resolved at this informal stage. Where the person approached feels uncomfortable with dealing with the matter directly, they should involve the Head teacher.

In the case of serious concerns (or where the school deems it more appropriate to do so) it may be necessary to refer these matters directly to the Head teacher in the first instance.

Where the complaint is specifically about the Head teacher, in the first instance and wherever possible, parents should approach the Head teacher informally so that any concerns can be duly resolved.

However, in the exceptional circumstance that a parent/carer feels unable to approach the Head teacher in the first instance, they can approach the associate priest (or the other foundation governor) in strict confidentiality. The concern will be noted (including the outcome) and copied to the Head teacher. Where the subject of the complaint is the Headteacher, the record will also be copied to the Chair of Governors.

It is not appropriate for a complaint to be first directed through any other Governor. Therefore, should any other Governor receive a complaint, they should advise that there is an established procedure, and refer the complainant to the appropriate person (this is because a Governor acting unilaterally could prejudice the involvement of Governors at a later stage).

Where informal attempts by the school have failed to bring about a satisfactory resolution for the parent/carer, the parent/carer is entitled to request that the complaint be treated more formally. Unless the complaint directly concerns the Headteacher, it will be him/her who deals with this next stage (stage 2 formal).

If the complaint is specifically about the Headteacher, and she/he has had the opportunity in Stage one to discuss the matter, the parent/carer can then directly contact the Chair of Governors about Stage 2.

3.2 Stage 2 (Formal) - Dealt with by Headteacher

(If the complaint concerns the Headteacher the Chairman of Governors is personally responsible for following the procedures in Stage 2. Otherwise, the Headteacher deals with this Stage).

This stage can be initiated if/when dissatisfaction with the outcome of stage one is received by the school. At this point, a copy of the Procedures and Policy will be sent to the complainant within 3 school days, together with the formal complaint form (Annex A).

The form is structured so that each party has a common understanding about the complaint. As the main purpose of the process is to achieve reconciliation, parents/carers are also asked what actions might resolve the problem.

After the formal complaint form is returned, it will be acknowledged within 3 school days and the investigation will commence.

This is the first stage of the formal complaints process and as a result, all communications between parties will be recorded.

Before proceeding with a formal investigation, the Headteacher may wish to meet with the individual and discuss his/her concerns and wishes. It may still be appropriate and satisfactory; to reach an informal resolution at this point. If not, the Headteacher will decide whether the individual's complaint will be dealt with by this policy or another statutory procedure. In the latter case, the Headteacher will advise the complainant on what will need to be done.

The Headteacher may delegate the task of collating the information to another staff member, but not the decision or the action to be taken. The investigation should involve the review of any relevant documentation and information. If necessary, witnesses will need to be interviewed and statements taken from those involved. If the complaint centres around a pupil, the pupil will also usually be interviewed.

The outcome of the investigation should be communicated to parents/carers, either at a meeting (followed up in writing) or as a written response. This response should explain the outcome and should be supported by reasons for reaching this decision and what action, if any, will be taken. **(If management action is subsequently required against an employee of the school, the parents/carers will not have access to this information).** This response should be provided within 10 school days of acknowledging the complaint.

If the complainant is still dissatisfied with the response given and would like to take the complaint further, they should make this clear in writing to the Headteacher. On receipt, he/she will send on the complaint form and all associated information to the Chair of Governors. (In the case of the Headteacher, if the complainant is still dissatisfied, and wishes to take it further, the Chair should be so advised and Stage 3 initiated).

3.3 Stage 3 (Formal) - Complaint heard by Chair of Governors

If the complainant is not satisfied with the response of the Head teacher or the complaint is about the Headteacher, the complainant should write to the Chair of Governors to request that their complaint is considered further.

Stage 4 (formal): Complaint heard by Governing Bodies' Complaints Appeal Panel

The complainant usually needs to write to the Clerk to the Governing Body giving details of the complaint and asking that it is put before the appeal panel. The Chair, or if the Chair has been involved at any previous stage in the process, a nominated governor, will convene a GB complaints panel.

