

# Dealing With Complaints About Maintained Schools

## Procedures For School Leaders

### **Handling complaints during the coronavirus (COVID-19) outbreak**

From the start of the autumn term, DfE expects schools to respond to new and existing complaints. However, we do not expect schools to respond if a tier 4 local restriction is in place or school access is restricted due to localised cases of coronavirus (COVID-19). Schools should still, however, engage with parents and pupils where possible.

Contact your local council or call the police on 101 if you're told a child is at risk. Schools and complainants can contact DfE for more information about school complaints.

### **If you are an academy, please see link to DfE guidance:**

<https://www.gov.uk/government/publications/setting-up-an-academies-complaints-procedure>

## Index

### Introduction

<a href="#">Roles and Responsibilities</a>	3
<a href="#">Key Responsibilities</a>	3
<a href="#">Who can complain?</a>	4
<a href="#">Types of complaints covered by the school complaints procedure</a>	4
<a href="#">Types of complaints NOT covered by the school complaints procedure</a>	4
<a href="#">Exceptions</a>	4
<a href="#">Complaints made directly to Ofsted</a>	5
<a href="#">The difference between a concern, a complaint and a formal disciplinary procedure</a>	5
<a href="#">The Stages of the Complaints Process</a>	6
<a href="#">Standards for handling complaints</a>	6
<a href="#">Complaints policy</a>	6
<a href="#">Investigating Complaints</a>	7
<a href="#">Independent Complaint Panels</a>	8
<a href="#">Dealing with complaints about schools – flowchart</a>	9

### School Complaints Procedures

<a href="#">Recording complaints</a>	10
<a href="#">Stage One - Dealing With Concerns</a>	10
<a href="#">Stage Two - Formal Complaint</a>	11
<a href="#">Confidentiality</a>	11
<a href="#">Exceptions</a>	11
<a href="#">Reporting the outcome</a>	12
<a href="#">Stage Three - Formal Complaint</a>	13
<a href="#">Stage Four - Formal Complaint</a>	13
<a href="#">The Governors' review panel</a>	13
<a href="#">Remit of the Governors Panel</a>	13
<a href="#">Procedures for reviewing complaints at Stage four</a>	13
<a href="#">Secretary of State Review</a>	16
<a href="#">Complaints or concerns from the community</a>	16
<a href="#">Resolving and closing complaints</a>	16
<a href="#">Duplicate Complaints</a>	16
<a href="#">Anonymous Complaints</a>	16
<a href="#">Withdrawal of a Complaint</a>	17
<a href="#">Vexatious, Serial, Persistent and Unreasonable complaints</a>	17
<a href="#">Responding to threats of legal action</a>	17
<a href="#">Monitoring complaints</a>	18
<a href="#">How to minimise the volume of complaints you receive</a>	18
<a href="#">Complaints involving allegations of hate incidents</a>	19
<a href="#">Dealing with difficult responses from parents</a>	19
<a href="#">Child protection issues</a>	19
<a href="#">Complaints about bullying or other behavioural issues</a>	19
<a href="#">Responding to threats to involve the media</a>	19
<a href="#">The involvement of elected members</a>	20
<a href="#">Parental Responsibility</a>	20
<a href="#">Closing complaints</a>	20
<a href="#">Useful Contact Numbers</a>	21
<a href="#">Model School Complaints Recording Form (Stage one)</a>	22
<a href="#">Model Letter of Acknowledgement of Complaint (Stage one)</a>	23
<a href="#">Model Letter to Complainant (Stage Two)</a>	24
<a href="#">Model Closure letter (Stage four)</a>	25

# Introduction

Although the Local Authority does not have a part to play in school complaints, the following guidance has been produced to assist schools and Governing Bodies. This guidance is not exhaustive, but will provide some helpful information and advice to support schools in resolving complaints quickly and effectively. It has drawn on the Department for Education's Best practice guidance for school complaints procedures 2019 (<https://www.gov.uk/government/publications/school-complaints-procedures/best-practice-advice-for-school-complaints-procedures-2019>).

Most parents have a positive relationship with schools, but sometimes a problem may arise. Governing Bodies of schools are required by law, under the Education Act 2002 (Section 29) to establish a procedure which deals with complaints. Following amendments to the School Information (England) Regulations 2008, from 1 September 2016, all local-authority maintained schools must publish their complaints procedure online. In the case of academies, their complaints procedure must comply with Part 7 of The Education (Independent School Standards) Regulations 2014 and there is an expectation that the procedure is published online.

It is important that individual complaints are **not** heard by the full Governing Body 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 or should a complaint not be resolved initially, this will compromise the next stage of the Complaints Procedure.

## Roles and Responsibilities

No one likes to receive a complaint, however, it is vital that **ALL** staff within school realise the importance of complaints, and understand that no matter how trivial they may appear, **ALL** complainants have the right to make a complaint and for it to be investigated thoroughly. Every well managed school will from time to time have to deal with complaints from parents, school neighbours and others. Teachers and Governors will know that most parental concerns and complaints are resolved informally by school staff. Relatively few complaints lead to a formal process, but where they do, the Governing Body must ensure that proper procedures are in place, are publicised, understood and followed.

## Key Responsibilities

The Headteacher is responsible for making operational decisions on a daily basis about the school's internal management and organisation. The school should make it clear that parents and others should direct concerns or complaints to the Headteacher in most circumstances.

The Governing Body has overall responsibility for the school and for ensuring that all pupils receive an appropriate and high standard of education. Given that school sites are now becoming places of service provision, it is important that the Governing Body ensures that any third party providers offering community facilities or services through the school premises have their own complaints procedure in place. The Governing Body needs to maintain a strategic overview, rather than day-to-day operational involvement. Parent and staff Governors in particular should not be drawn into the detail of specific complaints as this may prejudice their role in any further stages of the complaints procedure. However, they can help to refer more general concerns about school policy to the Headteacher and the Governing Body.

## Who can complain?

This model procedure guidance applies to complaints made by:

- parents of pupils currently or recently (within three months) at the school;
- people who either have 'parental responsibility' for a pupil or who care for them, but are not the pupil's parents;
- pupils aged 18 years or over; and
- third parties concerned about action (or lack of action) taken by schools.

