



COMPLAINTS PROCEDURE for SCHOOLS

School Complaints Procedure : contents

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Introduction

1. Since 1 September 2003 governing bodies of all maintained schools and maintained nursery schools in England have been required, under Section 29 of the Education Act 2002, to have in place a procedure to deal with complaints relating to the school and to any community facilities or services that the school provides. The law also requires the procedure to be publicised.

2. Local Authorities are already required to set up a procedure for dealing with certain types of complaints, for example, complaints about the curriculum or collective worship in a school. The governing body's complaints procedure does **not** replace the arrangements made for those types of complaint. In addition, there are certain complaints which fall outside the remit of the governing body's complaints procedure, for example, staff grievances or disciplinary procedures.

3. It is recommended that the governing body ensures that any third party providers offering community facilities or services through the school premises, or using school facilities [even if the school is being hired for a private function], have their own complaints procedure in place, since the school cannot accept complaints for services which are provided by another organisation.

4. This model procedure has been prepared for RBWM schools and governing bodies are recommended to adopt it with due reference to diocesan authorities where appropriate. It is intended to reflect good practice which will apply to most general complaints received by schools.

5. In order to ensure consistency in any advice given with reference to this procedure, Windsor and Maidenhead have nominated one officer who will arrange for advice and guidance to be provided to schools at all stages. That officer is based in HR and subject to further notice is:

Terry Shortall (01628) 796667 : terry.shortall@rbwm.gov.uk

6. Some complaints are subject to separate statutory procedures instead of the general complaints procedure. The table overleaf includes the most common types of complaint but cannot be exhaustive. A school might wish to nominate a member of staff to have responsibility for the operation and management of its complaints' procedure. However, in smaller schools this may often be the headteacher.

COMPLAINTS “TRIAGE”

For complaints marked with an asterisk, confidentiality and discretion are absolute prerequisites. Therefore, detail on these complaints or their outcomes will not be provided to anyone except with the express agreement of staff, governors or, where applicable, volunteers directly involved at the school.

Complaint	First point of contact	Route for response
Delivery of the national curriculum, religious education or collective worship	Headteacher or nominated complaints’ officer	School complaints procedure applies but complainant has further right of appeal to the Local Authority
*Complaint by member of school staff	<u>Potentially</u> headteacher but contact school’s HR provider asap if any doubt	<u>Potentially</u> school grievance procedure
*Complaint about a pupil exclusion	Local Authority	Statutory right to make representations about fixed term exclusions to Governors’ Pupil Discipline Committee. Right of appeal to independent panel for permanent exclusion
Non – admission of pupil to school	Local Authority	LA policy on school admissions with right of appeal to independent panel if admission refused
*Child protection	Headteacher or Local Authority	LA child protection procedures apply – contact Lead Officer for Child Protection
Provision for a pupil with special educational needs (whether with or without a statement of special educational needs)	Headteacher, nominated complaints’ officer or Special Needs’ Co-ordinator	School complaints procedure applies but complainant has further right of appeal to the Local Authority
Content of statement of special educational needs	Local authority special educational needs’ department of the local authority in which the complainant lives	Statutory procedures apply, administered by the local authority.
*Pupil discipline short of exclusion	Headteacher or nominated complaints’ officer	School behaviour policy and procedure
Extended Services	Manager of service	Procedures of service provider