The governors' appeal hearing is the last school-based stage of the complaints process and is not convened merely to rubber-stamp previous decisions.

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

The governing body may nominate a number of members with delegated powers to hear complaints at that stage, and set out its terms of reference. These can include:

- drawing up its procedures;

- hearing individual appeals;
- making recommendations on policy as a result of complaints.

The procedure adopted by the panel for hearing appeals would normally be part of the school's complaints procedure. The panel can be drawn from the nominated members and may consist of three or five people. The panel may choose their own Chair.

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

What actions do you feel might resolve the problem?

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

Signature:

Date:

Official use

Date acknowledgement sent:

Sent by whom:

Complaint referred to:

Date:

ANNEX B

PROCEDURE FOR THE CONDUCT OF A GOVERNORS' PANEL HEARING TO CONSIDER A COMPLAINT

It is important that the members of the Governor Panel are impartial and independent, and are seen to be so. The Panel members should have no prior involvement with the case, and be sensitive to the constitution of the Panel with regard to issues of equality.

It may be the case that parents/carers feel anxious that they will not be provided with opportunities for them to be heard or that the procedure is not seen to be fair (i.e. parents may perceive the Governors' view to be weighted in the school's favour). Panel members need to be aware these perceptions may exist and endeavour to demonstrate openness and objectivity in their actions.

THE HEARING

Reports and statements submitted to the Panel should be made available to all parties in advance of the hearing.

The Chair of the Panel must determine in advance the most appropriate method of conducting the hearing into the complaint so that the Panel may achieve 'best evidence'. The decision will be influenced by the contents of the Complaints Form and other information to hand. Some possibilities are listed below, but they are not exhaustive:

Option One

To consider the written statements, reports and evidence provided in advance, and to question the originators about their substance. This approach is likely to be least effective, as it might result in a time-consuming search for additional information and cross-referencing.

Option Two

Interviewing separately the complainant and the school representative, and other parties deemed relevant by the Chair, in order to hear statements and collect additional directly related evidence.

Option Three

With the agreement of all parties, to hold a hearing with both sides present and available to respond to questions put by the Panel, and through the Chair. Such a meeting should be non-adversarial.

Option Four

With the agreement of all parties, to hold a meeting with both sides present, to follow an Agenda on the lines of the following Model: Witnesses are only required to attend for the part of the hearing in which they give their evidence.

Model Agenda

- 1. Chair welcomes attendees and introduces the panel.*
- 2. Complainant explains reasons for making the complaint, and calls witnesses if desired.*
- 3. Panel members may ask questions*

4. *Head teacher may ask further questions*
5. *Head teacher invited to explain the school's actions and call witnesses if desired*
6. *Complainant and Panel members may ask questions*
7. *Complainant is invited to sum up the complaint*
8. *Headteacher is invited to sum up the school's actions and response to the complaint*
9. *The parties leave together, and the Panel considers its decision*

It is essential to recognise at all times, that the procedure for any of the above options deals only with establishing the validity of a parental complaint and **does not constitute a hearing connected with any disciplinary process.**

The complainant is welcome to bring an accompanying relative or friend if desired, and witnesses if appropriate.

- The school representative will be the person who dealt with Stage Two
- [The Headteacher usually, but the Chair of Governors if the complaint related to the Headteacher] S/he may bring a friend if desired.
- If other members of staff or other witnesses are needed because of their perceived involvement in the substance of the complaint, each, too, may be accompanied by a friend.

The Clerk to the Governors' Panel will be responsible for inviting participants into the room at the relevant times, and make introductions as necessary.

