



Complaints Procedure

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Introduction

In December 2003 Portsmouth City Council issued guidance to schools and governing bodies for setting up and adopting a General Complaint Procedure for the handling of complaints from parents, governors and the public within the Local Authority.

Schools, governing bodies and the LA adopted this common procedure and since that time have been using it successfully.

The procedures should not be used for complaints that fall under existing statutory procedures and are therefore covered by other documentation, ie

- Curriculum
- Sex Education
- Admissions
- Exclusions
- Special Educational Needs
- Staff Grievances

Changes have recently been made to include information about the Local Government Ombudsman (LGO) role in dealing with complaints and where to go to for complaints about academy schools.

Following the Education Act 2011 receiving Royal Assent in November 2011, the final route of appeal for complaints about maintained schools will be no longer with the LGO but will be dealt with by the Secretary of State for Education from 1st August 2012.

Extended Services

It is also recommended that the governing body ensure that any third party providers offering community services or facilities through the school premises or using school facilities (even if it is hiring it out for a wedding reception) have their own complaints procedures in place.

General Principles

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 that is given to new parents when their children join the school. Schools should also prepare leaflets for parents explaining how problems are dealt with and how the complaints procedures work. (Appendix E makes suggestions for the text of such a leaflet).

Schools need to consider whether there is a need to make the procedures available in languages other than English and whether audio-cassette, Braille or large-print versions are necessary.

At regular intervals parents should be reminded of the complaints process.

2. Procedures should be as speedy as possible - consistent and fair to all concerned

Each stage of the procedure should have known time limits. Where it is not possible to meet these, the complainant should be kept informed of progress.

3. Support for complainant

It is important that parents know that at any stage of the procedure they can be accompanied by a friend, relative or representative and to know where they can go for information, advice and advocacy, if required.

4. Support for a person complained against

Staff who may be questioned as part of the investigation of a complaint must feel that they are being treated fairly, that they will have the opportunity to put their case and that a friend or representative may accompany them at any stage. There is a crucial balance to be maintained between supporting the individual so that his/her rights are maintained and reputation protected, and investigating a complaint thoroughly and impartially.

The complaints procedure is distinct from formal disciplinary proceedings for staff and this will need to be made clear to all concerned. However there may be occasions where a complaint leads to a disciplinary procedure which puts the complaints process on hold. If so, the complainant should be informed of this, without going into details, and updated regularly on likely further delay. After the disciplinary process is completed it will be necessary to decide what further response to the complainant is required.

5. Confidentiality

It is very important to treat all concerns and complaints with discretion. It is vital that parents feel confident that their complaint will not penalise their child. However, a

complainant will need to be aware that some information will have to be shared with those involved in order that the complaint can be investigated.

It is usual to disregard anonymous complaints, but the danger is that they may relate to something serious and the complainant may subsequently surface and say that he/she alerted the school. It should be at the Headteacher or governing body's discretion to decide whether the gravity of an anonymous complaint warrants an investigation. Clearly the Headteacher cannot decide upon carrying out an investigation of an anonymous complaint directed at them, it would be for the governing body to establish if there is a basis for investigation.

6. Redress

If the outcome of the complaints 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, an assurance that you will work hard to prevent a recurrence, an undertaking to review school policies or practices in the light of the complaint, or, in appropriate circumstances, financial compensation (following consultation with appropriate legal advisers). Fear of litigation should not prevent a school from admitting to parents when mistakes have been made, but it is recommended that advice be sought from the LA if it is possible that the parent might take legal action.

7. Staff Awareness and Training

All staff should be aware of the procedures, as potentially many will be involved with handling complaints, especially at the informal level. To be confident in doing so depends on them having clear information about the procedures, reassurances that senior staff are committed to the procedures and some basic training in dealing with people who are upset or angry. There should be clear information about roles and responsibilities so that parents know who will deal with their concerns.

8. Record Keeping

Complaints should be recorded and monitored regularly by staff and governors. It is recommended that recording should begin at the point when an initial concern or complaint cannot be resolved immediately but needs some investigation and/or consultation with others in school and a subsequent report back to the parent.

Recording at the earliest stage 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 a 'comments and complaints' book could be used.

A Staged Approach

Governing bodies are advised to adopt a staged approach as follows:

Stage 1: The First Contact

There needs to be clarity as to the difference between a concern and a complaint. Taking informal concerns seriously at an early stage will reduce the number that develop into formal complaints. There are many occasions where concerns are resolved straight away through the classteacher, headteacher or administrative staff, depending on who is approached first. Parents must feel able to raise concerns with members of staff without any formality, either in person, over the telephone or in writing. On occasion it may be appropriate for someone to act on behalf of a parent and this must be taken into consideration.

It may be unclear at first 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.

Stage 2: Referral to the Headteacher

At this stage it has become clear that the concern is a definite complaint and should be investigated according to school guidelines (see model procedures attached at Appendix A) to ensure consistency and to make sure that nothing happens which could make it difficult for later stages to proceed smoothly.

In some cases the headteacher may already have been involved in looking at the matter; in other cases it may be his/her first involvement and in a large school it may be appropriate to delegate the investigation at this stage to another member of staff. What is important is that a staged procedure exists which reassures complainants that their grievance will be heard by more than one person, and that headteachers ensure that their involvement will not be predominant at every stage of a particular complaint.

NB In some cases headteachers will have been involved at Stage 1, or the complaint may be against them, in which case Stage 2 should be carried out by the Chair of Governors. In other cases, where the headteacher has delegated the investigation at Stage 2 to another member of staff, s/he is advised to become involved if the parent is not satisfied, before the Stage 2 process is completed and the matter referred to the governing body.

Stage 3: Review by the Governing Body

Complaints rarely reach this formal level, but it is important that governing bodies are prepared to deal with them when necessary. At this stage schools may wish to seek advice from the Local Authority or diocese as appropriate. Alternatively, governors can contact the Department for Education for further advice.

It is important that this review is not only independent and impartial but that it is seen to be so. Complaints should always be considered by a panel, not by the full governing body. Some

governors may have previous knowledge of the problem which led to the complaint and would be unable to give fair, unbiased consideration to the issue, whilst if a complaint resulted in disciplinary action against a member of staff it would be necessary for there to be sufficient governors with no prior involvement to form a staff dismissal committee and possibly a staff dismissal appeal committee.

It is recommended that the panel appoint a clerk to minute the meeting. The clerk would be the contact point for the complainant and be required to:

- Set the date, time and venue of the hearing and ensure that the dates are convenient to all parties and that the venue and proceedings are accessible.
- Collate any written material and send it to the parties in advance of the hearing
- Meet and welcome the parties as they arrive at the hearing
- Record the proceedings
- Notify all parties of the panels' decision

The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and complainant. However, it has to be recognised that sometimes it may only be possible to establish facts and make recommendations that will satisfy the complainant that their complaint has at least been taken seriously.

What if my complaint is about a governor?

You should still contact the Chair of Governors who will investigate your concerns. If the complaint is about the Chair of Governors you should contact a member of the governing body complaints committee. The school should be able to tell you who that would be. The governing body may agree to enter into formal collaboration arrangements with another governing body to investigate a complaint against the governing body.

What if my complaint is about a Headteacher?

You should contact the Chair of Governors at stage one, who will investigate your concerns. The school should be able to tell you who that would be. If you still have a complaint following the Chair's investigation, you will bypass to stage 3, where a panel of governors will be set up to investigate further.

Stage 4: Review by the Secretary of State for Education

Following the abolition of the Local Government Ombudsman, Section 45 of the Education Act 2011 has repealed the power to complain to a Local Commissioner and this is effective from 31st July 2012. Consequently, with effect from 1st August 2012, any unresolved school complaints will have a final route of appeal direct to the Secretary of State for Education.

Complaints about academies

Academies operate independently of local authorities. If you have a complaint about an academy which you have been unable to resolve, you should contact the Young People's Learning Agency: <http://thirdsector.lsc.gov.uk/transitionarrangements/ypla/>.

Appendix A

Model Complaints Procedures 2011

(For adoption, with amendments as necessary, by a governing body)

Portsmouth School Complaints Procedures 2011

In order to investigate your complaint as fully as possible the governing body of Mayfield School have implemented a staged approach.

Stage 1: The first contact

- 1.1. Parents are always welcome to discuss any concerns with the appropriate member of staff, who will clarify with the parent the nature of the concern and reassure 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 at this point to identify what sort of outcome the parent is looking for.
- 1.2. If the member of staff first contacted cannot immediately deal with the matter, s/he will make a clear note of the date, name and contact address or phone number.
- 1.3. All members 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 dealt with.
- 1.4. If the matter is brought to the attention of the Headteacher s/he may decide to deal with concerns directly at this stage (*applicable in smaller schools or with more serious complaints*); if the complaint is against the Headteacher the parent will be advised to contact the Chair of the Governing Body.
- 1.5. The member of staff dealing with the concern will make sure the parent is clear what action (if any) or monitoring of the situation has been agreed, putting it in writing if appropriate.
- 1.6. Where no satisfactory solution has been found within ten days, parents will be advised that if they wish their concern to be considered further they should write to the Headteacher.

Stage 2: Referral to the Headteacher for investigation

- 2.1 The Headteacher (or designated person) will acknowledge the complaint in writing within three working days of receiving the written complaint. The acknowledgement will give a brief explanation of the school's complaints procedure and a target date for providing a response to the complaint. This should normally be within ten working days. If this proves impossible, a letter will be sent explaining the reason for the delay and giving a revised target date.

- 2.2 The Headteacher will provide an opportunity for the complainant to meet them to supplement any information provided previously. It will be made clear to the complainant that if s/he wishes s/he might be accompanied to any meeting by a friend, relative, representative or advocate who can speak on his/her behalf.
- 2.3 If necessary the Headteacher will interview witnesses and take statements from those involved. If the complaint centres on a pupil, the pupil should also be interviewed. Pupils should normally be interviewed with parents/guardians present, but if this would seriously delay the investigation of a serious/urgent complaint or if the pupil has specifically said that s/he would prefer that parents/guardians were not involved, another member of staff with whom the pupil feels comfortable should be present. If a member of staff is complained against, they must have the opportunity to present their case (see General Principles).
- 2.4 The Headteacher will keep written records of meetings, telephone conversations and other documentation.
- 2.5 Once all the relevant facts have been established as far as possible, the Headteacher will then produce a written response to the complainant, including a full explanation of the decision and the reasons for it. Where appropriate, this will include what action the school will take to resolve the complaint. The complainant will be advised that should s/he wish to take the complaint further s/he should notify the Chair of Governors within five weeks of receiving the letter.
- 2.6 If the complaint is against the Headteacher, or if the Headteacher has been closely involved at Stage 1, the Chair of the Governing Body will carry out all the Stage 2 procedures.

Stage 3: Review by the Governing Body

- 3.1 The Chair of the Governing Body will write to the complainant to acknowledge receipt of the written request for the governing body to review the complaint. The acknowledgement will inform the complainant that three members of the school's governing body will hear the complaint within twenty days of receiving the complaint. The letter will 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.
- 3.2 A meeting of the Governors' Complaints Panel will be convened. No governors with prior involvement must be included on the panel and it may be necessary to use reserves (previously agreed by the governing body) to ensure the Panel can meet within the set time. If s/he has not previously been involved the Chair should chair the Panel; otherwise the Vice-Chair should do so. Governors should bear in mind the advantages of having a parent governor on the panel, and will also want

to be sensitive to issues of race and gender. It is not appropriate for the Headteacher to sit on the Panel.

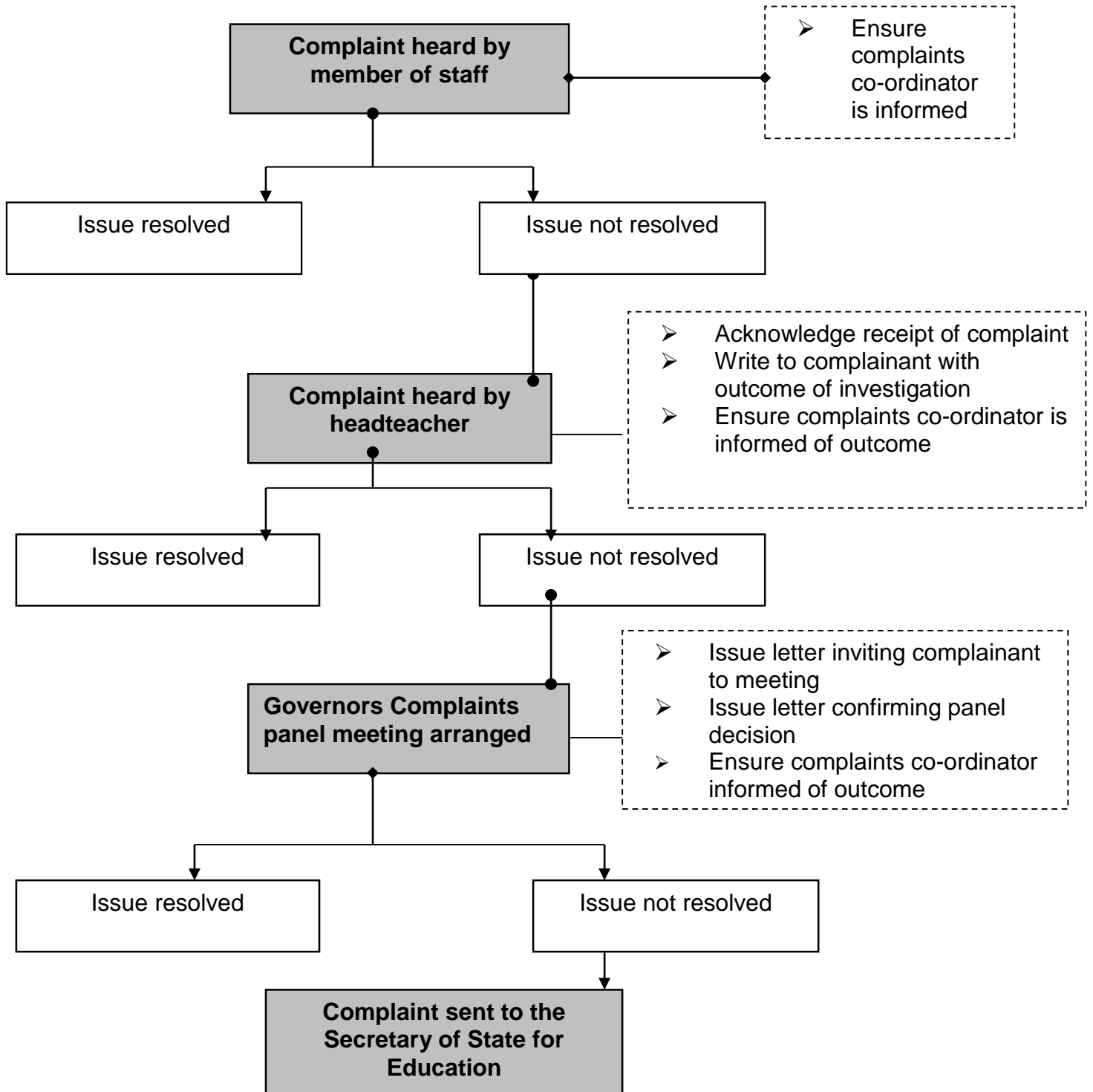
- 3.3 The Chair/Vice-Chair will ensure the Panel hears the complaint within twenty working days of receiving the letter. All relevant correspondence relating to the complaint will be given to each Panel member as soon as the composition of the panel is confirmed. If the correspondence is extensive, the Chair may prepare a thorough summary for sending to Panel members.
- 3.4 The Chair or clerk will write and inform the complainant, Headteacher, any relevant witnesses and members of the Panel at least five working days in advance of the date, time and place of the meeting. The notification will also inform the complainant of his/her right to be accompanied to the meeting by a friend/advocate/interpreter and explain how the meeting will be conducted and the complainant's right to submit further written evidence to the Panel.
- 3.5 The Headteacher will be invited to attend the Panel meeting and will be asked to prepare a written report for the Panel in response to the complaint. All concerned should receive any relevant documents including the Headteacher's report, including the complainant, at least five working days prior to the meeting. The Headteacher may also invite members of staff directly involved in matters raised by the complainant to respond in writing or person, subject to the discretion of the Chair.
- 3.6 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 approval of the Chair) and all parties having the right to question all the witnesses
 - Final statements by both the complainant and the Headteacher.

It is the responsibility of the Chair of the Panel to ensure that it is properly minuted.

- 3.7 The Chair of the Panel will explain to the complainant and Headteacher that the Panel will consider its decision and that a written decision will be sent to both parties within 15 working days. The complainant, Headteacher, other members of staff and witnesses will then leave.
- 3.8 The Panel will then consider the complaint and all the evidence presented and:
- Reach a unanimous, or at least a majority decision on the complaint;

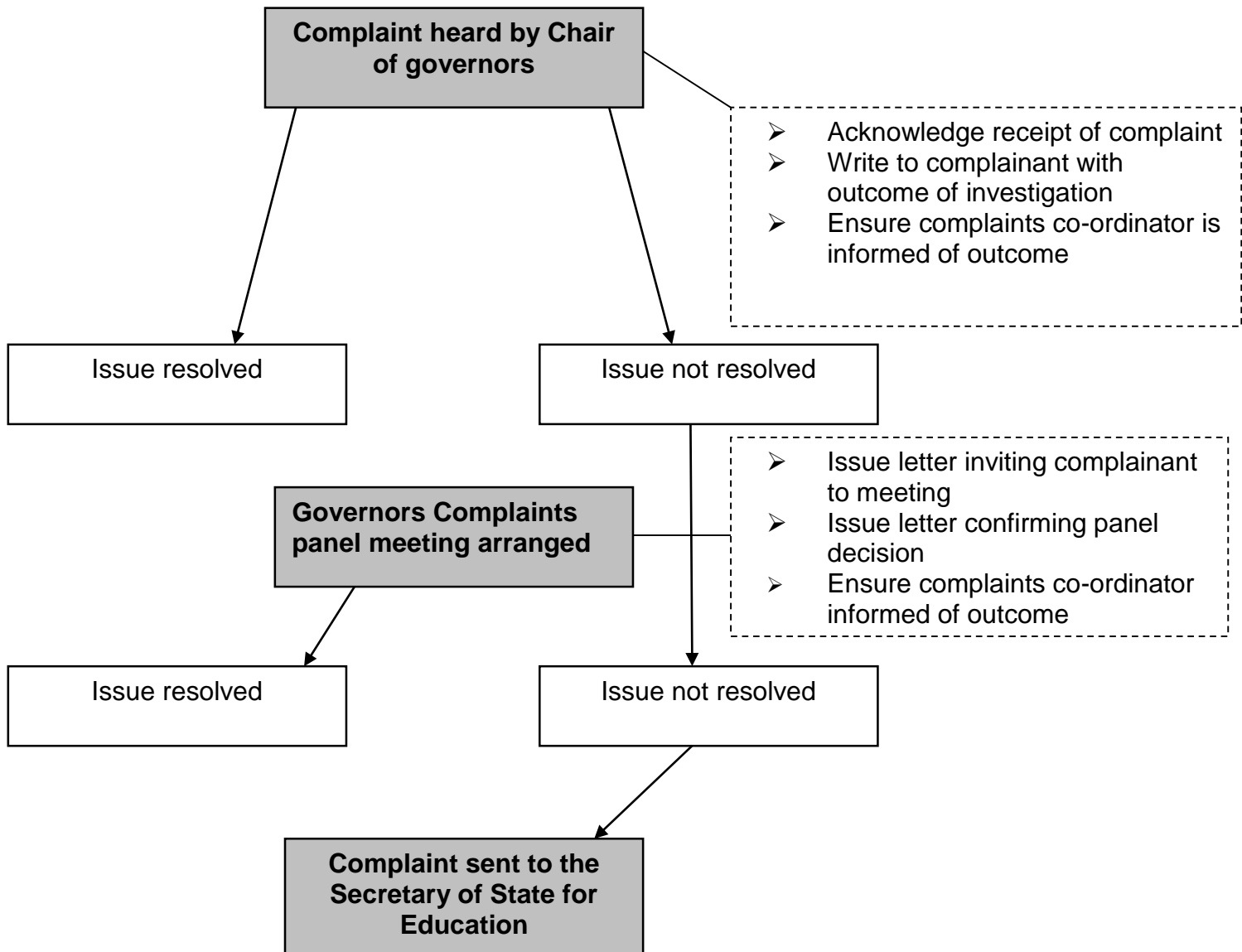
- Decide upon the appropriate action to be taken to resolve the complaint; and
 - Where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again.
- 3.9 A written statement outlining the decision of the Panel must be sent to the complainant and Headteacher. The letter to the complainant should also explain whether a further appeal can be made, and if so, to whom.
- 3.10 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.

Appendix B Flowchart of complaints about school (excluding Headteacher)



Appendix C

Flowchart of complaints about a Headteacher



Appendix D

How to Listen to Complaints

When you realise that you are listening to a complaint, try to remember these points:

Don't pass the buck	Try not to keep transferring an aggrieved 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 other 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.

Appendix E

Concerns and Complaints about the School Guidance Notes for Parents

(Suggestions for the text of a leaflet, to be modified to fit a particular school and its established procedures for communication and contact.

If you have a concern or complaint

We would like you to tell us about it. We welcome suggestions for improving our work in school. Be assured that no matter what you want to tell us, our support and respect for you and your child in 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 that 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 classteacher.

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 member of the administrative staff can put you in contact with the right member of staff.

If you have a complaint that 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 into 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 initial response (or with the Headteacher's initial reaction if s/he 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 Procedures as this explains in detail what procedures are followed. This is available from the school office.

The Headteacher will ask to meet you to discuss 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 a 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 given a fresh assessment. You will be invited to attend and speak to the panel at a meeting that 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 Secretary of State for Education, again there is more on this in the General Complaints Procedure.

Appendix F

Example of a Complaints Form

Please complete and return to (Complaints Co-ordinator) who will acknowledge receipt and explain what action will be taken	
Your Name	
Pupil's Name	
Your relationship to the Pupil	
Address	
Postcode	
Daytime Tel Number	
Evening Tel Number	
Please give details of your complaint here	
What actions, if any have you 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?	
Are you attaching any paperwork?	
Signature	
Date	
<i>For Office Use only</i>	
Date acknowledgement sent	By Whom
Complaint referred to:	Date: