



Complaints Policy

Reviewed by Governors: October 2022

Next review: September 2023

Introduction

The purpose of managing school complaints for maintained schools and nurseries is to provide a clear and consistent framework and guidance for schools, and to ensure that schools' usual processes and timescales for complaints.

In accordance with Section 29(1) of the Education Act 2002 (<https://www.legislation.gov.uk/ukpga/2002/32/section/29>), all maintained schools and maintained nursery schools *must have and publish procedures to deal with all complaints* relating to their school and to any community facilities or services that the school provides, for which there are no separate (statutory) procedures.

Following changes to the School Information (England) Regulations 2008, since 1 September 2016, *maintained schools must publish their complaints procedures on their websites.*

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Who can make a complaint?

Anyone can make a complaint about any provision of facilities or services that a school provides, not just parents or carers of children that are registered at the school, unless separate statutory procedures apply (such as exclusions or admissions). This includes:

- parents or carers of children no longer at the school
- members of the public

Complainants should be given the opportunity to complete the complaints procedure in full, unless there is clear evidence that the complaint meets the serial complaint criteria.

Once the process has been completed and the complainant contacts the school again on the same issue, the correspondence may then be viewed as 'serial' or 'persistent' and the school may choose not to respond.

The school should not mark a complaint as 'serial' before the complainant has completed the procedure.

However, anonymous complaints will be dealt with under a different procedure (see below).

How can a complaint be raised?

A complaint may be made:

- in person, by telephone or in writing
- by a third party acting on behalf of the complainant

The school needs to ensure that it has written consent from the complainant before disclosing information to a third party.

Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 2 of the procedure.

Audio or video evidence

Complainants should make sure they obtain informed consent from all parties present before recording conversations or meetings.

DfE do not normally accept electronic recordings as evidence when they are asked to consider a complaint. However, they may accept independently notarised transcriptions of recordings. DfE may also ask for the written consent of all recorded parties.

Unless exceptional circumstances apply, we'll support schools who refuse to accept, as evidence, recordings of conversations that were obtained covertly and without informed consent of all parties being recorded. We recommend this is made clear in complaints procedures.

The Complaints Procedure

Schools must ensure the complaints procedure:

- is simple to understand and use
- is impartial
- is non-adversarial
- enables a full and fair investigation
- where necessary respects confidentiality

- addresses all the points at issue and provides an effective response and appropriate action/preventative measures/redress, where necessary
- allows discussion of complaint/concerns with the complainant at the earliest stage and asks what 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.*
- When responding to a complaint, escalation options at each stage of the procedure, for example, when communicating the outcome of the stage 1 process, include the details of the stage 2 process.
- Outcome to state what you 'will' do rather than what you 'should' or 'may' do.

Complaints not in Scope – complaints for which there are separate (statutory) procedures are not included in this, e.g. admissions, school's re-organisation proposals, statutory assessments of SEN, CP investigation, exclusion, whistleblowing, staff grievances, staff conduct, national curriculum, collective worship, complaints about services provided by other providers (third parties – ensure providers have their own complaints procedure in place if they are using school premises).

Timeliness

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

The DfE consider 3 months to be an acceptable time frame in which to lodge a complaint. Additional time can be given in exceptional circumstances. Any decision made by a school, must also be made in line with the principles of administrative law. This means a decision is:

- a. Lawful – it complies with education and other law, including human rights and equality law, such as the Human Rights Act 1998 and the Equality Act 2010
- b. Rational
- c. Reasonable
- d. Fair
- e. Proportionate

The Headteacher's PA logs all complaints, ensuring that any that are outside the 'time-frame' have been reviewed and considered under 'exceptional circumstances' before a decision to close or investigate is taken.

Legal representation

Complaints are not legal proceedings and therefore legal representation is not required at any stage. In the event that a complaint progresses to the panel stage, the DfE guidance makes it clear that they do not recommend that either the complainant or the school bring legal representation. These meetings are not a form of legal proceedings. The aim of the panel of governors should be:

- Reconciliation
- To put right things that may have gone wrong

Mediation

Mediation meetings can be helpful at the beginning of the process or at the end of the process. The DfE recommend that mediation meetings should not be used as a substitute for an investigation during the 'formal' stages of the complaint's procedure. The complainant needs to feel that these meetings will help to find a resolution and action formed from their input in order to assist the process.