The Clerk to the Governors' Panel should keep an accurate record of the discussion at the meeting. The Governors may need to refer to this to assist them in their consideration of the case. **It may be helpful to the parent/carer for them to be informed if these notes will be made available to them. If, as a result of the complaint being upheld there is any disciplinary action towards a member of staff, the parent/carer is not permitted any knowledge of this. Therefore, if any notes are made available to complainants, any such references should be removed before being sent.**

The Chair should explain the Panel's Remit (see over) and that the purpose of the hearing is to review the complaint and try to resolve the issues to enable reconciliation between the parent/carer and the school. It may only be possible to establish the facts and recommend future actions.

The Chair should reassure all parties that they will have every opportunity to state their case.

The Chair should explain the procedure decided upon for the hearing. It may be helpful to have printed copies of this available to all parties.

The written complaint must include the following information:

- Details of the original complaint
- The decision and recommendation/action (if any) of the Governors Complaints Panel
- Reason for believing the original complaint was not dealt with fairly and in accordance with the school's complaints procedures
- The expected desired outcome

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 appropriate action to be taken to resolve the complaint*
 - *See possible resolutions below*
- *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 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 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 that 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.

The Panel should consider:

- *The evidence (written and oral) from the school representatives and the parent/carer.*
- *The relevant school policies and procedures (e.g. anti-bullying, race equality, dress code, and discipline).*
- *The extent to which the school's action is consistent with the appropriate school policy (i.e. have the school managed the issue in the manner defined in their documentation?).*
- *The response of the Panel to the parent's/carer's complaint, having considered the information made available to them, providing reasons for their decision.*
- *Areas of agreement identified between the parties.*
- *Misunderstandings identified, which can be remedied.*
- *Any recommendations to review/ revise school policies and procedures as necessary. This should identify a reasonable timescale and a nominated person who will be responsible for this to be achieved, and progress should be monitored by the Governing Body.*
- *The appropriate action to be taken by the school, if necessary.*
- *Recommendations on changes to school policies and procedures in the light of this experience, if necessary.*

Possible resolutions:

- *Many concerns may be resolved by explanations, others by a simple apology. Other complaints may result from a school procedure which could have been handled differently. Such an acknowledgement would be an appropriate resolution, as would assurances that events complained about, (if justified) will not recur. Others may be resolved by an undertaking to review school policies in the light of a complaint.*

NOTE: *If as a result of the complaint being upheld, there is disciplinary action contemplated towards a member of staff, the complainant is not permitted any knowledge of this.*

The Panel's decision, with reasons, should be confirmed in writing to the parent/carer, Headteacher and Chair of Governors within 5 school days.



Department
for Education

School complaints toolkit 2014

**Departmental advice for maintained
schools, maintained nursery schools
and local authorities**

August 2014

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Summary

About this departmental advice

This is departmental advice from the Department for Education. This advice is nonstatutory, and has been produced to help recipients understand their obligations and duties in relation to Section 29 Part 1 of the Education Act 2002¹.

This advice replaces the version of the Toolkit published in 2011.

Who is this advice for?

This advice is for:

- School leaders, school staff and governing bodies in all maintained schools and maintained nursery schools.
- Local authorities
- Diocesan Boards

¹ www.legislation.gov.uk/ukpga/2002/32/contents

Further information can be obtained from the School Complaints Unit:

by calling the National Helpline on **0370 000 2288** online

at: www.education.gov.uk/help/contactus or

www.education.gov.uk/form/school-complaints-form or

by writing to:

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

*The department wishes to acknowledge the contribution of The Advisory Centre for Education and also Hampshire, Surrey and West Sussex Local Education Authorities in the production of this document. Some of the material is reproduced, by kind permission, from their Complaints Procedures

Overview

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 all complaints relating to their school and to any community facilities or services that the school provides. This does not limit complainants to parents or carers of pupils registered at a school. A complainant could be a member of the wider community or representing an ex-pupil. The law also requires the procedure to be publicised.

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. A framework of principles can be found on Page 5.

Note: a guidance document for parents on making complaints does not satisfy the legislative requirement for schools to have a procedure to deal with all complaints. A separate and distinct policy must be in place. Schools are free to adopt LA recommended policies as long as they have been personalised to the individual school.

