

School Complaints' Procedures – Supporting Advice & Guidance for Schools

(for maintained and voluntary
aided schools)

May 2019

1. Introduction and Overview

- 1.1. Governing bodies are required by law to have a procedure in place to deal with complaints relating to a school or the provision of community facilities or services at the school. The law requires that this procedure must be publicised. Where possible, this should be published on your school's website (usually under school policies) and readily available through the school office if requested.
- 1.2. Complaints and concerns should always be taken seriously. The vast majority can often be resolved informally and through discussion as early on in the process as possible in process.
- 1.3. A complainant can be a parent of a registered child at the school, a person who has been provided with a service or a facility at the school or any third party who may have cause to complain about the school.
- 1.4. The complainant must feel able to raise concerns and complaints with members of staff without formality, either in person, by telephone or in writing. Governors, however, should be cautious about discussing complaints with complainants as this could potentially undermine the process at a later stage. Instead, they should direct complainants to the school's complaints policy and the appropriate member of staff.
- 1.5. At first it may be unclear whether a complainant is asking a question or expressing an opinion rather than making a complaint. A concern or unresolved problem becomes a complaint only when the complainant asserts that the school has acted wrongly in some significant decision, action or failure to take action.
- 1.6. Even when a complaint has been made it can be resolved or withdrawn at any stage.
- 1.7. Schools may have a nominated member of staff with responsibility for the operation and management of the school complaints procedure. Whilst this person may often be the headteacher, schools may choose to identify another member of staff to own and coordinate complaints, although we would recommend that this person is a member of the school's leadership team. It is, however, important to note that there is a clear escalation process to the Chair of Governors for when complaints against the headteacher are received.
- 1.8. **Anonymous complaints** will not normally be investigated. The headteacher or Chair of Governors may, however, choose to determine if the complaint warrants an investigation.
- 1.9. Unless exceptional circumstances can be shown, we recommend that complaints are raised within 3 months of the incident or, where a series of associated incidents have occurred, within 3 months of the last of these incidents.

2. Special Circumstances

- 2.1. Any complaint or other notice that suggests that a child has been at risk of significant harm through violence, emotional abuse, sexual interference or neglect should be referred without further notice to Children's Social Care and/or to the social services authority for the area in which the child lives. Hackney Children's Social Care can be contacted by email at fast@hackney.gov.uk or by telephone on 020 8356 5500.
- 2.2. If a social services authority decides to investigate a situation, this may postpone or supersede investigation by the headteacher or governing body.
- 2.3. If the complaint relates to the outcome of an investigation dealt through a separate agency or process, depending on the circumstances, it should be referred back to that agency and not managed within the school.

3. Other Solutions to Complaints

- 3.1. Where a matter can be resolved through a legal appeal it will not be considered as a formal complaint. The key areas are admissions decisions, certain decisions relating to statutory assessment of special educational needs and decisions to permanently exclude a child.
- 3.2. In addition, school reorganisation proposals, child protection investigations, whistleblowing, staff

grievance & disciplinary issues and complaints provided by other providers who may use school premises or facilities fall outside the scope of this procedure. In the majority of cases, these issues are covered by separate policies.

4. Dealing with concerns informally

- 4.1. The complainant should be given an opportunity to discuss their concern with an appropriate member of staff – either in person or by telephone. In smaller schools or on major issues, the Headteacher may be the appropriate member of staff at this stage.
- 4.2. The complainant should be able to bring a friend to any discussion. Unless exceptional circumstances apply, we would not normally encourage this person to be a legal representative.
- 4.3. Following any meeting or discussion with the complainant, the member of staff dealing with the concern should make sure that the complainant is clear what action (if any) or monitoring of the situation has been agreed. This should be confirmed in writing to ensure a common understanding of what was discussed.
- 4.4. Where no satisfactory solution has been found, the complainant should be informed that s/he will need to consider whether to make a formal complaint to the Headteacher. A complaint can be made in person, in writing or by telephone. Appendix A provides a template that complainants may wish to use to lodge a complaint.