## Types of complaints covered by the school complaints procedure

This practical toolkit is a good practice guide that will apply to most general complaints received by schools. The complaint could be about the way the school is run or about the way a school policy has been implemented. Most will be about decisions that affect pupils at the school.

## Types of complaints NOT covered by the school complaints procedure

A complaints procedure should cover all complaints about any provision of facilities or services that a school provides with the exceptions listed below and overleaf, for which there are separate statutory procedures. The Headteacher will determine which, if any of these statutory procedures apply. If one of these statutory procedures needs to be invoked at some point during the investigation of a more general complaint the complaints procedure should be suspended until the statutory procedure has been concluded.

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 Collective Worship	Concerns should be raised direct with local authorities. For school admissions, it will depend on who is the admission authority (either the school or the local authority). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.
National Curriculum Content	Contact DfE; <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>
Exclusion of children from school	Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a> .
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: <a href="mailto:whistleblowing@ofsted.gov.uk">whistleblowing@ofsted.gov.uk</a> or by writing to: WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD. The Department for Education is also a prescribed body for whistleblowing in education.

<b>Exceptions</b>	<b>Who to contact</b>
<ul style="list-style-type: none"> <li>•Staff grievances</li> <li>•Staff conduct</li> <li>•Staff disciplinary procedures</li> </ul>	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.

## **Complaints made directly to Ofsted**

In some cases a parent may make a complaint directly to Ofsted; Ofsted has three categories in which it identifies any concerns raised. Very often, where the concerns raised are in relation to potential harm to a child the concern is shared with the LA. Once the LA obtain consent from the complainant, the complaint will be shared with school and should be investigated in accordance with the school complaints procedure. Once the complaint investigation has been carried out, the response to the complainant and any learning should be shared with the LA in order that a response can be provided to Ofsted.

## **The difference between a concern, a complaint and a formal disciplinary procedure**

A strategy for managing parental complaints is to treat them initially as concerns that can, and should, be resolved informally. This is preferable to immediately invoking the complaints procedure, which can place an unnecessary barrier of formality between the school and the complainant where a different approach might be more appropriate.

A complaint is distinct from any formal disciplinary procedure. Staff who may be questioned as part of a complaints procedure must be treated fairly and have an opportunity to put forward their case.

If a complainant has difficulty discussing a concern with a member of staff, another member of staff can hear the concern. Similarly, if a member of staff feels unable to deal with a concern, another member of staff can hear the concern.

General complaints may involve members of staff, but any investigation into such a complaint should be seen as very distinct from the disciplinary process. General complaints should be treated as complaints against the school, unless serious allegations of misconduct are made, in which case advice should be sought from the HR officer at the LA.

If it becomes apparent that the complaint has the potential to be a disciplinary issue or if the complaint is against any member of staff, it is for the Headteacher or designated senior member of staff or, in the case of the Headteacher, the Chair of Governors or designated Governor, to determine if it is a disciplinary or capability matter. If this is the case, the matter will be dealt with by following the appropriate procedure. If the complaint is about the majority or entire governing body an independent investigator appointed by the governing body will be considered. This complaints committee could be formed by governors from other schools. At the conclusion of their investigation, the independent investigator will provide a formal written response.

## **The Stages of the Complaints Process:**

The school Complaints Process has four defined stages:

- **Stage One:** The complaint is heard informally by a staff member (not the subject of the complaint)
- **Stage Two:** The complaint is heard formally by the Headteacher. If the complaint is about the Headteacher, this should move directly to stage three.
- **Stage Three:** The complaint is formally heard by the Chair of Governors.
- **Stage Four:** The complaint is heard by the Governing Body's Complaints Committee.

## **Standards for handling complaints**

- Complaints can be received by letter or email (marked 'Private and Confidential'), alternatively, if required during a face to face meeting.
- Complaints can be made by a third party acting on behalf of a complainant, as long as they have the appropriate consent to do so.
- You can expect to be treated with courtesy, respect and fairness at all times
- We expect that you will also treat our staff dealing with your complaint with the same courtesy, respect and fairness
- There is an expectation that all parties will treat the complaint in confidence to allow for a fair investigation
- We will deal with your complaint promptly
- Complainants should not approach individual governors to raise concerns or complaints, as they have no power to act on an individual basis and may prevent them from considering complaints at stage 2 of the procedure.
- We will acknowledge receipt of a written complaint within 5 working days. You can expect to have a full reply within 20 working days.
- We will not treat you less favourably than anyone else because of your:
  - Sex or legal marital or same-sex partnership status: this includes family status, responsibility for dependants, and gender (including gender reassignment, whether proposed, commenced or completed)
  - Sexual orientation
  - Colour or race: this includes ethnic or national origin or nationality
  - Disability
  - Religious or political beliefs, or trade union affiliation
  - Any other unjustifiable factors, for example language

## **Complaints policy**

Schools should have a complaints policy that is a summary of the approach the school takes to handling concerns and complaints. This should not be confused with a set of complaints procedures, which prescribe the steps to be taken in handling complaints. Whilst schools are free to adopt the model policy as advised by the Local Authority, they must be tailored to the individual school before they are published.

A school's complaints policy statement should:

- be easily accessible and publicised (for example, on the school website)
- be a concise statement of how your school deals with concerns and complaints.
- Ensure that all Governors are clear about their role in handling complaints. School procedures should make it clear who is the first contact for concerns beyond the Headteacher: is it the Chair of Governors or a designated Governor? Some schools prefer to have a designated Governor with responsibility for complaints so that, should the case reach the review panel (stage 2 in the model procedures) the Chair of Governors is able to chair the panel without detailed prior knowledge of the case. This important point applies to all members of such a panel.

If particular Governors being involved in specific cases means there is a potential or real conflict of interest, you should identify someone else to step in. A common allegation is the perceived collusion between Headteachers and Governing Bodies. The only effective way to counter this is to have procedures in place that allow for some flexibility in responding to complaints. The inclusion of a parent Governor on the review panel can go some way to alleviating any perceived collusion.

