

Bryn Offa CE Primary School

Spring 2014

Complaints Procedure

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School Complaints Procedure — Key Messages

School Complaints Procedure

Overview

1. Since 1 September 2003 governing bodies (GBs) of all maintained schools and maintained nursery schools in England have been required, under Section 29 of the Education Act 2002, summarised in Annex A, 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. The majority of schools already have a complaints procedure in place, generally based on Local Authority (LA) or Diocesan Board models. This document is intended to help schools draw up a complaints procedure if they have not already done so, or to review their existing procedure if they wish. LAs are 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 GB'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 GB's complaints procedure, for example, staff grievances or disciplinary procedures.** 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, have their own complaints procedure in place. The guidance contained within this document is based on a DFE document but has been adapted to reflect current practice within Shropshire.
3. If schools draw up their own procedure it is recommended that local teacher associations and LAs be involved. The school procedure is at Annex B.

Further information can be obtained from:

Public Communications Unit
Sanctuary Buildings
Great Smith Street
London
SW1P 3PT
Telephone: 0370 000 2288
Fax: 01928 794248

School Complaints Procedure — Key Messages

Part 1: General Principles of Complaints

Dealing with Complaints — Initial concerns

4. Schools 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
5. These key messages deal with complaints but 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 be helpful if staff were able to resolve issues on the spot, including apologising where necessary. If a governor is approached they should not get involved in the complaint but should refer the complainant to the headteacher.

Dealing with Complaints — Formal Procedures

6. The formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.
7. Schools might wish to nominate a member of staff to have responsibility for the operation and management of the school complaints procedure. They could be termed the school's 'complaints co-ordinator'. In most schools this will be the headteacher.

Framework of Principles

8. An effective Complaints Procedure will:
 - encourage resolution of problems by informal means wherever possible;
 - be easily accessible and 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 services can be improved.

Investigating Complaints

9. It is suggested that at each stage, the person investigating the complaint (normally the headteacher), makes sure that they:

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

Resolving Complaints

10. At each stage in the procedure schools will want to keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review school policies in light of the complaint.

11. 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.

12. 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

13. If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the chair of the GB is able to inform them in writing that the procedure has been exhausted and that the matter is now closed from the GBs point of view. However if they wish to further the complaint, the complainant can currently write to The Children's Secretary but the Apprenticeship, Skills, Children and Learning Act 2009 extends the remit of the Local Government Ombudsman to investigate complaints which can't be resolved at local level. This is due to take effect from September 2011.

School Complaints Procedure — Key Messages

Time-Limits

14. Complaints need to be considered, and resolved, as quickly and efficiently as possible. An effective complaints procedure will have realistic time limits for each action within each stage. However, where [there are unavoidable delays](#), new time limits can be set and the complainant sent details of the new deadline with an explanation of the reason for the delay.

School Complaints Procedure — Key Messages

Part 2: The Formal Complaints Procedure

The Stages of Complaints

15. An efficient school complaints procedure will have well-defined stages. At each stage it would be helpful to clarify exactly who will be involved, what will happen, and how long it will take. There may, on occasion, be the need for some flexibility; for example, the possibility of further meetings between the complainant and the member of staff directly involved and further investigations may be required by the headteacher after a meeting with the complainant. Both of these examples could be included.

16. Three school-based stages are likely to be sufficient for most schools:

Stage one: complaint heard by headteacher (if not the subject of the complaint);

Stage two: complaint heard by chair of governors;

Stage three: complaint heard by GB's complaints committee;

17. An effective procedure will specify how a complaint will be dealt with if it concerns the conduct of the headteacher or a governor or where a headteacher or governor has been involved in the issue previously.

18. [The Bryn Offa](#) complaints procedure can be found in Annex B.

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Part 3 — Managing and Recording Complaints

Recording Complaints

19. **The school must** record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, or in writing however a complaint which has reached stage 3 must be in writing. An example of a complaint form can be found in Annex C. At the end of a meeting or telephone call, it would be helpful if the member of staff ensured that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls **should** be kept and a copy of any written response added to the record.

20. The headteacher **is** responsible for the records and hold them centrally.

Governing Body Review

21. The GB can monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Complaints information shared with the whole GB should not, wherever possible, name individuals.

22. As well as addressing an individual's complaint, the process of listening to, and resolving complaints will contribute to school improvement. When individual complaints are heard, schools may identify underlying issues that need to be addressed. The monitoring and review of complaints by the school and the GB can be a useful tool in evaluating a school's performance.

Publicising the Procedure

23. There is a legal requirement for the Complaints Procedures to be publicised. It is up to the GB to decide how to fulfill this requirement but details of the Complaints Procedures will be included in:

- the parents information booklet
- the information given to new parents when their children join the school;
- the school website.
- in written form from the school office.

School Complaints Procedure

Annex A

Section 29 of the Education Act 2002 requires that:

- (1) The governing body of a maintained school (including maintained nursery school shall) –
 - a) establish procedures for dealing with all complaints relating to the school or to the provision of facilities or services under section 27, other than complaints falling to be dealt with in accordance with any procedures required to be established in relation to the school by virtue of a statutory provision other than this section, and
 - b) publicise the procedures so established.
- (2) In establishing or publicising procedures under sub-section (1), the governing body shall have regard to any guidance given from time to time (in relation to England) by the Secretary of State.

Section 39 of the Education Act 2002 provides the following:

‘maintained school’ means community, foundation or voluntary school, a community or foundation special school or a maintained nursery school;

‘maintained nursery school’ means a nursery school which is maintained by a local authority and is not a special school.

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Annex B

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Stage One: Complaint Heard by Headteacher

A parent wishing to make a complaint should in the first instance make the complaint to the headteacher. This can be done verbally or in writing, making the subject of the complaint clear and what the parent wishes to be done to resolve the complaint.

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. To that end, if staff are made aware of the procedures, they know what to do when they receive a complaint.

It would assist the procedure if the school respected the views of a complainant who indicates that he/she would have difficulty discussing a complaint with the headteacher. Where the complaint concerns the headteacher, he/she or the complaints co-ordinator can refer the complainant directly to the chair of governors.

Similarly, if the headteacher feels too compromised to deal with a complaint he/she may consider referring the complainant directly to the chair of governors. The ability to consider the complaint objectively and impartially is crucial.

Where the first approach is made to a governor, the next step would be to refer the complainant to the headteacher 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 Two: Complaint Heard by Chair of Governors

If the complainant is unhappy that the complaint has been resolved they may request that their complaint be considered by the chair of the governors. The chair of governors would investigate the complaint and convey the outcome to the complainant.

Stage Three: Complaint Heard by the Governing Body Complaints Committee

If the complainant feels that their complaint still hasn't been resolved, they need to write to the chair of the governors' complaints committee giving details of the complaint **by using the complaint form in Annex C**. The **chair of the committee will** acknowledge receipt of the letter within a 10 day period and **will** ask the clerk to convene a **Governing Body Complaints Committee** meeting. This meeting should, wherever possible, take place within three weeks (excluding school holidays) of dispatch of the acknowledgment letter unless a longer period (perhaps to arrange suitable dates or collate information) is necessary in which case the chair must inform the complainant the reason for the delay.

The governors' complaints committee is the last school-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions.

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The governing body should appoint a committee consisting of three or five members (preferably with reserves) with delegated powers to hear complaints at this stage in the complaint process, and set out its terms of reference. These can include:

- drawing up its procedures;
- hearing individual complaints;
- making recommendations on policy as a result of complaints.

If the governing body does not appoint a chair, the panel will choose its own chair.

The complainant and the person who is the subject of the complaint (if appropriate) should be permitted to bring a supporter (friend, spouse, union representative, etc) should they so chose.

The Remit of the Complaints Committee

The panel can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

There are several points which any governor sitting on a complaints committee needs to remember:

a) **The Complaints Committee must not rule on any point of staff discipline. All matters relating to staff discipline are dealt with by the headteacher.**

b) It is important that the committee is independent and impartial and that it is seen to be so. No governor may be a member of the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the committee, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.

c) The aim of the meeting, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the committee does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

d) An effective committee will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as

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d) Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The committee needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend. It would not normally be appropriate for the child to be present throughout the meeting.

e) The governors sitting on the committee need to be aware of the complaints procedure.

f) The committee should meet on an annual basis to review the complaints procedure.

Roles and Responsibilities

The Role of the Clerk

It is important that any complaints committee meeting which is considering complaints should be clerked. The clerk would be the contact point for the complainant and be required to:

- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the meeting;
- meet and welcome the parties as they arrive at the meeting;
- record the proceedings;
- notify all parties of the committee's decision.

It is important that the clerk does not influence in any way the decision taken by the committee and must be seen to be impartial at all times.

The Role of the Chair of the Governing Body

The chair of the governing body shall:

- check that the correct procedure has been followed;
- if a hearing is appropriate, notify the clerk to arrange the meeting.

The Role of the Chair of the Committee

The chair of the committee has a key role, ensuring that:

- the remit of the committee is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;

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- the meeting is conducted in an informal manner with each party treating the other with respect and courtesy;
- the committee is open minded and acting independently;
- no member of the committee has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

Notification of the Committee's Decision

The chair of the committee needs to ensure that the complainant is notified of the decision, in writing, with the committee's response; within seven days of the meeting. The letter needs to explain that the complainant can contact the Children's Secretary if they wish to pursue the matter (0370 000 2288).

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Checklist for Complaints Committee Meeting

The panel needs to take the following points into account:

- The meeting is as informal as possible.
- Witnesses are only required to attend for the part of the meeting in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses
- The headteacher may question both the complainant and the witnesses after each has spoken.
- The headteacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the headteacher and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The headteacher is then invited to sum up the school's actions and response to the complaint.
- Both parties leave together while the committee decides on the issues and suggested actions. This should be completed immediately after the investigation meeting.
- The chair explains that both parties will hear from the panel as soon as possible but in any event within a seven day period.

School Complaints Procedure

Annex C

Bryn Offa CE Primary Complaint Form

Please complete and return
to.....(headteacher/complaints co-ordinator) 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)?**

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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: