



Durham Johnston

# Procedure for Dealing with School Complaints

|                         |  |
|-------------------------|--|
| <b>Author/s:</b>        | Reviewed by the Headteacher in line with guidance from the Local Authority |
| <b>Adopted by:</b>      | Governing Body   |
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## **Background**

Since 1 September 2003 Governing Bodies of all maintained schools and maintained nursery schools in England have been required, under Section 29 of the Education Act 2002, to have a procedure in place to deal with complaints relating to the school and to any community facilities or services that the school provides. In October 2000 The Human Rights Act came into force, and schools should be mindful to give consideration to Article 6, "The Right to a Fair Trial".

This procedure reflects the Department for Education (DfE) advice held within the "Best Practice Advice for School Complaints Procedures 2016".

Any third party providers offering community facilities or services through the school premises, or using school facilities, have their own complaints procedure in place, copies of which are available from each provider.

## **The difference between a concern and a complaint**

A 'concern' may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought. A complaint may be generally defined as 'an expression of dissatisfaction however made, about action taken or a lack of action'.

Many issues can be resolved informally, without the need to invoke formal procedures. Informal concerns are taken seriously and we will make every effort to resolve the matter as quickly as possible.

When complainants would like to raise their concerns formally this procedure should be used to facilitate due consideration.

## **Who can make a complaint?**

Any person, including members of the general public, may make a complaint about any provision of facilities or services that a school provides, unless separate statutory procedures apply (such as exclusions or admissions).

Complaints can be made about the Headteacher, individual members of the Governing Body or the whole Governing Body.

There are certain complaints which fall outside the remit of the Governing Body's complaints procedure. They are shown at Appendix 1 and include:

- Matters that are the responsibility of the Local Authority
- Conduct of staff at the school
- Content of a statutory statement of Special Educational Needs
- Pupil admissions
- Pupil exclusions
- Child Protection/Safeguarding

## **Purpose of a Complaints Procedure**

This procedure aims to reassure anyone with an interest in the school that:

- Where possible, complaints will be dealt with informally and at the lowest possible level in school in order to reach a resolution promptly;

- Any complaint against the school will be dealt with in a fair, open and responsive way, with the aim of achieving a speedy and satisfactory resolution; and
- The school recognises that a willingness to listen to questions and criticism and to respond positively, can lead to improvements in school practices as well as provision.

This Complaints Procedure will:

- encourage resolution of problems by informal means wherever possible
- be easily accessible and publicised
- be simple to understand and use
- be impartial
- be non-adversarial
- allow swift handling with established time-limits for action and keeping people informed of the progress
- ensure a full and fair investigation by an independent person where necessary
- respect people's desire for confidentiality wherever possible
- address all the points at issue and provide an effective response and appropriate redress, where necessary

## **Investigating Complaints**

At each stage, the person investigating the complaint makes sure that they:

- 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 investigation with an open mind and be prepared where necessary to persist in the questioning
- keep notes of any interviews held

## **Resolving Complaints**

At each stage in the procedure school will keep in mind ways in which a complaint can be resolved. It would be useful if complainants were encouraged to state what actions/outcome they feel might resolve the problem at any stage. It might be appropriate 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 admission that the school could have handled the situation better is not the same as an admission of negligence
- 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

This procedure will seek to identify areas of agreement between the parties in order to create a positive atmosphere in which to discuss any outstanding issues and clarify any misunderstandings that might have occurred.

## **Recording Complaints**

School will record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, in writing (email). An example of a complaint form can be found in Appendix 2. At the end of a meeting or telephone call, school will seek to ensure that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls can be kept and a copy of any written response added to the record and where necessary saved.

## **Monitoring the Policy**

The Governing Body will review their Complaints Procedure regularly and monitor the number and range of complaints received, how these were dealt with and any action taken.