5. Stage 1 – Referral to the Headteacher for investigation

- 5.1. **Acknowledging the complaint** – the Headteacher should acknowledge the complaint in writing. In some cases the Headteacher will have already been involved in looking at the matter; in others it will be his/her first involvement.
- 5.2. **Investigating the complaint**
 - 5.2.1. The headteacher may choose to delegate the investigation to another member of the school's senior leadership team. They should, however, remain responsible for the final decision regarding the outcome of the investigation.
 - 5.2.2. Where possible, the person investigating the complaint should speak to the complainant by telephone or face to face to clarify their concerns, what has happened and who was involved. They should also ask what the complainant would like to happen as a result of the complaint and / or what would put things right.
 - 5.2.3. The investigator needs to establish facts relevant to the complaint. This may involve interviewing staff and children / young people, reviewing records or other relevant information and analysing information. In all cases, the investigator needs to maintain an open mind, keep written notes of interviews and ensure confidentiality at all points throughout the process.
 - 5.2.4. The Headteacher and investigator should keep written records of meetings, telephone conversations and other documentation collated as part of the complaint and subsequent investigation.
- 5.3. **Responding to the complaint**
 - 5.3.1. Once all the relevant facts have been established, the investigator should produce a written report setting out the facts, findings and any recommended solutions or courses of action to resolve the concerns. The headteacher will then need to provide a written response to the complainant on the basis of the final report. Appendix B gives a sample format for the response to the complainant which schools may find useful. The Headteacher may wish to meet the complainant to discuss/resolve the matter before confirming the outcome in writing.
 - 5.3.2. The written response should include actions taken to investigate the complaint and a full explanation of any decision(s) taken in relation to the complaint. Where appropriate, it should include what action the school will take to resolve the complaint. Remember that the school should only respond to those areas within the scope of the complaints policy (see section 3 above).

- 5.3.3. Stage 1 should be completed in 15 school days. However, it is recognised that where the case is complex, it may prove difficult to meet this timetable. In such cases, the Headteacher should write to the complainant giving a revised target date.
- 5.3.4. We do not recommend that schools should pay financial compensation as a response to complaints. If the complaint is upheld, however, you may choose to commit expenditure on a relevant educational purpose (e.g. paying a fee for a repeat examination) to support resolution.
- 5.3.5. The formal stage 1 response should also advise the complainant that if s/he is not satisfied with the response and wishes to take the matter further, s/he should write to the Chair of the Governing Body within a set period of time from issue of the outcome letter. The outcome letter should set out the name of the Chair of the Governing Body and the address to which the complainant can send the letter.
- 5.3.6. Appendix C sets out a suggested process flow chart for the stage 1 process

6. Stage 2 – Consideration by the Governing Body

- 6.1. If the complainant decides to take the matter further, the Chair of the Governing Body should write to the complainant to acknowledge the complaint within a set period of time. This letter should also explain how the review will be conducted. A copy of the acknowledgement and the complaints form should be sent to the Headteacher and the Clerk to the Governing Body. (A standard letter is attached to this document at Appendix D, which the Chair may wish to use).
- 6.2. **Investigating the complaint** – If the complaint has been investigated at Stage 1, the result of the investigation should be made available to the Clerk/Chair by the Headteacher. However, where the complaint is against the Headteacher and the complaint is referred to Stage 2, the Chair of the Governing Body must decide how the complaint should be investigated. Where the facts of the complaint are clearly established, the Chair of the Governing Body may choose not to order an investigation. The matter may instead be escalated directly to the Complaints Appeal Panel.
- 6.3. **Complaints against the Headteacher** - If the complaint is wholly or mainly about the Headteacher, the complaint should be addressed to the Chair of Governors. The school should put in place a process to ensure that complaints for the attention of the chair are sent on confidentially and without delay. The Governing Body should consider the complaint in accordance with Stage 2 of the procedure. However, before Stage 2 is instigated the Chair of the Governing Body should ask the Headteacher to respond to the complaint in writing within a set period of time. The headteacher's response should be shared with the complainant who should be asked to indicate if they are satisfied with the response. If the complainant is not satisfied with the response, stage 2 should be initiated.
- 6.4. **Complaints about the Chair of Governors, individual governors or the whole governing body** should be addressed to the Clerk to the Governing Body. In this instance, complaints will be considered in accordance with stage 2 of the procedure with a Complaints Appeal Panel made up of independent panel members who may be drawn from another school's Governing Body or from the Local Authority.
- 6.5. **Establishing a CAP** – Governing bodies are advised to establish a Complaints Appeal Panel (CAP) drawing on three governors with no prior, direct involvement with the complaint. In deciding the make-up of the CAP, where possible the governing body should 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. Where all (or a majority of governors) are aware of the substance of a complaint before the final stage has been completed, the Governing Body may choose to arrange for the panel hearing the complaint to be made up entirely (or include a number) of independent panel members. In this case, independent panel members may be drawn from another school's Governing Body or from the Local Authority. The Headteacher should not serve on the CAP. If the Chair of the governing body has had any prior involvement in the complaint, then the Chair must not sit on the CAP either.
- 6.6. **Role of the CAP** – The CAP should consider the complaint on the basis of the written evidence and set up a hearing to hear both parties. The CAP should reconsider the issues raised in the