Continued from previous page

Complaint	First point of contact	Route for response
Governing body decision to ban a person from entering the school except where an injunction has been obtained	Clerk to the Governing Body	Relevant governing body committee
*Non - selection of pupil for a school team or production	Headteacher or nominated complaints' officer	School complaints procedure
*Pupil-on-pupil behaviour (e.g. bullying)	Class-teacher or headteacher	School behaviour policy and procedure
*Perceived lack of staff capability	Headteacher or Chair of Governors if concerns in relation to headteacher	School capability procedure
*Perceived unreasonable exercise of discretion by headteacher, e.g. refusal to accept a volunteer or to sign a passport application	Headteacher or Chair of Governors	School complaints procedure
Complaint regarding the governing body	Headteacher or Clerk to the Governing Body	School complaints procedure
Refusal to provide personal information on a pupil to someone other than a parent or guardian	Headteacher	The Data Protection Act will apply and a charge may be made if the information can be released. If the information cannot be released, any appeal will need to be within the provisions of the Act. There is an application process on which the Authority will be able to advise.
Refusal to provide published information	School office	The Freedom of Information Act will apply and a charge may be made if the information can be released. If the information cannot be released, any appeal will need to be within the provisions of the Act. There is an application process on which the Authority will be able to advise.

7. Those wishing to access the school's complaints procedure, having referred beforehand to the above table, will first be required to complete the form provided (see Appendix 1).

Part 1: General Principles of complaints

Dealing with Complaints – Initial concerns

8. The majority of concerns and complaints can be resolved informally, often straightaway by the class teacher or the headteacher, depending upon whom the complainant first contacts. Where, for example, a parent or other potential complainant approaches a governor at this early stage, the governor would need to refer the parent to the member of staff most likely to be able to help. Schools should require parents to complain in the first instance to the teacher or nominated member of staff in the first instance. Any direct approach to a governor is not appropriate, is not in accordance with the procedure and will result in that governor being unable to sit on any panel directly or indirectly associated with the complaint.

9. Parents or carers must feel able to raise initial concerns with members of staff without any formality, either in person, by telephone or in writing. On occasions it may be appropriate for someone to act on behalf of a parent. At first it may be unclear whether a parent is asking a question or expressing an opinion rather than making a complaint. A parent/carers may want a preliminary discussion about an issue to help decide whether he or she wishes to take it further and this initial course of action is strongly advised.

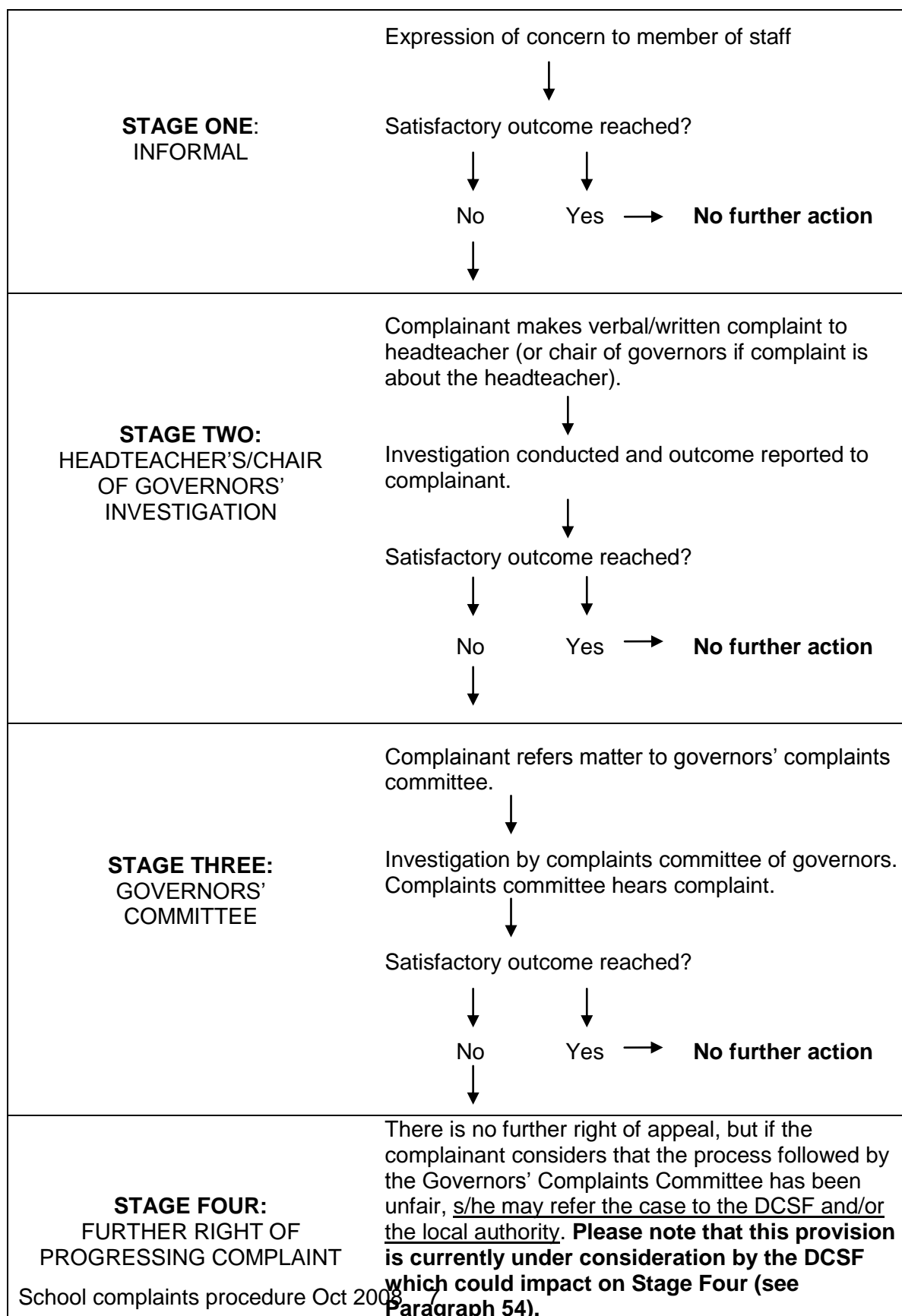
10. The underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. In most cases the class teacher or the individual delivering the service in the case of extended school provision, will receive the first approach. It would clearly be helpful if staff were able to resolve issues on the spot, including apologising where necessary.