## **Complaints about the Headteacher**

Where it is clear that a complaint is against the Headteacher, the matter has to be referred immediately to the Chair of Governors who, acting as *Line Manager*, will be responsible for dealing with the matter.

At the onset, it is not always clear if the complaint is against the Headteacher given they are responsible for all operational decisions across the school even if made by other staff. In most cases complaints raise concerns around the conduct of the Headteacher. In any event, advice from the Local Authority should be sought.

The complaint should be sent to the Chair of Governors c/o the school.

## **Complaints about a Governor / Governing Body**

Where it is clear that a complaint is against a Governor (other than the Chair of Governors), the matter has to be referred immediately to the Chair of Governors who, acting as *Line Manager*, will be responsible for dealing with the matter.

If the complaint is against the Chair of Governors or the whole Governing Body, the matter should be referred to the Clerk to the Governing Body in the first instance.

In any event, advice from the Local Authority should be sought.

## **National Curriculum & Religious Education (R.E.)**

Complaints about the delivery of the National Curriculum and R.E. are a matter for the school in accordance with the provision of Section 45 of the Education Act 2011. This policy will provide for consideration of such complaints.

If the complaint is about the content of the National Curriculum, including R.E., this is for the Department of Education to deal with.

## **Time Limits**

Complaints will be considered, and resolved, as quickly and efficiently as possible. Where extended investigations are necessary, new time limits should be agreed and the complainant will be sent details of the new deadline and an explanation for the delay.

All time limits in this procedure are set using school working days i.e. excluding school holidays.

At each stage schools will clarify who will be involved, what will happen, and how long it will take.

Schools hope that a complaint is made as soon as possible after an incident but there may be good reason for a delay e.g. complainant gathering information or not aware of the impact of the incident until later. Schools will consider if it is reasonable to continue with a complaint after a period of time and in doing so have regard for any exceptional circumstances.

## **Complaints Policy**

### **Stage 1 Informal Stage – Complaint heard by staff member**

It is in everyone's best interest that complaints are resolved at the earliest possible stage and as quickly as possible. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. Therefore, if staff and Governors are aware of the policy they will know what to do should they receive a complaint.

If the member of staff involved feels too compromised to deal with a complaint, the complaint should be referred to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

Where the first approach is made to a Governor, the complainant should be referred to the appropriate member of staff in school and advised of the policy. Governors should not act unilaterally on an individual complaint.

Where the complaint concerns the Headteacher the complainant is referred to the Chair of Governors (Stage 2).

If the informal stage has been exhausted and no satisfactory solution has been found the complainant should be advised that their complaint could progress to Stage 2 of the policy to be heard by the Headteacher.

The complainant should then be invited to put the complaint in writing to the Headteacher using the form attached at Appendix 2 or submit the complaint clearly in writing / e-mail. This form should be sent to the Headteacher as soon as possible.

### **Stage 2 – Complaint heard by Headteacher or Chair of Governors**

Where for some reason the Headteacher has addressed the complaint at Stage 1 the matter should now progress to Stage 3 of the procedure.

Where a complaint is against the Headteacher, Stage 2 of the procedure will be completed by the Chair of Governors.

The Headteacher should acknowledge receipt of the written complaint and provide an opportunity to meet the complainant to discuss the complaint. At this point the Headteacher may still seek to resolve the complaint informally.

The Headteacher will seek any necessary clarification of the concerns including contacting or meeting the complainant where this would be helpful. The Headteacher will investigate the complaint and a written response confirming the outcome of their investigation will normally be made within 15 school days of receipt of the complaint. If this is not possible, an extension can be agreed and the complainant informed.

The written response will include reasons for the conclusions reached by the Headteacher, what action, if any, the school proposes to take to resolve the matter and advise the complainant of the right to request an Appeal at Stage 3 of the process if they remain dissatisfied with the outcome.

The complainant will have 10 school days from receipt of the outcome letter in which to request an Appeal.