original complaint and not confine themselves to consideration of procedural issues. The CAP should also not review any new complaints at this stage or consider evidence unrelated to the initial complaint. New complaints should be dealt with at stage 1 of the procedure.

6.7. Organising the CAP

- 6.7.1. The Chair of the CAP should take a decision at the beginning of Stage 2 on whether to seek the services of a Clerk to:
- Deal with the administration of the procedure;
 - Provide independent advice on procedure and evidence;
 - Ensure that the relevant facts are established;
 - Minute the meeting; and
 - Draft the decision letter.
- 6.7.2. The Clerk/Chair of the CAP should confirm the date of the meeting with the other governor(s). This should be done as quickly as possible from receipt of the stage 2 request. If the complainant rejects the offer of 3 proposed dates, without good reason, we advise schools that the Clerk / Chair of the CAP may decide when to hold the meeting and that this could proceed in the complainants absence.
- 6.7.3. The complainant and Headteacher should be invited to attend the meeting and given sufficient notice of the date, time and location of the meeting. The notification should inform the complainant of his/her right to be accompanied to the meeting by a friend/representative. It should also explain how the meeting will be conducted and of the complainant's right to submit further written evidence to the committee.
- 6.7.4. The Headteacher should also be invited to prepare a written report for the CAP in response to the complaint.
- 6.7.5. All relevant correspondence regarding the complaint should be circulated to the CAP; the complainant and the Headteacher in advance of the meeting.
- 6.7.6. If the Headteacher and/or the complainant wish to call witnesses, the agreement of the Chair of the CAP should be obtained in advance of the meeting.

6.8. At the meeting

- 6.8.1. It is the responsibility of the Chair of the CAP to ensure that the meeting is properly conducted. However, the proceedings should be as informal as possible and not adversarial. All parties should be treated with respect and courtesy and anyone who is not used to speaking should be put at ease.
- 6.8.2. At the start of the meeting, the Chair should explain the process to be followed and that its aim is to resolve the complaint and achieve reconciliation between the school and the complainant.
- 6.8.3. If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interest of natural justice to adjourn the meeting so that the other side has time to respond to the new evidence. Late evidence of witnesses should not be accepted unless there is a good reason for the lateness.
- 6.8.4. The meeting should allow for:
- The complainant to explain his or her complaint and the Headteacher to explain the reasons for his or her decision;
 - The Headteacher to question the complainant about the complaint and the complainant to question the Headteacher;
 - The CAP to have an opportunity to question both the complainant and the Headteacher;
 - Any party to have the right to bring witnesses (subject to the approval of the Chair of CAP) and all parties having the right to question all the witnesses; and

- A final statement by the Headteacher and complainant.

- 6.8.5. At the end of the meeting, the Chair of the CAP should explain to the complainant and the Headteacher that the CAP will consider its decision, and a written response will be sent to both parties as soon as possible. The complainant, Headteacher and any witnesses will then leave.
- 6.8.6. The CAP will consider the complaint and all the evidence presented and reach a unanimous, or at least a majority, decision on the complaint. The CAP will need to determine whether to uphold the complaint in whole or in part or whether to dismiss the complaint in whole or in part. Where appropriate the CAP should also decide on the action to be taken to resolve the complaint and/or suggest recommended changes to the school's system or procedures to ensure that problems of a similar nature do not happen again.

6.9. Responding to the stage 2 complaint

- 6.9.1. The Clerk/Chair of CAP will send a written statement outlining the decision with reasons to both the complainant and the Headteacher. The letter should also set out how to contact the DfE if they are dissatisfied with the way their complaint has been handled by the school. This letter should be sent out within a specified period of time after the meeting.
- 6.9.2. Stage 2 should be completed in 20 school days. However, it is recognised that this timetable may prove challenging where complaints are complex. In such cases, the CAP chair should write to the complainant and Headteacher giving a revised target date.
- 6.9.3. Appendix D sets out a suggested process for the Stage 2 / complaints appeal panel process.

7. Role of the Secretary of State, Department for Education

- 7.1. Anyone can raise a complaint about a maintained school or a member of maintained school staff to the Department for Education. They will, however, expect that local complaints procedures will have been completed first. Exceptions to this include when:
- children are at risk of harm
 - missing education
 - when a complainant is being prevented from having their complaint progress through the published complaints procedure
 - there is evidence that the school is proposing to act or is acting unlawfully or unreasonably
- 7.2. When considering a complaint, the DfE will review available evidence, including the school's published policies. Whilst it may be appropriate for the Secretary of State to intervene in some instances, action taken by the DfE will typically involve explaining the legislative framework and what it means in practice at the school level or recommending improvements to statutory school policies.
- 7.3. The DfE do not take punitive action against schools when breaches of legislation or failures to adhere to statutory policies are identified. However, if serious failings are identified, information about the complaint and their findings may be shared with relevant bodies (e.g., local authorities and Ofsted), to make sure that appropriate safeguarding, remedial or preventative action is taken.

8. Vexatious, Serial & Persistent or Unreasonable Complaints

- 8.1. There will be occasions when despite all stages of the procedure having been followed, the complainant remains dissatisfied. In such situations, the school may wish to inform the complainant in writing that the procedure has been exhausted and that the matter is now closed.
- 8.2. If this approach is taken, we recommend that schools are very clear what constitutes serial and unreasonable behaviour and their rationale for closing a matter without further investigation.
- 8.3. The DfE provides a model policy for managing serial and unreasonable complaints which can be downloaded here - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/770692/Model_policy_for_managing_serial_and_unreasonable_complaints.odt

9. Other issues to consider

- 9.1. Don't deviate from your policy; rather, follow it to the letter.
- 9.2. Where your policy does not explicitly set out how to do something which may be a statutory requirement, be careful to follow the law over your policy and ensure adherence to the principles of natural justice. Also ensure the process is fair and reasonable.
- 9.3. Consider if you need expert / legal advice to respond to a significant issue
- 9.4. Where a complaint is being raised / discussed through social media, the school should avoid responding directly. All communication should be confidential and comply with the policy.
- 9.5. Where the policy requires a complainant to contact a specific person (i.e., the nominated complaint lead, headteacher, chair of governors and clerk to the governing body), we recommend that your policy either contains contact details to reach these roles directly or signposts to contact information held on your website.

10. Further advice & guidance

10.1. Hackney Learning Trust

- 10.1.1. HLT has developed a model school complaint policy for maintained schools. A copy of this can be found on the Services for Schools website here – <https://www.hackneyservicesforschools.co.uk/extranet/school-complaints>
- 10.1.2. HLT's School Governor Services team can also provide advice & guidance. They can be contacted on 020-8820-7728.

10.2. The Department for Education

- 10.2.1. Schools and local authorities can contact us for general assistance on complaint handling by:
 - Calling the National Helpline on 0370 000 2288
 - Using DfE's [contact form](#)
 - Writing to School Complaints Unit at
Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD
- 10.2.2. The DfE and ESFA also publish the following documents for schools on developing school complaints policies
 - **DfE Guidance – Best practice guidance for school complaints procedures 2019 (for maintained school)**
<https://www.gov.uk/government/publications/school-complaints-procedures/best-practice-advice-for-school-complaints-procedures-2019>
 - **DfE non statutory model policies (for maintained schools)**
<https://www.gov.uk/government/publications/school-complaints-procedures>
 - **Setting up an academies complaints procedure (for academies & free schools)**
<https://www.gov.uk/government/publications/setting-up-an-academies-complaints-procedure>

Appendix A - School Complaint Form (for Stage 1 complaints)

If you have tried unsuccessfully to resolve your complaint and wish to take the matter further, please complete this form and send it to the Headteacher. {If your complaint is against the Headteacher you will need to send the form to the Chair of the Governing Body}

Your Name: _____

Address: _____

Post Code _____

Telephone Number (Day): _____

Telephone Number (Evening): _____

Name of Child _____

Date of Birth of Child _____ **Relationship to Child** _____

What is your complaint about?

Continue on a separate sheet as necessary

Have you discussed your concern/complaint with anyone in the school? If yes, who did you talk to and when? What was the result of this discussion?

Continue on a separate sheet as necessary

Appendix B – sample complaint investigation report

Your complaint regarding <<Insert summary>>

Following your complaint, which was received on <insert date>, I have conducted an investigation at stage 1 of the school's complaints procedure and my findings are set out below.

Summary of your complaint

From your initial complaint and our conversation on <Insert date if conversation held>>, I have summarised my understanding of your complaint into the following main points:

- 1. (Summarise each part of the complaint) Issue 1, Issue 2 etc

What you would like to happen

During our conversation on <insert date>, you informed me that you would like the school to take the following actions in response to your complaint.

- (e.g., school to apologise, pay compensation, give a refund, staff training, provide relevant information and contact details etc.) – add as many points as required

My Investigation

To investigate your complaint, I contacted you to discuss the matter in more detail and to summarise the main issues. I also contacted the following;

- (staff / pupil 1 - Name, Job Title if appropriate. It may be appropriate to anonymise pupil names)

I also looked at the following;

- (Details of documents e.g., previous correspondence, policies, legislation, guidance notes etc)

The chronology of events relevant to your complaint is as follows:

(e.g., previous correspondence between the complainant and the school. Depending on the complexity of the complaint, a chronology may not be appropriate. Where there has been a lot of activity over time however, and you'd like to show what the school has done, communication with the complainant, etc, it can be useful. If you want to include a chronology, it may be useful to have this information in a table like the one below, or alternatively it may be more appropriate to have the chronology as an appendix- only use where the chronology actually helps with the response)

Date	Event

My Findings

(This should correlate to the 'Summary of Complaint' and 'what you would like to happen' sections)

Issue 1 - <<repeat summary from page 1>>

You informed me that <<Outline what this issue is about>>

Our records show that <<Provide evidence to show how you have investigated this matter – outlining what you have looked at and/or who you have spoken to>>

Issue 1 - <<repeat summary from page 1>>

[As above]

Summary

<<State if a fault has been found or not and what the resolution is plus details of remedies and provide an explanation for how you have reached this conclusion. Also include an apology if required / necessary>>

<<Outline any actions that have come about because of this complaint and thank the complainant for bringing the issue to your attention>>

If you would like to discuss this matter further, please contact me on the contact details given below.

Your complaint has now been investigated at Stage 1 of the school's complaints procedure and I hope that you are satisfied with the response. If you remain dissatisfied and would like your complaint reviewed, please contact the Chair of Governors, <insert name> at the address below. It will assist us in our review if you could detail which aspects of this response you are unhappy with.

