

## School Complaints Procedure



# Fir Bank Primary School School Complaints Procedure

Guidance and Policy

December 2016

# School Complaints Procedure

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# School Complaints Procedure

## Part 1: General Principles of Complaints

Since 1 September 2003 governing bodies of all maintained schools and maintained nursery schools in England have been required, under Section 29 of the Education Act 2002, summarised in section 24, 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.

**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.

### 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.

### 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.

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## 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 re-open 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. 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.

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## Time-Limits

11. 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.

## Cut-off Limits

12. 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

13. An efficient school complaints procedure will have well-defined stages. At each stage it would be helpful to clarify exactly who will be involved, what will happen, and how long it will take. There may, on occasion, be the need for some flexibility; for example, the possibility of further meetings between the complainant and the member of staff directly involved and further investigations may be required by the headteacher after a meeting with the complainant. Both of these examples could be included.

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

- Stage one (informal): complaint heard by staff member (though not the subject of the complaint);
- Stage two (formal): complaint heard by the headteacher or senior leader;
- Stage three (formal): complaint heard by the Chair of Governors;
- Stage four (formal): complaint heard by GB's complaints committee;

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

15. 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.

16. The school complaints procedure should not suggest that a complaint can only be escalated to the next stage if the school permits it.

17. 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.

18. The school's complaints procedure (based on the DfE complaints toolkit) can be found at Annex A.

## Part 3 – Recording Complaints

19. Schools should record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, or in writing. The Schools complaint form can be found in Annex A. 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

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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.

20. A complaints co-ordinator could be responsible for the records and hold them centrally.

### **Governing Body Review**

21. 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 and make changes where necessary. Complaints information shared with the whole GB will not name individuals.

22. 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.

### **Publicising the Procedure**

23. There is a legal requirement for the 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.

24. 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 falling to be dealt with in accordance with any procedures required to be established in relation to the school by virtue of a statutory provision other than this section, and
  - (b) publicise the procedures so established.
- (2) In establishing or publicising procedures under subsection (1), the governing body shall have regard to any guidance given from time to time (in relation to England) by the Secretary of State.

Section 39 of the Education Act 2002 provides the following:

“maintained school” means a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school;

“maintained nursery school” means a nursery school which is maintained by a local education authority and is not a special school

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## 25. Summary for Dealing with Complaints

Stage 1 – Complaint heard by staff member

- Ensure HT informed of outcome through report form

If not resolved, then escalate to Stage 2 – Complaint heard by **Headteacher or Senior Leader**

- Acknowledge receipt of complaint and arrange a meeting with complainant if required
- Contact complainant with the outcome of any investigation
- Ensure HT 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 and arrange a meeting with the complainant
- Contact complainant with the outcome of any investigation
- Ensure HT 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 HT informed of outcome
- Advise of escalation routes to the Secretary of State for Education

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Annex A

SCHOOL: Fir Bank Primary School

REVIEWED ON: December 2016

## **Stage One (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, staff and parents are made aware of the procedures to ensure parents know what to do if they wish to make a complaint and staff know what to do when they receive a complaint.

To assist the procedure, the school respects 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 complainant will be referred to another staff member. Where the complaint concerns the headteacher, the complainant will be referred to the Chair of Governors.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, they will refer the complainant to another staff member. The member of staff will usually be more senior. The ability to consider the complaint objectively and impartially is crucial.

Where the first approach is made to a governor, the next step is for that governor to refer the complainant to the appropriate person and advise them about the procedure. It is important that governors do not act unilaterally on an individual complaint outside the formal procedure and are not involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

## **Stage Two (formal): Complaint Heard by Head Teacher or Senior Leader**

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 one 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.

Where the complaint has been heard by a senior leader, if the complainant is dissatisfied with the outcome they may request to have their complaint heard by the headteacher

## **Stage Three (formal): Complaint Heard by the Chair of Governors**

If the complainant is not satisfied with the response of the headteacher or the complaint is about the headteacher, then the complainant should write to the Chair of Governors to request that their complaint is considered further. A meeting will be arranged for the complainant to meet with the chair of governors (and headteacher, if appropriate) to hear the complaint.

## **Stage Four (formal): Complaint Heard by Governing Bodies Complaints Committee**

The complainant needs to write to the Chair of Governors giving details of the complaint. The Chair, or a nominated governor, will convene a GB complaints committee panel.

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

Individual complaints are not 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 will nominate a number of members with delegated powers to hear complaints at this stage, and set out its terms of reference. These include:

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

The panel will be drawn from the nominated members and will consist of three or five people. The panel will choose their own chair.

### **The Remit of the Complaints Committee 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 committee panel needs to remember:

- a. It is important that the 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 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.

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## **Roles and Responsibilities**

### **The Role of the Clerk**

The panel or group of governors considering complaints will be clerked. The clerk is the contact point for the complainant and will:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision.

The Clerk will 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.

### **The Role of the Chair of the Governing Body**

The nominated governor role:

- check that the correct procedure has been followed;
- 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;
- 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 will ensure that the complainant is notified of the panel's decision, in writing (including reasons for decision); within ten working days of the panel hearing.

The letter should explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

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

Complainants should 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?**

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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.

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### Complaint form

Please complete and return to Mrs S Millar (School Business Manager) who will acknowledge receipt and explain what action will be taken.

Head Teacher: Mrs Hazel MacKay  
Chair of Governors: Mrs Vikki English  
Fir Bank Primary School  
Grasmere Road  
Royton  
Oldham  
OL2 6SJ

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Please give details of your complaint.

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

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

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

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date: