

Guidance on School Complaints Procedures

Introduction

The Education Act 2002 requires all maintained schools and maintained nursery schools to have a procedure for dealing with complaints relating to the school, that are not covered by other statutory complaints procedures. The school's complaints procedures must also cover complaints relating to any community facilities or extended services that the school provides. Schools are therefore advised to ensure that all users of their premises have their own complaints procedures.

In 2000 the Local Authority offered governing bodies "Model Procedures for the Handling of Complaints in Schools". Most Lancashire governing bodies adopted those procedures. They have now been revised to take account of the:

- Education Act 2002 and the requirement for governing bodies to have complaints procedures that also cover complaints relating to community facilities and extended services provided by the school;
- Every Child Matters agenda and the Children Act 2004 that gives the Local Authority the role of Champion of children, young people and families;
- Education and Inspections Act 2006, and the ability of parents to take certain unresolved complaints to Ofsted; and
- experience of schools and the Local Authority in applying the 2000 Complaints Procedures.

These revised Model Procedures, which governing bodies may adopt as they stand, adding their own school references, or modify, are included at the beginning of this booklet. They are supported by additional material that may be of use to schools and governing bodies. This material forms the appendices to this document.

In short all governing bodies must have a school complaints procedure, which must be available to parents and others. In addition they should maintain a register of complaints and establish a complaints appeals committee, whose terms of reference and membership are reviewed annually. Governing bodies need to formally adopt new complaints procedures.

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Model Procedures for the Handling of Complaints in Schools (Revised 2007).

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Duke Street Primary School

PROCEDURES FOR THE HANDLING OF COMPLAINTS IN SCHOOLS

1. Introduction and scope

The policy of the School is to work in partnership with parents and the wider community. It is based on the belief that co-operation and a sense of joint purpose between staff, parents and the School will assist in ensuring open and positive relationships. From time to time, however, parents and members of the public may express concern or make a complaint, either orally or in writing, about some aspect of the conduct/operation of the School, the conduct of the Headteacher, an individual member of staff, the Governing Body or an individual governor. The School will always give serious consideration to concerns and complaints that are brought to its attention. However, anonymous complaints will not normally be considered. In considering concerns or complaints, the School will ensure that they are dealt with effectively and with fairness to all parties. Where possible complaints will be resolved informally. Where a complaint has not been resolved informally, then the formal procedures set out in section "5(ii)" below will be followed.

2. Information for complainants

A leaflet, outlining the complaints procedures, is available from the School.

A full copy of the complaints procedures can be found on the School website and from the school office.

3. What is a concern or complaint?

(a) A concern or complaint is defined as an expression of dissatisfaction about the conduct/operation of the School, the conduct of, actions or lack of actions by a member of staff/the Governing Body/an individual governor, unacceptable delay in dealing with a matter or the unreasonable treatment of a pupil or other person.

(b) Concerns or complaints relating to any of the following are not covered by these procedures, as separate procedures apply.

- Child Protection
- Collective Worship
- Freedom of Information Access
- Functions of the County Council
- National Curriculum
- Pupil Exclusions
- School Admissions
- Services provided by other organisations on the school site or through the school*
- Sex Education

* Schools should ensure that all organisations using the school premises have their own complaints procedures.

- Staff grievance
 - Special Educational Needs assessment and statementing procedure
 - Whistleblowing by an employee
- (c) Serious complaints or allegations relating to the abuse of children, assault, criminal or financial matters are also subject to separate procedures. (See Section 11)

4. Making a complaint - who to complain to:

If the complaint is about:

- something that has happened or failed to happen in School, contact the Headteacher;
- the actions of the Headteacher, contact the Chair of Governors via the School;
- the actions of a governor, contact the Chair of Governors via the School;
- the Chair of Governors, contact the Clerk to Governors via the School* ;
- the actions of the governing body, contact the Clerk to Governors via the School*.

The School and Governing Body would in most cases hope to resolve concerns and complaints at an informal stage, but the procedures allow for formal consideration of a complaint and an appeal stage if matters cannot be resolved.

The School is committed to dealing with complaints as speedily as possible and would plan to complete each stage within 20 school days. From time to time, it may not be possible to complete the process in that timescale. Where that is not possible the complainant will be informed of any delays.

Where complaints are made against an individual member of the School staff, that person will be informed of the complaint at the earliest opportunity.

5. The Complaints Procedures

(i) Informal stage

The School will seek to resolve concerns and complaints informally with the member of staff or governor concerned and encourage the complainant to discuss with them the matters causing them concern. However, if that does not resolve the problem then the matter should formally be brought to the attention of the Headteacher (complaints and concerns about governors should be made to the Chair of Governors).

* alternatively this may read (Lancashire County Council's Governor Services Team will point you in the right direction)

The Headteacher (or Chair of Governors) will then seek to resolve the matter informally and will:

- acknowledge the complaint;
- make enquiries to establish the facts;
- seek advice as appropriate;
- attempt to resolve the matter informally;
- establish whether or not the complainant is satisfied;
- advise complainants of the next stages if they wish to proceed to a formal consideration of the complaint;
- make a brief note of the complaint and the outcome.

This stage would normally be expected to be completed in 20 school days. A complainant wishing to proceed to the formal stage of the procedure should normally notify the Headteacher/Chair of Governors within 20 school days of being notified of the outcome of the informal stage.

The informal stage will not be used if the allegations made refer to:

- criminal activity which may require the involvement of the police
- financial or accounting irregularities
- abuse of children.

(ii) Formal stage

Where an informal complaint has not been resolved to the satisfaction of the complainant or the complainant has indicated they wish to go straight to the formal stage the Headteacher (or Chair of Governors as appropriate) will:

- ensure the complainant is aware of the procedures;
- require a written record of the complaint (someone else may write this on behalf of the complainant);
- formally acknowledge the complaint;
- seek advice as appropriate;
- if the complaint concerns a member of staff (or governor) inform them and provide them with a copy of the complaint;
- arrange for a full investigation of the complaint;
- prepare a report as a result of the investigation and consider actions to be taken;
- advise the complainant of the outcome. Where it is considered no further action is needed or the complaint is unsubstantiated, the complainant should be advised, in writing. They should also be informed of their right to appeal to the Complaints Appeals Committee within 20 school days;
- make a record of the complaint and its outcome, this should be retained for School records.

This stage would normally be expected to take no more than 20 school days. The Governing Body should be informed in general terms of all formal complaints.

(iii) Appeals stage

The Complaints Appeals Committee of the Governing Body will consider complaints where the Headteacher (or Chair of Governors) has not been able to resolve the complaint to the satisfaction of the complainant and the complainant wishes to appeal. Any appeal must be made in writing to the Clerk to the Governing Body (the School will advise the complainant of the contact details). The Committee will be convened by the Clerk to the Complaints Appeals Committee (Governing Body) and will:

- consider the written materials;
- consider the complaint and the Headteacher's (or Chair's) action;
- invite the Headteacher or Chair of Governors (as appropriate) and the complainant to the meeting;
- seek advice and support as necessary.

At the end of their consideration the Committee will:

- determine whether to dismiss or uphold the appeal in whole or part, including, if appropriate, referring the matter back to the Headteacher/Chair of Governors for further consideration;
- where upheld, decide on appropriate action;
- advise the complainant and Headteacher of their decision;
- advise the complainant of any further action they may wish to take if they remain dissatisfied.

The Clerk to the Committee will arrange for the School's Complaints Register to be amended to include a brief summary of the complaint and the decision of the Complaints Appeals Committee and for the matter to be reported to the Governing Body.

This stage would normally be expected to take no more than 20 school days.

In cases where the matter has been referred back for further consideration the Complaints Appeals Committee will be reconvened.

(iv) Further stages

These procedures do **not** include a further appeal to the Local Authority and in the case of Church Schools the Diocesan/Church Authority, but complainants who remain unsatisfied with the outcome may refer the complaint to the Secretary of State for Education and Skills. Following the Education and Inspections Act 2006 parents may take certain unresolved complaints to Her Majesty's Chief Inspector of Schools.

6. Withdrawal of a complaint

If the complainant wishes to withdraw their complaint, they will be asked to confirm this in writing.

7. Complaints about a governor, the Chair of Governors or the Governing Body

Complaints about a governor should be referred to the Chair of Governors who will investigate and respond to the complainant. In dealing with this matter the Chair should seek advice from the Local Authority's Governor Services Team or Diocesan/Church Authority Officer.

Any appeal against the Chair's response would be dealt with by the Complaints Appeals Committee.

Complaints about the Chair of Governors must be referred to the Clerk to Governors who would arrange for the complaint to be considered by the Complaints Appeals Committee of the Governing Body. Clerks to Governors should seek advice from the Local Authority's Governor Services Manager or their Diocesan/Church Authority Officer. Governor Services or the Diocesan/Church Authority may be able to assist with any investigation.

8. The role of the Local Authority (LA) or Diocesan/Church Authority

The Local Authority or, in the case of church schools, the Diocesan Church Authority's role is prescribed by legislation.

In responding to complaints about schools the LA will explain to the complainant:

- that schools are self managing and are responsible for administering procedures that deal with complaints made against them;
- the appropriate procedures for their complaint and refer them to the Headteacher, Chair of Governors or Clerk as appropriate; and
- source of potential assistance, if appropriate.

9. Next stages

Anyone can complain to the Secretary of State for Education and Skills if he or she believes the governing body is acting "unreasonably" or is failing to carry out its statutory duties. However, intervention can only occur if the governing body or the LA has failed to carry out a legal duty or has acted "unreasonably" in the performance of a duty. Intervention would have to be expedient in the sense that there would have to be something that the Secretary of State for Education and Skills could instruct either party to do to put matters right.

The Education and Inspections Act 2006 allows a parent who remains unsatisfied with the outcome of certain complaints to refer the matter to Ofsted.

10. Complaints Record

The School will maintain a written record of all formal complaints, how they were dealt with and the outcome in a complaints register.

11. Serious allegations or complaints

If the allegations refer to criminal activity which may require the involvement of the Police, the Headteacher should inform the Chair of Governors and seek the advice of the County Council.

If the allegations relate to financial or accounting irregularities involving misuse of public funds or assets or any circumstances which may suggest irregularities affecting cash, stores, property, remuneration or allowances, the Headteacher should inform the Chair of Governors and seek the advice of the Senior HR Officer and/or Resources Directorate so that the complaint can be investigated under the procedures normally applied for suspected financial irregularities. The Scheme for Financing Schools requires Resources Directorate to be notified immediately of all such irregularities.

If the allegations relate to the abuse of children, the Headteacher should seek the advice of the Senior HR Officer and/or the Director of Resources and/or other agencies such as Children's Social Care. Serious allegations of this nature **must** be referred under Child Protection Procedures to Children's Social Care. Reference should also be made to the separate procedure "Staff Facing Allegations of Physical/Sexual Abuse".

In all the above, consideration needs to be given to the possible suspension* from duty, on full pay, of any member of staff concerned in accordance with the School's Disciplinary and Dismissal Procedure. Investigations at school level and the stages set out in this procedure are unlikely to proceed where external agencies are involved. Subsequently, an internal school investigation and other procedures (eg Disciplinary) may be involved.

* **Note:** Suspension is a neutral act and is not a disciplinary sanction

Do you have a

Complaint?

Duke Street Primary School

Introduction

From time to time parents and members of the public may express concern or make a complaint, either orally or in writing, about some aspect of the conduct/operation of the School, the conduct of the Headteacher, an individual member of staff, the Governing Body or an individual governor. The School will always give serious consideration to concerns and complaints that are brought to its attention. However, anonymous complaints will not normally be considered. In considering concerns or complaints, the School will ensure that they are dealt with effectively and with fairness to all parties.

In dealing with your complaint:

- we will deal with your complaint honestly and politely and in confidence;
- it will be looked into thoroughly, fairly and as quickly as possible;
- we will keep you up-to-date with what we are doing;
- we will apologise if we make a mistake; and
- we will tell you what we are doing to put things right.

This leaflet provides an overview of the School's complaints process.

The full complaints procedure can be obtained from the school office

What is a concern or complaint?

A concern or complaint is defined as an expression of dissatisfaction about the conduct/operation of the School, the conduct of, actions or lack of actions by a member of staff/ the Governing Body/an individual governor, unacceptable delay in dealing with a matter or the unreasonable treatment of a pupil or other person.

Concerns or complaints relating to any of the following are not covered by these procedures, as separate procedures apply.

- Child Protection
- Collective Worship
- Freedom of Information Access
- Functions of the County Council
- National Curriculum
- Pupil Exclusions
- School Admissions
- Services provided by other organisations on the school site or through the School*
- Sex Education
- Staff grievance
- Special Educational Needs assessment and statementing procedure
- Whistle blowing by an employee

Serious complaints or allegations relating to the abuse of children, assault, criminal or financial matters are also subject to separate procedures.

* Schools should ensure that all organisations using the school premises have their own complaints procedures

Making complaints

If you have a concern about anything we do you can tell us by telephone, in person or in writing. Most concerns or complaints will be sorted out quickly either by putting things right or by explaining the School's actions to you. Try to go to the member of staff involved who will either deal with your issue or pass you onto someone else who is more able to help.

If you have already told us about a concern but are not satisfied with how we have responded, you may wish to make a complaint.

If the complaint is about:

- something that has happened or failed to happen in School – contact the Headteacher;
- the actions of the Headteacher – contact the Chair of Governors via the School;
- the actions of a governor - contact the Chair of Governors via the School;
- the Chair of Governors – contact the Clerk to Governors via the School*;
- the actions of the Governing Body - contact the Clerk to Governors via the School*.

The School, as required by law, has a complaints procedure which will be followed in all cases. An outline of that procedure is included in this leaflet. A copy will be provided, if you make a request to the headteacher.

The School and Governing Body would, in most cases, hope to resolve concerns and complaints at an informal stage, but the procedures allow for formal consideration of a complaint and an appeal stage if matters cannot be resolved.

The School is committed to dealing with complaints as speedily as possible and would plan to complete each stage in 20 school days. From time to time, it may not be possible to complete the process in that timescale. Where that is not possible you will be informed of any delays in responding.

Where complaints are made against individual school staff, that person will be informed of the complaint at the earliest opportunity.

* Alternatively this may read (Lancashire County Council's Governor Services Team will point you in the right direction)

The Complaints Procedures

Informal stage

The School hopes that concerns and complaints can be resolved informally with the member of staff or governor concerned and encourages the complainant to discuss the matters causing them concern. However, if that does not resolve the problem then the matter should be brought to the attention of the Headteacher (Complaints and concerns about governors should be made to the Chair of Governors).

The Headteacher (Chair of Governors) will then seek to resolve the matter informally and will:

- acknowledge the complaint;
- make enquiries to establish the facts;
- seek advice as appropriate;
- attempt to resolve the matter informally;
- establish whether or not the complainant is satisfied;
- advise complainants of the next stages if they wish to proceed to a formal consideration of the complaint; and
- make a brief note of the complaint and the outcome.

This stage would normally be expected to be completed in 20 school days. Where the complaint has not been resolved to the satisfaction of the complainant the Headteacher (or Chair of Governors as appropriate) should be informed within 20 school days that the complainant wishes to proceed to the formal stage.

The informal stage will not be used if the allegations made refer to:

- criminal activity which may require the involvement of the police;
- financial or accounting irregularities; or
- abuse of children.

Formal Stage

Where an informal complaint has not been resolved to the satisfaction of the complainant or the complainant has indicated they wish to go straight to the formal stage, the Headteacher (or Chair of Governors as appropriate) will:

- ensure the complainant is aware of the procedures;
- require a written record of the complaint (someone else may write this on behalf of the complainant);
- formally acknowledge the complaint;
- seek advice as appropriate;
- if the complaint concerns a member of staff (governor) inform them and provide them with a copy of the complaint;
- arrange for a full investigation of the complaint;
- prepare a report as a result of the investigation and consider actions to be taken;
- advise the complainant of the outcome. Where it is considered no further action is needed or the complaint is unsubstantiated, the complainant should be advised in writing. They should also be informed of their right to appeal to the Complaints Appeals Committee within 20 school days; and
- make a record of the complaint and its outcomes, this should be retained for school records.

This stage would normally be expected to take no more than 20 school days. The Governing Body should be informed in general terms of all formal complaints.

Appeals stage

The Complaints Appeals Committee of the Governing Body will consider complaints where the Headteacher (or Chair of Governors) has not been able to resolve the complaint to the satisfaction of the complainant and the complainant wishes to appeal. Any appeal must be made in writing to the Clerk to the Governing Body (the school will advise the complainant of the contact details). The Committee will be convened by the Clerk to the Complaints Appeals Committee (Governing Body) and will:

- consider the written materials;
- consider the complaint and the Headteacher's (Chair's) action; and
- seek advice and support as necessary.

At the end of their consideration the Committee will:

- determine whether to dismiss or uphold the appeal in whole or part;
- where upheld, decide on appropriate action;
- advise the complainant and Headteacher of their decision; and
- advise the complainant of any further action they may wish to take if they remain dissatisfied.

The Clerk to the Committee will arrange for the School's Complaints Register to be amended to include a brief summary of the complaint and the Complaints Appeals Committee action and for the matter to be reported to the Governing Body.

This stage would normally be expected to take no more than 20 school days.

Further stages

The complaints procedure does **not** include a further appeal to the Local Authority and in the case of Church Schools, the Diocesan/Church Authority, but complainants who remain unsatisfied with the outcome may refer the complaint to the Secretary of State for Education and Skills. Parents may refer certain complaints to Her Majesty's Chief Inspector of Schools.

Withdrawal of a complaint

If the complainant wishes to withdraw their complaint, they will be asked to confirm this in writing.

The Role of the Local Authority (LA) or Diocesan/Church Authority

The Local Authority or, in the case of Church Schools, the Diocesan/Church Authority's role is prescribed by legislation.

In responding to complaints about schools, the LA will explain to the complainant:

- that schools are self-managing and are responsible for administering procedures that deal with complaints made against them;
- the procedures and refer them to the Headteacher, Chair of Governors or clerk as appropriate;
- signpost the complainant to potential assistance, if appropriate.

COMPLAINT FORM

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

Your name:

Address:

Postcode:

Daytime telephone number:

Evening telephone number:

E-mail address:

Pupil's name:

Please give details of your complaint.

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

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:

Complaint referred to:

Date:

APPENDIX 2

LISTENING TO YOUR CONCERNS AND RESPONDING TO YOUR COMPLAINTS

We care about what you think

At school we make many decisions every day. We try hard to do our best for all our pupils. Your views help us plan for the future. We like to know when things are going well. We also want parents to tell us about their worries, concerns or complaints as soon as possible. It is much easier for us to sort out a recent problem than something that happened some time ago.

If you are unhappy with the way your child is being treated, or any of our actions or lack of action, please feel able to tell us your concern. We know it can be difficult to question what a school is doing, but if you do not tell us what is worrying you, we cannot explain our actions or put things right. Our support and respect for you and your child will not lessen in any way.

Our promise to you

- We will deal with your concern or complaint honestly and politely.
- It will be looked into thoroughly, fairly and as quickly as possible.
- We will keep you up-to-date with what we are doing.
- We will apologise if we have made a mistake.
- We will tell you what we are going to do to put things right.

What to do first

If you have a concern about anything we do you can tell us by telephone, in person or in writing. If any of these are difficult for you, a friend or adviser can speak to us on your behalf. Most concerns or complaints will be sorted out quickly either by putting things right or by explaining the School's actions to you.

Try to go to the member of staff involved or your child's class teacher (*primary*)/your child's form tutor or head of year (*secondary*) who will either deal with your issue or pass you on to someone who is more able to help.

Please remember the beginning or end of the school day can be a very busy time. If you talk to a teacher at these times, for practical reasons, it may not be possible to sort things out there and then. Be ready for the teacher to say she or he will see you or ring you as soon as possible. This is because we want to give your worries the attention they deserve. You should not be asked to wait more than a week and often she or he will discuss things with you much sooner. We hope this will be enough to put things right.

Sometimes the teacher will send you a brief note after the phone call or meeting with details of what we are doing about your concern.

Making a complaint

If you have already told us about a concern but are not satisfied with how we have responded, you may wish to make a complaint.

We have a complaints procedure to make sure we respond to complaints in the best possible way. Our aim is to resolve complaints as quickly and as effectively as possible.

The complaints procedure will tell you exactly what will happen and how long it should all take. If you want to look at it before speaking to us please contact the school office /headteacher who will be happy to give you a copy.

The procedure has three stages. We have time limits in our complaints procedure to make sure that complaints are dealt with as quickly as possible.

The first stage is an informal stage. At this stage, we would like you to put your complaint first to the member of staff involved. If this is not possible, please go to a more senior member of staff or the Headteacher. S/he will either meet you or, if you prefer, discuss your complaint on the phone.

If your concern involves the Headteacher, you should put your complaint to the Chair of Governors via the School.

We hope very much that your complaint will be resolved at this informal stage, but if you are still not satisfied, you can complain formally to the Headteacher. Please try to do this not more than 20 school days after getting a note explaining the teacher's response to your complaint. If we have not heard from you by then, we will assume that you do not want to take things any further. If the Headteacher has already been involved you can complain formally to the Chair of Governors.

At the formal stage, the Headteacher (or Chair of Governors, if appropriate) will fully investigate if necessary and arrange to discuss your complaint with you, and then send you a letter with an explanation of the actions the School will take.

Generally complaints are sorted out at the informal or formal stages, but occasionally complainants still feel dissatisfied and if so have a right to appeal against the outcome of the formal stage to the Complaints Appeals Committee of the Governing Body.

If you are not happy with the outcome of the formal stage you must let us know not more than 20 school days after getting a letter from the Headteacher explaining the school's response to your complaint, that you wish to go to the next Stage. If the Clerk of Governors has not heard from you by then, we will assume that you do not want to take things any further.

Arrangements for a meeting of the Complaints Appeals Committee will be made by the Clerk to Governors.

We hope very much that our complaints procedure will resolve all complaints in the School but a parent who is not satisfied may refer certain complaints to Ofsted. Any complainant who is not satisfied with the outcome of the Complaints Appeals

Committee's consideration may take the complaint to the Secretary of State for Education and Skills.

We keep copies of all correspondence about concerns and complaints. These will be treated with the utmost confidence. You and your child have a legal right to have a copy of your child's school records.

All complaints are reported in general terms to the School's Governing Body to enable the School to learn from them.