Meetings / communication with complainant

Schools to decide how to hold meetings with complainant during the various stages of the complaint's procedure.

With recent global health pandemic, changes to working arrangements are in place to deal with teaching, learning and meetings.

To move forward and to ensure timescales are met, schools can arrange to meet complainant face-to-face and where this is not possible meetings can be arranged virtually to discuss concerns. These meetings can then include other parties as required and where necessary to resolve and find solutions to the complaints.

Other communication modes are still available, and the most suitable for the complainant to be used (telephone, email etc.)

Complaint Stages

a. Stage 1 – Informal

The complaint is dealt with by an appropriate staff member (e.g. class teacher) or designated Stage 1 Complaints Officer (who is not the subject of the complaint).

In the vast majority of cases, a concern can and should be resolved by contacting the appropriate member of staff. This may be the subject teacher, head of a year, form tutor or other designated staff member directly involved with the reported problem.

The initial communication from the complainant to the member of staff may be by letter, telephone conversation or in person by appointment.

- Acknowledge complaint within 2 working days
- The complainant must allow the designated staff member 5 working days to respond to the concern.
- If this does not lead to a resolution of the concern/s raised then the complainant must be informed and an extension given and/or
- The concern/complaint must be referred to the next stage of the complaints process, which is the commencement of the formal process.
- Complainant is informed of next process in writing.

b. Stage 2 – Formal (if unresolved at Stage 1)

The Head Teacher (or designated person in special circumstances) hears the complaint.

If the complainant is dissatisfied with the response from the member of staff at Stage 1, they should be advised to put their complaint in writing to the Head Teacher who will deal with it formally at Stage 2. Where the Head Teacher is the subject of the complaint, the complainant should be advised to address it to the Chair of Governors. If the complaint is, being dealt with by the Chair of Governors this will bypass Stage 2 and go to Stage 3 of the formal procedure and heard by the Chair of Governors or another appropriate person.

The complainant must ensure that they include details of why they are still dissatisfied and what action they believe they would like to see happen to resolve the complaint. They can also attach any evidence to support their concerns.

- Acknowledge complaint within 5 working days
- The Head Teacher / designated officer may feel it necessary to meet with the complainant, notes of which will be kept as part of the investigation.
- The complainant must allow the designated staff member 20 working days to respond (including to investigate, look at previous findings and respond to the concern).
- If this does not lead to a resolution of the concern/s raised then the complainant must be informed and an extension given.
- Complainant is written to with the outcome and also informed of next process.

c. Stage 3 – Formal (if not resolved at stage 2)

If the complaint is about a member of the governing body or the entire governing body, one of the following steps will be invoked:

- Chair/Vice Chair to deal with complaint
- Other designated person to deal with complaint
- Seek support from another school's governing body to investigate
- Seek support, advice and guidance from School Support Management or the Governing Support Services.

The Chair or Vice Chair of Governors (where this is not possible another member of the Governing Body is designated to hear the complaint).

If the complainant is dissatisfied with the response from the Head Teacher at Stage 2, they should be advised to put their complaint in writing to the Chair of Governors for consideration at Stage 3 of the procedure.

The complainant must ensure that they include details of why they are still dissatisfied with the decision, the recommendations and actions of the Stage 2 complaint and what they require to resolve the matter.

- Acknowledge complaint within 5 working days
- The Chair/Vice Chair or designated person may feel it necessary to meet with the complainant to establish further facts and obtain further information. The designated person can seek support to arrange this via School Support Services. Meeting notes will be kept.
- The complainant must allow the designated staff member 20 working days to respond (including an investigation, examination of previous findings and response to the concern).
- If this does not lead to a resolution of the concern/s raised then the complainant must be informed and an extension given.
- Once satisfied that the investigation has been concluded and a decision has been reached on the complaint, the designated person will notify the complainant in writing of the conclusion.
- The conclusion could be:
 - The evidence indicates that the complaint was substantiated and therefore upheld
 - The complaint was substantiated in part and what action will be taken
 - The complaint is not substantiated by the evidence and therefore not upheld
 - The complainant is informed if they are still dissatisfied they can write to the Governing Body directly via the school or, School Management Support (SMS) at The Education Space (NPW), outlining why they feel the complaint is unresolved and they feel it could be resolved.

d. Stage 4 – Formal (if not resolved at Stage 3)

The Governing Body hears the complaint.