Insert contact details

Address, telephone, email as appropriate

Yours sincerely

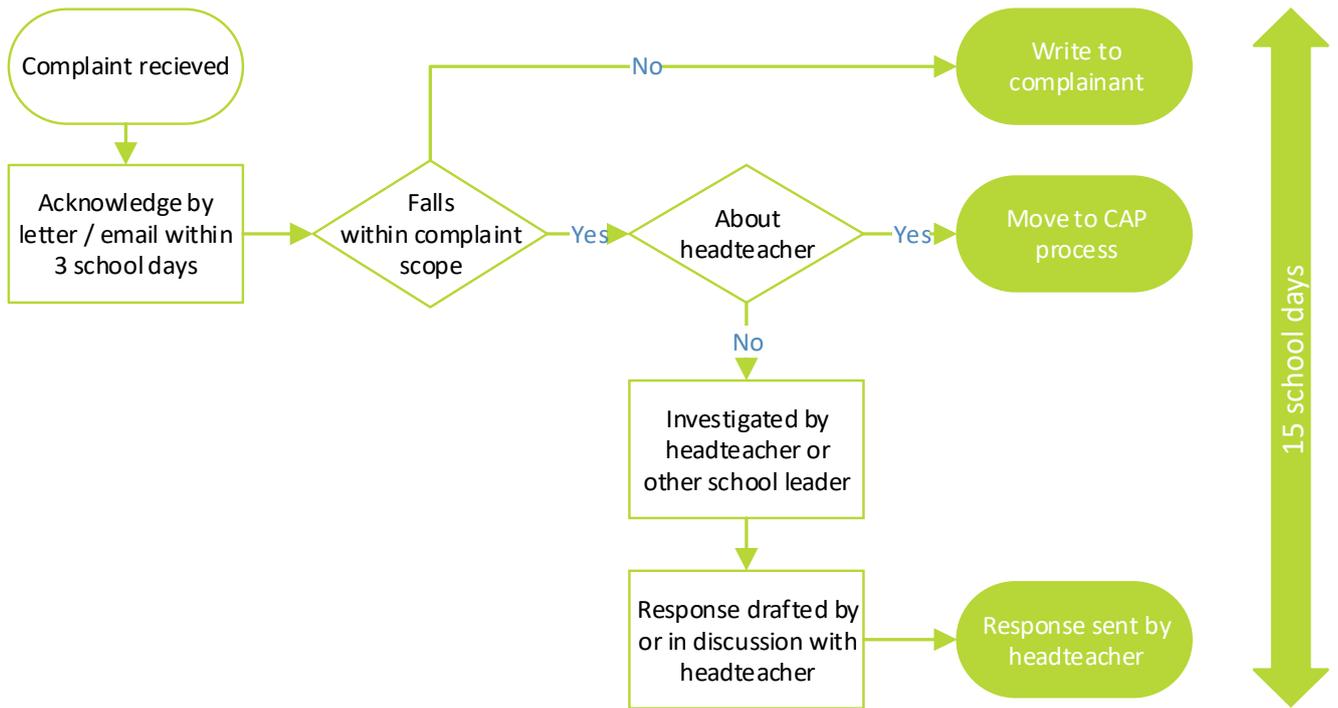
<<Headteacher name>>

Headteacher

Telephone: <<Insert phone number>>

Email: <<Insert Email>>

Appendix C – Stage 1, Suggested Process Flow



Appendix D - Example stage 2 acknowledgement letter from Chair of Governors

An example of a letter that the Chair of the Governing Body may wish to send to the complainant upon receipt of a complaint at Stage 2 for consideration by the Governing Body.

Dear

Complaint re

Thank you for your letter dated..... setting out the reasons why you are not satisfied with the Headteacher's response to your complaint about

I write to let you know that I will be arranging for a Complaints Appeal Panel (CAP) to consider your complaint in accordance with Stage 2 of the attached complaints procedure.

As explained in the procedure, the Clerk/Chair of the CAP will let you know in writing how the CAP intends to consider your complaint.

or in the case of complaints against the Headteacher

I have received your complaint against the Headteacher ofSchool.

I write to let you know that I have forwarded a copy of your complaint to the Headteacher with a request that s/he respond within ten school days to the issues raised in the complaint.

A copy of the Headteacher's response will be sent to you as soon as possible.

If you are not satisfied with the Headteacher's response, I will arrange for a Complaints Appeal Panel (CAP) to consider your complaint in accordance with Stage 2 of the attached complaints procedure.

As explained in the procedure, the Clerk/Chair of the Complaints Appeal Panel will let you know in writing how the complaint will proceed.

Yours sincerely

Chair of the Governing Body

Cc The Headteacher
The Clerk to the Governing Body

Enc. Complaints Procedure

Appendix E: Stage 2 / Complaints Appeal Panel, suggested process