Framework of Principles

11. To be effective, the complaints' procedure will:

- encourage resolution of problems by **informal** means wherever possible;
- be easily **accessible** and **publicised**;
- be **simple** to understand and use;
- be **impartial**;
- be **non-adversarial**;
- allow **swift** handling with established **time-limits** for action and keeping people informed of the progress;
- ensure a full and **fair** investigation by an independent person where necessary;
- respect people's desire for **confidentiality**;
- address all the points at issue and provide an **effective** response and **appropriate** redress, where necessary;
- provide **information** to the school's senior management team so that any necessary improvements or changes can be made.

STAGES IN RESPONDING TO A COMPLAINT



Dealing with Complaints – Formal procedures

13. The formal procedures will need to be invoked when initial informal attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

Investigating Complaints

14. At every stage, the person investigating the complaint should ensure that s/he:

- establishes **what** has happened so far, and **who** has been involved;
- clarifies the nature of the complaint and what remains unresolved;
- meets with the complainant or contact them (if unsure or further information is necessary);
- clarifies what the complainant feels would put things right;
- interviews those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conducts the interview with an open mind and be prepared to persist in the questioning;
- keeps notes of the interview.

15. With reference to the complaint form at Appendix 1, 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 an admission of negligence.

General Principles

16.

- i) The aim of these guidelines is to balance the rights and responsibilities of pupils, parents/carers and school staff and to recognise that responsibilities rest with all of these.
- ii) Any complaint raised needs to be treated seriously and courteously and given the time necessary for the complainant to feel that the matter has been dealt with properly. It is important that the complainant has confidence in these procedures and knows that the matter will be investigated impartially.
- iii) The complaints' procedure should be easily accessible and well publicised.
- iv) Complaints should be dealt with as quickly as possible and consistently in order to demonstrate fairness to all.
- v) Dates and times of conversations should always be recorded and made available to investigators as necessary
- vi) A complaint is not part of any staff disciplinary process. Staff who may be questioned as part of a complaints procedure must be treated fairly and have an opportunity to put their case. They should be offered support in dealing with any investigation into a complaint.

- vii) Any member of staff who is complained about will have the opportunity to respond to the complaint during the investigation and will be able to see any response sent as a result of the investigation. If, however, during the course of considering a complaint, the governing body conclude that disciplinary procedures should be initiated, they will consider this as a separate action. There is an entirely separate procedure for schools to follow in terms of dealing with staff disciplinary matters. If this appears a likely outcome, schools are strongly advised to consult their HR provider as early as possible.
- viii) Confidentiality must be maintained at all times. All conversations and correspondence must be treated with discretion and with due respect and consideration to those subject to the investigation. No communication should be issued unless it is absolutely within the spirit of this procedure and is with the express agreement of those advising the headteacher and/or governors investigating the complaint.
- ix) Parents must feel confident a complaint will not disadvantage their child. Anonymous complaints should be disregarded unless someone else can substantiate the complaint. All parties to a complaint will need to accept that some sharing of information will be inevitable if the complaint is to be investigated fully.
- x) All relevant staff and governors should take part in training to raise awareness of the school's procedures and to develop their skills in dealing with people who make a complaint. For obvious reasons, care should always be taken to ensure that confidentiality is strictly observed.
- xi) All complaints should be recorded and monitored to allow any lessons to be learned by the school.

17. An effective procedure will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

Vexatious Complaints

18. The processes referred to in this procedure should, if properly followed, effectively address a range of complaints. However, there will be occasions when the complainant remains dissatisfied or when complaints appear spurious or to have no substantiation. A letter is provided at Appendix 2 which should fit most instances within this category. **Vexatious complaints, (i.e. arguably those which are repeatedly made, have already been addressed but are raised again for no reason other than to annoy) may need to be the subject of a separate process.**

Time-Limits

19. Complaints need to be considered, and resolved, as quickly and efficiently as possible. This procedure requires that specific time limits for all action within every stage are observed. Where further investigations are necessary, new time limits should be set and the complainant would need to be informed of this change and the reason.

Raising a concern or complaint

Procedure – Stage 1

20. Complainants - principally parents or carers - need to be given an opportunity to discuss their concerns with the appropriate member of staff who can clarify the nature of their concern and reassure them that the school wants to hear about it. Many concerns can be resolved by simple, polite clarification or by the provision of information and most complaints would be resolved at this early stage. **To avoid any compromise at later stages, governors should not be approached or involved at this stage.**

21. Communication could be by letter, telephone or, by appointment, in person. With reference to the provisions of the complaints form at Appendix 1, it will be helpful at this point to identify what sort of outcome the parent/carer is looking for. The member of staff will need to respond appropriately, taking into account the seriousness of the complaint.

22. If the member of staff first contacted cannot deal immediately with the matter, or if s/he needs to refer the matter to someone else, s/he will need to make a clear note of the date, name and contact address/phone number of the complainant. In either case the member of staff should subsequently ensure that appropriate action is taken to deal with the matter speedily.

23. Where the concern relates to the specific actions of the headteacher, the complainant should be given the opportunity to meet with the headteacher to resolve the problem within the spirit of this (informal) stage of the Procedure. Very occasionally, the complainant may prefer to contact the Chair of Governors; if this situation were to arise, advice should be sought from the nominated RBWM contact.

24. The staff member dealing with the complaint should make sure that the complainant is clear what will happen next (if anything). This should be put in writing to clarify the outcome.

25. The written outcome from the member of staff should be provided within **five** school working days of the decision having been made; in keeping with the informal nature of this stage, the decision should be communicated verbally in the first instance.

26. In the event that the complainant is dissatisfied with the outcome of this stage of the process, the letter should include the fact that the complainant has the right to request that his or her concern be considered further. If he or she wishes to progress their complaint they should write to the member of staff to this effect within **ten** school working days of their receipt of the letter. If not already submitted for the informal stage, the complainant should now complete the form at Appendix 1 of this procedure and attach/enclose it with their letter. A copy of the complaints procedure should also be included.

Procedure – Stage 2

This stage would usually be formally considered by the Headteacher (or Chair of Governors or some other governor where appropriate). If there is any need for clarification on who should consider this stage of the Procedure, please seek advice from RBWM. Where the complaint is against the headteacher, please refer to Paragraph 40.

27. The complainant's letter should be acknowledged in writing within **three** school working days of receiving the stage two complaint. The complainant should be given the opportunity and in fact asked to provide copies of documentation and to identify witnesses and/or sources of evidence of his/her concerns. The acknowledgement should include the requirement that the complainant provide this information within **five** school working days of receipt of the acknowledgement letter.

28. The headteacher or Chair of Governors or some other governor where appropriate receiving the complaint at this stage will then need to meet the complainant in order to fully ascertain the concerns and whether the desired outcome(s) is/are feasible. Any doubts on the feasibility would need to be aired at this point. The complainant would need to know if an investigation is required and its likely timescale. An opportunity should be taken at this meeting to go through the complaints procedure to ensure that the individual raising the concerns understands the processes. The complainant may need to supplement any information provided previously at the informal stage.

29. It will need to be made clear to the complainant that they can, if they wish, be accompanied to any meeting by a friend or relative who can speak on their behalf. The school should also provide interpreting facilities if they are required and if this is possible. If interpretation facilities cannot be arranged by the school, the complainant should be advised of this in advance of the meeting since s/he may then want to make his/her own arrangements.

30. It is recommended that the headteacher or Chair of Governors or some other governor where appropriate meet the complainant with another member of staff present to record the proceedings.

31. The aim at this stage is to reach an agreed solution to the problem. It needs to be considered that there is a need to progress the matter and to seek a resolution for the good of the child, their parents/carers and the school. Prolonging a complaint longer than is necessary may be harmful to any or all parties involved. Please refer to Appendix 2 to this Procedure if appropriate at any time throughout processes in connection with considering a complaint.

32. Where required, the headteacher or Chair of Governors or some other governor where appropriate will interview witnesses and take statements from those involved. If the complaint centres on a pupil, the pupil should also be interviewed. It is good practice that when pupils are interviewed, the children's parents are invited to be present. If this is not possible then a member of staff who is known and trusted by the pupil should be invited to attend.

33. Where the complaint is against a member of the school's staff, he or she should be advised of the right to be accompanied by a friend or union representative when being interviewed.

34. Where a pupil is a potential witness or if the complaint centres on a pupil, the pupil should also be interviewed. Pupils should be interviewed only when the nature of the complaint renders this necessary and unavoidable. Particularly in the case of younger pupils, specialist

advice should be taken from RBWM. It is good practice that when pupils are interviewed in a formal situation, the children's parents or carers are invited to be present. If this is not possible then a member of staff who is known and trusted by the pupil should be invited to attend.

35. Any interviews should be conducted as soon as feasible, in order to ensure that recollections are as recent as possible. Interviewees' responses should be confined to the substance of the complaint.

36. Once all relevant facts have been established, the headteacher or Chair of Governors or some other governor where appropriate will then produce a written response to the complainant; it may well be appropriate to meet the complainant to discuss the findings personally with the aim of resolving the matter directly.

37. A written response will be required. This would include:

- a covering letter
- a statement of the complaint or concern
- an outline of the process followed in ascertaining the nature of the concern(s) and the investigative process followed.
- a summary of the findings linked to relevant evidence
- recommendations for future action
- evidence collected during the investigation.

38. The report of the investigation will be confidential to the school since it is likely to contain sensitive personal information. If a request is received to release the report, either under the Data Protection or Freedom of Information Acts, please seek advice from RBWM.

39. A summary of the process undertaken and the outcome of the investigation can be provided to the complainant. However, please exercise extreme caution regarding the release of certain or further details since an employee at the school could be prejudiced and their ability to remain effectively in post adversely affected.

40. Where the complaint at stage two is against the headteacher, arrangements should be made for the proceedings under this stage to be conducted by a single governor (usually the chair of governors or vice-chair of governors).

41. Where the complainant is dissatisfied with the outcome of Stage 2, the letter referred to in Paragraph 38 should include the fact that the complainant has the right to request that his or her concern be considered further. If he or she wishes to progress their complaint they should write to headteacher or other appropriate person to this effect within **ten** school working days of their receipt of the letter.

Procedure – Stage 3

The Governing Body Complaints Hearing

42. The complainant's letter should be acknowledged in writing within **five** school working days of receiving the notification to progress to stage three. This letter could be sent by the Clerk to the Governing Body who will arrange for the meeting to take place.
43. If the governing body committee already has delegated powers to consider and take a decision on the complaint in question, the committee should be convened. If such a committee has not been set up, a committee of three governors will need to be established. No governor who has previously been involved in the complaint or who may have a conflict of interest (including any pecuniary interest) should take part.
44. All complaints that reach this stage will have done so because the complainant has not been satisfied by the response at stage 2. The committee should identify clearly why the complainant feels his or her case has not been resolved satisfactorily. The complainant should base this submission on evidence or supported by witness statements.
45. Following receipt of the stage three notification, the procedures outlined below will need to be followed:
- (i) The acknowledgement covered in Paragraph 43 will inform the complainant that the matter will be considered by the complaints committee within **twenty** school working days of receiving the request.
 - (ii) The letter will also explain that the complainant and the head teacher (or whoever considered the matter at stage 2) have the right to submit any further documents relevant to the complaint. There may be witnesses for either the complainant or for the school and statements signed by any witnesses should be included in the documentation to be submitted. Both parties should send further documentation to the clerk at least **eight** school working days before the meeting. Witnesses would need to attend the meeting.
 - (iii) The complainant, committee members and the (headteacher) should receive any relevant documents at least **five** school working days prior to the meeting. The notification to the complainant should also inform him/her of their right to be accompanied to the meeting by a friend, relative and/or interpreter. The letter should also explain how the meeting would be conducted.
 - (iv) The committee should elect a Chair for the hearing. Clearly, the headteacher or other member of staff should not be a member of the complaints committee. Governing bodies should have regard to the need for ethnic, gender or other mix of members as appropriate.
 - (v) It is the responsibility of the Chair of the committee to ensure that the meeting is properly minuted.
 - (vi) An officer from RBWM can be invited to advise the committee.

46. The committee's remit is to determine one or more of the following as an outcome:

- i) dismiss the complaint in whole or in part;
- ii) uphold the complaint in whole or in part;
- iii) decide on the appropriate action to be taken to resolve the complaint;
- iv) recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur;
- v) refer the matter to the headteacher for investigation/resolution by a different route.

47. The aim of the meeting will be to resolve the complaint and achieve reconciliation between school and the complainant. However, it has to be recognised that sometimes it may only be possible to establish facts and make recommendations as to future action that will seek to satisfy the complainant that his or her complaint has been taken seriously.

48. Some parents or carers are unused to dealing with groups of people in formal situations and may feel inhibited when speaking to the committee. It is therefore recommended that the chair of the complaints committee ensures that the proceedings are as informal as the situation allows in order for as much information as possible to be obtained to inform the eventual outcome.

49. **Procedure for the complaint hearing**

- i) The Chair of the committee should invite everybody into the room, except any witnesses. S/he will introduce all present and explain their roles. Witnesses will only be present when giving evidence or if asked to provide further clarification.
- ii) The Chair should explain to all present that the purpose of the meeting is to review the complaint's progress so far, seek to provide a response to the complaint and, *where appropriate*, achieve a reconciliation between the school and the complainant.
- iii) The Chair should then outline the procedure for the meeting. S/he should listen to any concerns about the procedure but has the final decision about the arrangements:
 - (a) The complainant will outline the complaint and may call witnesses.
 - (b) The headteacher or representative of the school involved in the process at stage 2 will be given the opportunity to seek clarification from the complainant and/or witnesses.
 - (c) The committee (including the representative of RBWM where appropriate) may seek clarification from the complainant and/or witnesses.
 - (d) The headteacher or representative of the school will be given the opportunity to respond and call witnesses.
 - (e) The complainant will be given the opportunity to seek clarification from the head teacher or representative of the school and/or witnesses.
 - (f) The committee (including the RBWM representative where appropriate) may seek clarification from the headteacher or school representative and/or witnesses.

- (g) The complainant will be given the opportunity to sum up.
- (h) The headteacher or representative of the school will be given the opportunity to sum up.
- (i) Both parties will then leave the room to allow the committee to deliberate. The RBWM representative may remain to offer technical and/or procedural advice.

The committee will then arrive at its decision. This will cover:

- (a) Findings on the complaint.
- (b) Any appropriate action to be taken by the school.
- (c) Any recommended changes to the school's systems or procedures.

50. At the conclusion of the meeting the Chair should explain that the committee will consider its decision and write to both parties with the outcome within **five** school working days of the date of the meeting. A written report outlining the decision of the committee should be sent to the complainant and headteacher or other school representative involved.

51. If any action is to be taken against a member of staff, to protect his/her rights, only the phrase "**a separate process will be followed**" should be used. Over and above this, the report need only contain:

- i) a statement of the complaint or concern
- ii) a brief outline of the process followed
- iii) a summary of the findings, linked to relevant available evidence
- iv) any recommendations to the school's procedures for future action if appropriate.
- v) any action to be taken by the school or complainant, if appropriate

52. A report and any recommendations should be reported to the school's governing body at the next full meeting. If a member of staff is the subject of the complaint, his or her name and job title should be withheld both to protect his or her rights and also in the interests of natural justice, should any governors be involved in subsequent proceedings.

53. The governors will need to ensure that a copy of all correspondence is kept on file in the governors' records. These should be kept separately from pupil or staff personal records.

54. Procedure – Stage 4

Further action beyond the committee stage.

There is normally no further right of appeal to complaints considered under this procedure. Under current legislation, complaints may be made to the Secretary of State for Children, Schools and Families on the grounds that a governing body is acting or proposing to act unreasonably, or that the governing body or Local Authority has failed to discharge its duties under legislation. The Secretary of State will not consider a complaint unless all local procedures have been exhausted. Where complaints are made the Secretary of State may contact the governing body or the Local Authority for more information.

The Department for Children, Schools and Families are consulting in relation to this aspect and further information will be provided when available.

* * * * *

Appendix 1

COMPLAINTS' FORM

Please complete and return to ...The Headteacher or nominated complaints officer 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:

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 at 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:

Appendix 2

RESPONSE FOR PERSISTENT, SPURIOUS OR UNSUBSTANTIATED COMPLAINTS. *The Authority's Legal Services department may be able to assist in relation to specific circumstances – e.g. vexatious complaints.*

Dear

Following receipt of your communications and having given careful consideration to your concerns, I regret that I am unable to deal further with this matter under the School's complaints procedure.

My reason(s) for this is/are:

- You have not identified any specific action for which you might wish to register a complaint.
- Your concerns are presented as conclusions rather than specific actions giving you grounds to complain.
- The concerns which you identify relate to historical actions. Any evidence which might have enabled an objective investigation of your complaint is no longer available.
- The substance of your complaint has already been addressed and investigated under this procedure; as you have been informed, the outcome was
- The concerns that you raise do not fall within the scope of this procedure. This issue would need to be addressed by
- You have not identified any potential sources of evidence which might allow the matter to be investigated and it is therefore not possible to address your concerns.

If you wish my decision to be reviewed then you may take advantage of the procedure set out in the School's formal complaint procedure by writing to (---).

Yours sincerely,

(Headteacher or Chair of Governors)