## **Investigating Complaints**

It is recommended that, at each stage of the concern or complaint, the following steps are followed:

- The Headteacher should nominate a senior member of staff, who has had no prior involvement with the complaint, to investigate the complaint. This allows the Headteacher to retain a degree of detachment and independence from the complaint, which may be helpful in maintaining good relations between the complainant and the school after the complaints procedure has run its course.
- During the investigation the investigating officer should contact the complainant to clarify the details of the complaint and speak to other persons as necessary. It is important to ask what the complainant feels would resolve the issue. Expressing regret over the issue at this stage is not an admission of liability, but it may go a long way to appeasing the complainant.
- Complainants should be allowed the opportunity to meet with the investigating officer and to be accompanied by a friend or relative to speak on their behalf or help them make their case.
- The task of the investigating officer at this stage is to compile accurate evidence and they will need to interview relevant witnesses and take statements from those involved.
- The Investigating Officer should use open, not leading questions and must be careful not to express their own opinion.
- A written record should be made of interviews and checked for accuracy with the interviewee. It is good practice to ask the interviewee to sign the record.
- If the complaint involves a pupil, his/her parent/carer should be contacted and, if interviewed, ideally a parent/carer should be present. In some cases this might not be possible and a member of staff with whom the pupil feels comfortable, for example, a learning mentor, should attend the interview.
- Care should be taken when interviewing children and young people, to make the atmosphere relaxed and informal.
- Before it takes place, it should be ensured that any interview with a pupil will not prejudice a Police or Local Authority Designated Officer (LADO) investigation.
- Confidentiality is important in securing the confidence of all concerned. Conversations and correspondence must be treated with discretion.
- Complaints need to be considered and resolved as quickly, and efficiently as possible. It is important to keep to response times. If this is not possible, an interim letter should be sent, explaining when you will be able to respond. If the complainant raises their case with the DfE at a later stage, it is likely that excessive time limits will be seen as unacceptable, except in extenuating circumstances.

- The investigating officer should keep written records of all meetings and telephone conversations undertaken as part of the investigation together with any other relevant documentation.
- In the event of a stage one complaint being investigated by the Governing Body the investigating Governor should be supported by another Governor, if possible, to ensure consistency, fairness and objectivity.
- All people involved in the complaint procedure should be made aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 2018, GDPR and Freedom of Information Act 2000.

Further guidance can be found at:

- Equality Act 2010  
[www.gov.uk/government/publications/equality-act-2010-advice-for-schools](http://www.gov.uk/government/publications/equality-act-2010-advice-for-schools)
- Data Protection Act 2018  
[www.assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/747620/Data\\_Protection\\_Toolkit\\_for\\_Schools\\_OpenBeta.pdf](http://www.assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/747620/Data_Protection_Toolkit_for_Schools_OpenBeta.pdf)
- GDPR  
[www.gov.uk/government/publications/guide-to-the-general-data-protection-regulation](http://www.gov.uk/government/publications/guide-to-the-general-data-protection-regulation)

## **Independent Complaints Panels**

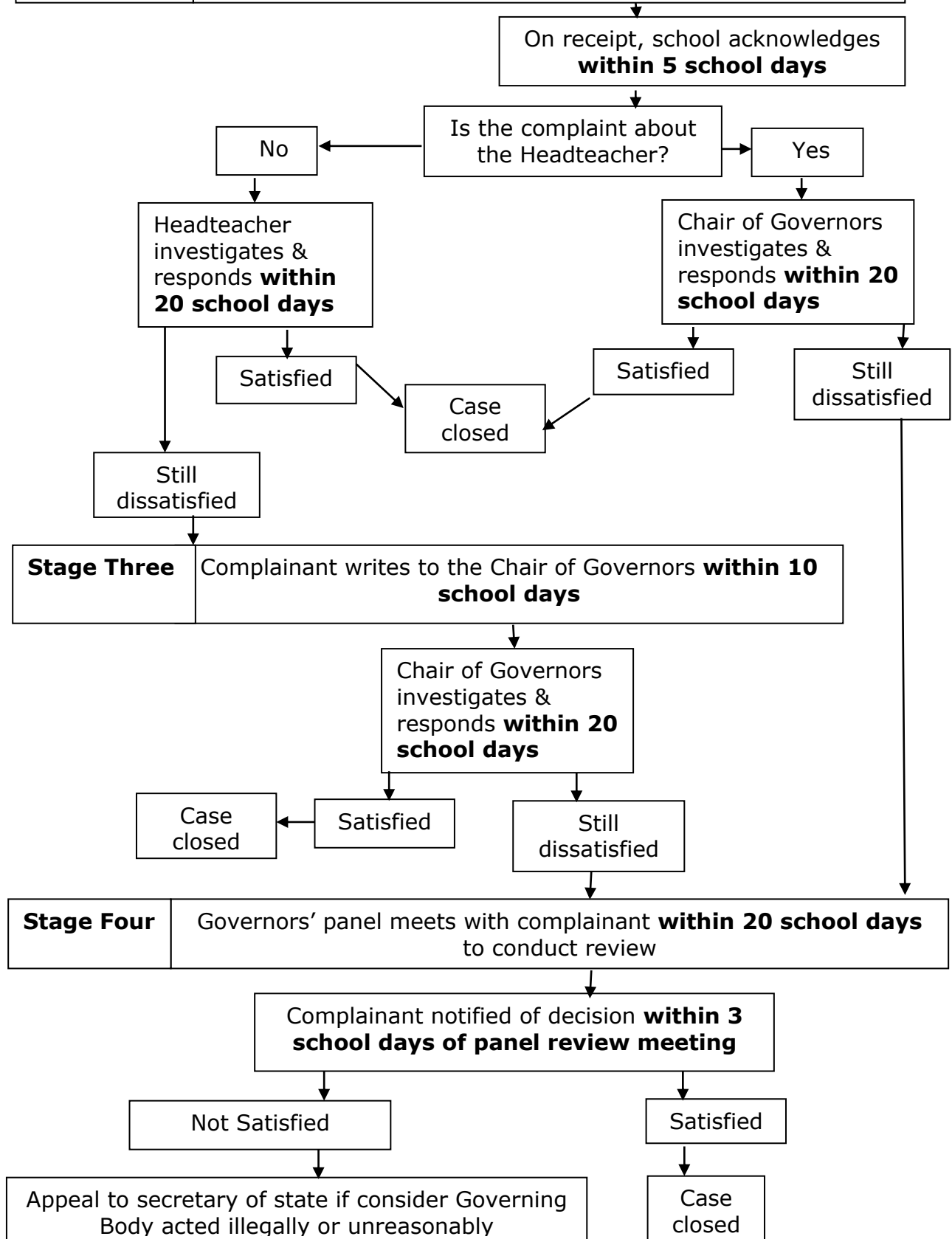
To appoint a governor from another school onto a complaints panel, a maintained school's Governing Body does not have to enter into a formal arrangement. If you arrange complaint panel meetings on an ad-hoc and informal, you only need to source governors who are suitably skilled and can demonstrate their independence. You can approach governors from any category of governor, or associate member of another governing body.

The exception to this is when a maintained school wishes to appoint a standing committee to hear all the complaints they receive under the committee's tenure. To appoint governors from another school onto the complaints committee, you must enter into a formal collaborative arrangement with another maintained school.



<b>Stage One</b>	<p><b>Dealing with concerns</b></p> <p>Informal discussion between complainant and school staff. Formal complaint not accepted until this is exhausted</p>
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<b>Stage Two</b>	Complainant lodges complaint <b>within 3 school months</b> of incident happening
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# School Complaints Procedures

## Recording complaints

It is essential that you keep appropriate records of all complaints, incidents and any meetings with parents or other complainants. It is important that these records are kept securely.

Schools must ensure that they comply with their obligations under the Equality Act 2010. It is common practice to ask for complaints to be made by using a complaint form or in writing. However, the complainant may have communication preferences due to disability or learning difficulties and schools must allow alternative methods of contact.

In order to prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls should be kept and a copy of any written response added to the record.

Schools should record the progress of the complaint and the final outcome. The Headteacher should be responsible for these records and hold them centrally.

Schools should be aware that complainants have a right to copies of these records under the Freedom of Information Act 2000, GDPR and Data Protection Act 2018. However, there are exceptions to this. Further information can be found here:

[www.ico.org.uk/media/1179/access to information held in complaint files.pdf](http://www.ico.org.uk/media/1179/access_to_information_held_in_complaint_files.pdf)

There may be occasions where complaints are made or continue to be escalated after a child has left the school. On changing schools, the pupil's educational record is transferred to the new school and no copies are retained. Schools can consider holding records of complaints separate whilst a complaint is ongoing. This data should be stored securely and where appropriate, encrypted to maximize security.

## Stage One - Dealing With Concerns

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 number that develop into formal complaints. Initial concerns are heard by a class teacher, head of year or another appropriate member of staff on an informal basis, either in person, by telephone or in writing.

All concerns should be treated seriously. The member of staff should make a brief note of the concerns and an indication of the outcome of the discussion.

It should be made clear to the complainant, at the earliest possible stage, whether or not the outcome they are seeking is realistic. If it is not and a compromise is unlikely, they should be advised to make a formal complaint, using the complaints form, and be advised of the formal complaints procedure. It would be important to ask what outcome the complainant is expecting to ensure there is no misunderstanding. It is also very important that any agreed actions are recorded at this stage, as this will avoid any disagreements over agreed actions at a later date.

If a concern relates to a school policy rather than a particular incident, e.g. policy on school dress, timing of school day, it would be more appropriate for the issue to be referred directly to the Headteacher. Where possible, people should be invited to put their comments in writing, with assistance if necessary, and these can then be used to inform any review of the policy. A written acknowledgement should be sent telling them when and how the matter will be considered.

If it is clear that a number of people share a concern the matter should be dealt with as a matter of urgency to avoid escalation of the issue within the parent community.

## Stage Two - Formal Complaint

Formal procedures will need to be invoked when the initial attempts to resolve the issue have been unsuccessful and the complainant remains dissatisfied and wishes to take matters further.

This could be handled by any one of the following:

- the Headteacher, or a member of the senior leadership team, deputy headteacher or assistant headteacher;
- an independent person agreed by the Governing Body;
- a designated member of staff who has the responsibility for the operation of the school's complaints procedures.

## Confidentiality

All complaints received will be dealt with confidentially and in accordance with the requirements of the Data Protection Act 2018, subject to the need to disclose information as required by statutory authorities, and/or as a result of statutory, legal or parliamentary obligations placed on the Commission.

The complaint should, where possible be put in writing to the Headteacher. In all cases, the complaint should include details of the complaint, action already taken to resolve the complaint and what actions might help resolve the problem. It is important that the complaint is not shared with the Full Governing Body.

Formal complaints should be lodged as soon as possible, but no later than three school months of the incident or issue occurring. There may be certain exceptions to this and the school should ensure that their complaint procedure reflects this. The Department for Education stipulates that schools must not have blanket policies of refusing to consider any complaints not lodged within the stated period.

Good communication at this stage is important. Receipt of the complaint should be acknowledged within five school days and will specify how the complaint will be investigated, by whom and the timescale within which a full response will be made. The Headteacher will ensure that a thorough investigation is carried out and a full written response is made within twenty school days. Any written material will be circulated to all parties at least 5 school days before a scheduled meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without informed consent of all parties being recorded. If the timescale needs to be extended (for example, if meetings with complainants or relevant people cannot be arranged within this timescale) complainants will need to be informed.

Notes from meetings with staff or children as part of the investigation should be kept in case they are required at a later stage. It should be remembered that complaints are likely to escalate to the next stage if:

- They are not fully answered
- They are poorly answered
- They cover up the truth
- They are not responded to within the timescales detailed in the complaints policy
- If the complainant believes that they were not listened to

## Exceptions:

### • Complaints about the Headteacher.

A complaint about the Headteacher should be made in writing to the Chair of Governors. This may include a complaint about the actions or lack of actions of the Headteacher in investigating a complaint. Where a complaint is about the conduct of the Headteacher, the Chair of Governors may seek advice from the school's personnel officer at the LA.

- **Complaints about the Chair of Governors.**

A complaint should be made in writing to the Vice-Chair of Governors.

- **Complaints about issues covered by other statutory procedures.**

Where complaints concern issues that are covered by other statutory procedures, for example, school admissions or exclusions, then those specific procedures and related timescales will apply instead.

- **Complaints involving a claim for compensation.**

Schools should refer any claims for compensation directly to the Council's Insurance department.

## **Reporting the outcome**

A full written response should be made to complainants, and where appropriate offer a further meeting to explain how the investigation was carried out and how decisions were reached.

Complainants will be advised that if they are dissatisfied with the way in which their complaint has been handled they may refer the matter to the next stage. This should be done by writing to the Clerk to the Governing Body within 10 school days of receipt of the letter from the Headteacher or Chair of Governors.

The following points should assist you when responding to a complaint:

- Ensure that all letters are written using the school's standard font on the school's letterhead.
- Ensure you identify each separate issue of complaint and address each issue in your response. (consider printing the complaint and highlighting each issue)
- It is good practice if possible, to take the time to meet with the complainant as part of your investigation. A face to face meeting can often lead to early resolution of the complaint. (When meeting with a complainant, please ensure that you allow them to speak without interruption; that you are open about your name and position; that you show concern and sound sincere; that you use their name and be polite; and that above all you do not argue or become defensive).
- Try not to use jargon and abbreviations – use simple terms that clearly explain your points.
- Be honest. If the school has made a mistake, advise the complainant and apologise
- An apology goes a long way. Sometimes you may feel that an apology is not needed, that the complainant has just misunderstood; however, it is still possible to apologise if the complainant "felt....." or "if ..... wasn't made clear to them"
- Be understanding and empathic with the complainant's emotions. This will usually allow further discussion and give the ability for you to discuss any unrealistic expectations or demands.
- Remember that trust is necessary before you can move forward and this will not be gained if the complainant believes their feelings have not been considered.
- Emphasise what you have done or can do to move things forward
- Always use spell check to check for spelling mistakes.
- Be aware of the deadlines for your response, and if there are likely to be any delays, please ensure you communicate with the complainant and agree an extension.
- Do not leave a complaint investigation to the last possible minute. This will usually result in a poorly investigated complaint and an inadequate response.
- Make sure your letter reads well (check basic grammar and spellings & make sure you have not used jargon and abbreviations. Check your sentence structures to ensure that they are not too long).
- Be aware that by accepting an amendment using spell check, the meaning of a word may be changed – ALWAYS re-read the response after using spell check.

- Make sure you have covered ALL the points of the initial complaint (and anything else that may have been discussed during a meeting or telephone call with the complainant).
- It is good practice to minute and record an agreed statement of outcome.

## **Stage Three - Formal Complaint investigation by the Chair of Governors**

All formal complaints which remain unresolved following an investigation carried out by the Headteacher or are complaints about the Headteacher should be submitted to the Chair of Governors for further consideration.

All written complaints should be formally acknowledged within five school days, and a full written response should be sent within twenty school days. If this is not possible for any reason, i.e. the complaint is complex, the complainant should be notified of the delay, and reason in writing, and a new expected response date should be agreed.

If the matter cannot be resolved at this stage, and the complainant wishes to take the matter further, they should be given clear information about how to proceed with a formal complaint at Stage Four.

## **Stage Four - Formal Complaint review by the Review Panel**

### **The Governors' review panel**

If complainants are dissatisfied with the way in which their complaint was handled at stage three, there will be a further and final right of review to a specially convened panel of Governors.

Requests for a Review should be lodged in writing with the Clerk to the Governing Body within 10 school days of receipt of the stage three decision. The review panel will meet within 20 school days of receiving the complaint. The complainant and the Headteacher (or appropriate investigating officer) will be informed of the date, time and venue of the appeal hearing.

The panel will comprise at least three Governors who have had no previous knowledge of or involvement in the case. The panel should not include staff Governors. It should be noted that Stage 4 Panel Hearings will have a huge impact on staff and Governor time.

### **Remit of the Governors' panel**

The panel will consider the way the complaint has been investigated and handled by the school (or Governor if it is about the Headteacher). The panel will carry out a review of the investigation carried out at the formal stage three. It will hear the report of the investigating officer at stage three and any submissions on that report by the complainant.

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.

The decision of the panel is final and will be communicated in writing to complainants and the Headteacher within three school days.

### **Procedures for reviewing complaints at Stage four**

On receipt of a stage 4 complaint, the Clerk to the Governing Body or Chair of the Panel

should write to the complainant within five school days of receipt and advise them of the name of the Governor who will chair the stage 4 panel and outline the timescales for the process.

The Chair of the Panel will then convene a meeting of the Governing Body Complaints Panel, usually within twenty school days of receipt of the letter. If there is a longer delay (i.e.: due to school holidays), the complainant needs to be informed and given an estimated date of when the committee will meet).

It should be made clear who can attend the meeting and both the complainant and staff subject to the complaint should be made aware that they may bring someone to support or represent them.

In considering the venue for the meeting, the Panel Chair should consider the number of people who will be present and ensure that there is a room of appropriate size.

The Panel Chair should arrange for the meeting to be minuted. It is important that all people concerned understand that the discussions within the meeting are held in the strictest of confidence and that no discussions should take place regarding the issues raised outside of the Hearing.

A Hearing by the Complaints Panel can take some time, and therefore the Panel Chair should ensure that refreshments are available and adequate comfort breaks are offered.

The Panel Chair should ensure that copies of all relevant documentation are sent to all people involved, ensuring that everyone has copies to read through at least five school days before the date of the meeting.

It is important that the Panel members meet prior to the start of the meeting to agree the format of the meeting, i.e. will all panel members ask questions, should all questions be directed by the Chair, will all relevant points be agreed and summarised etc.

The Panel Chair should welcome everyone to the meeting, and ensure that introductions are given. He / she should make it clear at the start meeting who will be present and for what part of the meeting. He / she should explain the purpose and format of the meeting and advise those present that at any time they may ask for a short break.

The complainant will be asked to give a verbal statement in support of their written letter of complaint, have the opportunity to call witnesses, produce relevant documentation or ask any additional questions.

The person subject of the complaint will be given the opportunity to respond, to ask questions, to call witnesses and produce any relevant documentation.

The Panel will also have the opportunity to ask questions and seek any clarification from either the complainant or person subject to the complaint.

Once the Complaints Panel members understand all the issues of concern and have received the necessary information and clarification, they will ask all parties to leave except the members and the clerk.

The Complaints Panel members should then discuss the issues in private, consider the information, come to a decision and suggest a way to resolve the issues, taking into consideration the best interests of the child /children.

It is important that the Panel agree their decision and the contents of their report whilst they are in the meeting. The Panel Chair should produce a written report detailing the Panel's findings and recommendations, which should be sent to all parties concerned within ten school days of the hearing.

The Complaints Report should be brief, clear and concise and should detail any findings and recommendations.

- The panel will appoint its own chair.
- The chair of the panel will ensure that the appeal hearing is minuted.
- When the complainant asks to move their complaint to stage 4 you should ascertain if they have any further information that they wish to submit. Once the packs for the hearing are sent out, any further submissions of information should be discouraged but it is at the discretion of the panel chair whether further information will be accepted.
- Complainants may be accompanied by a friend or relative to speak on their behalf or help present their case.
- Panel members should be mindful that some complainants may feel nervous and inhibited in a formal setting and the chair should ensure that proceedings are as welcoming as possible.
- Extra care should be taken where a child attends the panel hearing to ensure the child does not feel intimidated and that their views are respected.
- Where a child is the complainant or attending the hearing in any other capacity, the panel should ask in advance if any support is needed for them to be able to present information at the panel hearing.
- The conduct of the panel meeting will be at the discretion of the chair, but the following format is recommended:
  - The complainant puts forward why they are dissatisfied with the stage three investigation.
  - The investigating officer at stage one goes through the process of investigation that led to their conclusions.
  - Either party can ask questions, when invited to do so by the chair.
  - The panel can ask any questions of the complainants or the Headteacher/investigating officer.
- The panel will:
  - reach its decision;
  - decide on appropriate action; and
  - consider any recommendations it will make to review or change school policies or procedures.
- The purpose of the panel hearing at stage four is to consider whether the complaint was investigated fairly and objectively at stage three. The panel will only ever be able to recommend a review of the decision at stage three if it decides that the complaint was not investigated fairly.
- Complaints should not be shared with the whole Governing Body at early stages, except in very general terms, in case an appeal panel needs to be organised.
- If the panel considers that the initial investigation at stage three is incomplete and that this throws doubt over the final decision, it can re-investigate. In this case, the stage three proceedings will be suspended to enable the complaint investigator to properly complete the stage one investigation and report their findings and conclusions to the complainant and the panel. The panel will reconvene at the earliest possible date to reopen the hearing and bring it to a conclusion, subject to the new information.
- The process of listening to and resolving complaints can contribute to school improvement. When individual complaints are heard, schools may also identify underlying issues that need to be addressed. The monitoring and review of complaints can be a useful tool in evaluating a school's performance.

- **The decision of the Complaints Panel is final.** Their findings should then be reported to the Governing Body, and agreed actions should be minuted with agreed timescales for any actions to be completed.

This is the last stage of the School's Complaints Process and there is no right of appeal to the school or to the Local Authority or the Diocese, if a church school. If the complainant is still dissatisfied, they should be advised to contact the School Complaints Unit of the Department for Education.

### **Secretary of State Review**

A further stage of appeal can be taken to the Secretary of State for Education, but only on the grounds that the Governing Body is acting or proposing to act unreasonably or illegally.

The School Complaints Unit (SCU) Sanctuary Buildings  
Department for Education  
2<sup>nd</sup> Floor, Piccadilly Gate  
Manchester  
M1 2WD

### **Complaints or concerns from the community**

Dealing with complaints or concerns from residents is also the responsibility of the school and the Governing Body. It is important to maintain good relationships with local residents and to that end schools should ensure that any concerns from the community, which can cover issues such as litter, unruly pupils, objects landing in gardens and car parking, are dealt with in a similar way to a complaint from a parent or other legal representative of the child.

### **Resolving and closing complaints**

At each stage in the procedure, schools will want to keep in mind ways in which a complaint can be resolved. An effective procedure should identify areas of agreement and clarify any misunderstandings that might have occurred, as this can create a positive atmosphere in which to try to reach a resolution.

It would be useful if complainants were encouraged to state what actions they feel might resolve the problem at any stage. It is also of importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

If the school rejects the complaint, it is important to reassure the complainant that the matter has been thoroughly investigated.

### **Duplicate Complaints**

After closing a complaint at the end of the complaints procedure, you may receive a duplicate complaint from: a spouse/partner or grandparent or a child. If the complaint is about the same subject, you can inform the new complainant that the school has already considered that complaint and the local process is complete. Take care not to overlook any new aspects of the complaint that you may not have previously considered. You will need to ensure these are investigated and dealt with to the full extent of the complaints procedure.

### **Anonymous Complaints**

Anonymous complaints **should be recorded and referred to the Headteacher in the same way as other complaints.** The Headteacher should discuss anonymous complaints with the Chair of Governors. If there is sufficient information contained in the complaint, **it should be investigated in the same way as other complaints.** If there is insufficient information to support an investigation, the complaint should be recorded for service improvement purposes and closed.



## **Withdrawal of a Complaint**

If a complainant wishes to withdraw their complaint, this should be confirmed in writing.

## **Vexatious, Serial, Persistent and Unreasonable complaints**

While the vast majority of complainants are reasonable, a small minority may remain dissatisfied despite all the procedures having been followed. They are sometimes referred to as 'vexatious', 'persistent', 'habitual' or 'serial' complainants. Sometimes it is simply a case of 'agreeing to disagree' and moving on. Schools do not expect their staff to tolerate unacceptable behaviour and will take action to protect their staff from abusive, offensive or threatening behaviour.

Unreasonable complaints are that which hinder the consideration of a complaint because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- Refuses to co-operate with the complaints investigation process
- Insists on the complaint being dealt with in ways which are incompatible with the complaints procedure
- Raises large numbers of detailed but unimportant questions and insists they are fully answered
- Changes the basis of the complaint as the investigation proceeds
- Repeatedly makes the same complaint
- Seeks an unrealistic outcome
- Makes unjustified complaints about staff who are trying to deal with the issues and seeks to have them replaced
- Uses threats to intimidate, including abusive, offensive or discriminatory language (written or verbally) or violence
- Knowingly provides falsified information
- Publishes unacceptable information on social media or other public forums
- Challenging a historical decision/action which cannot be changed
- Contact with the school is often frequent, lengthy and complicated
- Using the vehicle of valid new complaints to resurrect issues which were included in previous complaints
- Pursuing a complaint or complaints with the authority and at the same time, with a MP / Ofsted/ DfE / a councillor / the standards board / the local police / solicitors / the ombudsman in the hope of getting a different response

If the complainant continues to make representations to the school or attempts to re-open the same issue, the Chair of Governors should inform them, in writing, that the procedures have all been followed and that all reasonable action has been taken to try to resolve the issue and that the matter is now closed.

The application of a 'Vexatious, Serial, Persistent or Unreasonable complaint' should be noted against the subject of the complaint, rather than the complainant.

## **Responding to threats of legal action**

Schools are sometimes threatened with legal action by parents and others, or even receive letters from lawyers representing the complainants. Threats involving the media and/or legal action should be treated respectfully, whilst reassuring the person that the school will respond to any letters or approaches from the media or solicitors in the normal way. These may be 'empty' threats made out of frustration in the heat of the moment and are without substance. However, Headteachers should contact Bury Council's press office for advice if they are concerned about statements being made to the media. Once a formal lawyer's letter has been received you should do two things:

- you should acknowledge the letter and tell the sender that you are taking advice and will respond fully in due course; and

- you should take legal advice from the council's legal advisers (if you have bought back the service from the council's legal services) or your own legal advisers, if appointed. If the matter appears to relate to a claim of negligence or a wish for compensation then you should inform your designated finance officer at the Local Authority.

The Education Act 1996 (Section 154) states:

- 1) The articles of government for a county, voluntary or maintained special school shall make provision for the matters set out in subsections (2) to (6)
- 2) The standard of behaviour which is to be regarded as acceptable at the school shall be determined by the Headteacher, so far as it is not determined by the governing body.
- 3) The Headteacher shall determine measures (which may include the making of rules and provision for enforcing them) to be taken with a view to –
  - a. promoting, among pupils, self-discipline and proper regards for authority,
  - b. encouraging good behaviour and respect for others on the part of pupils,
  - c. securing that the standard of behaviour of pupils is acceptable, and
  - d. otherwise regulating the conduct of pupils.
- 4) The Headteacher shall, in determining any such measures –
  - a. Act in accordance with any written statement of general principles provided for him by the governing body, and
  - b. Have regards to any guidance that they may offer in relation to particular matters.
- 5) The Headteacher shall make any such measures generally known within the school.
- 6) The Governing Body and the Headteacher shall, before any such measures are determined, consult the Local Education Authority on any matter arising from the proposed measures which can reasonably be expected –
  - a. to lead to increased expenditure by the Authority, or
  - b. to affect the responsibilities of the authority as an employer.

Occasionally, the behaviour of a complainant can pose a threat to the school community. If this occurs, a warning letter to the person threatening to exclude them for a period of time from the premises should be sufficient to stop any unwelcome behaviour. Schools should take further advice from their legal representative. If an exclusion is to be applied, the Chair of Governors should write to the complainant and inform them that their implied license to be on school premises has been temporarily revoked. The letter should explain the reasons for the exclusion and the length of time that it is to remain in place. At the end of the period, it is recommended that it be reviewed, taking into account any representations made from that person and a letter should be sent either lifting or extending the exclusion with reasons. Anyone wishing to complain about an exclusion can do so to the Headteacher or Chair of Governors. Advice can be sought from the Council about exclusions and how to appeal to the school governors.

### **Monitoring complaints**

Schools should record and monitor all complaints to identify issues and allow any lessons to be learned by the school. The Headteacher should provide a termly report to the Governing Body identifying the number, nature and current status of complaints handled, without giving individual details. The Governing Body should monitor all complaints which reach formal stage two and receive a report at the end of the process.

### **How to minimise the volume of complaints you receive**

There are simple steps that schools can take to reduce the likelihood of complaints being made:

- Be open with information about all school policies and documentation.
- Publish policies on the school website.

- Publicise your arrangements for handling parental concerns as part of your general information policy.
- Ensure that all staff are aware of the statutory regulations regarding such areas as health and safety, child protection and the hate incident reporting system (HIRS) which encompasses all hate incident categories such as race, gender, disability, faith and sexual orientation, as recognised by the Crown Prosecution Service and Police forces. Greater Manchester Police also recognise a sixth strand of Alternative subculture Identity which includes subcultures such as Goths, Moshers, Punks, Emo's, Metallers, Skaters etc.

### **Complaints involving allegations of hate incidents**

Recording all hate incidents, bullying and prejudice-based incidents is one of the ways in which a school may show that it has 'due regard' for fostering good relations, as well as eliminating discrimination, harassment and victimisation and thus demonstrate compliance with the Equality Act 2010. All such incidents must be recorded and reported to the Local Authority in accordance with its guidance and procedures. Data collected by the Local Authority will be used to identify trends across the council in order to assist the children services leadership team, schools and area teams in providing targeted support.

### **Dealing with difficult responses from parents**

If it is likely that the complainant will become aggressive, either physically or verbally, you should ensure that you are not meeting with them alone and that you are able to call upon additional assistance, if required.

Whilst it is a fact that the ultimate action for parents to take is to remove their children from the school and place them elsewhere, caution is needed about the way this is expressed to parents as an option.

School should not remove a pupil from the school roll without reference to the formal regulations on registration of pupils. If a parent insists on keeping their child at home until the situation is resolved, you should inform your Education Welfare officer.

### **Child protection issues**

If allegations of physical abuse or misconduct, by a member of staff towards a pupil are made, you should follow the procedures set out in the guidance on child protection. Further Guidance can be found in Keeping Children Safe in Education:

[www.gov.uk/government/publications/keeping-children-safe-in-education--2](http://www.gov.uk/government/publications/keeping-children-safe-in-education--2)

This includes the need to inform the LADO (Local Authority Designated Officer) at the Local Authority who will then decide whether or not to investigate the matter in line with approved procedures.

### **Complaints about bullying or other behavioural issues**

If the problem is affecting the child's attendance, for example; if the parent is refusing to send the child to school until the matter is resolved, school may inform the School Attendance Team. The School Attendance Team will then contact the parent to see how the family can best be supported.

### **Responding to threats to involve the media**

When parents feel their concern is not being addressed, they may threaten to take their complaint to the press. In these circumstances we would suggest the following possible responses:

- When such a threat is made, assure the complainant that this is, of course, their right but that you will follow up their concerns in line with your procedures; that adverse publicity could be counterproductive for them and their child(ren); and that settling the problem between yourselves is likely to be in everyone's interests.
- If you have reason to believe that such threats are real, or if you are contacted by the media, you can seek guidance from the council's press office.

### **The involvement of elected members**

Complainants will sometimes contact their local councillor or MP at an early stage in a complaint before the school have had an opportunity to comment. If this happens, you should inform the councillor that the matter is being dealt with through the school's complaints procedures. GDPR legislation is to make sure that sensitive or private information is not disclosed, schools must ensure that they remain compliant.

### **Parental Responsibility**

Due to a number of complaints from estranged parents, the DfE has also produced advice for schools around the issues relating to parental responsibility which you may find useful. This guidance can be found on the DfE website: [www.gov.uk/government/publications/dealing-with-issues-relating-to-parental-responsibility](http://www.gov.uk/government/publications/dealing-with-issues-relating-to-parental-responsibility)

### **Closing complaints**

Very occasionally, a school will feel it needs to close a complaint where the complainant is still dissatisfied. Sometimes it is simply not possible to meet all of the complainant's wishes and the complaint remains irresolvable.

If a complainant persists in making representations to the school – to the Headteacher, designated Governor, Chair of Governors or anyone else – or to the LA, this can be extremely time-consuming and can detract from the school's responsibility to look after the interests of all the children in its care. For this reason, **schools are entitled to close correspondence (including personal approaches, letters and telephone calls) on a complaint where they feel that they have taken all reasonable action to resolve the complaint.** All the reasons as to why a complaint is being closed should be recorded.

Correspondence received from the complainant subsequent to closure should be kept on file indefinitely, as should notes of telephone calls and any further personal calls referring to the matter. This will be important if the DfE asks for copies later. It is even more important where the case is particularly sensitive, for example if it involves child protection or hate incident issues.

## Useful Contact Numbers

Mark Gay (Bury LADO)	0161 253 5342 <a href="mailto:M.Gay@bury.gov.uk">M.Gay@bury.gov.uk</a>
Bury Multi Agency Safeguarding Hub (MASH)	0161 253 5678 0161 253 6606 (Emergency out of hours) <a href="mailto:Childwellbeing@bury.gov.uk">Childwellbeing@bury.gov.uk</a>
Bury School Attendance Team	0161 253 5699 <a href="mailto:schoolattendanceteam@bury.gov.uk">schoolattendanceteam@bury.gov.uk</a>
Children's Services HR	0161 253 5632 0161 253 5645
Bury Council Press Office	<a href="mailto:PressOffice@bury.gov.uk">PressOffice@bury.gov.uk</a> 0161 253 6096
Bury Council Legal Department	<a href="mailto:Legal.Services@bury.gov.uk">Legal.Services@bury.gov.uk</a>
Bury Council Insurance Department	0161 253 7787 <a href="mailto:Insurance@bury.gov.uk">Insurance@bury.gov.uk</a>

# Model School Complaints Recording Form

(Stage one)

Personal Details .....

Name .....

Address .....

Postcode .....

Daytime telephone number .....

Evening telephone number ..... If applicable, name of child  
and year at school .....

Your relationship to the school, e.g. parent, carer, neighbour, member of the public,  
student: .....

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, when and what was the response?

What actions do you feel might resolve the problem at this stage?

Signature .....

Date .....

## Official Use:

Date of acknowledgment .....

By whom .....

Complaint referred to .....

Date .....

## **Model Letter of Acknowledgement of Complaint**

Stage one

School Name and Address

Date:

Dear.....

I acknowledge receipt of your letter/form of complaint dated.....

Your complaint will be dealt with by.....in accordance with school procedures.

The School and Governing Body take any complaint very seriously. Therefore, .....would like to meet with you as soon as possible, so that he/she may understand the details of your concerns more clearly.

.....will contact you within the next .....days to agree with you a mutually convenient date to meet.

Yours sincerely

.....

## Model Letter to Complainant

### Stage 2

School Name and Address

Date:

Dear.....

Thank you for your letter dated.....

From your letter(s) it is clear that you are still unhappy with the situation. As a result I have decided to have the matter investigated as part of the formal stage one of the school's complaints procedure.

Your complaint was about:

--

I have completed my investigation and can offer the following response(s) on each of the points you have raised:

*It is important that you are clear about what action the school has taken at each stage of the process so far:*

Stage one

*State what action was taken in response and the outcome of this.*

Stage two & three

*State what investigative action was taken in response and the outcome of this, including any remedial action to be taken if complaint is upheld.*

I hope this response answers your concerns. Please let me know if you wish me to clarify any points. In the meantime, if you are still not satisfied with my reply, there is a further stage of the complaints procedure that you can follow. This is stage four of the complaints policy, which is a review by a panel of governors who will look at the way in which your complaint has been dealt with. The panel will not, however, rehear the whole case.

To go to the next formal stage, you should write to the chair of governors within ten days of the receipt of this letter, giving your reasons why you wish to take your complaint further.

Yours sincerely

.....



## Model Closure letter

Stage four

School Name and Address

Date:

Dear.....

The panel met on ..... to hear your appeal regarding your complaint which can be summarised as follows:

Legal or administrative background

*State any legal or administrative background to the case, including any legislation relevant to the investigation.*

The investigation

*Set out the key facts about the complaint, the findings and conclusions from the formal stage one investigation, and any continuing concerns.*

Conclusion

*Set out the findings of the panel*

Panel decision

*Outcome of the decision*

Please let me know if you wish me to clarify any points for you.

In the meantime, if you remain dissatisfied with the way in which your complaint has been dealt with, you can contact the Secretary of State for Education through the DfE website [www.education.gov.uk](http://www.education.gov.uk) or by writing to the following address:

The School Complaints Unit (SCU)  
Department for Education  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

Yours sincerely

.....