LAs are also 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 GB's complaints procedure does not replace the arrangements made for those types of complaint. In addition, 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 GB 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.

When schools draw up their procedure it is recommended that local teacher associations and LAs be involved. An example of a procedure, which schools might find helpful, is at Annex B. If schools wish to adopt the example procedure in its entirety, they may do so but must personalise it to their individual school.

When schools draw up their procedure they should be mindful of the language used and be clear when explaining what a school may or should do against what they will or must do in order to better manage complainant expectations.

A legal distinction exists between the words 'should'/'may' and 'must'/'will'. If the policy uses the words 'must' or 'will', then the school is required to carry out the action referred to in the policy. Failure to do so could result in the department declaring the school to be in breach of their policy in the event the complaint is escalated to the Secretary of State. If the policy uses the words 'should' or 'may', this allows for the possibility that the action may not occur.

Part 1: General Principles of Complaints

Schools that were already complying with Section 29 Part 1 of the Education Act 2002 should not find major differences in what they need to do. However, there are some recommendations we have made which we would like all schools to consider.

Dealing with complaints – initial concerns

1. 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. However, formal complaints should always follow the complaints procedure.
2. 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.

Dealing with complaints – formal procedures

3. 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.
4. 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.

Framework of Principles

5. An effective complaints procedure will:
- encourage resolution of problems by **informal** means wherever possible;
 - be easily **accessible** and **publicised**;
 - be **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

6. It is suggested that at each stage, the person investigating the complaint (the complaints co-ordinator), 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 or arrange for an independent note taker to record minutes of the meeting.

Resolving complaints

7. 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.

8. 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.

9. 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

10. 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. If the complainant writes again on the same issue, then the correspondence may be recognised as vexatious and there will be no obligation on the part of the school to respond.

11. It is important to note however that, should a complainant raise an entirely new, separate complaint, it must be responded to in accordance with the complaints procedure. It is not the complainant who is vexatious; it is the correspondence.

Time Limits

12. Complaints need to be considered and resolved, as quickly, and efficiently as 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. The complainant should be sent details of the new deadline and an explanation for the delay.

Cut-off Limits

13. It is arguably reasonable to expect parents to make a complaint as soon as possible after an incident arises but there may be good reasons why a parent has not made a complaint earlier (e.g. they were gathering further information to support their complaint or they were not fully aware of the implications of an incident until a later date).

In light of this, schools should ensure that if they have a general cut-off policy that they are willing to consider exceptions. Schools should not have blanket policies of refusing to consider any complaints not lodged within the stated period.

Part 2: The Complaints Procedure

The Stages of Complaints

14. An efficient school complaints procedure will have well-defined stages. A summary of suggested stages can be found in Annex C. 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.
15. Four school-based stages are likely to be sufficient for most schools:
 - Stage 1 (informal): complaint heard by staff member (though not the subject of the complaint);
 - Stage 2 (formal): complaint heard by headteacher;
 - Stage 3 (formal): complaint heard by Chair of Governors
 - Stage 4 (formal): complaint heard by GB's complaints appeal panel.

In very small schools it may be necessary to go straight to Stage 2.

16. Regardless of how many stages the school chooses, an unsatisfied complainant can **always** take a complaint to the next stage. Some procedures may allow for an additional stage if the LA, Diocese Body (DB) or other external agency provides an independent appeal or review.
17. The school complaints procedure should not suggest that a complaint can only be escalated to the next stage if the school permits it.
18. 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 headteacher are usually first dealt with by the Chair of Governors (Stage 3). Complaints against the Chair of Governors or any individual governor should be made by writing to the Clerk to the Governing Body.
19. An example of a complaints procedure can be found in Annex B.
20. A poor complaints procedure would:
 - have no definitive timescales;
 - have no set stages;

- use ambiguous wording;
- restrict access to the next stages of the complaints policy;
- lump separate complaints together;
- limit complainants to parents and carers of pupils at the school;
- include no advice as to how to complain about the headteacher or a governor;
- include no advice for complainants on how to request an independent panel to hear their complaint.

Part 3: Managing and Recording Complaints

Recording Complaints

21. Schools should 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 D. 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.

22. The complaints co-ordinator could be responsible for the records and hold them centrally.

Governing Body Review

23. The GB can monitor the level and nature of complaints, and review the outcomes on a regular basis to ensure the effectiveness of the procedure, making changes where necessary. Complaints information shared with the whole GB should not name individuals in case an appeal panel needs to be constituted.

24. 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 GB can be a useful tool in evaluating a school's performance.

25. The frequency with which the school complaints procedure must be reviewed is determined by the GB. The GB may also delegate responsibility to a committee of the governing body, an individual governor or the headteacher. The revised policy must be ratified by the GB. If projected review dates are published on the policy document they should be adhered to. Reviews should also be considered in the event that new guidance or legislative changes are introduced by the Department for Education.

Publicising the Procedure

26. There is a legal requirement for school complaints procedures to be publicised. It is up to the GB to decide how to fulfil 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.

Annex A - The Act

Section 29 of the Education Act 2002 requires that:

- (1) The governing body of a maintained school in England 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 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 authority and is not a special school;

Annex B – An example of a complaints procedure

The stages of the complaint

Stage 1 (informal): 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, if staff are made aware of the procedures, they will 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. In these cases, the complaints co-ordinator can refer the complainant to another staff member. Where the complaint concerns the headteacher, the complaints co-ordinator can refer the complainant to the Chair of Governors.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the complaints co-ordinator may consider referring the complainant to another staff member. 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.

Stage 2 (formal): complaint heard by headteacher

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

Stage 3 (formal): complaint heard by Chair of Governors

If the complainant is not satisfied with the response of the headteacher or the complaint is about the headteacher, the complainant should write to the Chair of Governors to request that their complaint is considered further.

Stage 4 (formal): complaint heard by Governing Bodies Complaints Appeal Panel

The complainant usually needs to write to the Clerk to the Governing Body giving details of the complaint and asking that it is put before the appeal panel. The Chair, or if the Chair has been involved at any previous stage in the process, a nominated governor, will convene a GB complaints panel.

The governors' appeal hearing is the last school-based stage of the complaints process and is not convened merely to rubber-stamp previous decisions.

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

The governing body may nominate a number of members with delegated powers to hear complaints at that stage, and set out its terms of reference. These can include:

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

The procedure adopted by the panel for hearing appeals would normally be part of the school's complaints procedure. The panel can be drawn from the nominated members and may consist of three or five people. The panel may choose their own Chair.

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 panel needs to remember:

- f. 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 race, gender and religious affiliation.

- g. 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 that 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.
- h. 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.

- i. 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.
- j. The governors sitting on the panel need to be aware of the complaints procedure.

Roles and responsibilities

The role of the clerk

The department strongly recommends 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 (recommended at least five school days in advance);
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision.

As best practice, the Clerk should share copies of the panel meeting 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.

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 requested, notify the clerk to arrange the panel.

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.

Notification of the 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 (including the reasons for the decision); this is usually within a set deadline which is publicised in the procedure. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed. This may be the LA or Diocesan Board.

The final stage of appeal is to the Secretary of State for Education.

Complainants should be advised to write to The School Complaints Unit (SCU) at:

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

What will the Department for Education do?

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.

Checklist for a panel hearing

The panel needs 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 decides on the issues.
- The Chair explains that both parties will hear from the panel within a set time scale.

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

Annex D - Example of a 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 (if relevant): |
| Your relationship to the pupil (if relevant): |
| 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:

Further information

Useful resources and external organisations

- [National Governors Association](#)

Other relevant departmental advice and statutory guidance

- [Section 29 of the Education Act 2002](#)
- [Governors Handbook](#)

Other departmental resources

[How to complain about a school](#) - Advice for complainants



Department
for Education

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