

THE BOROUGH COUNCIL OF CALDERDALE

CHILDREN AND YOUNG PEOPLE'S SERVICE MODEL POLICY & PROCEDURE

SCHOOL COMPLAINTS PROCEDURE FOR PARENTS AND OTHERS

FEBRUARY 2016

V. J LHoushmand/Spring term 2016

General Principles

This procedure has been reviewed to ensure that the process is up-to-date. It has been based upon the Department for Education (DfE) guidance 'Best Practice Advice for School Complaints Procedures 2016' and 'Guidance on running a complaints system' published by the Local Government Ombudsman. It learns from the best practice of local authorities in dealing with complaints. If schools decide to adopt the Local Authority (LA) policy, they must tailor it to their individual school.

After setting out the legal context and key principles, this document sets out the four separate stages of the complaints procedure itself as well as further recourse and resources. Appendix 1 summarises the various stages of the process in the form of a flowchart. Appendix 2 is Guidance for schools – "How to Handle a Complaint" and summarises the key roles and responsibilities of the Governors' Complaints Panel. Appendix 3 is Guidance for parents/carers and others - 'How to Make a Complaint'. Appendix 4 is a model Complaint Form.

Legal context

Governing bodies of all maintained schools and maintained nursery schools are required under Section 29 of the Education Act 2002, to have in place a procedure for dealing with all complaints relating to the school, other than complaints falling to be dealt with under other procedures, and to publicise the procedure. The governing body is also required to have regard to any guidance given from time to time by the Secretary of State.

Schools are likely to have a complaints procedure already in place based on LA or Diocesan Board models. This document is intended to be helpful to schools wishing to draft or review their existing procedure.

Aims and objectives

The aim and objective of these guidelines is to balance the rights and responsibilities of parents and carers of pupils and school staff to establish and maintain good relationships and also to deal with complaints from members of the local community.

Key Principles

The key principles for effective complaint handling include-

- Accessibility
- Communication
- Timeliness
- Fairness
- Credibility
- Accountability.

When people have concerns or complaints it is important that they are treated seriously and courteously and that the matter is investigated in an open-

mindful and impartial way to demonstrate that it has been dealt with properly. The complaints procedure should be well publicised and easily accessed by staff and by the public.

The difference between a concern and a complaint

Schools need to be clear about the difference between a concern and a complaint. A 'concern' is an expression of worry or doubt over an issue considered to be important for which reassurances are sought. Many issues can be resolved informally and taking informal concerns seriously at the earliest stage should reduce the potential for the concern to develop into a formal complaint. A complaint may be defined as an expression of dissatisfaction, however made, about actions taken or a lack of action.

The procedure encourages the resolution of problems by informal means wherever possible. However, the formal procedures must be invoked where the person raising the concern remains dissatisfied and wishes to pursue their complaint. Formal complaints should always follow the complaints procedure set out in this policy, which shows the steps that should be followed in order to resolve complaints in a timely manner.

School Complaints Co-ordinator

Schools might wish to nominate a member of staff as the school's Complaints Co-ordinator to have responsibility for the operation and management of the school complaints procedure and to maintain continued contact with the complainant throughout the procedure.

Staff and governors should be encouraged to develop their skills in dealing with complaints. Anyone involved in the complaint procedure needs to be aware of legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000.

Regular complaints monitoring by the school's senior management team/governing body will ensure effective leadership and enable services to be improved.

Who can make a complaint?

Any person, including members of the general public, may make a complaint about any aspect of a school's facilities or services, unless separate statutory procedures apply. In the main, this will mean parents and carers of the school's pupils but may include, for example, neighbours of the school or other members of the local community.

Circumstances where this procedure should not be used

There are certain complaints which fall outside the school's complaints procedure and are subject to alternative procedures, including but not limited to–

- safeguarding referrals – under the remit of the LA's children's social care services and child protection procedures apply
- pupil admissions - right of appeal to an Independent Appeals Panel
- permanent exclusion – right to make representations to Governors' Discipline Committee and to request review by Independent Review Panel
- complaints by member of staff – grievances or disciplinary procedures or whistleblowing procedure apply.