### **Stage 3 – Appeal Heard by the Chair of Governors (Optional)**

If the Chair of Governors has been involved at an earlier stage in the procedure (particularly where the complaint is about the Headteacher), Stage 3 will be completed by the Vice Chair of Governors to ensure impartiality.

The Chair of Governors should acknowledge the written complaint upon receipt and provide an opportunity to meet the complainant to discuss the complaint. At this point the Chair of Governors may still seek to resolve the complaint informally.

The Chair of Governors will arrange to have the complaint investigated further and a written response will normally be made within 15 school days of receipt of the complaint. If this is not possible, an extension can be agreed and the complainant informed.

The written response will include reasons for the conclusions reached by the Chair of Governors, what action, if any, the Chair proposes to take to resolve the matter and advise the complainant of the right to request an appeal to a committee of the Governing Body (Stage 4) if they remain dissatisfied with the outcome.

### **Stage 3 or 4 - Appeal Heard by a Committee of the Governing Body**

Where a complainant is not satisfied with the outcome they should write to the Clerk to the Governing Body within 10 school days of receipt of the outcome letter clearly stating the grounds for an appeal against the decision or action taken by the Headteacher or Chair of Governors. The Clerk will seek to arrange a meeting with a committee of the school's Governing Body within 20 school days from receipt of the notification of appeal.

Appeals will only be heard by Governors if they have already progressed through Stages 1 and 2 (and 3) of this procedure.

When the Chair of Governors has been involved at an earlier stage in the procedure (particularly where the complaint is about the Headteacher) they should not be a member of the Committee to avoid any possible challenge that they were not sufficiently impartial.

### **The Committee**

The Committee should consist of no less than three Governors who have no prior knowledge of the complaint. The Committee will appoint their own Chair. The Headteacher or Chair of Governors would be expected to attend the appeal hearing to give evidence and explain their conclusions.



The Committee can:

- Uphold/Dismiss 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.
- No further action where complaint dismissed in full.

## **Notification of the Committee's Decision**

The Chair of the Committee needs to ensure that the complainant is notified of the Committee's decision, in writing.

The Clerk to the Committee will notify the complainant, in writing, of the outcome of their appeal within five school days of the hearing. A copy of the outcome letter will be sent to the Headteacher/Chair of Governing Body.

## **Appeal to the Secretary of State for Education**

The final stage of appeal is to the Secretary of State for Education. Complainants are advised, should they wish to do so, to write to:

Department for Education  
2<sup>nd</sup> Floor, Piccadilly Gate  
Manchester  
M1 2WD

Further information is also available:

Telephone - 0370 000 2288

Online - [www.education.gov.uk/help/contactus](http://www.education.gov.uk/help/contactus)

## **Vexatious Complaints**

If properly followed, the complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedure having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Clerk to the Committee hearing the complaint at Stage 3/4 of the process is able to inform them in writing, that the procedure has been exhausted and that the matter is now closed.

## Appendix 1

### Complaints not in the scope of this procedure

| Exceptions  | Who to contact  |
|---|---|
| <ul style="list-style-type: none"> <li>Exclusion of children from school</li> </ul>                 | Further information about raising concerns about exclusions can be found at <a href="http://www.gov.uk/school-discipline-exclusion/exclusion">www.gov.uk/school-discipline-exclusion/exclusion</a>  |
| <ul style="list-style-type: none"> <li>Whistleblowing</li> </ul>                                    | 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:<br>WBHL, Ofsted<br>Piccadilly Gate<br>Store Street<br>Manchester M1 2WD<br>The Department for Education is also a prescribed body for whistleblowing in education. |
| <ul style="list-style-type: none"> <li>Matters the responsibility of the Local Authority</li> </ul> | Complaints Team<br>Children and Young People's Services<br>County Hall<br>Durham<br>DH1 5UJ<br>Telephone: 03000 265762<br><a href="mailto:cascomplaints@durham.gov.uk">cascomplaints@durham.gov.uk</a>  |
| <ul style="list-style-type: none"> <li>Conduct of school staff (except the Headteacher)</li> </ul>  | Headteacher of the School   |
| <ul style="list-style-type: none"> <li>Conduct of the Headteacher</li> </ul>                        | Chair of the Governing Body<br>c/o the School   |
| <ul style="list-style-type: none"> <li>Special Educational Needs</li> </ul>                         | Placement and Provision,<br>Children and Young People's Services<br>County Hall<br>Durham<br>DH1 5UJ<br>Telephone: 03000 265878   |
| <ul style="list-style-type: none"> <li>Admissions of Pupils County or Controlled Schools</li> </ul> | Admissions Team<br>Children and Young People's Services<br>County Hall<br>Durham County Council DH1 5UJ<br>Telephone: 03000 265878  |

| Exceptions   | Who to contact   |
|--|--|
| <ul style="list-style-type: none"> <li>Admissions of Pupils Church (Aided) Schools</li> </ul>      | Governing Body of the School   |
| <ul style="list-style-type: none"> <li>Exclusion of Pupils County or Controlled Schools</li> </ul> | Pupil Casework Team<br>Children and Young People's Services<br>County Hall<br>Durham<br>DH1 5UJ<br>Telephone: 03000 265903                     |
| <ul style="list-style-type: none"> <li>Exclusion of Pupils Church (Aided) Schools</li> </ul>       | Governing Body of the School   |
| <ul style="list-style-type: none"> <li>Child Abuse</li> </ul>                                      | Local Safeguarding Children Board (LSCB)<br>Children and Young People's Services<br>County Hall<br>Durham<br>DH1 5UJ<br>Telephone:03000 265770 |

## Further Information

### Useful Resources and External Organisations

- National Governors Association - [www.nga.org.uk](http://www.nga.org.uk)
- Information Commissioner's Office - [ico.org.uk](http://ico.org.uk)

### Other Relevant Departmental Advice and Statutory Guidance

- Section 29 of the Education Act 2002 - [www.legislation.gov.uk/ukpga/2002/32/section/29](http://www.legislation.gov.uk/ukpga/2002/32/section/29)
- Governors Handbook - [www.gov.uk/government/publications/governance-handbook](http://www.gov.uk/government/publications/governance-handbook)
- Understanding and Dealing with Issues Relation to Parental Responsibility - [www.gov.uk/government/.../dealing-with-issues-relating-to-parental-responsibility](http://www.gov.uk/government/.../dealing-with-issues-relating-to-parental-responsibility)

### Other Departmental Resources

- How to complain about a school – Advice for complainants - [www.gov.uk/complain-about-school](http://www.gov.uk/complain-about-school)
- Parental Responsibility Guidance – non-statutory advice for schools - [www.gov.uk/government/.../dealing-with-issues-relating-to-parental-responsibilities](http://www.gov.uk/government/.../dealing-with-issues-relating-to-parental-responsibilities)

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## Complaint Form

**Name of School:**

**Your name:**

**Pupil's name:**

**Your relationship to the pupil:**

**Address:**

**Postcode:**

**Day time telephone number:**

**Evening telephone number:**

**Please give details of your complaint:**

**What action, if any, have you already taken to try and resolve your complaint.  
(Who did you speak to and what was the response)?**

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

**Signature:**

**Date:**

**Official use**

**Date acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Date:**

## Appendix 3

### **Procedure for Hearing the Complaint**

#### **Introduction**

The aim of the meeting is to resolve the complaint and achieve reconciliation between the school and the complainant.

#### **Order of Meeting**

1. The Chair welcomes the complainant and asks those present to introduce themselves.
2. The Chair explains the purpose of the meeting, the procedure, and checks that all written evidence has been made available to all parties.
3. The complainant explains their complaint, calling witnesses if appropriate.
4. The Committee and Headteacher/Chair of Governors may ask questions of the complainant and witnesses.
5. The Headteacher/Chair of Governors is then invited to present a response to the complaint, including action taken to address the complaint at stages 1 and 2 (and 3) of the procedure, calling witnesses, if appropriate.
6. The Committee and complainant may ask questions of the Headteacher/Chair of Governors.
7. The Headteacher/Chair of Governors summarises the schools position, highlighting evidence, including anything that has emerged in the questioning.
8. The complainant summarises their case, highlighting evidence, including anything that has emerged in the questioning.
9. The Chair of the Committee checks that all parties feel that they have had a fair hearing and reminds everyone of the confidentiality of the case.
10. The Chair of the Committee thanks both parties for attending and gives an indication of when they can expect to hear the outcome. All parties then leave the room together.
11. The Committee considers the complaint and reaches a unanimous or majority decision. Where necessary, the Committee decides what action to take to resolve the complaint and, if appropriate, recommends changes to ensure similar complaints are not made in future.
12. Both parties will be informed of the outcome of the complaint in writing by the Clerk within 5 school days of the hearing.

## Appendix 4

|   |   |
|---|---|
| <b>Concern or Complaint Received</b>  |   |
| ▼   |   |
| <b>STAGE 1 - INFORMAL STAGE</b>   |   |
| <b>SCHOOL ACTION</b>  |   |
| <p>Informal discussion with the relevant class teacher or other relevant member of staff usually resulting in resolution to the issue.</p> <p><b>If the complaint is about the Headteacher – proceed to Stage 2 *</b></p> | <p>The person is informed of the action to be taken to resolve the issue. If they are not satisfied they should be provided with a copy of the school's complaints procedure and information on how to proceed to Stage 2. If the Headteacher has addressed the complaint at this stage then the matter should progress to Stage 3.</p> |
| ▼   |   |
| <b>FORMAL STAGE</b>   |   |
| <b>STAGE 2 – COMPLAINT HEARD BY HEADTEACHER</b>   |   |
| <p>The complaint is submitted, either verbally or in writing, to the Headteacher.</p>   | <p>The Headteacher acknowledges receipt and provides a full written response within 15 school days. Information is provided to the complainant on how to progress the complaint to Stage 3.</p>   |
| ▼   |   |
| <b>STAGE 2 * – COMPLAINT HEARD BY CHAIR OF GOVERNORS (if about the Headteacher)</b>   |   |
| <p>A written complaint is submitted to the Chair of Governors.</p>  | <p>The Chair acknowledges receipt and provides a full written response within 15 school days. Information is provided to the complainant on how to progress the complaint to Stage 3.</p>   |
| ▼   |   |
| <b>STAGE 3 – APPEAL HEARD BY CHAIR OF GOVERNORS (OPTIONAL STAGE)</b>  |   |
| <p>Complainant writes to the Chair of Governors within 10 school days of receiving the response confirming they remain dissatisfied and requesting further investigation of the complaint.</p>                            | <p>The Chair acknowledges receipt and provides a full written response within 15 school days. Information is provided to the complainant on how to progress the complaint to Stage 4.</p>   |
| ▼   |   |
| <b>STAGE 4 – APPEAL HEARD BY A COMMITTEE OF THE GOVERNING BODY</b>  |   |
| <p>Complainant writes to the Clerk to the Governing Body within 10 school days of receiving the response requesting an appeal be heard by a Committee of the Governing Body.</p>  | <p>Clerk arranges for Committee to meet within 20 school days from receipt of letter and informs the complainant of findings with 5 school days of hearing.</p>   |
| ▼   |   |



**FURTHER RECOURSE**

|   |  |
|---|--|
| Final Appeal - Complainant writes to the Secretary of State.    | The Secretary of State may intervene if a Governing Body or the LA has acted unreasonably. |
| Local Government Ombudsman if there has been maladministration. | The Ombudsman may provide advice on process which will need to be considered.              |