



## **Speaking up:**

**When children and young people want to complain about school**

## Introduction

The statutory remit of the Children's Commissioner includes a specific duty to investigate the availability and effectiveness of complaints procedures from the point of view of children and young people.<sup>1</sup> This work has, in the past, included an investigation of the child-friendliness of the complaints system in the National Health Service.<sup>2</sup> Our report into NHS complaints proposed a series of principles which underpin an effective complaints system, which works for children and young people, their parents or carers, and for service providers themselves.

The principles of an effective complaints system are:

1. All organisations working with children and young people should value and respect them, and develop positive and trusting relationships.
2. All complaints from children and young people should be seen as positive, valuable service user feedback and considered from a safeguarding perspective.
3. Children and young people should be involved in the development and implementation of the complaints process they may wish to use.
4. All children and young people should have access to information about complaints processes. This should be provided in a variety of formats, including online, and should be age appropriate and take account of any additional needs that a young person may have.
5. All children and young people should be able to make complaints in a variety of ways.
6. Written responses to complaints should be timely and where possible discussed with the young person. The young person should always be given an opportunity to provide feedback.
7. Staff should be well trained and have access to training in listening to, and dealing with, complaints from children and young people.
8. Children who need support to make a complaint should have access to an independent advocate

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<sup>1</sup> Children and Families Act 2014, Part Six, Section 107 (2): Primary Function.

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[http://www.childrenscommissioner.gov.uk/sites/default/files/publications/Child\\_Friendly\\_Complaints\\_Processes\\_in\\_Health\\_Services.pdf](http://www.childrenscommissioner.gov.uk/sites/default/files/publications/Child_Friendly_Complaints_Processes_in_Health_Services.pdf)

These principles have been developed based on the views, experiences and voices of children and young people, as well as discussions with professionals who have a responsibility for complaints.

This report focuses on complaints systems within the education system in England. Specifically, it looks at secondary school age (11-16), chosen because this age group is more likely than younger children to lodge a complaint on their own behalf.

The Children's Commissioner was prompted to examine the education system for a number of reasons.

Firstly, our previous work on exclusions from and admissions to schools had demonstrated a lack of confidence among children and their parents that issues raised in these areas would be treated fairly by schools and other organisations in the system. This work also identified widespread gaps in the knowledge of young people and their parents regarding their rights, and how to complain or appeal if they felt that these rights had been breached. We were concerned that lack of confidence and knowledge of the complaints system may extend beyond admissions and exclusions to other issues within the education system.

Secondly, we were concerned by some of the findings of the Public Accounts Committee in their report on Whistle-Blowing in 2014.<sup>3</sup> This report found no statutory body (with the exception of Ofsted) made any pro-active attempt to identify risks and issues in the education system. The committee found that:

*“There are significant gaps in the Department's [DFE] knowledge of performance in individual schools. The Department's narrow set of indicators means that it has not spotted important failures until too late and is over-reliant on whistle-blowers.”*

This echoes the findings in our report on illegal exclusions, “Always Someone Else's Problem”. We found that, again with the exception of Ofsted, no statutory body was doing anything proactively to monitor, identify and put right unfair practices on behalf of schools.

This is concerning, as it is critical that failures in the education system are identified and put right early, and that the system learns from them. The complaints system is one of the main ways that both incidental and systemic problems can be identified. It is therefore vital that this system works in the interests of all stakeholders. It must be trusted by those using it, it should effectively resolve problems, be used to identify systemic problems, and ultimately allow decision-makers in schools and government to learn from mistakes and make sure they not repeated. If a complaint system is not effective, not fully utilised, and not monitored, it can't fulfil this function.

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<sup>3</sup> Public Accounts Committee, 9<sup>th</sup> Report – Whistleblowing (July 2014)  
<http://www.publications.parliament.uk/pa/cm201415/cmselect/cmpubacc/593/59302.htm>

*This city has a culture of 'not snitching', we wouldn't even think of it, you just deal with something yourself (interview: young man, 17).*

Therefore, our research sought to understand whether the complaints system in education meet the needs of children and young people, and their parents, and also educationalists and policy makers.

We commissioned the University of Edinburgh to conduct in-depth research with children and parents to explore the following questions:

1. Do young people and parents/carers want to raise complaints with schools? If so, what is the nature of these complaints?
2. If young people and parents/carers wanted to complain, did they end up making a complaint?
3. How are complaints dealt with by the school and or other bodies?
4. How would young people and parents/carers like complaints to be dealt with?

In addition we utilised the Commissioner's data request powers to seek documentation from a range of schools about their complaints processes.

### **Managing complaints processes.**

There is **no generally agreed definition** of what constitutes a complaint about the education system. Guidance published by the Department for Education, and its advice website for parents do not define a complaint. Equally, we have found that individual schools use a variety of definitions, or do not define it.

Our research with parents and young people suggests they define a complaint as any concern which they feel sufficiently strongly about to raise formally. In other words, a complaint in this context is by its nature formal, and is reliant on a school's formal complaints process for resolution. It is different to a "concern", or "issue", which will be dealt with informally.

For the purposes of this report, we will use this definition. This does not distinguish between those areas where there is a legally specified role for statutory bodies, such as local and central Government (such as admissions, exclusions, SEN, safeguarding, criminal activity) and those where the law is silent (such as uniform policy, content of curriculum or requests for "voluntary" donations to school funds).

We consider that a complaint is a clear expression of dissatisfaction, however made, by a person or persons with a legitimate interest in the school (but not being employed at the school or on the governing body) and being raised formally.

DFE **guidance sets out the principles for schools** in how to deal with complaints, but individual schools are free to develop an approach that is appropriate for them

The DFE guidance states:

*An effective 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;*
- *address all the points at issue and provide an effective response and appropriate redress, where necessary;*
- *provide information to the school's senior management team so that services can be improved.*

For the large majority of complaints, the first point of contact is the school's head teacher. If the complaint is made formally, the school ought to proceed according to its policy. If the complainant is not content with the response they receive, their next course of action is to escalate this to the board of governors. Complaints to governors will be considered either by the full board, or by one or more individuals with delegated responsibility to do so. In most cases, complaints are resolved by this stage.

However, if a complainant is still not satisfied, their next course of action depends on the nature of the complaint and on the governance structure of the individual school. Resolving a complaint may in fact require the involvement of a large number of statutory bodies including the Academy Trust, Department for Education, Ofsted or the Local Authority in question.

Statutory bodies will usually expect a complainant to exhaust the school's complaints process in the first instance, and will not consider a complaint unless this has happened. However, there are a small number of exceptions to this regarding issues such as criminal activity or safeguarding concerns.

## What are we complaining about..?

Our research showed the diverse range of issues that young people and their parents feel they might need to raise complaints about – these show how important it is that the complaint system works, and is fair to all:

- Student's learning needs not being met by the school
- School not being sensitive to students' home circumstances
- Bullying and how schools deal with bullying
- School rules that are perceived to be unfair
- Problems with specific teachers

## Findings and Recommendations

- **Complaints processes should be made child friendly and be written in plain English, and schools should be required to publish their complaints policy on their website**
- **DFE should produce a comprehensive complaints “flow-chart” which makes clear which bodies are responsible for different type of complaint. This should be distributed to schools and all statutory bodies involved in the process.**

Our research found that the complaints system in education is complex and has grown organically over time, rather than being planned with the needs of children, parents or education providers in mind. Consequently young people and their parents reported that they often did not know where to start.

One of the key principles of an effective complaints system is to offer a range of ways of registering complaints, especially to young people. However, schools who shared their policies with the researchers typically required complaints to be made in a single format (often by pro-forma) as a pre-requisite for the complaint being considered. This can lead to a complainant thinking that they have started the formal process, while the statutory body considers no action is needed because the correct paperwork has not been filled in.

The research also showed that often the definition and circumstances of a formal complaint was very unclear - In the research focus groups, while young people debated about whether being bullied by another student is a school complaint (many thought that this is asking for help from the school while others thought that it could be a failure of school bullying policies), all thought that if you asked for help and it was not received, then a complaint about the school is justified.

This lack of clarity complexity could potentially be preventing complaints from being made and handled effectively. It also leads to differences in the outcomes of similar complaints depending on the area of the country or the type of school leading to a postcode lottery. Young people and the parents told our researchers that they did not understand how to raise their concerns, and schools (and other public bodies) do not do enough to provide this information.

*I didn't know I could complain in school. In social services I got a leaflet called something like "Have Your Say!" saying how to complain, but there is nothing like that at school (interview: young woman, 18)*

At present, schools are only required to provide their complaints processes "on demand" from parents and others. In practice this means that they are often very difficult to access. As part of this inquiry, we used the Children's Commissioner's statutory powers to request complaints policies from every state-funded secondary school in three randomly-chosen Local Authorities. Only 52% of these schools responded. Of these few were able to provide an up to date complaints policy, despite it being a statutory requirement for them to have one and to produce it on request.

*I had to go on to the Council's website to find out that I could write to the Chair of the governors because it wasn't on the school website. The Council website said that I could also take it to an independent tribunal but I've got no idea how to do it so I don't think it's worth the stress. (interview: parent)*

- **Schools should prioritise an open positive culture where feedback, and children's views are valued**
- **Details of how to complain when things go wrong should be included as part of the agreements that many schools require parents to sign up to when their children start at a school. This should also cover the process for escalating complaints beyond the school.**

In our research project, we asked them what would constitute a 'child friendly' system and the following suggestions were made:

- Start by building a school culture that values feedback and open communication
- Take action, and ‘tell us what happened’
- Provide clear information for students and parents about how to complain
- Prioritise building relationships with all students
- Have independent support for all young people in schools

In fact the research showed that many young people and their parents or carers reported feeling reluctant to complain because they lack faith in the system, or fear reprisals.

The perception of whether or not a complaint will have a positive outcome is the biggest factor in young people’s decision about whether or not to complain. Overall young people in particular were not optimistic that their complaints in school would be successful. During the research, in group sessions, participants worked on 22 hypothetical complaint stories – the outcome of these group-work sessions resulted in only four of the 13 characters that complained achieving a positive outcome.

Parents were more likely than young people to perceive that making a complaint could end up having a detrimental effect. The majority of parents interviewed suggested that they considered this possibility before they decided to complain. One parent summed this up by saying:

*You have to be careful with schools because they take care of my child (interview: parent).*

Research respondents particularly reported that when using complaints procedures, they wanted to feel they were being taken seriously when making a complaint, and that acknowledgement of the complaint and feedback on any action were important steps in making them feel that this was the case.

*I was getting bullied and my mum told the year office. I was really nervous because I didn’t want to get dragged into a meeting where the two of us had to talk to each other. They talked to the girl concerned and she stopped bullying me to my face but started spreading stuff behind my back. Then my tutor got involved and he clearly took her side. I didn’t feel listened to. I didn’t want to complain about the teacher because I didn’t want to get in his bad books and she was also complaining about me so it was complicated. (interview: young woman, 14)*

Too often, they simply move to another school or become resigned to a lack of resolution.



*We just got the impression she wanted to get us out of the room as quickly as possible. She just said 'yeah yeah...I'll see if I can sort it out'. Nothing happened. We went back five or six times but still nothing changed. My foster carer went in and complained and also several other parents but still nothing happened. Nobody knew what else to do and in the end we just finished that school and I went on to a different sixth form. (interview: young man, 18)*

- **Schools & other statutory bodies should be required to collect of data on number and nature of complaints. This should be done to a standard template, allowing analysis to be made of regional and demographic variations, as well as changes over time. Data should include demographic information on complainant and outcome.**
- **DfE should release annual aggregated statistics on school complaints, drawing on this template.**

To complement the research with young people and parents we used the Children's Commissioner's powers to request information on complaints from every state-funded secondary school in three randomly-selected local authority areas. We asked for a copy of their complaints policy as well as statistics on complaints received by the school in each of the last three academic years.

We requested basic information on the nature and outcome of complaints, and some details about the demographic details of complainants. The results of this request were disappointing, as only 52% of these schools responded. Of those schools only a minority collected data on the nature and outcomes of complaints, and none collected data on the characteristics of who complained. Therefore across the system as a whole, it is unlikely to be possible to ascertain rates of complaints, and the differences in the natures of which complaints are upheld, rejected or escalated beyond the school.