If any other policy is more appropriate than this complaints policy for any given situation, then it should be used in preference to this policy.

Time limits

Complaints need to be considered and resolved swiftly and efficiently. Realistic time limits should be set for each stage. Where further investigations are necessary, new time limits can be set and the complainant kept informed of progress.

Equality issues

In dealing with complaints the school should take appropriate steps to ensure that any individual has the opportunity to raise their concerns or submit a formal complaint. This will include making arrangements for helping people with different needs and ensuring that any chosen venue is accessible.

Safeguarding referrals

Schools have a duty to safeguard and promote the welfare of their pupils under section 175 of the Education Act 2002. This includes making referrals to the appropriate organisation, usually the LA children's social care services, if they have a concern about the welfare of a child. It is not for the school to investigate, or make a judgment about, possible abuse or neglect and they must refer any concerns they may have. Any response to a complaint about a safeguarding referral made by school staff will be limited to considering whether the appropriate action was taken at the time the referral was made on the information available at the time and in accordance with the safeguarding policy.

Cut-off Limits

It is reasonable to expect complaints to be made as soon as possible after an incident arises. Sometimes there may be good reasons for delay, for example, the complainant was gathering further information to support their complaint or was not fully aware of the implications of an incident until a later date. Three months is generally considered to be an acceptable time frame in which to lodge a complaint. A complaint will not normally be considered more than 12 months after a decision or action is taken unless there are exceptional circumstances.

Serial and Persistent Complaints

The majority of people pursue their complaints about the school in a way that is reasonable. This means that they treat others with courtesy and respect and, recognising the time constraints under which members of staff work, allow the school a reasonable time to respond to a complaint.

However, occasionally, despite all stages of the procedure having been followed, the complainant remains unhappy. It may be that the school was not able to resolve all aspects of their complaint and, instead of moving on, the complainant repeatedly tries to re-open the same issue. It is a poor use of school's time and resources to make substantially the same points.

If the correspondence or complaint is viewed as 'serial' or 'persistent', the school may choose not to respond provided that the complainant has completed the procedure. The Chair of Governors may inform them in writing that the procedures have been exhausted and the matter is now closed. There will be no obligation on the part of the school to respond unless the complainant raises an entirely new, separate complaint which must be responded to in accordance with the complaints procedure and treated on its own merits. The school will need to adopt a proportionate approach and should not stop responding just because an individual is difficult to deal with or asks complex questions.

Physical or verbal aggression

On rare occasions, the unreasonable behaviour of a complainant can pose a threat to the school community. This can occur either while a complaint is being investigated or once the investigation has finished. If this occurs, a warning letter to the complainant threatening to ban him or her from the premises should help to deter any abusive or aggressive behavior. In the most extreme case, it may be necessary to impose an actual ban on the person and the school may wish to seek legal advice on how to do this.

THE COMPLAINTS PROCEDURE

Stages of a Complaint

At each of the four school-based stages the procedure clarifies who will be involved and what will happen. An unhappy complainant can always take a complaint to the next stage.

STAGE 1 (Informal): initial contact with school staff

This stage aims to resolve the concern through discussion with the class teacher or Head of Year. The majority of complaints are likely to be resolved on an informal basis.

1. Please start by discussing your concern with an appropriate member of staff and explain what outcome you are seeking. This is usually the best and quickest way of resolving issues.
2. Staff will see you, or contact you by telephone or in writing as soon as possible after you make known your concern. It is recommended that, where possible, you make an appointment, as this will give you and the school an opportunity to discuss the issue at an appropriate time and place.
3. The staff member will seek to establish the nature of the concern and to seek a realistic resolution to the problem.
4. If there are circumstances which make it difficult for you to discuss your complaint with a particular member of staff or senior staff, your complaint may be referred to the Head Teacher at Stage 2 and then becomes a formal complaint.
5. Governors would not normally be involved at the early stages of the procedure but, if your complaint is about the Head Teacher, your complaint may be referred straight to the Chair of Governors at Stage 3.

STAGE 2 (Formal): consideration by Head Teacher

This stage deals with formal complaints.

1. If you are still unhappy after Stage 1, you can write to, telephone or ask to see, the Head Teacher. You may wish to mark your letter "Private and Confidential - For the attention of the Head Teacher".
2. The Head Teacher, or their nominated representative, will acknowledge and investigate your complaint but it is the Head Teacher who will decide the outcome.
3. The purpose of any correspondence or meeting should be to establish the nature of your concern/complaint, what has been discussed already with a member of staff and any actions arising from the initial meeting, why you are still unhappy and what outcome you are seeking.

4. The Head Teacher will keep records of all meetings and telephone conversations and other related documentation.

5. The Head Teacher will send you a written response to your complaint within an agreed timescale, giving his/her decision and the reasons for it. The letter should advise you how to escalate your complaint to the next stage of the procedure if you are still unhappy.

It is hoped that most problems will have been resolved and that the complaint can be closed at this point.

STAGE 3 (Formal): complaint considered by Chair of Governors

1. If you are unhappy following Stage 2 and wish to take your complaint further, or the complaint is about the Head Teacher, you can write to the Chair of Governors at the school address marked "Private and Confidential - For the attention of the Chair of Governors".

2. The Chair of Governors will acknowledge your complaint and arrange for it to be investigated. He/she should try to resolve the issue through dialogue with the school. The Chair of Governors can delegate the investigation to the Vice Chair or commission an independent investigator if considered appropriate in the circumstances.

3. The Chair/investigator will contact you within an agreed timescale (normally 15 school days) to let you know the outcome of their investigation and what actions they recommend. If it is not possible to meet the agreed timescale, they will contact you to explain the reason(s) and agree a new date.

Complaints against the Chair of Governors or any individual governor should be made by writing to the Clerk to the Governing Body.

STAGE 4 (Formal): Governors' Complaints Panel

If the Head Teacher and Chair of Governors have been unable to resolve your complaint, this is the last stage of the school's process. The Panel is not convened merely to rubber stamp previous decisions and the governors on the Panel will have had no previous involvement or knowledge of your case.

1. You can write to the Clerk to the Governing Body, giving details of your complaint and why you are still unhappy and asking it to be put before the Panel.

2. The governors will usually choose to deal with it by holding a hearing but in some cases, it may be possible for the Chair to resolve the issue with the complainant by other means without the need for the Complaints Panel to meet.

3. The procedure adopted by the Panel for hearing appeals is part of the school's complaints procedure.

4. The aim of the Panel is to resolve the complaint and achieve reconciliation between the school and the complainant. However, it may only be possible to establish facts and make recommendations to demonstrate that the school has taken your complaint seriously.

Procedure for hearing appeals

- The Panel will consist of 3 or 5 people who have had no prior involvement in the complaint.
- The hearing will be held in private and it is recommended that the meeting be clerked.
- The clerk will set the date, time and venue for the meeting in agreement with the parties and forward any written material in advance. Both you (and the Head Teacher) can attend and be accompanied if you wish.
- Both parties will be given an opportunity to make representations. Please note that the process is intended to be investigatory rather than adversarial. You will be treated politely and with respect and will be expected to treat school staff in the same way.
- The Chair will aim to ensure that the setting is welcoming and informal.

Remit of the Panel

The Clerk will notify you of the Panel's decision in writing, normally within five school days. The Panel can-

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part; and
- decide on any action to be taken as a result of the complaint and recommend changes to the school's systems or procedures to ensure that similar problems do not recur.

Taking your complaint further

Referral to the Local Authority

If you have tried to resolve the complaint but believe that the school has not followed its complaints procedure properly or has not acted fairly or reasonably in responding to your complaint, you may refer the matter to the Local Authority for independent review. The Local Authority has no duty to deal with most complaints about schools but may provide advice to the parent/carer/member of the community and the governing body about the process followed, if a complainant has exhausted the school's procedure.

What about faith schools?

In the case of faith schools, the school complaints process should be followed. If you have done this and believe that a faith school has not followed its procedure properly, you could ask the school whether there is any further channel through which to review the procedures followed but this would not provide a formal route for looking again at the substance of the complaint or an appeal.

Department for Education

If having exhausted the local procedures, you think that the school's governing body has acted unlawfully or unreasonably, you can call the School Complaints Unit National Helpline on 0370 000 2288 or access the online form: <https://www.gov.uk/complain-about-school> or write to:

The Department for Education
School Complaints Unit
2nd Floor, Piccadilly Gate
Store Street
Manchester M1 2WD.

The DfE will examine policies and procedures to see if they comply with legislation and have been properly followed. They will not normally re-investigate the substance of the complaint or intervene unless it is expedient or practical to do so

Ofsted

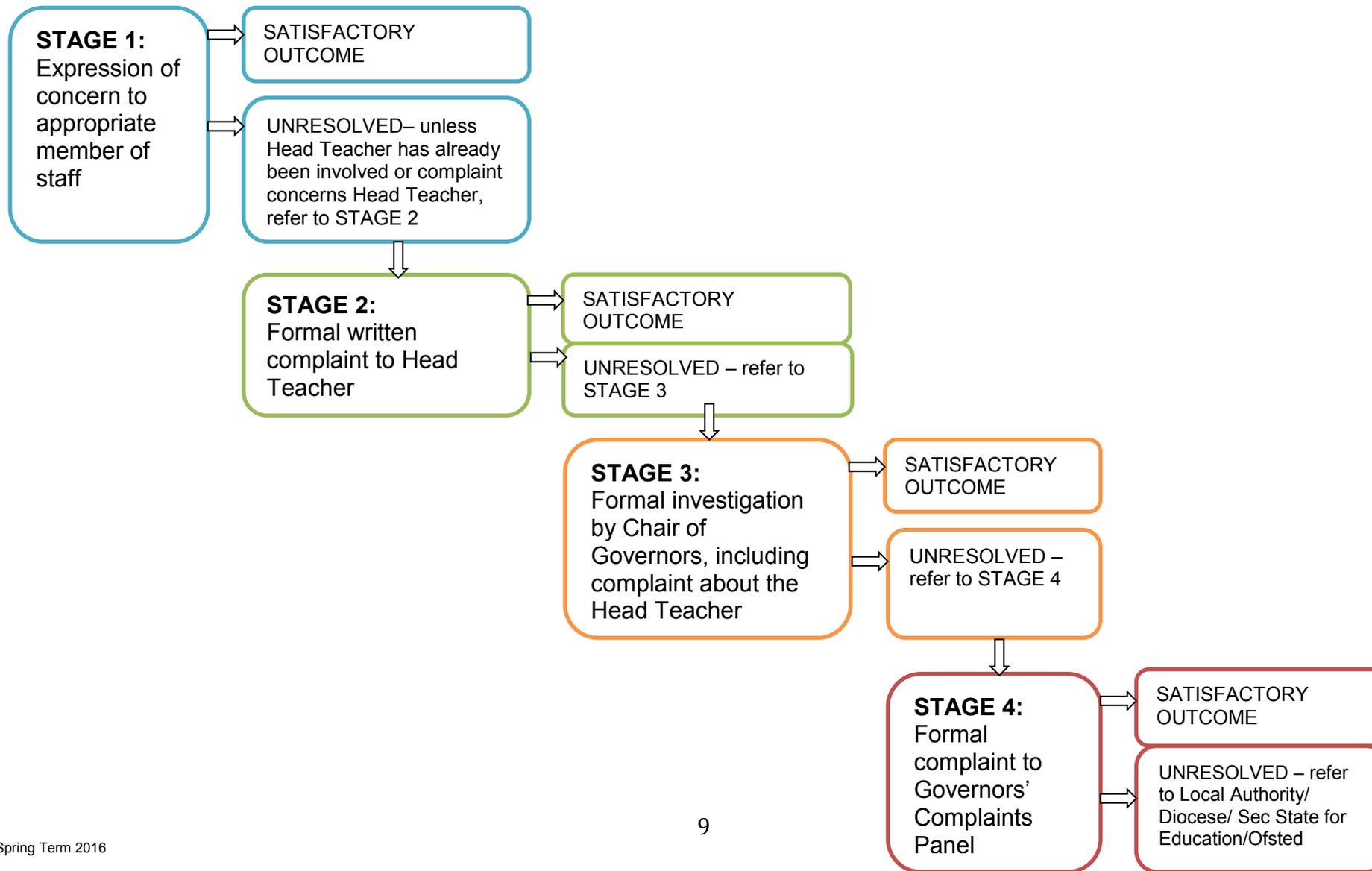
You can complain to Ofsted about a state school (maintained, academy, free school) if there is a problem that affects the whole school. Ofsted will not investigate cases to do with individual pupils. Ofsted will investigate problems such as the quality of education or poor management. Ofsted will not usually consider a complaint if you have not first followed the complaints procedure of the school or academy, local authority or Education Funding Agency. enquiries@ofsted.gov.uk Telephone: 0300 1234234

What about academies

If the school is an academy and you feel that the governing body has acted unreasonably about your concerns, you can write to the Education Funding Agency (EFA). They will not usually investigate complaints until the academy's own complaints procedure has been exhausted and then only in relation to failure to comply with the academy's complaints procedure or to comply with a legal obligation. Full details about the role of the EFA can be found on the Department for Education website –

www.gov.uk/government/organisations/education-funding-agency/about/complaints-procedure

FLOWCHART OF PROCEDURE FOR HANDLING CONCERNS AND COMPLAINTS



GUIDANCE FOR SCHOOLS – DEALING WITH COMPLAINTS

Stage 1 – (Informal) Complaint to staff member

- Ensure Complaints Co-ordinator informed of outcome
- Offer escalation to Stage 2 if unhappy.

Stage 2 – (Formal) Complaint to Head Teacher

- Acknowledge receipt of complaint
- Write to complainant with outcome of investigation
- Ensure Complaints Coordinator informed of outcome
- Offer escalation to Stage 3 if unhappy.

Stage 3 - Complaint to Chair of Governors

- Acknowledge receipt of complaint
- Write to complainant with outcome of investigation
- Ensure Complaints Coordinator informed of outcome
- Offer escalation to Stage 4 if unhappy.

Stage 4 – Governor’s Complaints Panel

- Issue letter inviting complainant to hearing (where considered appropriate)
- Issue letter confirming Panel’s decision
- Ensure Complaints Coordinator informed of outcome
- Advise on any further recourse.

Procedure for Governors’ Complaints Panel

It is important that the Governors’ Complaints Panel acts independently and impartially and it is seen to do so. No governor may sit on the Panel if they have had a prior involvement in the complaint.

The hearing will be held in private and the aim will be to resolve the complaint and achieve reconciliation between the school and the complainant. The complainant might not be satisfied if the outcome does not go in their favour. However, it is important to establish the facts and show the complainant that his or her complaint has been taken seriously.

The Panel Chair should try to ensure that the proceedings are as welcoming as possible for the participants, informal but structured, and not adversarial. The complainant must be allowed to attend and can be accompanied if they wish. Extra care needs to be taken about the tone of the meeting if a child attends.

It is recommended that the Panel hearing is clerked and the Clerk would be the contact point for the complainant. The Clerk would make the arrangements for the meeting, collating any written material and send it out at least five school days in advance of the hearing. The Clerk would take notes and notify everyone of the Panel's decision.

Checklist for a Panel hearing

- The Chair introduces everyone and explains the remit of the Panel and that it acts independently. The Chair has a key role in the conduct of the meeting, ensuring that parties treat others politely and with respect and that each has the opportunity to state their case without interruption.
- Any witnesses are only required to attend while giving evidence and must leave when they have done so, unless invited to stay by the panel.
- Written material must be seen by all parties and if a new issue arises, fairness requires that all parties are given the opportunity to consider and comment on it.
- The complainant is invited to explain their complaint. The Head Teacher and the Panel may ask questions. The Panel has discretion whether questions are put directly or through the Chair.
- The Head Teacher is invited to explain the school's actions. The complainant and the Panel may ask questions. The Panel has discretion whether questions are put directly or through the Chair.
- The complainant and the Head Teacher are each invited to sum up their case.
- The Chair explains that both parties will receive a written decision normally within five school days. Both parties leave together and the Panel withdraws to make their findings and reach a decision.

Further information

[https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/489056/Best Practice Advice for School Complaints 2016.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/489056/Best_Practice_Advice_for_School_Complaints_2016.pdf)

[https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/387342/Complaints to Ofsted about schools.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/387342/Complaints_to_Ofsted_about_schools.pdf)

<https://www.naht.org.uk/welcome/advice/advice-home/model-policies/school-complaints-procedure-mp02>

<http://www.nga.org.uk/Home.aspx>
(National Governors Association)

Guidance for Parents/ Carers and Others – how to make a complaint

If you have a concern about your child's school, you can let the school know about your concern. Most concerns are handled quickly by school staff without the need to follow the formal procedure. However, if you are not happy with the outcome of your discussion, you can put your concerns in writing and follow the school's complaints procedure, taking your complaint to the governing body. The procedure used and the resolution of each complaint are the responsibility of the governing body and not the local authority or Diocesan Board.

The school complaints procedure consists of four stages and enables complaints to be considered by:

- Stage 1: appropriate member of school staff
- Stage 2: Head Teacher
- Stage 3: Chair of Governors
- Stage 4: Governors' Complaints Panel

Can I complain to Calderdale Council?

If, having exhausted the school complaints procedure, you feel that the school has not handled your complaint fairly and in accordance with their complaints policy, you can ask the local authority to review the way your complaint has been handled. This will not provide a formal route for looking again at the substance of the complaint or an appeal. Complaints to the Council can be submitted in writing to the following address:-

The Director of Children and Young People's Service
Northgate House
Northgate
Halifax
HX1 1UN.

The written complaint must include details of the original complaint and your reasons for believing that the original complaint was not dealt with fairly and in accordance with the school's complaints procedure.

What if my child's school is a faith school?

In the case of faith schools, the school complaints process should be followed. If you have done this and believe that a faith school has not followed its procedure properly, you could ask the school whether there is any further channel through which to review the procedures followed but this may not provide a formal route for looking again at the substance of the complaint or an appeal.

What if my child's school is an Academy?

As academies work outside the local authority's control, if the school is an academy and you feel that the governing body or board of trustees have acted unreasonably about your concerns, you can write to the Education Funding Agency (EFA). The EFA will not usually investigate complaints until the academy's own complaints procedure has been exhausted and will only look at complaints that fall into the following areas:-

- undue delay or non-compliance with an academy's own complaints procedure;
- an academy's failure to comply with a duty imposed on it under its funding agreement with the Secretary of State;
- an academy's failure to comply with any other legal obligation.

Full details about the role of the EFA can be found on the Department for Education website:-

www.gov.uk/government/organisations/education-funding-agency/about/complaints-procedure

What will the Department for Education do?

If you have exhausted the local procedure and believe that the school has acted unreasonably in dealing with your complaint, you can ask the Secretary of State for Education to review the policy followed and the way your complaint has been handled. They will not re-investigate the substance of the complaint. This remains the responsibility of schools. You can write to:-

The Department for Education
School Complaints Unit
2nd Floor
Piccadilly Gate
Store Street
Manchester
M1 2WD.

Can I complain to Ofsted?

Please note that Ofsted will not usually consider a complaint if you have not first followed the relevant complaints procedure of the school/academy, the local authority or the Education Funding Agency.

Ofsted's powers relate to 'whole-school' issues and they will not investigate cases concerning individual pupils. They are not able to consider a complaint when there are other statutory ways of pursuing it, for example admission procedures, exclusion of pupils, special educational needs, religious education or temporary changes to the curriculum.

You can complain to Ofsted about issues like the quality of education or poor management. However, Ofsted will not investigate alleged incidents, review how your complaint has been handled or mediate between you and a school to resolve a dispute. If your complaint is about these issues, you can pursue your complaint following the process set out above.

Ofsted can be contacted by emailing: enquiries@ofsted.gov.uk or you can write to: Ofsted, Piccadilly Gate, Store Street, Manchester M1 2WD.

COMPLAINT FORM – FORMAL COMPLAINT

Please complete and return to who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Day time telephone number:

E-mail:

Please give details of your complaint:

What action have you taken to try and resolve your complaint? (Whom did you speak to and what was the response?)

What outcome are you seeking?

If you are attaching any paperwork, please give details.

Signature:

Date:

Official use

Date acknowledgement sent:

By whom:

Complaint referred to:

Date: