

# School Complaints

**Guidance for school governors and  
local authority officers**

*Revised April 2012*



## Contents

Paragraph	Title	Page
	<b>Introduction</b>	<b>1</b>
	<b>Part one: General principles of complaints</b>	<b>2</b>
1	Initial concerns	2
3	Formal procedures	2
5	Framework of principles	2
6	Definition of a complaint	3
7	Definition of a complainant	3
9	Investigating complaints	3
10	Resolving complaints	3
13	Vexatious complaints	4
14	Timescales	4
18	Anonymous complaints	4
19	Statutory and established procedures	5
20	Complaints not covered by established or statutory procedures	5
21	Role of the LA	5
	<b>Part two: The complaints procedure</b>	<b>6</b>
22	Stage 1 – Informal stage guidance	6
32	Stage 2 – Formal stage guidance	7
33	Stage 3 – Formal stage governing body review guidance	7
38	Remit of the governing body's review panel	7
	<b>Part three: Managing and recording complaints</b>	<b>8</b>
39	Recording complaints	8
41	Governing body review	8
43	Publicising your school's procedure	8
	<b>Annex</b>	
<b>A</b>	The Education Act 2002	9
<b>B</b>	Model school complaints procedure	10
<b>C</b>	Investigation procedures	21
<b>D</b>	Model school complaint form	22
<b>E</b>	Model letters	24
<b>F</b>	Policy guidance and resources	27
<b>G</b>	Schools complaints procedure flowchart	28
<b>H</b>	How to minimise the volume of complaints	29
<b>I</b>	How to listen to complaints	30

## Introduction

### Review of school complaints procedure

Since September 2003, under Section 29 of the Education Act 2002, governing bodies of all maintained schools and nurseries in England are required to **have in place and publicise a procedure** to deal with complaints relating to the school and to any community facilities or services that the school provides.

The majority of schools already have a complaints procedure in place, based on local authority (LA) or Diocesan Board models.

The purpose of this guidance is to provide a broad framework for headteachers and governors to resolve complaints by informal means, before formal procedures are invoked. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally.

This guidance follows the DfE guidance 'School Complaints Procedure', NAHT advice document and model procedure 'Complaints Procedure for Maintained Schools'. DfE guidance should be considered alongside this document.

#### Further information can be obtained from:

**Web link to act:** <http://www.legislation.gov.uk/ukpga/2002/32/contents>

**NAHT guidance:** phone 01444 472472

#### **DfE guidance link:**

<http://www.education.gov.uk/schools/leadership/governance/becomingagovernor/rolesandresponsibilities/governorduties/a0060898/complaints-an-overview>

**It is anticipated that this document will be considered by each governing body, which will then decide whether it wishes to adopt the model complaints procedure set out in Annex B.**

## Part one: General principles of complaints

### 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.
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. Refer to **Annex I** for further advice and guidance on how to listen to complaints.

### Dealing with complaints: formal procedures

3. 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 senior 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'.

### Framework of principles

5. An effective complaints procedure will underpin the basic rules of natural justice: reflecting a duty to act in good faith, to act reasonably; to consider relevant evidence, with a right to see documents relied on. The key principles include:
  - 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;
  - ensures procedure is **without prejudice**, with all **equality** and **disability** rights being respected.

## Definition of a complaint

6. A complaint against a school, is now defined by section 206 of the Apprenticeships, Skills, Children and Learning Act 2009, as a complaint that the pupil or parent of the pupil has sustained injustice in consequence of an act or omission of the governing body of the school or the exercise of, or failure to exercise, a prescribed function of the headteacher of the school. A complaint against a school does not include a decision about admissions to the school or any other matter where the complainant has, or had a prescribed right of appeal, such as permanent exclusions or staffing matters.

## Definition of a complainant

7. A complainant is someone:
- who allegedly has been wronged;
  - whose child(ren) has been wronged (parent or carers or other person with parental responsibility); or
  - someone representing a person in one of the above groups, for example a councillor.
8. Where a complainant is a pupil under the age of 18 years, the complaint may be pursued only by, or on behalf of, the child's parent or carer. Where someone other than a pupil or a parent or carer is pursuing a complaint on their behalf, this can only be done with the express consent of the pupil or parent concerned.

## Investigating complaints

9. 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; and
  - keep notes of the interview.

Refer to **Annex C** which covers investigation procedures.

## Resolving complaints

10. 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; or
  - an undertaking to review school policies in light of the complaint.
11. 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.
12. 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**

13. 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 chairman of the governing body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

### **Timescales**

14. 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 and the complainant sent details of the new deadline and an explanation for the delay.
15. Headteachers and governing bodies will sometimes receive complaints from parents whose children have left the school. A question of reasonableness arises here and schools will need to consider the time that has elapsed, staff changes, availability of records needed to investigate complaints and the nature of the complaint (for example vexatious complaint).
16. To allow for a proper investigation, it is advised that complaints should be brought to the attention of the school as soon as possible. Any matter raised more than three months after the event being complained of, should not be considered, save in exceptional circumstances.
17. Investigation of any complaint or review request will begin within five school days of receipt of the same, save in exceptional circumstances. The investigation will be completed as soon as reasonably practicable.

### **Anonymous complaints**

18. There is no duty for headteachers or governors to pursue anonymous complaints because there is no named complainant to respond to. However, it is important that such complaints may allege or imply a serious matter which may be to the detriment of the school. It is recommended that headteachers use their discretion to consider whether a case needs further investigation or not.

## **Statutory and established procedures**

19. Governing bodies must determine how they wish to deal with complaints from parents and carers. They are free to set up their own procedures or adopt guidance from the Diocesan Boards or from the LA, **except** in relation to those matters already provided for by existing statutory procedures, which would include:
- admissions to community schools
  - exclusions from schools and pupil referral units
  - special education provision
  - school organisation
  - complaints by school staff or prospective staff
  - education staff and child protection
  - public examination administration
  - school records on individual pupils.

## **Complaints not covered by established or statutory procedures**

20. This guidance suggests a three-step procedure of well-defined stages with set timescales for responses. At each stage, it would be helpful to clarify exactly who will be involved and what will happen. 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. Further investigations may be required by the headteacher, after a meeting with the complainant.

## **Role of the LA**

21. There is no provision for the complainant to refer the matter to the local authority. If the complainant's view is that the governing body has acted unreasonably, they can refer the matter to the Secretary of State.

As far as possible, complaints, other than those covered by statutory procedures, should be dealt with and resolved at school level with support and advice, where necessary, from relevant LA officers.

Under local management of schools, complaints received by the LA will be referred back to the school. The school will be notified and, where appropriate, the Lead Inspector informed.

Guidance for parents and carers on complaining about schools and academies in the Richmond Borough can be found on the Richmond website via the following link [http://www.richmond.gov.uk/making\\_a\\_complaint.pdf](http://www.richmond.gov.uk/making_a_complaint.pdf)

## Part Two: The complaints procedure

### Stage 1 - Informal: Complaint heard by staff member

22. 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. An informal meeting before or after school can sometimes resolve queries or concerns at an early stage. All staff must be made aware of the procedure, so they know how to deal efficiently and effectively with complaints and concerns.
23. A degree of discretion should always be allowed in dealing with complaints. It may not be appropriate in all situations to advise all parents or carers to put their concerns in writing, especially at this initial, informal stage, as this would tend to over formalise the situation, when it could well be resolved through discussion.
24. The school's structure for dealing with complaints will be different in nursery, primary and secondary schools. In nursery and primary schools, a parent or carer will tend to go directly to the class teacher to attempt to resolve the matter. In secondary schools, where parental contact is less immediate, headteachers will wish to specify which senior staff member (for example, heads of year or deputy heads) parents or carers should refer to in the event of a complaint. In any case all complaints should be reported to the headteacher.
25. In the case of non-teaching staff, headteachers should determine to whom complaints should be referred and communicate this structure to all staff accordingly.
26. Teachers to whom the complaint has been referred would have a duty to tell the headteacher if any issue is not resolved after discussion and careful explanation.
27. If the issue is not resolved to the complainant's satisfaction, they should be advised how to proceed to the next stage. If the recipient of the complaint feels that it would be more appropriate for the complaint to be pursued formally (ie, go straight to the formal stage), they should advise the complainant accordingly.
28. A teacher or member of the non-teaching staff has a right to be told if a serious complaint is made against them and how it will be dealt with.
29. It would assist the procedure if the school respected 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 complaints co-ordinator can refer the complainant to the headteacher. Where the complaint concerns the headteacher, the complaints co-ordinator must refer the complainant to the chair of governors.
30. Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the complaints co-ordinator should refer the complainant to the headteacher. The ability to consider the complaint objectively and impartially is crucial.
31. 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

32. 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 governing body complaints appeal panel

33. The complainant needs to write to the chair of governors giving details of the complaint. The chair, or a nominated governor, will convene a governing body complaints panel. The panel will consist of at least three impartial governors.
34. The governors' appeal hearing is the last school-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions.
35. Individual complaints would not be heard by the whole governing body 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.
36. 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; and
  - making recommendations on policy as a result of complaints.
37. The procedure adopted by the panel for hearing appeals would normally be part of the school's complaints procedure – as outlined in **Appendix B**. The panel can be drawn from the nominated members and may consist of three or five people. The panel may choose their own chair.

## Remit of the governing body's formal Review Panel

38. There are several points which any governor sitting on a complaints review panel needs to remember:
- 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.
  - At no point in proceedings should it be expected, or indeed is it the remit of a LA officer or Lead Inspector to be involved in such an appeal hearing.
  - 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 their complaint has been taken seriously.

- 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.
- 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.
- The governors sitting on the panel must be fully aware of the complaints procedure.

## Part three: Managing and recording complaints

### Recording complaints

39. It is recommended that schools record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone or in writing (including email). An example of a complaint form can be found at **Annex D**. At the end of a meeting or telephone call, it would be best practice 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.
40. The complaints co-ordinator could be responsible for the records and hold them centrally.

### Governing body review

41. The governing body can 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 will not name individuals.
42. 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.

### Publicising the procedure

43. 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 it is advisable to ensure details of the complaints procedures are included in:
  - the school prospectus;
  - the governors' report to parents (if applicable);
  - 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; and
  - the school website.

## The Act

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 failing to be dealt with in accordance with any procedures required to be established in relation to the school by virtue of a statutory provision other than this section; and
  - (b) publicise the procedures so established.
- (2) In establishing or publicising procedures under 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.

## Model school complaints procedure

Name of school: \_\_\_\_\_

The school's governors and headteacher are committed to providing the best educational experience they can for every pupil attending this school. They recognise the value to everyone concerned of dealing fairly, speedily and effectively with any complaint against their decisions, actions or omissions, which a pupil or parent or other aggrieved person may have. To this end, they have adopted the underlying principles and procedures set out in this document.

### Framework of principles

Our 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 issues and provides an **effective** response and **appropriate** redress, where necessary; and
- provides **information** to the school's senior management team so that services can be improved
- ensures the procedure is **without prejudice**, with all **equality** and **disability** rights being respected.

### Definition of complaint

A school complaint is any communication received by a person or persons with a legitimate interest in the school that expresses dissatisfaction about the standard of teaching of members of the teaching staff, or about the conduct, actions or omissions of members of the teaching or non-teaching staff employed at the school.

Where a complainant is a pupil under the age of 18 years, the complaint may be pursued only by, or on behalf of, the child's parent or carer. Where someone other than a pupil or a parent or carer is pursuing a complaint on their behalf, this can be done only with the express consent of the pupil or parent concerned.

## Part A

### Complaining about the actions of a member of staff other than the headteacher

#### STAGE 1 - Informal: Complaint heard by staff member

At this early stage it is expected that the complainant would communicate directly with the member of staff concerned (or other designated post-holder/middle manager, such as a key-stage co-ordinator, head of department, head of year). This may be by letter, email, telephone, or in person by appointment.

Most concerns can be resolved by simple clarification or the provision of information and it is anticipated that the majority of complaints will be resolved at this informal stage.

In the case of serious concerns it would be appropriate to address the complainant directly to the headteacher (or other designated member of staff on behalf of the headteacher – in such cases the headteacher must be satisfied that the process has been conducted properly and accept responsibility for the same). **Part A - Stage 2** of the procedures.

#### STAGE 2 - Formal: Complaint heard by headteacher

If the complaint is not resolved at the informal stage 1 (or stage 1 does not apply), the complainant must put the complaint in writing and pass it to the headteacher, who will be responsible for its investigation.

The complainant may be referred back to the informal stage of the procedure, or if the complaint is judged to be vexatious, then the complainant will be informed that their complaint will not be accepted and will not be investigated.

The complainant should include details that might help the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents.

The headteacher may meet with the complainant to clarify the complaint. It may be appropriate to offer the complainant the opportunity to be accompanied by a friend at any such meeting.

The headteacher will collect all other evidence that they think is necessary. Where this involves an interview with a member of staff who is the subject of the complaint, a friend or representative may accompany that member of staff if they wish.

The investigation will begin as soon as possible and when it has been concluded, the complainant and the member of staff concerned, will be informed in writing of the outcome. This may be to the effect that:

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

The complainant will be formally advised that consideration of their complaint by the headteacher is now concluded.

If the complainant considers that **the decision of the headteacher is unreasonable, or that the headteacher has acted unreasonably** in considering the complaint, then the complainant may bring a complaint against the headteacher under **Part B – Stage 2** of this procedure. At this stage the complaint will be heard and fully investigated by the chair of governors.

### **STAGE 3 - Formal: Complaint heard by governing body review panel**

In the unlikely event that the complainant remains **dissatisfied with the way in which the process has been followed/or the outcome**, the complainant may request the governing body to review the process followed by the headteacher in the handling the complaint.

Any such request must be made in writing within **two weeks** of receiving notice of the outcome from the headteacher, and include a statement specifying any perceived failures to follow the procedure.

The procedure outlined in **Part C – Stage 3** should then be followed.

## **Part B**

### **Complaining about the actions of the headteacher**

#### **STAGE 1 - Informal: Complaint heard by headteacher**

At this early stage it is expected that the complainant would communicate directly with the headteacher. This may be by letter, email, telephone, or in person by appointment.

Most concerns can be resolved by simple clarification or the provision of information and it is anticipated that the majority of complaints will be resolved at this informal stage.

In the case of serious concerns it would be appropriate to raise them directly with the chair of the governing body, (or designated governor responsible for investigating complaints).

**Part B – stage 2** of the procedures.

#### **STAGE 2 – Formal: Complaint heard by chair of governors**

If the complaint is not resolved at the informal stage 1 (or stage 1 does not apply), the complainant must put the complaint in writing and pass it to the chair of governors (or designated governor responsible for investigating complaints), who will be responsible for its investigation.

The complainant should include details that might help the investigation, such as names of potential witnesses, dates and times of events, copies of relevant documents.

The complainant will be invited to meet the chairman (or designated governor) to present oral evidence or to clarify the complaint.

The chair (or designated governor) will collect any other evidence they think is necessary. This may include the interviewing of witnesses and others who may provide relevant information.

The headteacher will be provided with a copy of the complaint and any additional evidence presented by the complainant or collected by the chair.

Once there has been an opportunity for the headteacher to consider the complaint, they will be invited to meet separately with the chair (or designated governor) to present written and oral evidence in response. A friend or representative may accompany the headteacher at this meeting.

When the investigation has been concluded, the complainant and the headteacher will be informed in writing of the outcome. This may be to the effect that:

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

The complainant will be told that consideration of their complaint by the chair is now concluded.

### **STAGE 3 - Formal: Complaint heard by governing body review panel**

In the unlikely event that the complainant remains **dissatisfied with the way in which the process has been followed/or the outcome**, the complainant may request the governing body to review the process followed by the chair of governors (or designated governor) in the handling the complaint.

Any such request must be made in writing within **two weeks** of receiving notice of the outcome from the chair, and include a statement specifying any perceived failures to follow the procedure.

The procedure outlined in **Part C – Stage 3** should then be followed.

## **Part C**

### **Formal Review process**

#### **STAGE 3 – Formal: Complaint heard by governing body’s review panel**

Any review of the process followed by the headteacher or the chair will be conducted by a panel of at least three members of the governing body.

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; or
- recommend changes to the school’s systems or procedures to ensure that problems of a similar nature do not recur.

The review will normally be conducted by considering written submissions, but reasonable requests to make oral representations should also be considered.

The panel will first receive written evidence from the complainant.

