



## **A Model General Complaints Procedure for Schools**

### **Introduction**

This model is intended as a good practice guide, applying to most general complaints which a school is likely to receive. It will enable a school to meet the requirement under Section 29 of the Education Act 2002 to establish procedures for dealing with complaints relating to the school or the provision of facilities or services.

It is not intended to cover those aspects of school life for which there are specific statutory requirements: in particular, arrangements under s409 of the Education Act 1996 for complaints about the delivery of the National Curriculum and the provision of collective worship and religious education. Parents who are not satisfied with an LEA's decision about special needs assessments may appeal to the SEN Tribunal.

Concerns about schools admissions and exclusions also have specific appeal rights.

In addition allegations of child abuse, financial improprieties or other criminal activities will need to be dealt with through different procedures, as will complaints about contracted staff. Some complaints about general matters of policy, such as the overall resourcing of a school, would also need to be dealt with differently.

### **Stage 1: The First Contact: Guidelines for Dealing with Concerns and Complaints Informally**

1.1 The vast majority of concerns and complaints can be resolved informally. There are many occasions where concerns are resolved straight away through the class teacher or school secretary or Headteacher, depending on whom the parent first approached.

1.2 Parents must feel able to raise concerns with members of staff without any formality, either in person, by telephone or in writing. On occasion it may be appropriate for someone to act on behalf of a parent.

1.3 At first it may be unclear whether a parent is asking a question or expressing an opinion rather than making a complaint. A parent may want a preliminary discussion about an issue to help decide whether s/he wishes to take it further.

#### **A model procedure for schools to use at Stage 1**

1.4 Parents have an opportunity for discussion of their concern with the appropriate member of staff who clarifies with the parent the nature of the concern, and reassures them that the school wants to hear about it. The member of staff may explain to the parent how the situation happened. It can be helpful to identify at this point what sort of outcome the parent is looking for.

1.5 If the member of staff first contacted cannot immediately deal with the matter, s/he makes a clear note of the date, name, contact address or phone number.

1.6 Any member of staff will know how to refer, if necessary, to the person with responsibility for the particular issue raised by the parent. S/he will check later to make sure the referral has been successful.

1.7 In smaller schools or on certain major issues, the Headteacher may decide to deal with concerns directly at this stage.

1.8 If the concern relates to the Headteacher, the parent is advised to contact the Chair of the Governing Body.

1.9 The staff member dealing with the concern makes sure that the parent is clear what action (if any) or monitoring of the situation has been agreed, putting this in writing only if this seems the best way of making things clear.

1.10 Where no satisfactory solution has been found within 10 school working days, parents are asked if they wish their concern to be considered further. If so they are given clear information, both orally and in writing, about how to proceed and about any independent advice available to them.

## **Stage 2: Referral to the Headteacher for Investigation**

2.1 At this stage it has become clear that the concern is a definite complaint. In some cases the Headteacher has already been involved in looking at the matter; in others it is his/her first involvement. In either case, it is helpful for the Headteacher (or the person delegated to investigate) to use guidelines to ensure consistency among cases, and to make sure that nothing happens at this stage which could make it difficult for later stages to proceed smoothly.

2.2 As Headteachers have responsibility for the day-to-day running of their schools, they have responsibility for the implementation of a complaints system, including the decisions about their own involvement at various stages. One of the reasons for having various "stages" in a complaints procedure is to reassure complainants that their grievance is being heard by more than one person. Headteachers should make arrangements to ensure that their involvement will not predominate at every stage of a particular complaint. For example arrangements may be made for other staff to deal with parents' concerns at stage 1, while the Headteacher deals with contacts with parents at stage 2. Even at that stage the Headteacher may designate another member of staff to collect some of the information from the various parties involved. In some cases, Headteachers may be so involved at Stage 1 that Stage 2 has to be carried out by the Chair of the Governing Body.

### **A model procedure for school to use at Stage 2**

2.3 The Headteacher (or designate) acknowledges the complaint orally or in writing within 3 school working days of receiving the written complaint. The acknowledgement gives a brief explanation of the school's complaint procedure and a target date for providing a response to the complaint. This should normally be within 10 school working days; if this proves impossible, a letter is sent explaining the reason for the delay and giving a revised target date.

2.4 The Headteacher (or designate) provides an opportunity for the complainant to meet him/her to supplement any information provided previously. It is made clear to the complainant that if s/he wishes, s/he may be accompanied to any meeting by a friend, relative, representative, or advocate who can speak on his or her behalf, and that interpreting facilities are available if needed.

2.5 If necessary, the Headteacher (or designate) should interview witnesses and take statements from those involved. If the complaint centres around a pupil, the pupil should also be interviewed. Pupils would normally be interviewed with parents/guardians present. In some situations, circumstances may prevent this e.g. where this would seriously delay the investigation of a serious/urgent complaint or where particular circumstances mean that a pupil has specifically said s/he would prefer that parents or guardians were not involved. In such circumstances another member of staff with whom the pupil feels comfortable should be asked to attend. If a member of staff is complained against, the needs of that person should be borne in mind.

2.6 The Headteacher (or designate) keeps written records of meetings, telephone conversations, and other documentation.

2.7 Once all the relevant facts have been established, the Headteacher (or designate) should then produce a written response to the complainant, or may wish to meet the complainant to discuss/resolve the matter directly.

2.8 A written response includes a full explanation of the decision and the reasons for it. Where appropriate, this includes what action the school will take to resolve the complaint. The complainant is advised that should s/he wish to take the complaint further s/he should notify the Chair of the Governing Body within five weeks of receiving the outcome letter.

2.9 If a complaint is against the action of a Headteacher, or if the Headteacher has been very closely involved at Stage 1, the Chair of the Governing Body, or other person nominated by the Governing Body, should carry out all the Stage 2 procedures.

2.10 If the Chair of Governors has not been involved in the process outlined in paragraph 2.9 above and has not been involved with the complaint, arrangements should be made for the Chair to meet with the complainant and the person the complaint is about. The purpose of such meeting is to review the case with the view to resolving the matter. Where such a meeting is not possible or is not able to resolve the matter the complainant should be advised to write to the Clerk to the Governing Body asking for the matter referred to the Governors Complaint Panel for consideration.

### **Stage 3: Review by the Governing Body**

3.1 Complaints only rarely reach this formal level, but it is important that governing bodies are prepared to deal with them when necessary. At this stage, schools should seek advice from any relevant authority e.g. LEA, Board of Education (C of E) or Diocesan Schools' Commission (RC). This can provide a useful "outside view" on the issues.

3.2 It is important that this review not only be independent and impartial but that it be seen as so. Therefore, individual complaints should not be considered by the full governing body as serious conflicts of interest can arise; for example, in exceptional circumstances a complaint may result in disciplinary action against a member of staff, and governors might be required to give an unprejudiced hearing to an appeal by the member of staff concerned. Similarly some governors might have previous knowledge of the problem which led to the complaint and would be unable to give fair unbiased consideration to the issue.

3.3 Many complaints are inevitably seen by parents as being "against" a particular member of staff and their actions. However, all complaints which reach this stage will have done so because the complainant has not been satisfied by the Headteacher's response at the earlier stage of the procedure, and it may be appropriate for the Governing Body to consider that the complaint is against the school rather than against the member of staff whose actions led to the original complaint.

3.4 Upon receipt of a written request by the complainant for the complaint to proceed to stage 3, the procedures outlined below should be followed.

#### **A model procedure for governors to use at Stage 3**

3.5 The Clerk to the Governing Body should write to the complainant to acknowledge receipt of the written request. The acknowledgement should inform the complainant that the complaint is to be heard by three members of the school's Governing Body within 20 school working days of receiving the complaint. The letter should also explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received in time for the documents to be sent to the three members.

3.6 The Clerk to the Governors should arrange to convene a Governors' Complaints Panel elected from members of the Governing Body. It may be necessary for the Governing Body to appoint reserves to this Panel to ensure that three governors are available to carry out their task within the set time.

3.7 The Panel members should be governors who have had no prior involvement with the complaint. If s/he has not previously been involved, the Chair of the Governing Body should chair the Panel; otherwise the Vice-Chair should do it. It is not appropriate for the Headteacher or staff governors to have a place on the Panel. Governors will want to bear in mind the advantages of having a parent (who is also a governor) on the Panel. Governors will also want to be sensitive to issues of race, gender and religious affiliation.

3.8 The Chair/Vice-Chair will ensure that the complaint is heard by the Panel within 20 school working days of receiving the letter in 3.5. All relevant correspondence regarding the complaint should be given to each Panel member as soon as the composition of the Panel is confirmed.

3.9 The Clerk to the Governors will write and inform the complainant, Headteacher, any relevant witnesses, and members of the Panel at least 5 working days in advance, of the date, time and place of the meeting. The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a friend/advocate/interpreter. The letter will also explain how the meeting will be conducted and the complainant's right to submit further written evidence to the Panel.

3.10 The Clerk to the Governors should invite the Headteacher to attend the Panel meeting and prepare a written report for the Panel in response to the complaint. The Headteacher may also invite members of staff directly involved in matters raised by the complainant to respond in writing or in person to the complaint. Any relevant documents including the Headteacher's report should be received by all concerned, including the complainant, at least 5 working days prior to the meeting.

3.11 The involvement of staff other than the Headteacher is subject to the discretion of the Chair of the Panel.

3.12 It is the responsibility of the Chair of the Panel to ensure that the meeting is properly minuted.

3.13 The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that sometimes it may only be possible to

establish facts and make recommendations which will satisfy the complainant that his or her complaint has at least been taken seriously.

3.14 The Panel should remember that many parents are unused to dealing with groups of people in formal situations and may feel inhibited when speaking to the Panel. It is therefore recommended that the Chair of the Panel ensures that the proceedings are as informal as possible.

3.15 If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interests of natural justice to adjourn the meeting so that the other side has time to consider and respond to the new evidence.

3.16 The meeting should allow for

- the complainant to explain their complaint and the Headteacher to explain the school's response
- the Headteacher to question the complainant about the complaint and the complainant to question the Headteacher and/or other members of staff about the school's response.
- Panel members to have an opportunity to question both the complainant and the Headteacher
- any party to have the right to call staff witnesses (subject to the approval of the Chair) and all parties having the right to question all the witnesses
- final statements by both the complainant and the Headteacher.

3.17 The Chair of the Panel will explain to the complainant and the Headteacher that the Panel will now consider its decision, and a written decision will be sent to both parties within 15 working days. The complainant, Headteacher, other members of staff and witnesses will then leave.

3.18 The Panel will then consider the complaint and all the evidence presented and (a) reach a unanimous, or at least a majority, decision on the complaint and (b) decide upon the appropriate action to be taken to resolve the complaint and (c) where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again.

3.20 A written statement outlining the decision of the Panel must be sent to the complainant and Headteacher. The letter to the complainant should explain whether a further appeal can be made, and if so, to whom.

3.21 The school should ensure that a copy of all correspondence and notes are kept on file in the school's records. These records should be kept separately from the pupil's personal records.

#### **Stage 4: Review by the LEA**

4.1 If a complainant wishes to go beyond the governors' complaints panel they may write to the Strategic Director of Children's Services. He will arrange for a member of the Directorate's Senior Management Team to review the complaint. That person will be to review the process and procedures the school had undertaken when considering the complaint.

#### **Stage 5: Beyond the LEA**

5.1 The Secretary of State: Complaints can be taken to the Secretary of State for Education and Employment under section 496 of the Education Act 1996, on the grounds that a Governing Body or LEA is acting or proposing to act unreasonably, or under Section 497 of the same Act, on the grounds that either the Governing Body or the LEA has failed to discharge its duties under the Act. The Secretary of State may contact the Governing Body or the LEA for more information in order to consider the complaint.

5.2 The Local Government Ombudsman: Complaints about the maladministration of Local Authority services including the way it operates any general school complaints procedure could be made to the Ombudsman.

However the Ombudsman does not look at internal school management matters and usually expects that thorough attention has been given to a complaint locally before investigation by the Ombudsman.