

Model School Complaints Procedure

July 2013

This procedure is based on guidance for dealing with school complaints issued by the Department for Education in 2011.

A full version of the Department for Education's guidance document (School Complaints Procedure 2011) can be found on the DfE website – www.education.gov.uk

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1 LEGISLATION

Section 29 of the Education Act 2002 requires every maintained school to establish a procedure for dealing with complaints relating to the school and to publicise the procedure.

Section 39 of the Education Act 2002 defines a maintained school as being a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school (a nursery school which is maintained by a local education authority and is not a special school).

2 GENERAL PRINCIPLES

2.1 Schools must adopt a three stage process for dealing with formal complaints. Further details of each stage together with roles and responsibilities of staff involved can be found in Section 3 of this document. The three stages are:

Stage 1 – complaint heard by member of staff

Stage 2 – complaint heard by head teacher

Stage 3 – complaint heard by Governing Bodies complaint appeal panel

2.2 Every effort should be made to resolve a complaint informally in the first instance, without the need to invoke the formal complaints procedure. In most cases this can be achieved by a discussion between the class teacher and the complainant

2.3 Schools should consider nominating a member of staff to be the school's 'complaints co-ordinator'. The complaints co-ordinator will be responsible for the following:

- Acknowledging receipt of the complaint
- Effective recording of all complaints received
- Monitoring responses
- Ensuring responses are made within a reasonable timescale
- Identify trends and themes arising from complaints and report same to school's senior management team

2.4 All schools should have an easily accessible complaints procedure. Any existing procedure should be reviewed to ensure it complies with this guidance. This procedure must:

- Encourage informal resolution
- Be easily accessible, publicised and included on the school web site
- Be simple to understand and use
- Be impartial and non adversarial

- Allow swift handling and establish timescales for dealing with the complaint
- Ensure a full and fair investigation by an independent person if necessary
- Maintain confidentiality of all involved
- Address all points of complaint, provide an effective response and offer appropriate redress where appropriate
- Provide information to the school's senior management team so that services can be improved

Investigating Complaints

2.5 The person investigating the complaint should ensure they:

- Establish what has happened to date and who has been involved
- Clarify the nature of the complaint and what remains unresolved
- Meet with the complainant or contact them to verify information provided or gain further information
- Clarify what the complainant feels would resolve issues – establish desired outcomes
- Interview those subject of, and involved in, the complaint (interviewees may be accompanied if they so wish)
- Conduct the interview with an open mind and be prepared to persist in the questioning
- Keep notes of all interviews

Resolving complaints

2.6 The following can be used in an attempt to resolve a complaint if it is found to be appropriate:

- An acknowledgement that the complaint was justified – this can include an outcome of upheld or partially upheld. Please note that unjustified complaint outcomes will be not upheld or unable to substantiate
- An apology
- An explanation
- An admission that the situation could have been handled better or differently
- An assurance that the reason for the complaint will not recur
- An explanation of the steps taken to ensure there will be no recurrence
- An undertaking to review a school policy or procedure as a result of the outcome of a complaint

Vexatious complaints

- 2.7 Implementation and adherence to the model complaints procedure should reduce the number of complaints that become protracted or vexatious. If a complainant tries to reopen the same issue the Chair of the Governing Body should write to the complainant explaining that the complaint has been through all stages of the procedure, is now exhausted and the matter is now closed.

Time Scales

- 2.8 Complaints should be acknowledged, investigated and resolved as soon as possible. The complainant should be notified of the anticipated timescales for dealing with the complaint when receipt of the complaint is acknowledged.

3 FORMAL COMPLAINTS PROCEDURE

- 3.1 All schools should adopt a three stage procedure for dealing with complaints.
- 3.2 There should not be a stage 4 (referral to the local education authority) and any reference to this should be removed from existing complaint procedures. The local authority may only become involved in school related complaints where the complaint involves school admissions & allocations, school transport, some aspects of Special Educational Needs, school exclusions, the curriculum or religious worship
- 3.3 The local authority does have a Children's Services Complaints and Feedback Manager who will be able to offer advice and guidance on how to deal with and resolve school complaints. Please note, however, that there is currently a charge of £45 per hour (pro rata) for this service.

Stage 1 – Complaint heard by staff member (i.e. teacher or Head of Year/House)

- 3.4 The aim here is to resolve a complaint at the earliest possible opportunity via informal resolution by way of a discussion with the class teacher or head of year/house.
- 3.5 If that member of staff did not feel comfortable investigating the complaint, or the complaint was about that staff member then the complaints co-ordinator can ask another staff member to investigate the complaint or immediately escalate the complaint to stage 2.

Stage 2 – Complaint heard by Head Teacher

- 3.6 During this stage the Head Teacher can delegate the task of collating evidence and information relating to the complaint but the decision on any action to be taken as a result of the complaint and the response should come from the Head Teacher.

Stage 3 – Complaint heard by Governing Body Complaints Appeal Panel

- 3.7 The complainant needs to write to the Chair of the Board of Governors giving full details of the complaint and the reason why he/she remains dissatisfied with previous attempts to resolve the complaint.
- 3.8 The Chair, or a nominated governor, should then convene a Governing Body complaints panel
- 3.9 The Governing Body Complaints Panel should consist of 3 to 5 governors and should **not** include all of the school's governors. This is so impartiality may not be compromised in case a panel is then required for a disciplinary hearing against a member of staff as a result of a complaint.
- 3.10 One of the governors should be appointed as the Chair of the Complaints Panel. This does not necessarily have to be the Chair of the Board of Governors.
- 3.11 The role of the Chair should include:
- Ensuring that the correct process has been followed
 - The remit of the panel is explained to each party at the beginning of the proceedings – i.e. that all parties will have the opportunity to have their say without being interrupted
 - That all issues are fully addressed
 - Ensure that complainants are put at ease and do not feel intimidated
 - Ensure the hearing is conducted informally and that all parties treat each other with courtesy and respect
 - The panel is open minded and acts independently
 - No panel member has had any previous involvement in the complaint
 - All parties are given the opportunity to see any written documentation and to comment on it.

The Chair should also ensure that the complainant is informed of the Panel's decision, in writing, within 15 working days of the Panel hearing. This letter should inform the complainant of their right of appeal should they remain dissatisfied (i.e. Ofsted or The Secretary of State for Education).

- 3.12 None of the governors on the panel should have had any prior involvement in the complaint.
- 3.13 The panel hearing should be held in private and the aim should be to resolve the complaint, achieve reconciliation between the school and the complainant and assure the complainant that his/her concerns have been taken seriously.
- 3.14 The Complaints Panel should aim to reach an outcome in respect of the complaint (i.e. upheld, partially upheld, not upheld, unable to substantiate), decide and agree on appropriate action to be taken as a result of the complaint and make recommendations to change processes/procedures to ensure problems of a similar nature do not recur.
- 3.15 Care should be taken to ensure that the complainant does not feel intimidated by the process, especially if the complainant is a child. Consideration should therefore be given to setting and layout of room etc.
- 3.16 A clerk to the panel should be appointed (this could be the complaint co-ordinator or another member of staff). The clerk will be responsible for the following:
- Arranging the time, date and venue for the hearing
 - Collating and distributing any written information, including details of the previous stages of the complaint, to all parties in advance of the hearing
 - Meeting and welcoming the parties as they arrive
 - Notifying all relevant parties of the panel's decision

4 MANAGING AND RECORDING COMPLAINTS

- 4.1 The complaints co-ordinator should keep a log of all complaints received should be kept as this will help to identify any recurrent trends or themes
- 4.2 An file should also be kept containing all written communication in relation to the complaint together with brief notes of any telephone conversations etc.
- 4.3 Although there is a legal requirement for each school to publicise their complaints procedure it is up to the Governing Body to decide how they would like to do this, bearing in mind that the procedure should be transparent and easily accessible. Consideration should be given to publicising the procedure in the following ways:
- School prospectus
 - School website

- Information provided to parents/carers of new starters
- Home-school agreement
- School bulletins and newsletters
- Displaying the procedure in school reception area or main entrance
- Developing a complaint form for display in school reception area or main entrance
- Displaying a poster in the school reception area or main entrance

5 ESCALATION OF SCHOOL COMPLAINTS FOLLOWING STAGE 3

Should a complainant remain dissatisfied following a Stage 3 complaint they should be advised of their right to escalate their complaint to the following bodies:

Local Authority

The Local Authority MAY consider complaints in relation to school admissions & allocations, school transport, some aspects of Special Educational Needs, school exclusions, non delivery of the curriculum, religious worship and tuition at home.

Children's Services Complaints & Feedback Manager
Commercial & Corporate Services
Civic Centre
Sunderland, SR2 7DN

Telephone: 0191 5611276
Email: children.complaints@sunderland.gov.uk

Secretary of State for Education

If a complainant feels that a school has or is proposing to act unreasonably, or has failed to discharge a duty under certain legislation they can contact the Secretary of State for Education.

The Secretary of State for Education
Department of Education
Castle View House
East Lane, Runcorn
Cheshire, WA7 2GJ

Telephone: 0370 000 2288
Typetalk: 18001 0370 000 2288
Fax: 01928 738248
Website: www.education.gov.uk/schoolcomplaints

Ofsted

Ofsted can consider complaints if they affect the school as a whole. Examples of this are if the school is not providing 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 managed or is wasting money, the pupils personal development and wellbeing are being neglected.

Ofsted
Enquiries – National Business Unit
Royal Exchange Buildings
St Ann's Square
Manchester, M2 7LA

Telephone: 08456 404045 (8am to 8pm Monday to Friday)
Email: enquiries@ofsted.gov.uk
Website: www.ofsted.gov.uk/Ofsted-home/Footer/How-to-complain

Local Government Ombudsman

The Local Government Ombudsman currently considers school complaints in relation to school transport, special educational needs, school admissions, permanent exclusions and children who are out of school.

Local Government Ombudsman
PO Box 4771
Coventry, CV4 0EH

Telephone: 0300 061 0614 (8.30 am to 5pm Monday to Friday)
Fax: 024 7682 0001
Text 'call back' 0762 4803014
Website: www.lgo.org.uk/forms/Showform.asp?fm-fid=62

6 ADVICE AND TRAINING

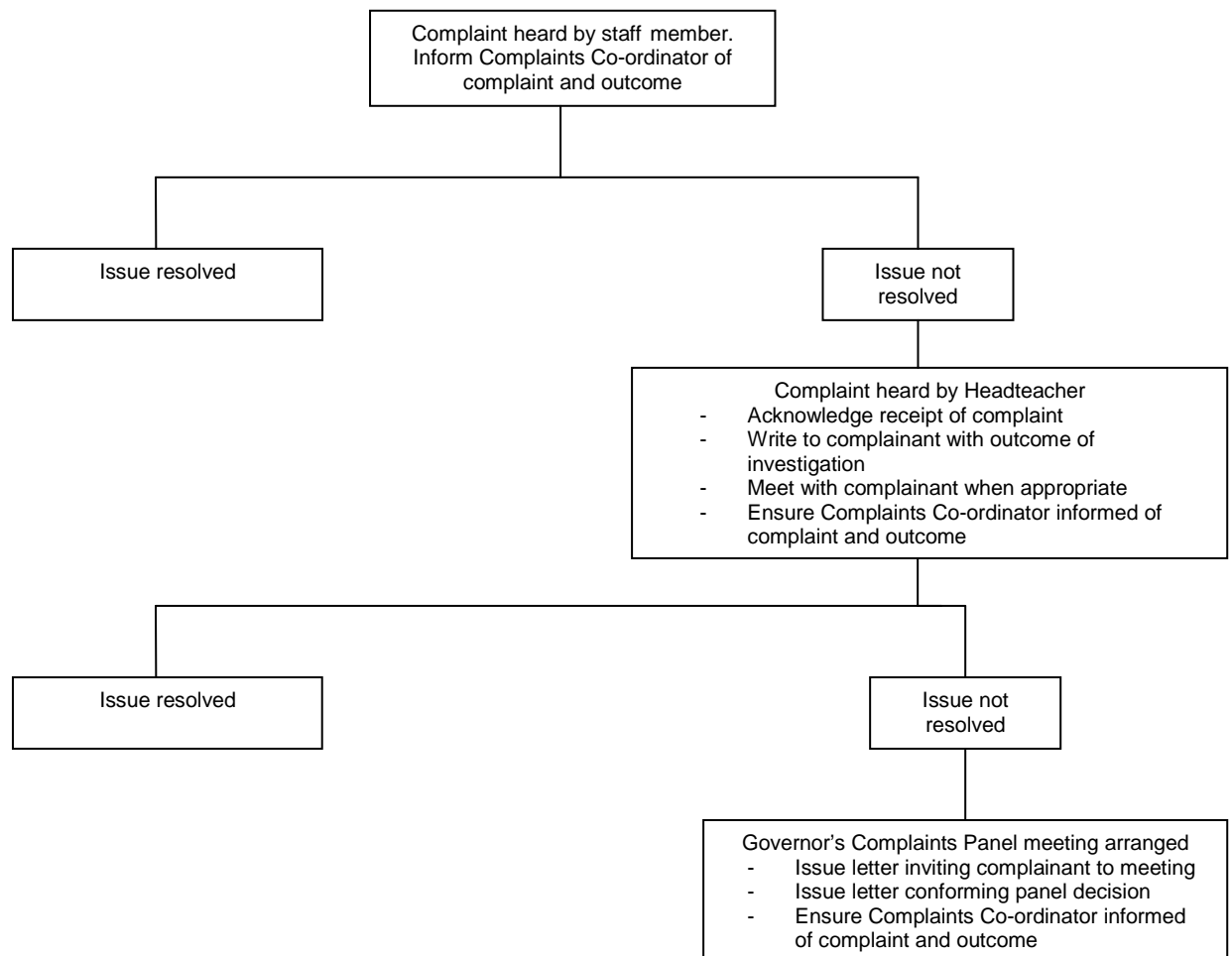
The Children's Services Complaints and Feedback Manager is available to offer help and guidance to schools on how to deal with complaints (contact details shown above). Please note, however, that there is currently a charge of £45 per hour (pro rata) for this service.

The Children's Services Complaints and Feedback Manager will also deliver training to school governors on effective complaint handling and resolution. Details can be found in the agenda booklet.

4 APPENDICES

Appendix 1

Flowchart – Summary of Dealing with Complaints



Appendix 2 – Example complaint form

Your name:

Address:
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Contact tel no:

Pupil's name:

Relationship to pupil:

Please give full details of your complaint (please continue on a separate sheet if necessary):

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What action, if any, have you already taken to try and resolve your complaint (i.e. 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?

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

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Signed:

Date:

**PLEASE RETURN COMPLETED FORM TO
(SCHOOL COMPLAINTS CO-ORDINATOR) WHO WILL
ACKNOWLEDGE RECEIPT AND EXPLAIN WHAT ACTION
WILL BE TAKEN.**

OFFICIAL USE	
Date received:
By who:
Date acknowledgement sent:
Complaint referred to:
Date:

Appendix 3 – Checklist for a Panel Hearing

The panel needs to take the following points into account:

- The hearing should be 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 should be invited to explain their complaint and to be followed by the witnesses. There should be no interruptions during this process
- 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 during the closed panel session
- The chair explains that both parties will hear from the panel within a set timescale