

A MODEL GENERAL COMPLAINTS PROCEDURE FOR SCHOOLS

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INTRODUCTION

This model is intended as a good practice guide, applying to most general complaints which a school is likely to receive from parents. It would also meet the Circular 6/94 requirement to have a school policy about complaints concerning SEN provision within the school. Schools may also wish to use the model for considering complaints which are made by pupils.

It is not intended to cover those aspects of school life for which there are specific statutory requirements: in particular, arrangements under s409 of the Education Act 1996 for complaints about the delivery of the National Curriculum and the provision of collective worship and religious education. Parents who are not satisfied with an LEA's decision about special needs assessments may appeal to the SEN Tribunal. Concerns about schools admissions and exclusions also have specific appeal rights.

In addition allegations of child abuse, financial improprieties or other criminal activities will need to be dealt with through different procedures, as will complaints about contracted staff.

Some complaints about general matters of policy, such as the overall resourcing of a school, would also need to be dealt with differently.

GENERAL PRINCIPLES: THE RIGHT APPROACH

As part of the general home/school policy, parents and pupils should be encouraged to express their views on what goes on within school, so that staff receive an early warning of potential difficulties, and problems can be prevented from arising whenever possible.

Certain general underlying principles should be observed whenever concerns or complaints are raised.

1. Publicity. Parents should always know how they can raise concerns or lodge a formal complaint. Complaints procedures should be easily accessible and well-publicised.

A summary of how the school deals with complaints should be included in the information which is given to new parents when their children join the school, and in the information given to the children themselves. Existing parents and children should be reminded of the system at regular intervals.

Schools should prepare leaflets for parents explaining how problems are dealt with and how the complaints procedures work. (See Annex A.)

Schools should consider whether they need to make the procedures available in languages other than English and whether a tape cassette version, Braille or large print version should be available. The school needs to consider in advance how it would locate qualified interpreters in various languages, including British Sign Language.

If a parent contacts the LEA with their concerns when the school's internal procedures have not been fully exhausted, they should be referred back to the school. However, LEA leaflets can be useful in helping parents and others know about and use the procedures available. The leaflets should be available generally in libraries and schools, as well as being given to parents who specifically ask to make a complaint.

2. Procedures should be as speedy as possible — consistent with fairness to all concerned. Each stage of the procedure should have known time limits. Where it is not possible to meet these, information about progress must be given to the complainant. Care should be taken not to drag things out with unnecessary bureaucracy.

3. Support for complainant: As part of the general publicity about complaints procedures, it is important for parents to know where they can go for information, advice and advocacy, if they require it. Ideally, support should be offered from individuals and organisations who are clearly separate from those complained against, such as Parents Advice Centres, Citizens Advice Bureaux, Community Relations Councils, refugee support organisations and other local advice centres. However, useful help often comes from individual governors or LEA officers (e.g. specially designated complaints officer, Education Welfare Officer, Parent Partnership Officer), providing they are able to remain apart from any later stages in the procedure where they might otherwise be called upon to make a judgement in a complainant's disagreement with a school.

Parents raising concerns or complaints should be invited to be accompanied by a friend, a relative or a representative at any stage of the procedure.

4. Support for a person complained against: Staff who may be questioned as part of a complaints procedure investigation must feel they are being treated in a fair way and that they too will have an opportunity to put their case. They should be told about the procedure and be kept informed of progress. There is a crucial balance to be maintained between supporting the individual so that his/her rights and reputation are protected, and investigating a complaint thoroughly and impartially.

The complaints procedure is distinct from formal disciplinary proceedings for staff and this needs to be made clear to all concerned. There may be occasions where a complaint launches a disciplinary procedure which puts the complaints procedure on hold. If so, the complainant should be informed of this and any non-disciplinary aspects of the complaint should be dealt with by the usual complaints procedures; the complainant should be "up-dated" every three weeks on the likely further delay. It may be clear after the disciplinary procedures have been completed, that particular responses to the complainant are required (e.g. an apology or an explanation of new policies to avoid a similar problem again).

5. Confidentiality: It is very important to treat conversations and correspondence with discretion. It is vitally important that parents feel confident that their complaint will not penalise their child. However, from the outset all parties to a complaint will need to be aware that some information may have to be shared with others involved in the operation of the complaints procedure.

It is usually proper to disregard anonymous complaints unless somebody is prepared to substantiate them, but the danger in this is that they may relate to something quite serious. If the foreseen eventuality occurs, to the detriment of the school, the complainant may surface subsequently and say that s/he alerted the school even though the complaint was unsigned. It should be at the Headteacher or Governing Body's discretion to decide whether the gravity of an anonymous complaint warrants an investigation.

6. Redress: If the outcome of the complaint procedure shows the school is at fault, it is often sufficient to provide redress in the form of an acknowledgement that the complaint is valid. Alternatively, it may be appropriate to offer one or more of: an apology, an explanation, a promise that the event complained of will not recur, an undertaking to review school policies or practices in the light of the complaint, or, in appropriate circumstances, financial compensation. Fear of litigation should not prevent a school from admitting to parents when mistakes have been made, but

advice should be taken from the LEA if litigation could be possible.

7. Staff awareness and training: School staff, including non-teaching staff, should be familiar with the procedures so that they can advise parents about their operation. Potentially a great many staff are involved in handling complaints, especially at the informal level. Their confidence in doing so depends on their having clear information about the procedures, reassurances that senior staff are committed to the procedures and some basic training in the practical interpersonal skills needed in dealing with people who are upset or angry. (See Annex B) All school staff should have clear information about which staff have which responsibilities at school so that parents do not get continually passed from one to another.

8. Record keeping: If complaints are to contribute to raising the quality of education, then they need to be recorded and monitored termly by senior staff and governors.

Recording should begin at the point when a concern or initial complaint has become the kind of complaint that can not be resolved on the spot but needs investigation and/or consultation with others in the school and will require a later report back (either orally or in writing) to the parent. Some Headteachers may go further than this and want all complaints notified to themselves.

Recording at the earliest stages need only be a very basic record of the complaint, giving the date, name of parent and general nature of the complaint. A pro forma or comments and complaints book could be used.

STAGE 1: THE FIRST CONTACT: GUIDELINES FOR DEALING WITH CONCERNS AND COMPLAINTS INFORMALLY

- 1.1** The vast majority of concerns and complaints can be resolved informally. There are many occasions where concerns are resolved straight away through the class teacher or school secretary or Headteacher, depending on whom the parent first approached.
- 1.2** Parents must feel able to raise concerns with members of staff without any formality, either in person, by telephone or in writing. On occasion it may be appropriate for someone to act on behalf of a parent.
- 1.3** At first it may be unclear whether a parent is asking a question or expressing an opinion rather than making a complaint. A parent may want a preliminary discussion about an issue to help decide whether he or she wishes to take it further.

A model procedure for schools to use at Stage 1

- 1.4** Parents have an opportunity for discussion of their concern with the appropriate member of staff who clarifies with the parent the nature of the concern, and reassures them that the school wants to hear about it. The member of staff may explain to the parent how the situation happened. It can be helpful to identify at this point what sort of outcome the parent is looking for.
- 1.5** If the member of staff first contacted cannot immediately deal with the matter, s/he makes a clear note of the date, name, contact address or phone number.
- 1.6** Any member of staff will know how to refer, if necessary, to the person with responsibility for the particular issue raised by the parent. S/he will check later to make sure the referral has been successful.

- 1.7 In smaller schools or on certain major issues, the Headteacher may decide to deal with concerns directly at this stage.
- 1.8 If the concern relates to the Head Teacher, the parent is advised to contact the Chair of the Governing Body.
- 1.9 The staff member dealing with the concern makes sure that the parent is clear what action (if any) or monitoring of the situation has been agreed, putting this in writing only if this seems the best way of making things clear.
- 1.10 Where no satisfactory solution has been found within 10 days, parents are asked if they wish their concern to be considered further. If so they are given clear information, both orally and in writing, about how to proceed and about any independent advice available to them. (see Annex A)

Stage 2: REFERRAL TO THE HEADTEACHER FOR INVESTIGATION

- 2.1 At this stage it has become clear that the concern is a definite complaint. In some cases the Headteacher has already been involved in looking at matter; in others it is their first involvement. In either case, it is helpful for the Headteacher (or the person delegated to investigate) to use guidelines to ensure consistency among cases, and to make sure that nothing happens at this stage which could make it difficult for later stages to proceed smoothly.
- 2.2 As Headteachers have responsibility for the day-to-day running of their schools, they have responsibility for the implementation of a complaints system, including the decisions about their own involvement at various stages. One of the reasons for having various "stages" in a complaints procedure is to reassure complainants that their grievance is being heard by more than one person. Headteachers should make arrangements to ensure that their involvement will not predominate at every stage of a particular complaint. For example arrangements may be made for other staff to deal with parents' concerns at stage 1, while the Headteacher deals with contacts with parents at stage 2. Even at that stage the Headteacher may designate another member of staff to collect some of the information from the various parties involved. In some cases, Headteachers may be so involved at Stage 1 that Stage 2 has to be carried out by the Chair of the Governing Body.

A model procedure for school to use at Stage 2

- 2.3 The Headteacher (or designate) acknowledges the complaint orally or in writing within 3 working days of receiving the written complaint. The acknowledgement gives a brief explanation of the school's complaint procedure and a target date for providing a response to the complaint. This should normally be within 10 working days; if this proves impossible, a letter is sent explaining the reason for the delay and giving a revised target date.
- 2.4 The Headteacher (or designate) provides an opportunity for the complainant to meet him/her to supplement any information provided previously. It is made clear to the complainant that if s/he wishes, s/he may be accompanied to any meeting by a friend, relative, representative, or advocate who can speak on his or her behalf; and that

interpreting facilities are available if needed.

- 2.5 If necessary, the Headteacher (or designate) should interview witnesses and take statements from those involved. If the complaint centres around a pupil, the pupil should also be interviewed. Pupils would normally be interviewed with parents/guardians present. In some situations, circumstances may prevent this e.g. where this would seriously delay the investigation of a serious/urgent complaint or where particular circumstances mean that a pupil has specifically said s/he would prefer that parents or guardians were not involved. In such circumstances another member of staff with whom the pupil feels comfortable should be asked to attend. If a member of staff is complained against, the needs of that person should be borne in mind. (see para. 3 under General Principles).
- 2.6 The Headteacher (or designate) keeps written records of meetings, telephone conversations, and other documentation.
- 2.7 Once all the relevant facts have been established, the Headteacher (or designate) should then produce a written response to the complainant, or may wish to meet the complainant to discuss/resolve the matter directly.
- 2.8 A written response includes a full explanation of the decision and the reasons for it. Where appropriate, this includes what action the school will take to resolve the complaint. The complainant is advised that should s/he wish to take the complaint further s/he should notify the Chair of the Governing Body within five weeks of receiving the outcome letter.
- 2.9 If a complaint is against the action of a Headteacher, or if the Headteacher has been very closely involved at Stage 1, the Chair of the Governing Body should carry out all the Stage 2 procedures.

Stage 3: REVIEW BY THE GOVERNING BODY

- 3.1 **Complaints only rarely reach this formal level, but it is important that governing bodies are prepared to deal with them when necessary.** At this stage, schools should seek advice from any relevant authority e.g. LEA, Board of Education (C of E) or Diocesan Schools' Commission (RC). This can provide a useful "outside view" on the issues.
- 3.2 **It is important that this review not only be independent and impartial but that it be seen as so.** Therefore, individual complaints should not be considered by the full governing body as serious conflicts of interest can arise; for example, in exceptional circumstances a complaint may result in disciplinary action against a member of staff and governors might be required to give an unprejudiced hearing to an appeal by the member of staff concerned. Similarly some governors might have previous knowledge of the problem which led to the complaint and would be unable to give fair unbiased consideration to the issue.
- 3.3 Many complaints are inevitably seen by parents as being "against" a particular member of staff and their actions. However, all complaints which reach this stage will have done so because the complainant has not been satisfied by the Headteacher's response at the earlier stage of the procedure, and it may be appropriate for the Governing Body to consider that the complaint is against the school rather than against the member of staff whose actions led to the original complaint.

A model procedure for review by the Governing Body

- 3.4** Upon receipt of a written request by the complainant for the complaint to proceed to stage 3, the procedures outlined below should be followed.
- 3.5** The Clerk to the Governing Body should write to the complainant to acknowledge receipt of the written request. The acknowledgement should inform the complainant that the complaint is to be heard by three members of the school's Governing Body within 20 working days of receiving the complaint. The letter should also explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received in time for the documents to be sent to the three members.
- 3.6** The Clerk to the Governors should arrange to convene a Governors' Complaints Panel elected from members of the Governing Body. It may be necessary for the Governing Body to appoint reserves to this Panel to ensure that three governors are available to carry out their task within the set time.
- 3.7** The Panel members should be governors who have had no prior involvement with the complaint. If s/he has not previously been involved, the Chair of the Governing Body should chair the Panel; otherwise the Vice-Chair should do it. Generally it is not appropriate for the Headteacher to have a place on the Panel. Governors will want to bear in mind the advantages of having a parent (who is a governor) on the Panel. Governors will also want to be sensitive to issues of race, gender and religious affiliation.
- 3.8** The Chair/Vice-Chair will ensure that the complaint is heard by the Panel within 20 working days of receiving the letter in 3.5. All relevant correspondence regarding the complaint should be given to each Panel member as soon as the composition of the Panel is confirmed. If the correspondence is extensive, the Chair of the Panel should prepare a thorough summary for sending to Panel members.
- 3.9** The Chair/Vice-Chair will write and inform the complainant, Headteacher, any relevant witnesses, and members of the Panel at least 5 working days in advance, of the date, time and place of the meeting. The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a friend/advocate/interpreter. The letter will also explain how the meeting will be conducted and the complainant's right to submit further written evidence to the Panel.
- 3.10** The Chair/Vice-Chair of the Governing Body should invite the Headteacher to attend the Panel meeting and prepare a written report for the Panel in response to the complaint. The Headteacher may also invite members of staff directly involved in matters raised by the complainant to respond in writing or in person to the complaint. Any relevant documents including the Headteacher's report should be received by all concerned -- including the complainant -- at least 5 working days prior to the meeting.
- 3.11** The involvement of staff other than the Headteacher is subject to the discretion of the Chair of the Panel.
- 3.12** It is the responsibility of the Chair of the Panel to ensure that the meeting is properly minuted.

- 3.13** The aim of the meeting should be to resolve the complaint and achieve a reconciliation between the school and the complainant. However it has to be recognised that sometimes it may only be possible to establish facts and make recommendations which will satisfy the complainant that his or her complaint has at least been taken seriously.
- 3.14** The Panel should remember that many parents are unused to dealing with groups of people in formal situations and may feel inhibited when speaking to the Panel. It is therefore recommended that the Chair of the Panel ensures that the proceedings are as informal as possible.
- 3.15** If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interests of natural justice to adjourn the meeting so that the other side has time to consider and respond to the new evidence.
- 3.16** The meeting should allow for
- the complainant to explain their complaint; and the Headteacher to explain the school's response
 - the Headteacher to question the complainant about the complaint and the complainant to question the Headteacher and/or other members of staff about the school's response
 - Panel members to have an opportunity to question both the complainant and the Headteacher
 - any party to have the right to call witnesses (subject to the approval of the Chair) and all parties having the right to question all the witnesses
 - final statements by both the complainant and the Headteacher
- 3.17** The Chair of the Panel will explain to the complainant and the Headteacher that the Panel will now consider its decision, and a written decision will be sent to both parties within 15 working days. The complainant, Head teacher, other members of staff and witnesses will then leave.
- 3.18** The Panel will then consider the complaint and all the evidence presented and (a) reach a unanimous, or at least a majority, decision on the complaint and (b) decide upon the appropriate action to be taken to resolve the complaint and (c) where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again.
- 3.20** A written statement outlining the decision of the Panel must be sent to the complainant and Headteacher. The letter to the complainant should explain whether a further appeal can be made, and if so, to whom.
- 3.21** The school should ensure that a copy of all correspondence and notes are kept on file in the school's records. These records should be kept separately from the pupil's personal records.

Stage 4: REVIEW BY THE LEA

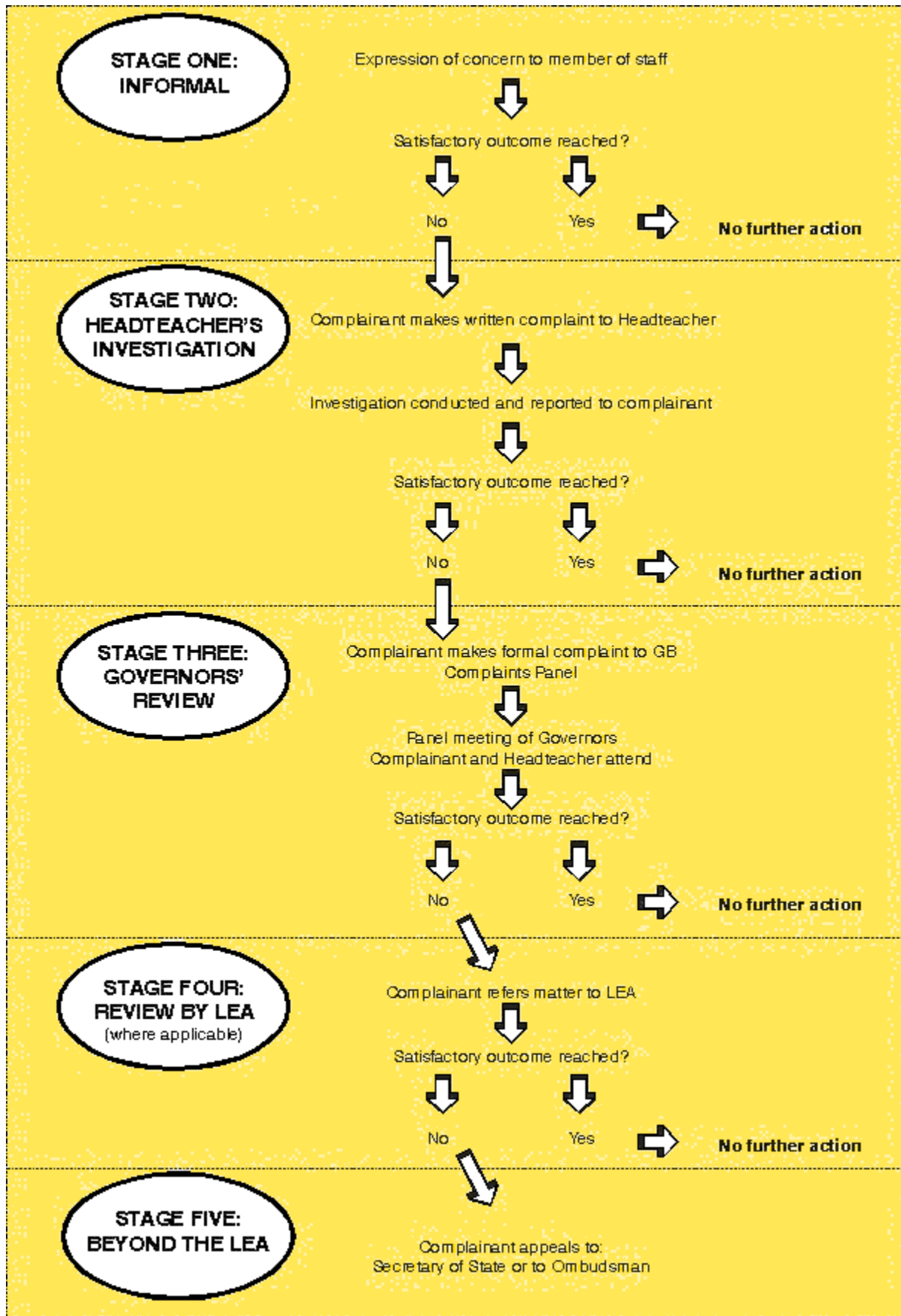
- 4.1** Some LEAs do not get involved but others are willing to investigate complaints brought by parents of children at county schools. Two models are in fairly wide usage: independent panels and mediation services.

- 4.2** In the former case, if a complainant wishes to go beyond the governors complaints panel, the LEA will set up an independent arbitration panel consisting of a councillor, a governor and a parent, none of whom would have had a connection with the school or the complainant. The members of the arbitration panel would be advised by a senior officer and would all have received training in or have previous experience of the working of appeals committees. Both parties would be encouraged to agree ahead of time to abide by its findings; if not, the arbitration panel can only express a view about the complaint and the means of resolving it. The arbitration panel has no legal basis for imposing its will.
- 4.3** Where mediation services are available, the statement sent to the complainant must explain that the decision of the Governing Body Panel is final but that there is an LEA team of officers who offer consultation, investigation and mediation services at the request of either party.
- 4.4** **For voluntary-aided schools:** Some Diocesan Boards (C of E) and Diocesan Schools Commissions (RC) give advice on general complaints procedures to their schools but the Boards have no powers to receive appeals from complainants. A voluntary-aided school could involve LEA officers in its general schools complaints procedure in the same way a county school can, as recommended in *Working Together: Guidance relating to General Parental Complaints*, published by the London Diocesan Board for Schools.

Stage 5: BEYOND THE LEA

- 5.1** **The Secretary of State:** Complaints can be taken to the Secretary of State for Education and Employment under Section 496 of the Education Act 1996, on the grounds that a Governing Body or LEA is acting or proposing to act unreasonably, or under Section 497 of the same Act, on the grounds that either the Governing Body or the LEA has failed to discharge its duties under the Act. The Secretary of State may contact the Governing Body or the LEA for more information in order to consider the complaint. These powers relate to County Schools and Voluntary Schools and Grant-Maintained Schools and City Technology Colleges.
- 5.2** **The Local Government Ombudsman:** Complaints about the maladministration of Local Authority services including the way it operates any general school complaints procedure could be made to the Ombudsman. However the Ombudsman does not look at internal school management matters and usually expects that thorough attention has been given to a complaint locally before investigation by the Ombudsman.

CHART: STAGES FOR HANDLING COMPLAINTS



Annex A:
CONCERNS AND COMPLAINTS ABOUT SCHOOLS
Guidance notes for parents

(Suggestions for the text of a leaflet, to be modified to fit a particular school)

If you have a concern or complaint

We would like you to tell us about it. We welcome suggestions for improving our work in the school. Be assured that no matter what you are wanting to tell us, our support and respect for you and your child in the school will not be affected in any way. Please tell us of your concern as soon as possible. It is difficult for us to investigate properly an incident or problem which has happened some time ago.

What to do first

If primary school: Most concerns and complaints can be sorted out quickly by speaking with your child's class teacher. *If secondary school:* Most concerns and complaints can be sorted out quickly by speaking with your child's form tutor or head of year. Any teacher or the school secretary can help you find the right member of staff. If you have a complaint which you feel should be looked at by the Headteacher in the first instance you can contact him/her straightaway if you prefer. It is usually best to discuss the problem face to face. You may need an appointment to do this, and can make one by ringing or calling in to the school office. You can take a friend or relation to the appointment with you if you would like to.

All staff will make every effort to resolve your problem informally. They will make sure that they understand what you feel went wrong, and they will explain their own actions to you. They will ask what you would like the school to do to put things right. Of course, this does not mean that in every case they will come round to your point of view but it will help both you and the school to understand both sides of the question. It may also help to prevent a similar problem arising again.

What to do next

If you are dissatisfied with the teacher's response (or with the Headteacher's initial reaction if he/she has already been involved) you can make a complaint to the Headteacher. This should be made in writing. Help with this is available from

If your complaint is about an action of the Headteacher personally, then you should refer it to the Chair of Governors now. You can contact him/her by

You may also find it helpful at this stage to have a copy of the full statement of the General Complaints Procedure as this explains in detail what procedures are followed. This is available from the school office.

The Headteacher will ask to meet you for a discussion of the problem. Again you may take a friend or someone else with you if you wish. The Headteacher will conduct a full investigation of the complaint and may interview any members of staff or pupils involved. You will receive a written response to your complaint.

If you are still unhappy

The problem will normally be solved by this stage. However, if you are still not satisfied you may wish to contact the Chair of the governing body to ask for referral of your complaint to a Governors' Complaints Panel. It will then be heard by a group of three governors who have no previous knowledge of the problem and so will be able to give it a fresh assessment. You will be

invited to attend and speak to the panel at a meeting which the Headteacher will also attend. The General Complaints Procedures statement explains how these meetings operate.

Further action

Complaints about school problems are almost always settled within schools but in exceptional cases it may be possible to refer the problem to an outside body such as the Local Education Authority or the Secretary of State for Education and Employment. Again there is more information on this in the General Complaints Procedure.

Annex B:
HOW TO LISTEN TO COMPLAINTS
(after a Hertfordshire County Council guide)

As soon as you realise that you are listening to a complaint, remember these points:

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| Don't pass the buck | Try not to keep transferring an angry person from one place to another. Make sure you know the contact person for anything you cannot deal with yourself. |
| Don't be flippant | First impressions count. You and the school may be judged on your immediate reaction. |
| Treat all complaints seriously | However small or trivial it may seem to you, the complaint will be an important problem for anyone who takes the trouble to complain. |
| Treat every complaint individually | Even if you have already received several similar complaints the same day, it is probably the person's first chance to have their say. |
| Be courteous and patient | Be sympathetic and helpful, but do not blame other colleagues. |
| Say who you are | If you are unknown to the person, introduce yourself. |
| Ask for their name and use it | Anonymous complaints are acceptable only where there are special circumstances. |
| Take time to find out exactly what the problem is | It is easy for someone to forget to tell you an important detail, particularly if they are upset or annoyed. |
| Don't take the complaint personally | To an angry or upset person, YOU are the school, and the only one they can put their feelings to right now. |
| Stay cool and calm | Do not argue with the person — be polite and try to find out exactly what the person thinks is going wrong, or has gone wrong. |
| Check you are being understood | Make sure that the person understands what you are saying. Don't use jargon - it can cause confusion and annoyance to someone "not in the know". |
| Don't rush | Take your time. Let people have their say, and let off steam if they need to. Listen carefully and sympathetically to their problems before replying and attempting to find a solution or offer a next step. |