If the complainant is dissatisfied with the response from the Chair of Governors (or designated person) at Stage 3 they should be advised that the next stage is to put their complaint in writing to the Governing Body at Stage 4. The letter can be sent to the school or to School Management Support at The Education Space.

The complainant must ensure that they include details of why they are still dissatisfied with the decision at Stage 3, recommendations and actions of the Stage 3 complaint and what they feel would resolve the complaint. They may also attach any evidence to support their complaint.

- If the complaint is received by the school then the school will contact School Management Support who can provide support, advice and assistance with process or follow the process below:

A panel of Governors (preferably 3) who form a complaints appeal panel considers the complaint. The panel must be independent and impartial. No governor may sit on the panel if they have had prior involvement in the complaint or in the circumstances surrounding it. The panel should have a cross-section of categories of governors, showing sensitivity to the issues of race, gender and religious affiliation. If appropriate, the panel can be made up of governors from another school. Schools need to ensure that details of complaints should not be shared with the whole governing body at any stage while they are still being considered/investigate, in case governors are required for the complaints panel, (this allows for an impartial panel).

The panel must convene a meeting to discuss the complaint and all the investigation evidence to make a final decision on how to progress. A clerk should be appointed to take notes of the meeting and records must be kept.

The headteacher has a statutory duty for the internal organisation and management of the school, which they must carry out in accordance with any rules, regulations or policies laid down by the governing body. Therefore, the remit of governors' consideration of a complaint about a matter of internal organisation and control will determine whether the head teacher has followed any relevant school policies; it is not to substitute its own operational judgement for that of the head teacher.

The panel can decide:

- To convene a meeting with the complainant. If a meeting is to be convened, the person chairing the meeting, either the Chair or Vice-chair (whoever did not deal with the complaint at Stage 3) will write to the complainant to acknowledge the complaint within 10 school days. The letter would also include the date, time and venue of the convened meeting to hear the complaint.
- Decide on the appropriate action to be taken to resolve the complaint
- For non-complex complaints, not to meet with the complainant, but to use all the information available to them and decide on the complaint as there is enough information to allow a decision to be made.

Possible outcomes for the Panel

- Dismiss the complaint in whole or in part
- Uphold the complaint in whole or in part
- Recommend changes to school systems or procedures to ensure that similarly do not occur

An outcome letter will be sent to the complainant within 20 school days of the meeting.

The letter will inform them of Stage 5.

Stage 5 – (once the school complaints procedure has been exhausted)

The outcome letter from the School Complaints Panel exhausts the 4 Stage procedures.

If the complainant is dissatisfied with the process, they are able to contact:

Department for Education
Piccadilly Gate, Store Street
Manchester, M1 2WD

Helpline: 0370 000 2288

The DfE will examine if the school complaints policy and any other relevant processes were followed. The DfE will also examine policies to determine if they adhere to education legislation. The DfE's role is to review the complaints and look at the handling of the complaints at the earlier stage and the procedure applied. Schools must ensure that they follow their procedure correctly, and keep accurate recording of communication with the complainant at every stage, ensuring timely, being reasonable and acting lawfully.

Example Complaint Form

Please complete and return to (Named person or school office) who will acknowledge receipt and explain what action will be taken.

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address:
Postcode:
Daytime telephone number:
Evening telephone number:
Please give details of your complaint:
What action, if any, have you already taken to try and resolve your complaint. (Who did you speak to and what was the response)?
What actions do you feel might resolve the problem as this stage?
Are you attaching any paperwork? If so, please give details.
Signature:
Date
OFFICIAL USE
Date acknowledgement sent:
By who:
Complaint referred to:
Date: