School Complaints

Guidance notes and model procedure for Local Authority Maintained Schools (June 2016)

School Name: London Meed Primary School
Date reviewed: November 2017
Next review date: November 2018

Introduction

Governing bodies (GB's) of maintained schools (meaning a community, foundation or voluntary school, a community or foundation special school, or a maintained nursery) in England are required by legislation (Section 29 of the Education Act 2002) to establish procedures to deal with complaints relating to the school or to the provision of facilities or services the school provides (other than complaints falling to be established by way of an alternative complaints or other procedure, see below).

The law requires GB's to publicise their procedures.

Local Authorities (LA's) are required to set up procedures for dealing with certain types of complaints, for example, complaints about, collective worship in a school or school transport. The GB's complaints procedure does not replace the arrangements made for those types of complaint which are dealt with under a separate regime.

All complaints not concerning Religious Education (RE), Collective worship and other exceptions as detailed in Appendix B, should be handled via the school complaints procedure. If the complainant remains dissatisfied after Stage 4, further procedural advice can be found in Appendix A.

The Department for Education (DfE) recommend that GB's ensure any third party providers offering community facilities or services through the school premises, or using school facilities, have their own complaints procedures in place.

Schools are free to choose how many stages their procedure will include. This model policy is for guidance only and is based on a four stage procedure which is likely to be sufficient for most schools:

- Stage 1 (Informal): complaint heard by staff member (though not the subject of the complaint);
- Stage 2 (Formal): complaint heard by headteacher;
- Stage 3 (Formal) (optional): complaint heard by Chair of Governors;
- Stage 4 (Formal): complaint heard by GB's complaints appeal panel.

Regardless of how many stages the school chooses, a dissatisfied complainant must always be given the opportunity to complete the complaints procedure in full.

The timescales set out in this model procedure are guidelines only, the GB can set their own timescales but these must be reasonable and must be adhered to unless there is good reason not to do so.

This guidance has been written with reference to the DfE 'Best Practice Advice for School Complaints Procedures 2016. Departmental advice for maintained schools, maintained nursery schools and local authorities'.

General Advice - School complaints and concerns

- School staff need to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

- A complaint can be brought by a parent of a registered child at the school, any person who has been provided with a service by the school, or a member of the public from the wider community. This person becomes known as the complainant.

- Where there are communication difficulties, schools may wish to use recording devices to ensure the complainant is able to access and review the discussions at a later point.

- At first it may be unclear as to whether the individual is raising a question or expressing an opinion rather than making a complaint. An initial discussion about the issue may help to clarify and decide what may need to happen next.

- If the issue remains unresolved after an informal process of clarifying and attempting to resolve the issue, the initial stage of the formal complaints procedure would follow.

- The requirement to have a complaints procedure need not undermine efforts to resolve a 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 be helpful if staff were able to resolve issues immediately, including the issuing of an apology if appropriate.

- Once a complaint has been made the complainant can withdraw it at any time during the complaints process if resolved satisfactorily.

- It is good practice to have a nominated member of staff responsible for overseeing the management of schools complaints. This does not have to be the headteacher but could be another nominated member of staff. An appropriate title could be 'Complaints Co-ordinator'. In smaller school settings it would be usual practice for the headteacher to adopt this role.

- This person should take responsibility for overseeing the school records, the progress of each complaint, and the final outcome. A complaint may be made in person, by telephone, or in writing. A brief note of meetings and telephone calls should always be kept and a copy of any written response added to the record. They should be held centrally in school.

- At each stage in the complaints procedure schools should keep in mind ways in which a complaint can be resolved at the earliest opportunity.

- Complainants should be encouraged to state what school actions they feel might resolve the problem. An admission by the school that the matter could have been better handled is not an admission of fault or negligence.

- An effective complaints procedure will identify areas of agreement between the parties. It is equally important to clarify misunderstandings at an early opportunity to create a positive atmosphere in which to discuss any outstanding issues.

- Complaints should not be shared with the whole GB, except in very general terms, in case a panel of governors without prior knowledge needs to be organised to investigate the complaint.

- The frequency with which the school complaints procedure must be reviewed should be determined by the GB. They may delegate responsibility to a committee of the GB, individual governor or the head teacher but the policy must be ratified by the GB. Reviews should take consideration of review dates set by the GB and new guidance or legislative changes as set by the DfE. If projected review dates are published on the policy document they should be adhered to. Failure to do so could constitute a failure to adhere to a policy.

School Complaints Procedure

Stage 1 [Informal] – Complaint heard by staff member.

1.1 In the first instance the complainant should make an appointment to discuss their concern with the appropriate member of staff.

1.2 The complainant can bring a companion with them to any proposed meeting.

1.3 As good practice a written record will be made of the meeting. All parties will have access to the record.

1.4 The person facilitating the meeting will ensure all parties are clear about any actions that have been agreed as a result.

1.5 This stage will be dealt with as speedily as possible and concluded in writing, as appropriate.

1.6 If no satisfactory resolution is reached the complainant can refer the complaint to the headteacher (if the headteacher was not the member of staff the concern was initially discussed with at point 1.1).

1.7 If the member of staff directly involved feels too compromised to deal with a complaint, the Complaints Co-ordinator may consider referring the complaint to another member of staff. The member of staff may be more senior but this is not a requirement. The ability to consider the complaint objectively and impartially is crucial.

1.8 Where the first approach is made to a governor, the next step would be to refer the complainant to the appropriate person and advise them about the procedure. It would be useful if governors did not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

Stage 2 [Formal] – Complaint heard by head teacher, or by Chair of Governors if the complaint is about the head teacher.

2.1 Once the complaint has been referred, the headteacher will gain clarity over the complaint and gain any supplementary information which may lead to resolution at this stage.

2.2 The headteacher should meet with the complainant and/or subject of the complaint, if appropriate.

2.3 The headteacher should meet, as appropriate, with any witnesses and take a note of any comments made from those involved.

2.4 Notes will be kept of all meetings, conversations and of the receipt of any documentation.

2.5 After establishing all the relevant facts, a written response will be recorded and sent to the complainant. The headteacher may meet with the complainant to discuss their findings as he/she decides is appropriate.

2.6 The written record and response will include a full explanation of the decision reached and the reasons for this. If any action is to be taken at the school, this will also be identified.

2.7 The Stage 2 processes will take place within a reasonable time, and usual practice is that this may take up to 10 school days, however, every complaint is different and this may not always be possible. The headteacher will keep the complainant informed in writing of the on-going time scale.

2.8 If the complainant is not satisfied with the outcome of the Stage 2 investigation, or the complaint is about the headteacher, the complainant should write to the Chair of Governors to request that their complaint is considered further.

Optional 3rd Stage

Stage 3 [Formal] - Complaint heard by the Chair of Governors or another nominated governor

3.1 If the complainant is not satisfied with the response of the head teacher or the complaint is about the headteacher, the complainant should write to the Chair of Governors to request that their complaint is considered at Stage 3.

3.2 Once the complaint has been received, the Chair of Governors (or another governor nominated by the Chair of Governors) will gain clarity over the complaint and gain any supplementary information which may lead to resolution at this stage.

3.3 The Chair of Governors (or nominated governor) should meet with the complainant and/or subject of the complaint, if appropriate.

3.4 The Chair of Governors (or nominated governor) should meet, as appropriate, with any witnesses and take a note of any comments made by those involved.

3.5 Notes will be kept of all meetings, conversations and of the receipt of any documentation.

3.6 After establishing all the relevant facts, a written response will be recorded and sent to the complainant. The Chair of Governors (or nominated governor) may meet with the complainant to discuss their findings as he/she decides is appropriate.

3.7 The written record and response will include a full explanation of the decision reached and the reasons for this.

3.8 The Stage 3 processes will take place within a reasonable time, and usual practice is that this may take up to 10 school days, however, every complaint is different and this may not always be possible. The Chair of Governors (or nominated governor) will keep the complainant informed in writing of the on-going time scale.

3.9 If the complainant is not satisfied with the outcome of the Stage 3 investigation the complainant should write to the Clerk to the Governing Body c/o the School Office and marked 'Private and Confidential' to request that their complaint is considered by a Complaints Appeal Panel. The complaints appeal panel will be formed of governors from the school's governing body.

Stage 4 [Formal] – Complaint heard by Governing Bodies Complaints Appeal Panel.

4.1 The complainant should write to the Clerk to the Governing Body c/o the School Office and marked 'Private and Confidential' giving full details of the complaint and requesting the Complaints Appeal Panel consider the matter. The Clerk to the Governors should acknowledge receipt within five school days.

4.2 The Chair of Governors, or if the Chair has been involved at any previous stage in the process, another nominated governor, will convene a Governing Body Complaints Appeal Panel.

Individual complaints would not be heard by the whole GB at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

4.3 In line with good practice a Clerk will be appointed to the Governing Body Complaints Appeal Panel at the start of Stage 4 to support the process and be the point of contact for the complainant. It would be good practice to notify the headteacher of the complaint at this stage if they have not previously been involved in the process.

4.4 The Clerk to the Governing Body Complaints Appeal Panel will:

- Set a convenient date, time and venue for the complaint to be heard;
- Deal with all administration of the procedure;
- Take notes at any meetings;
- Be a single point of contact to facilitate communication between all parties;
- Draft and despatch letters as required;
- Liaise with the LA and other agencies for support/advice as requested.

4.5 The Complaints Appeal Panel must be established by drawing on governors with no prior or direct involvement with the complaint. It should also aim to provide a cross section of governors. If the whole GB is

aware of the substance of a complaint before the final stage has been completed, schools should arrange for an independent panel to hear the complaint. They may approach a different school to ask for help or the local Governor Services team at the LA, or the Diocese.

4.6 The headteacher must not serve on the Complaints Appeal Panel. The Chair of Governors must not serve on the Complaints Appeal Panel if s/he has had any prior involvement with the complaint.

4.7 Complainants have the right to request an independent panel if they believe there is likely to be bias in the proceedings. Schools should consider the request but ultimately, the decision is made by the governors.

4.8 The Complaints Appeal Panel will be provided with any collated written material, reports, and relevant information and will consider the complaint on the basis of the written evidence available. The Complaints Appeal Panel may decide to request further clarification from the complainant and headteacher before writing and notifying them of the arrangements for the formal panel meeting. Any additional information received by the Complaints Appeal Panel must be shared with all parties prior to the meeting.

4.9 The Panel members will decide how the meeting will be conducted and who is present. The panel should decide whether to meet each party individually or invite all to attend at the same time.

4.10 The Clerk will write to all relevant parties informing them of the date and time of the meeting, and give an outline of how the meeting will be conducted. The Clerk must include a copy of all relevant documents, policies or procedures that will be considered by the Panel at the meeting. Notification of the Panel meeting must be sent not less than five school days before the meeting.

All parties should acknowledge receipt of the meeting notification and all related documentation itemised in the accompanying letter.

4.11 Within reason, the Clerk will arrange a date and time for the Panel meeting that is convenient to the complainant and other relevant parties if they are attending in person.

4.12 The complainant has a right to be accompanied to the meeting by a friend/representative.

The friend/representative <u>may</u>:

- Confer with the complainant during the meeting;
- Ask questions of witnesses;
- Sum up the complainants complaint if requested by them.

The friend or representative <u>may not</u>:

- Answer questions on the complainants behalf;
- Address the Panel if the complainant does not wish it;

- Prevent the complainant from summarising the complaint.

4.13 Good practice requires all written evidence to be submitted prior to the meeting wherever possible so that it can be considered by all parties.

4.14 If necessary the Panel meeting will be adjourned if there is insufficient time to consider extra evidence received at the start of the meeting to enable it to be circulated and considered by all parties.

4.15 The Panel may wish to call witnesses to the meeting.

4.16 The complainant, and other parties previously involved in the complaint if invited, can expect the following process to be followed:

- The hearing will proceed in an informal, but appropriate manner;
- Witnesses shall be present only for the part of the hearing relevant to their involvement and may not remain for the entire hearing (at the discretion of the Chair of the Panel);
- Introductions shall be made by all parties present;
- The complainant will be invited to explain the complaint;
- The headteacher will be invited to explain the reasons for decisions reached up to this point;
- If all parties are in attendance together, the complainant may then question the headteacher;
- If all parties are in attendance together, the headteacher may then question the complainant;
- The Panel may ask questions of any party at any time;
- Witnesses, subject to prior approval by the chair of the complaints appeal panel, to be called;
- All parties to have the right to question all witnesses;
- The complainant will be invited to sum up their complaint, and then the headteacher will be invited to sum up the school's position and response to the complaint.

4.17 At the conclusion of the Complaints Appeal Panel hearing the Chair of the Panel will inform the complainant and the headteacher that the Panel will consider its decision in private and will send a written response within 10 school days. At this point all parties other than Panel Members and the clerk must vacate the room.

4.18 The Panel will consider the original written complaint, along with all subsequent evidence that has been presented both orally, and in writing. The remit of the Panel is to:

(a) Dismiss the complaint in whole or in part;
(b) Uphold the complaint in whole or in part;
(c) Decide what, if any, action should be taken to resolve the complaint;
(d) Recommend any changes, if appropriate, to the school's processes or systems to ensure similar complaints do not arise again in the future.

The Panel will present their findings in writing.

4.19 The Clerk or Chair of the Panel will ensure the written findings outlining the Panel's decision is sent to both the complainant and the headteacher.

4.20 Stage 4 should be completed in 25 school days. However, this may not always be possible, especially if a complaint is complex, and where that is the case, the Clerk will ensure both parties are written to and advised of the revised target date.

4.21 There is no right of appeal against the Governing Body Complaints Appeal Panel decision. If the complainant remains dissatisfied and believes the Panel has acted unreasonably in response to the complaint, the complainant should be advised to write to The School Complaints Unit (SCU) at: Department for Education, 2nd Floor, Piccadilly Gate, Manchester, M1 2WD or in some circumstances, Ofsted if the complaint is likely to lead to a determination there is a need to inspect. Ofsted cannot seek to resolve any individual complaint.

Role of The Secretary of State, Department for Education, School Complaints Unit

For The School Complaints Unit to become involved they would need to be sure that:

The school has acted or is proposing to act unreasonably in the exercise of performance of its functions imposed by or under the Education Act 1996.

Or

The school has failed to discharge any duty imposed by or for the purposes of the Education Act 1996.

If the complainant believes that this is the case they should refer to the Department for Education website where guidance can be found to support the next part of the process. The relevant guidance can be found at

https://www.gov.uk/complain-about-school

The complainant may find the following useful:

- Further information can be obtained from the SCU by calling the National Helpline on 0370 000 2288 or by going online at: www.education.gov.uk/help/contactus;
- The complainant must complete a complaints form and return it online or by post to the Department for Education, School Complaints Unit, Second Floor, Piccadilly Gate, Store Street, Manchester, M1 2WD;
- Copies of relevant documentation relating to the complaint may be sent with the form;
- The DfE will inform the complainant who will be handling the case and a timescale for the process when they have received the form;
- The DfE aim to initially respond within fifteen working days but update the complainant if the timescale is longer.

If the complainant remains unhappy with the service given by the DfE in processing the complaint they would need to contact the DfE complaints department and follow the DfE complaints procedure.

Role of Ofsted

It will not investigate cases to do with individual pupils.

A complainant can complain to Ofsted about any state school if there is a problem that affects the whole school. This includes problems with the quality of education or poor management.

Ofsted have an on line form and aim to respond within 30 working days. Their initial response will tell you if Ofsted will investigate or not, and why.

https://www.gov.uk/complain-about-school

Serial and Persistent Complaints

There will be occasions when, despite all stages of the school's complaints procedure having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the process by writing to the Chair of Governors, or any member of school staff, with the same complaint, the Chair of Governors may respond to them in writing that all stages of the school's complaints procedure have been exhausted and that the matter is now closed.

Sample Policy for Unreasonable Complainants

London Meed Primary School is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

London Meed Primary School defines unreasonable complainants as 'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'.

A complaint may be regarded as unreasonable when the person making the complaint:-

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a

complaints procedure;
• insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
• introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
• makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
• changes the basis of the complaint as the investigation proceeds;
• repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
• refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
• seeks an unrealistic outcome;
• makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:-

• maliciously;
• aggressively;
• using threats, intimidation or violence;
• using abusive, offensive or discriminatory language;
• knowing it to be false;
• using falsified information;
• publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should try to limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact <…School> causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and

actions taken will be put in writing immediately and the police informed. This may include banning an individual from London Meed Primary School

Further guidance about how to deal with such complaints can be found on page 10 of the Best Practice Advice for School Complaints Procedures 2016 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/489056/Best_Practice_Advice_for_School_Complaints_2016.pdf

Complaint Form

London Meed Primary School Formal Complaint Form

Please complete and return to the school office marked Private & Confidential to the headteacher or chair of governors 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 only

Date acknowledgement sent:

By whom:

Complaint referred to:

Date:

APPENDIX A

Complaints on Religious Education and Collective Worship

Background

A complaints procedure was set up in 1990 for religious education and collective worship that set up arrangements for consideration and disposal of any complaint which is to the effect that the authority or the GB of any community school:

- has acted or are proposing to act unreasonably with respect to the exercise of any power in relation to:
    - any provision of religious education or collective worship
    - any enactment relating to religious education in the curriculum or religious worship in maintained schools.
- or have failed to discharge an such duty.

Categories of Complaints

(i) the provision of religious education and worship which meets the general requirements set out in acts of parliament.

(ii) The establishment of a Standing Advisory Council on Religious Education (SACRE) and the review of the agreed syllabus.

Stages of Complaint

Informal Stages

Concerns expressed by parents and others should be dealt with, as far as possible by informal discussions with teachers and headteachers. At this stage the LA could be involved in trying to resolve the issue informally. It is not the intention that expressions of concern should be considered as complaints.

Formal Stages

1. If the concern is not resolved at the informal stage then it becomes a complaint and is considered by the GB of the school or a panel thereof.

2. If the concern is not resolved by the GB then the complaint is considered by a panel of the Standing Advisory Council on Religious Education or the relevant Church.

Complaints heard by SACRE

Any panel of SACRE set up to hear a complaint shall consist of the chairman or vice-chairman of SACRE together with two other members at least one of whom shall be a member of the county council.

Complaints in Aided or Special Agreement Schools

Complaints relating to religious education or collective worship in Aided or Special Agreement Schools will be heard by a panel set up by the appropriate Church authority.

Complaints in Controlled Schools

Complaints relating to religious education in controlled schools will be heard by a panel of SACRE.
Complaints relating to collective worship will be heard by a panel set up by the appropriate church authority.

Contacts

- In relation to complaints regarding religious education or collective worship in community schools:
  Nigel Bloodworth:
  Durban House, Durban Road, Bognor Regis, PO22 9RE
  e-mail: nigel.Bloodworth@westsussex.gov.uk

- In relation to complaints regarding religious education or collective worship in C of E Aided schools or collective worship in C of E Controlled schools:
  Diocesan Director of education
  Church House, 211 New church Road, Hove, East Sussex, BN3 4ED

- In relation to complaints regarding religious education or collective worship in Roman Catholic Aided and Special Agreement schools:
  Director of Education
  Diocese of Arundel & Brighton Christian Education Centre (DABCEC), 4 Southgate Drive, Crawley, West Sussex RH10 6RP

Reviewed June 2016

Appendix B

Complaints not in scope of the procedure

A complaints procedure should cover all complaints about any provision of facilities or services that a school provides with the **exceptions** listed below, for which there are separate (statutory) procedures.

Exceptions	**Who to contact**
• Admissions to schools • Statutory assessments of Special Educational Needs (SEN) • School re-organisation proposals • Matters likely to require a Child Protection Investigation	Concerns should be raised direct with local authorities (LA). For school admissions, it will depend on who is the admission authority (either the school or the LA). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.
• Exclusion of children from school	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.
• Whistleblowing	Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: whistleblowing@ofsted.gov.uk or by writing to: Whistleblowing Hotline (WBHL), Ofsted Piccadilly Gate Store Street Manchester M1 2WD. The Department for Education is also a prescribed body for whistleblowing in education.
• Staff grievances and disciplinary procedures	These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.
• Complaints about services provided by other providers who may use school premises or facilities.	Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.