The panel will then invite the headteacher or the chair (or designated governor), as appropriate, to make a response to the complaint.

The panel may also have access to the records kept of the process followed (to eliminate doubt or ambiguity, it is helpful to specify to all parties the persons who are allowed access to records).

The complainant is not entitled to access any details of the investigation except for any statements that may have been provided by their child. Any information relating to the application of disciplinary procedures is strictly confidential.

The complainant, and the headteacher or the chair, as appropriate, will be informed in writing of the outcome. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld.
- The concern is not substantiated by the evidence.
- The concern was substantiated in part or in full but that the procedural failure did not affect the outcome significantly so the matter is now closed.
- The concern was substantiated in part or in full and the governing body will take steps to prevent a recurrence or to rectify the situation (where this is possible).

#### **Further Stages**

##### **Referral to the Secretary of State**

Complainants do not have a general right of appeal should they disagree with the governors’ decision. They may, however, raise the matter with the Secretary of State for Children, Families and Schools, if they consider the governing body is acting ‘unreasonably’, or is failing to carry out its statutory duties properly. If the governors have followed a proper procedure and considered the complaint reasonably the Secretary of State cannot overturn the decision.

The governing body must give full consideration to any recommendations or directions the Secretary of State may make.

### **Complaining to Ofsted**

As well as inspecting schools and monitoring how they perform, Ofsted also consider complaints if they affect the school as a whole. For example:

- the school is not providing a good enough education;
- the pupils are not achieving as much as they should, or their different needs are not being met;
- the school is not well led and managed, or is wasting money; or
- the pupils' personal development and wellbeing are being neglected
- Safety including bullying.

### **Following a complaint to Ofsted**

If requested to do so, the governing body must provide Ofsted with any information specified by Ofsted that the school holds and any other information that the school considers to be relevant to the investigation of the complaint.

If, for the purpose of an investigation, Ofsted considers it appropriate to meet the parents, the governing body must co-operate with Ofsted to arrange the meeting, including allowing a meeting to take place on school premises, fixing a date for the meeting and notifying parents and the LA of the meeting. A representative of the governing body and the LA may also attend the meeting.

If Ofsted prepares a report of an investigation, that report must be passed to the governing body. The governing body must then send a copy of the Ofsted report to all registered parents.

## Statutory and established procedures

The Governing Body has determined these Complaints Procedures to deal with school complaints from parents, carers and pupils. They cover all areas of complaint, **except** in relation to those matters already provided for by existing statutory procedures, which include:

- admissions to community schools
- exclusions from schools and pupil referral units
- special education provision
- school organisation
- complaints by school staff or prospective staff
- education staff and child protection
- public examination administration
- school records on individual pupils.

## **Complaints Procedures – Key Roles and Responsibilities**

### **The role of the clerk**

It is strongly recommended that any panel or group of governors considering complaints be formally 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 all parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings; and
- notify all parties of the panel's decision.

### **The role of the chair of the governing body or the designated governor**

The nominated governor role:

- check that the correct procedure has been followed; and
- if a hearing is appropriate, 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; and
- 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. 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.

**Timescales**

It is recommended that the following time limits should apply to all complaints handled under the school’s complaints procedure:

**STAGE 1 - Informal:**

It is reasonable that parents seeking to resolve issues should receive a response within **15 working days** of making initial contact, unless there is a good reason not to do so. The response should offer the complainant a full explanation, or set out the steps that are proposed to resolve the complaint.

**STAGE 2 - Formal:**

Review by headteacher or chairman of governors.  
Should be responded to in **15 working days**.

**STAGE 3 – Formal:**

Review by governing body panel  
Should be responded to in **20 working days**.

The longer time limit for Stage 3 reflects the fact that these complaints may be complex and therefore likely to take longer to resolve. Where it is not possible to respond to complaints within these timescales, the complainant should be informed in writing of the reason for the delay and given an anticipated response date.

**Contact details**

- Headteacher .....
- In Headteacher’s absence contact .....
- Chair of Governors/or designated governor.....
- Complaints Co-ordinator .....

## Investigation procedure

### Carrying out an investigation into a formal complaint

The investigation of an allegation or a complaint should always be carried out thoroughly and responsibly, irrespective of whether the complaint appears to be trivial or serious. The outcome of such an investigation will have significance not only for the complainant, but also for the member of staff against whom the complaint has been made.

Once the complaint has been confirmed, the investigator should establish who they wish to interview and what documentation they will need to review. Arrangements should be agreed so that accurate notes can be taken of all interviews and the outcome of the investigation accurately recorded. The complainant and the member of staff should be given the opportunity to offer documentation and to identify potential witnesses or sources of evidence.

The member of staff subject to the complaint should be advised that they might be accompanied by a friend or trade union representative when invited to be interviewed. Where children are potential witnesses, discretion should be exercised over their involvement. Pupils should only be interviewed when the nature of the complaint is sufficiently serious to warrant it and adult witnesses are not available. Only in extreme circumstances will younger pupils be interviewed.

Any interviews should be conducted as soon as possible to ensure that recollections are as fresh as possible and to minimise the possibility that evidence will become tainted through witnesses discussing alleged incidents with others.

In conducting interviews, the investigator should prepare the questions to be asked before the interview. These can always be supplemented during the interviews. The investigator should allow the interviewee to answer in their own way. Their responses should be listened to attentively. Any temptation to cut an interviewee short or to seek to lead them must be resisted. The interviewee should be given the opportunity of providing other relevant information at the end of the interview.

A summary of the process undertaken and the outcome of the investigation should be provided to both the complainant and the member of staff against whom the complaint has been made. Caution must be exercised in reporting back to the complainant, as revealing certain details may prejudice the ability of the employee to continue in post.

Any recommendations should also be shared with all parties, unless there is good reason not to. Wherever possible, recommendations should be constructive and not punitive.

The complainant should be advised that they may, if they are not satisfied that the appropriate procedure has been followed, request a review of that process by the governing body.

The governing body should invite the LA to express a view on the retention of records of any complaints procedure. The most extreme stance would be that “all documentation relating to the complaint and its investigation and outcomes should be stored securely for a period of six years. (Where the complaint is on behalf of a child, then the school may wish to retain the documentation until six years after the child has attained the age of 18.)”

## Model school complaint form

Please complete this form and return it to headteacher or clerk to governing body, who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name: .....

Relationship with school (eg, parent of a pupil on the school's roll):

.....

Pupil's name (if relevant to your complaint):

.....

Your address:

Daytime telephone number: .....

Evening telephone number: .....

Please give concise details of your complaint, (including dates, names of witnesses etc), to allow the matter to be fully investigated:

You may continue on separate paper, or attach additional paperwork, if you wish.

Number of additional pages attached =

What action, if any, have you already taken to try to resolve your complaint? (ie who have you spoken with or written to and what was the outcome?)

What actions do you feel might resolve the problem at this stage?

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

School use:

Date form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

Complaint referred to

Date:

## Model letters

### Model response to spurious complainant

Dear

Following receipt of your communications and careful consideration of the same, I regret that I am unable to deal with this matter under the governing body's general complaints procedure as:

[Please select appropriate wording from the following]

- You have not identified any specific actions of which you might complain.
- Your concerns are presented as conclusions rather than specific actions of which you complain.
- The concerns that you identify relate to historical actions and any evidence which might have enabled an objective investigation of your complaint is no longer available.
- The substance of your complaint has been addressed under this procedure already.
- The concerns that you raise do not fall within the scope of this procedure.
- You have not identified any potential sources of evidence which might allow the matter to be investigated.
- The school offered to resolve the matter informally and in my judgement you refused unreasonably to take advantage of this.

If you wish my decision to be reviewed then you may take advantage of the procedure outlined in section .... of the complaints procedure, by writing to the clerk to the governing body.

Yours sincerely

Headteacher/or Chair of governing body

**Model letter of notification of decision regarding general parental complaint**

Dear

Following receipt of your complaint and careful consideration of all the available relevant evidence, I have concluded that:

There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld. If you are able to provide additional evidence forthwith I/we will reconsider this decision.

**OR**

The concern is not substantiated by the evidence in that .....

**OR**

The concern was substantiated in part/in full, as ..... The school will review its practices/procedures..... with the intention of avoiding any recurrence. Parents will be informed in due course of any policy changes.

**OR**

In order to address fully the matters investigated, the school has initiated appropriate internal procedures. Due to the nature of these procedures, their outcome must remain strictly confidential. We are confident, however, that the circumstances that gave rise to your complaint should not recur.

I hope that we may now put this matter behind us and work together for the benefit of your child's progress.

Yours sincerely

Headteacher/Chair of governing body

Cc Headteacher/or chair of governing body

**Model review outcome notification**

Dear

Having carefully considered your representations in the context of the relevant evidence, the governing body complaints review panel has concluded that the general complaints procedure was followed appropriately in respect of your complaint in that .....

Therefore, the matter is now closed as far as the school is concerned.

**Or**

Having carefully considered your representations in the context of the relevant evidence, the governing body complaints review panel has concluded that the headteacher or chairman of governors followed the general complaints procedure except .....

Therefore, the following action will be taken .....

Once this action has been completed the school will consider the matter to be closed.

**Or**

Having carefully considered your representations in the context of the relevant evidence, the governing body complaints review panel has concluded that the headteacher/or chair of governors followed the general complaints procedure except that .....

We have determined that this procedural failure did not affect the outcome of the consideration of your complaint so, while we regret this error, we will now consider this matter to be closed as far as the school is concerned.

Yours sincerely

Chair of complaints review panel

cc Headteacher  
Chair of governors

### Policy guidance and resources

The DfE guidance includes practical examples of model procedures, as does the advice from the National Association of Headteachers (NAHT), to inform schools' policy and practice, for example:

#### Model paragraph for inclusion in school prospectus

##### Raising concerns and resolving complaints

From time to time parents, and others connected with the school, will become aware of matters that cause them concern. To encourage resolution of such situations the governing body has adopted a general complaints procedure.

The procedure is devised with the intention that it will:

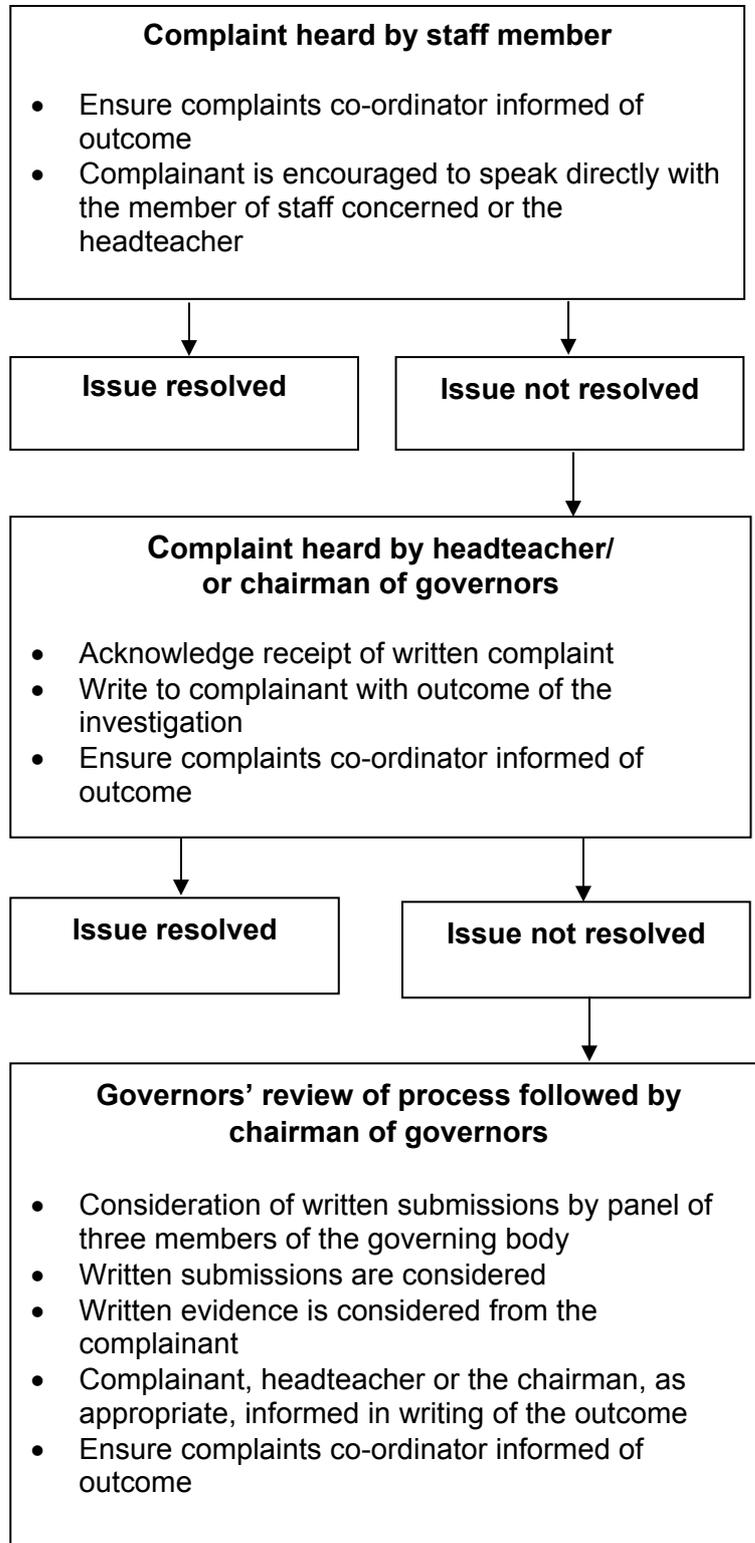
- Usually be possible to resolve problems by informal means
- Be simple to use and understand
- Be non-adversarial
- Provide confidentiality
- Allow problems to be handled swiftly
- Address all the points at issue
- Inform future practice so that the problem is unlikely to recur.

Full details of the procedure may be obtained from the school office or from the clerk to the governing body.

**(Adapted from NAHT Advice Document and Model Procedure – Annex 4)**

**School complaints procedure flowchart**

**A summary of dealing with complaints – three stage approach**



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## How to minimise the volume of complaints

Here are some simple steps that schools can take to reduce the likelihood of complaints being made:

- **Publicise your arrangements for handling parental concerns** as part of your general information policy; regard this as generating useful feedback rather than inviting complaints. Publication of your complaint procedures is a **statutory requirement** rather than simply good practice.
- **Avoid going into denial** about incidents that appear to cast the school in a bad light. Bullying is a prime example; accept that it can occur in the happiest of schools. The important point is to have effective policies and practices in place to address it when it occurs.
- **Ensure that all staff are aware of the statutory regulations** regarding such areas as health and safety, safeguarding and reporting of racist incidents. Arrange awareness-raising sessions for your staff on topics where knowledge is patchy.

## How to listen to complaints

<b>Say who you are</b>	If you are unknown to the person, introduce yourself	<b>Avoid taking the complaint personally</b>	To an angry or upset person you represent the school, and you are the only one they can put their feelings to right now
<b>Ask for their name and use it</b>	Anonymous complaints are acceptable only where there are special circumstances	<b>Stay cool and calm</b>	Do not argue with the person – be polite and aim to find out exactly what the person thinks is going wrong, or has gone wrong
<b>Avoid passing the buck</b>	Avoid transferring an angry person from one place to another. Make sure you know the contact person for anything you cannot deal with yourself	<b>Check you are being understood</b>	Make sure that the person understands what you are saying. Avoid using jargon – it can cause confusion and annoyance to someone not in the know
<b>Avoid being flippant</b>	First impressions count. You and the LA may be judged on your immediate reaction	<b>Avoid rushing</b>	Take your time. Let people have their say and let off steam if they need to. Listen carefully and sympathetically to their problems before replying and attempting to find a solution or offer a next step
<b>Treat all complaints seriously</b>	However small or trivial it may seem to you, the complaint will be an important problem for anyone who takes the trouble to complain	<b>Make notes</b>	It is important to have a record of the complaint and any outcome. If it can't be done at the time make a file note as soon as possible
<b>Treat every complaint individually</b>	Even if you have already received several similar complaints, it is probably the person's first chance to have their say	<b>Keep them calm</b>	Sit them down somewhere quiet and confidential if possible to hear what they have to say
<b>Take time to find out exactly what the problem is</b>	It is easy for someone to forget to tell you an important detail, particularly if they are upset or annoyed	<b>Report the matter</b>	Report the matter to your line manager or headteacher as soon as possible