

**Taken from DfE advice for maintained
schools, maintained nursery schools
and Local Authorities**

January 2016

Section 29, Education Act

2002

School Complaints Procedure

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School Complaints Procedure

1. Introduction

In accordance with Section 29 of the Education Act 2002, all local authority (LA) maintained schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides.

The Federation including Extended Schools and the Field of Dreams Nursery has adopted this non-statutory guidance.

There is a difference between 'legal requirement' and 'good practice'. In this guidance, we use 'must' where a school has a duty. We use 'can' where a school has a power (not a duty) under statutory or common law. We use 'should' for advice on good practice.

2. The difference between a concern and a complaint

A 'concern' may be defined as '*an expression of worry or doubt over an issue considered to be important for which reassurances are sought*'. A complaint may be generally defined as '*an expression of dissatisfaction however made, about actions taken or a lack of action*'.

It is in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to invoke formal procedures. Schools should take informal concerns seriously and make every effort to resolve the matter as quickly as possible.

There are occasions when complainants would like to raise their concerns formally. In those cases, the school's formal procedure should be invoked through the stages outlined within their procedure.

3. Who can make a complaint?

Any person, including members of the general public, may make a complaint about any provision of facilities or services that a school provides, unless separate statutory procedures apply (such as exclusions or admissions). Schools must not limit complaints to parents or carers of children that are registered at the school.

4. The Complaints Procedure – Best Practice Tips

The following tips and suggestions are intended to help:

- Be aware of the difference between a concern and a complaint (taking informal concerns seriously will reduce the numbers that develop into formal complaints);
- Be mindful of the language used in the complaints procedure (it is recommended that schools have policies which state what they 'will' do rather than what they 'should' or 'may' do);

Where a policy states that a school '*should*' do something which they then choose not to do, if escalated to the Department for Education for further consideration, the school may be asked to provide a written explanation for the reasons why they deviated from best practice.

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- Ask the complainant at the earliest stage what they think might resolve the issue (an acknowledgement that the school could have handled the situation better is not the same as an admission of unlawful or negligent action).
- The complaints procedure should set out the steps to follow in the event that the Executive Head Teacher or member of the governing body is the subject of the complaint.

5. Timeliness

Complaints need to be considered and resolved as quickly, and efficiently as possible:

- Set realistic and reasonable time limits for each action.
- Expect complaints to be made as soon as possible after an incident arises - three months is our timeframe.
- Only in exceptional circumstances will we consider complaints after 3 months.

6. Recording Complaints

Schools must ensure that they comply with their obligations under the Equality Act 2010. It is common practice to ask for complaints to be made by using a complaint form or in writing, however the complainant may have communication preferences due to disability or learning difficulties and schools must allow alternative methods of contact:

- A complaint may be made in person, by telephone, or in writing;
- In order to prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls should be kept and a copy of any written response added to the record. Where there are communication difficulties, schools may wish to use recording devices to ensure the complainant is able to access and review the discussions at a later point;

However, if a complaint is to be dealt with on a formal basis the complainant must complete the appropriate complaint pro-forma in appendix 1.

- Schools should record the progress of the complaint and the final outcome. The Executive Head Teacher or complaints co-ordinator should be responsible for these records and hold them centrally.
- Schools should be aware that complainants have a right to copies of these records under the Freedom of Information and Data Protection Acts.

7. Governing Body Review

Complaints are not to be shared with the whole governing body, except in very general terms, in case an appeal panel needs to be organised;

- If the whole governing body is aware of the substance of a complaint before the final stage has been completed, schools should arrange for an independent panel to hear the complaint. They may approach a different school to ask for help or the local Governor Services team at the LA, or the Diocese;

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- Complainants have the right to request an independent panel, if they believe there is likely to be bias in the proceedings. Schools should consider the request but ultimately, the decision is made by the governors;
- The process of listening to and resolving complaints can contribute to school improvement. When individual complaints are heard, schools may also identify underlying issues that need to be addressed. The monitoring and review of complaints can be a useful tool in evaluating a school's performance. The governing body may wish to consider using complaints and review their handling at regular intervals to inform improvements and the effectiveness of the complaints procedure;

8. Frequency Complaint Procedure is Reviewed.

The complaint procedure is reviewed annually in order to take into account any new guidance issued by the Department for Education or legislative changes.

9. Responsibility for reviewing the procedure

The procedure is reviewed by the complaint committee who make a recommendation to the full governing body.

10. Complaints not in scope of the procedure

Exceptions	Who to contact
Admissions to schools Statutory Assessment of SEND School reorganisation proposals Matters likely to require a Child Protection Investigation	Concerns should be raised direct with the LA/school. Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.
Exclusion of children from school	Further information about raising concerns about exclusion can be found at www.gov.uk/school-discipline-exclusions/exclusions
Whistleblowing	Please see out internal whistleblowing procedure. Concern can be raised directly with Ofsted on 0300 123 3155 or via email @ whistblowing@ofsted.gov.uk or by writing to: WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD
Staff grievances and disciplinary procedures	School has internal procedures

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Complaints about services provided by other providers who may use school premises or facilities	It is their responsibility to have their own complaints procedures to deal with complaints about service. They should be contacted directly.
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11. Serial and Persistent Complainants

We will do our best to be helpful. However, in cases where we are contacted repeatedly by an individual making the same points, or who asks us to reconsider our position - School will need to act appropriately. There may be occasions when despite our best efforts the complainant remains dissatisfied. It is a poor use of our time and resources to reply to repeated letters, emails or telephone calls. If a complainant tries to repeat the same issue, the Chair of Governors can inform them that the procedure has been completed and the matter is now closed.

12. Guidance for Stop Responding

The decision to stop responding will not be taken lightly. In order to not respond, we need to have adhered to:

- Taken every reasonable step to address the complainants needs.
- The complainant has been given a clear statement of the school's position and their options.
- The complainant is contacting the school repeatedly by making substantially the same points each time.
- The school has reason to believe the individual contacts them with the intention of causing disruption or inconvenience.
- The complainant's letters are often or always abusive or aggressive.
- The complainant has made insulting personal comments about or threats towards staff.
- When an individual's behaviour is causing a significant level of disruption we will proceed through a tailored communication strategy e.g. restricting them to a single contact point via email or limiting the number of times they make contact e.g. fixed number per term. This will be reviewed on an individual basis. (normally after 6 months).
- If school staff find it difficult to deal with a complainant because of their unreasonable behaviour they will be referred to governor's services. The complainant will no longer contact the school but communication with LA instead. Under these circumstances the complainant may seek advice from a third party e.g. Citizens Advice Bureau.
- If a complainant is persistent to the point the school considers it to constitute harassment, legal advice should be sought. In some cases, injunctions and court orders have been issued to complainants.
- If we decide that it is appropriate to stop responding, the complainant will be advised via letter or email.

13. Policy for Unreasonable Complainants

Please see separate policy.

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14. Barring from the School Premises

Schools are private places fulfilling a public function. The public has no automatic entry and we will act to ensure we remain a safe place for pupils, staff and other members of the community.

If a parent/guardian or visitor's behaviour is a cause for concern, we will ask you to leave the premises. In serious cases, the Executive Head Teacher or the LA can notify you in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations they may wish to make. We will give you the opportunity to express your views on the decision to bar in writing.

Following representations, the decision to bar will be reviewed and either may be lifted or confirmed. If the decision is to bar they will be notified in writing, explaining how long the bar will be in place. Anyone wishing to complain about barring can do so by letter or email to the Executive Head Teacher or chair of governors. Complaints about barring cannot be escalated to the DfE the only remaining avenue is through the courts.

15. Roles and Responsibilities

The Complainant

The Complainant is the person who makes the complaint. In order to move the complaint forward:

- Cooperate with the school in seeking a solution
- Express the complaint in full and as early as possible (no later than 3 months)
- Respond promptly to request of information or meetings.
- Ask for assistance as needed
- Treat all those involved in the complaint with respect

Complaints Co-ordinator (or Executive Head Teacher)

They should:

- Ensure the complainant is fully updated at each stage.
- Make all parties aware of legislation around complaints e.g. Equality Act 2010, Data Protection Act 1998, Freedom of Information Act 2000.
- Liaise with staff members, Executive Head Teacher, chair of Governors, and Clerk to ensure smooth running of procedure.
- Keep records.
- Be aware of Sharing third party information, additional support which made by needed by complainant e.g. an interpreter.

The Investigator

Includes:

- Providing a comprehensive, open, transparent and fair consideration of the complaint by: -

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- Sensitive and thorough interview of the complainant where this is deemed appropriate to establish what has happened and who was involved.
- Consideration of records and other information
- Interview staff, children and anyone else relevant to the complaint.
- Analyse information.
- Liaise with complainant
- Identify solutions and recommend course of action
- Mindful of timescales
- Respond in plain and clear language
- Conduct interviews with an open mind and be prepared to question persistently.
- Keep notes or arrange for an independent note taker to record meeting.

Panel Clerk, Panel Chair and Panel Member

For clarification of their roles please see DfE guidance.

16. Informal Stage - General Complaints

We will endeavour to resolve complaints without them developing into formal complaints. However, if an informal resolution proves impossible the complainant may wish to register a complaint formally. For this to happen they must complete a Complaint pro-forma please see appendix 1. If the complainant needs help and support and filling in this pro-forma this will be provided.

17. Formal Procedure – General Complaints

- i. Where a complaint has not been resolved informally the person raising the concern will complete a pro-forma to register the concern.
- ii. The complaints must be registered within three months of the date on which the substance of it first arose, or where a series of associated incidents have occurred, within three months of the last of these incidents.
- iii. A person registering a concern outside of these timescales will be informed that their complaint is out of time.
- iv. The Complaints coordinator will acknowledge the formal complaint in writing within 5 working days.
- v. A complaint should be investigated as quickly as possible.
- vi. 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 admission of negligence.

18. Formal Procedure Conclusion – General Complaints

Having considered all the information gathered the Investigation Officer presents the case to the Executive Head Teacher or Head of School to make a decision on the outcome. This may be:

- i. The complaint is not upheld and there is no evidence to support it.

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- ii. The complaint is not upheld, however a misunderstanding appears to have occurred, possibly because the person has not had access to the context of the matter or has not been provided with all the facts.
- iii. The complaint is found to be malicious or vexatious.
- iv. The complaint is upheld and requires an assurance that the situation could have been handled differently or better;
- v. The complaint is upheld and requires an assurance that the event complained of will not recur.
- vi. A letter should be sent to the complainant by the Executive Head Teacher or Head of School notifying them of whether or not the complaint was upheld.

19. Formal Conclusion Follow Up Actions – General Complaints

The following may be considered:

- i. Where a complaint is not upheld, the complainant may be invited to meet the Executive Head Teacher to receive the outcome of the investigation and the reasons why the complaint has no substance.
- ii. Whether or not the complaint is upheld, the complainant may be invited to attend a meeting in order to improve relationships. This can only be achieved by mutual agreement.
- iii. Where a complaint is upheld, it may be appropriate for the school to provide an apology to the complainant, an explanation of the steps that have been taken to ensure that it will not happen again and an undertaking to review school policies in light of the complaint.
- iv. Where a complaint is not upheld and the complaint is found to be malicious or vexatious, the school should consider actions available to it to resolve the matter.

20. Appeal Procedure – General Complaints

- i. If complainants are dissatisfied with the decision set against a realistic expectation for the outcome of the complaint, they may appeal to an appropriate committee in writing.
- ii. The committee members should be governors who have had no prior involvement with the complaint.
- iii. They must register that wish in writing to the clerk to the Governors (if the Clerk is a member of school staff) within ten working days of receiving the decisions. If the clerk is not a member of staff, they must reply to the Investigation Officer who will forward the wish to the appropriate Governor Committee.
- iv. The Chair of the appeal panel will convene a meeting of the appropriate committee within three weeks of receiving the appeal, unless there are exceptional circumstances, which will lead to a date being fixed at a later time.
- v. Copies of the full details of the complaint and the outcomes of the instigation will be submitted to the appropriate committee not less than three days before the meeting.

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- vi. At the meeting the complainant will present their complaint to the governors and either the Executive Head Teacher or Head of school will present the response. Either party may wish to call witnesses in support of their case.
- vii. The decision of the committee, subject to the principles of confidentiality, will be provided to the complainant in writing within five working days of the meeting. The committee may:
 - 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.
- viii. The decision of the committee will be final. A written statement outlining the decision of the committee must be sent to the complainant and Executive Head Teacher, Head of school within five working days of the appeal hearing.
- ix. Complainants will retain the right to pursue their complaints to the Secretary of State for Education and Skills.

21. Parental Complaints Against Staff

- i. From time to time parents may wish to express a complaint about a member of staff. This document deals specifically with parental complaints that by their nature should not be seen as a disciplinary matter.
- ii. Managing Allegations Against Staff is not part of the complaint procedure. Separate procedures/protocol apply.
- iii. We aim to have good relations with school, pupils and parents. Many parental complaints will normally be resolved informally.
- iv. Where an informal resolution proves impossible parents may wish to register a formal complaint. In the instance, they must complete the pro-formal appendix A.
- v. Complainants are not entitled to know if any subsequent management counselling or disciplinary sanction is given to the member of staff about whom they complained.
- vi. Wherever possible complainants will be kept informed about how the complaint is progressing.
- vii. Complaints against staff will be treated confidentially. It is vital that the complainant and respondent understand this issue. In exceptional circumstances, where emotions are running high, it is possible that information is inappropriately placed within the public domain. Schools will be required to put in place a strategy to defuse this situation and maintain the contractual obligation of confidentiality towards the member of staff.
- viii. There are three stages:
 - Informal
 - Formal

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➤ Appeal

22. Complaints Against Staff

- i. The first stage requires management to investigate the complaint in order to establish the facts and determine a resolution. In investigating the informal complaint, it is necessary to establish whether:
 - The issue could have occurred i.e. was the respondent present at the site where the concern arose at the time.
 - The complaint needs to be dealt with in line with the Child Protection Procedures in the first instance;
 - The complaint should be automatically referred to the disciplinary procedure for investigation because of the seriousness of the concern. SEAT procedures would then be followed.
 - Having established the facts, the Executive Head Teacher or Chair of Governors will determine a resolution.
- ii. If the parent is dissatisfied with the resolution they will be entitled to progress the complaint to the formal stage using the pro forma in appendix 1

23. Complaints about Collective Worship or National Curriculum Entitlement

Where a complaint is received specifically about the provision about collective worship in a school or National Curriculum Entitlement a complainant may take the complaint to the LA. Complainants should have this pointed out to them.

24. Complaints on Safeguarding Concerns

When the school receives a complaint that is considered a safeguarding concern i.e. conduct of a member of staff towards a pupil, action by a member of staff that could have put pupils at risk, or conduct of a staff member that could be construed as inappropriate e.g. misuse of information technology, the school must refer immediately to the Managing Allegations Staff procedures issued by LSB. Schools will inform LADO and careline.

25. Complaints about SEN Provision

Should be dealt with through the general complaints procedure. Where pupils have a statement of SEND, the annual review process should also be used to help resolve issues raised. As part of the statementing process parents will be made aware of the appeals process during the initial statement and the role of the annual review meeting in raising concerns about provision. The school will need to differentiate between a complaint about their own provision which should be dealt with via the general procedure or about provision which may involve the LA, e.g. levels of support, access to therapies.

26. Complaints about Executive Head Teachers

Complaints against Executive Head Teachers must be in writing and directed to the Chair of Governors via the clerk to Governors.

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27. Complaints about Chair of Governors

Should be in writing written to the governing body as a whole via the Clerk to Governors and discussed at a full governing body meeting from which the chair withdraws.

28. Complaints made via Solicitor

They should be acknowledged in writing and the letter passed to the LA legal department or the schools own legal advisors for a decision as to how to proceed.

29. Complaints by Pupils

Where pupils make a complaint outside of pastoral process in school, i.e. suggestion boxes, verbal complaints to members of staff, the school should arrange to facilitate a formal hearing with governors that are child friendly including the pupils advocate or responsible adult in the process. Pupils are perfectly entitled to follow the school's complaints procedures if appropriate.

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30. Appendix 1 – Formal Complaint Pro-forma

Confidential - Pro-forma

Form to Register a General Complaint

Name of School	
Name of Complainant	
Relationship to the pupil	
Address	
Telephone (home, work, mobile)	
Email address	
Name of Pupil	
Class	
Date Incident took place	
Name of any Witnesses	
Detail of Complaint (please state clearly the nature of 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? Who did you speak to and what was the response?	
What actions do you feel might resolve the problem at this stage?	
Signed	
Date	

This form should be returned to the Executive Head Teacher, unless the complaint is against the Executive Head Teacher, in which case it should be forwarded to the Chair of Governors via the school office.

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Policy Written:	March 2018
Reviewed	March 2019
Approved by Governors:	March 2019
Committee Responsible:	Complaints
Next Review:	March 2020
Staff Responsible:	Lorraine Fay
Statutory Review as per DfE:	Governors have determined this to be annually