



**Dealing with complaints**  
**Guidance for Governors**

**September 2017**



## 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.

Some areas of complaint are subject to statutory procedures and there is clear guidance on how such issues should be dealt with. These include:

- admissions
- child protection
- exclusions
- religious worship
- staff capability
- staff discipline
- staff grievance
- school re-organisation proposals
- whistleblowing

Since the implementation of section 45 of the Education Act 2011, on 1 August 2012, the Local Authority no longer has any power or duty to intervene in school complaints.

## Extended Services

It is also recommended that the governing board 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.

## 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 actions taken or a lack of action'*.

It is in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to invoke formal procedures. Schools should take informal concerns seriously and make every effort to resolve the matter as quickly as possible.

## General Principles

## **1. Publicity**

Parents should always know how they can raise concerns or lodge a formal complaint. The Complaints Policy should be well sited and easily accessible on the school's website.

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 board'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, or the appropriate legal adviser, 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**

Recording at the earliest stage of the complaint need only be a very basic record, giving the date, name of parent and general nature of the complaint. While escalation of the complaint will ideally not result in further investigation, it is important that those responsible for reviewing the complaint at each stage keep records of what the complaint was, any relevant evidence that was considered and the outcome. Ideally, this would be sent to the complainant to sign that it was a true reflection of what was said.

In doing this, the school is making it easier to review the complaint at any later stages of the procedure (saving time for governors on appeal panels in the process) and also ensuring that it has the strongest base possible from which to defend itself if the complaint is taken to the Department for Education. Any personal information recorded in regard to the complaint must be kept according to the principles of the Data Protection Act 1998.

## **Serial and Persistent Complainants**

Schools should do their best to be helpful to people who contact them with a complaint or concern or a request for information. However, in cases where a school is contacted repeatedly by an individual making the same points, or who asks them to reconsider their position, schools will need to act appropriately.

There will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. It is important for schools to recognise when they really have done everything they can in response to a complaint. It is a poor use of schools' time and resources to reply to repeated letters, emails or telephone calls making substantially the same points. If a complainant tries to re-open the same issue, the Chair of Governors can inform them that the procedure has been completed and that the matter is now closed.

If the complainant contacts the school again on the same issue, then the correspondence may be viewed as 'serial' or 'persistent' and the school may choose not to respond. However, schools must be careful that they do not mark a complaint as 'serial' before the complainant has completed the procedure.

Note: The Department for Education does not itself use the term 'vexatious' when dealing with serial or persistent correspondents as it could potentially be inflammatory. However, it is a recognised term. In the context of Freedom of Information (FOI) requests, the Upper Tribunal concluded that 'vexatious' could be defined as the *'...manifestly unjustified, inappropriate or improper use of a formal procedure.'* An exemption therefore exists in Section 14(1) of the Freedom of Information Act 2000. However, this exemption can only be applied to requests themselves, and not the individuals who submit them.

More information about dealing with vexatious requests for information is available on the Information Commissioner's Office (ICO) website.

Under no circumstances should an individual be marked as serial for exercising their democratic right to refer their complaint to their local MP regardless of which stage the complaint has reached. The application of a 'serial or persistent' marking should be against the subject or complaint itself rather than the complainant.

## **A Staged Approach**

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

## **Stage 1 - Informal contact - dealing with concerns: initial concerns**

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 numbers that develop into formal complaints. There are many occasions where concerns are resolved straight away through the class teacher, 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.

## **Formal stage 2: Referral to the Headteacher (or representative)**

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.

N.B. In some cases headteachers will have been involved in the informal stage, or the complaint may be against them, in which case Formal stage 2 should be carried out by the Chair of Governors. In other cases, where the headteacher has delegated the investigation at Stage 1 to another member of staff, the headteacher 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 board.

## **Formal stage 3: Review by the Governing Board**

Complaints rarely reach this formal level, but it is important that governing boards 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 board. 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 (this could be the Clerk to the Governors). 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 panel's 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 the complaint is about a governor?**

Contact the Chair of Governors who will investigate the concerns. If the complaint is about the Chair of Governors contact the Vice Chair. The governing board may agree to enter into formal collaboration arrangements with another governing board to investigate a complaint against the governing board.

#### **What if the complaint is about a Headteacher?**

Contact the Chair of Governors at stage one, who will investigate the 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 was effective from 31<sup>st</sup> July 2012. Consequently, with effect from 1<sup>st</sup> August 2012, any unresolved school complaints will have a final route of appeal direct to the Secretary of State for Education. The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing board has acted unlawfully or unreasonably and where it is expedient or practical to do so.



The School Complaints Unit (SCU) considers complaints relating to LA maintained schools in England on behalf of the Secretary of State. The SCU will look at whether the complaints policy and any other relevant statutory policies were adhered to. The SCU also looks at whether statutory policies adhere to education legislation. However, the SCU will not normally re-investigate the substance of the complaint. This remains the responsibility of schools.

The SCU will not overturn a school's decision about a complaint except in exceptional circumstances where it is clear the school has acted unlawfully or unreasonably. If the SCU finds that the school has not handled a complaint in accordance with its procedure, it may request that the complaint is looked at again.

If legislative or policy breaches are found, the SCU will report them to the school and the complainant, and where necessary, ask for corrective action to be taken. The SCU normally also seeks written assurances as to future conduct. Failure to carry out remedial actions or provide written assurances could ultimately result in a formal Direction being issued by the Secretary of State in accordance with their powers under sections 496 and 497 of the Education Act 1996.

Schools may wish to contact the SCU for advice on whether they have acted reasonably; for example: in closing down a complaint from a serial complainant before the local procedure has been completed. However, the SCU will not be able to advise on how to resolve the complaint.

Further information can be obtained from the SCU by calling the National Helpline on **0370 000 2288** or going online at: [www.education.gov.uk/help/contactus](http://www.education.gov.uk/help/contactus) or by writing to: Department for Education School Complaints Unit 2nd Floor, Piccadilly Gate Store Street Manchester M1 2WD.

## **Complaints about academies**

All academies must have a complaints procedure. This must meet the standards set out in the [Education \(Independent School Standards \(England\) Regulations 2014](#) Schedule 1, Part 7.

The Regulations set out how complaints procedures should be drawn up and used effectively to handle complaints from parents of pupils.

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/321851/Complain\\_about\\_an\\_academy.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/321851/Complain_about_an_academy.pdf)



## **Mayfield School Complaints Procedures**

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

### **Stage 1: Informal contact - dealing with concerns**

- 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 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 Board.
- 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 Board will carry out all the Stage 2 procedures.

### **Stage 3: Review by the Governing Board**

- 3.1 The Chair of the Governing Board will write to the complainant to acknowledge receipt of the written request for the governing board to review the complaint. The acknowledgement will inform the complainant that three members of the school's governing board 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 board) 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.

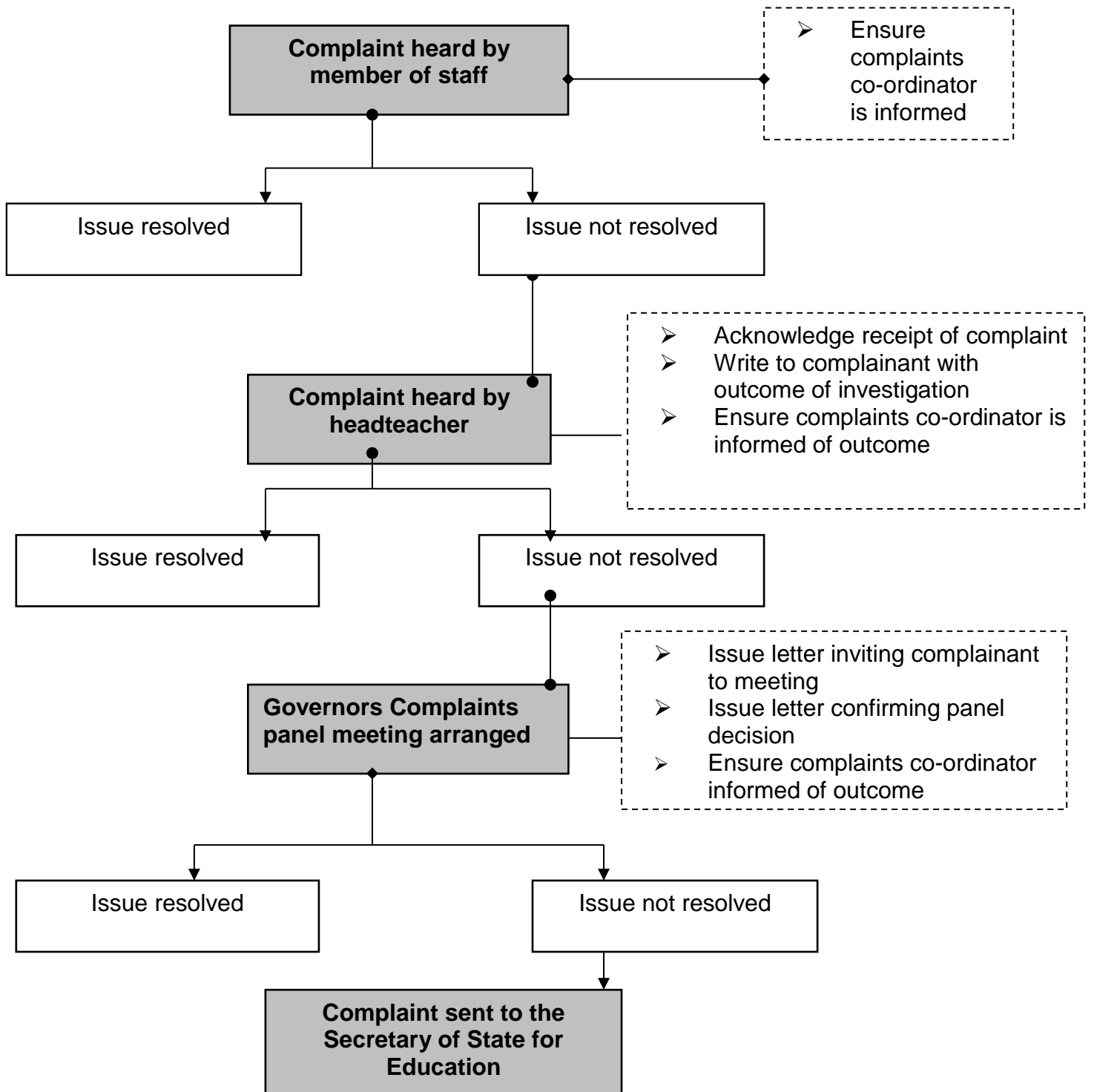
It is the responsibility of the Chair of the Panel to ensure that it is properly minuted.

- 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.

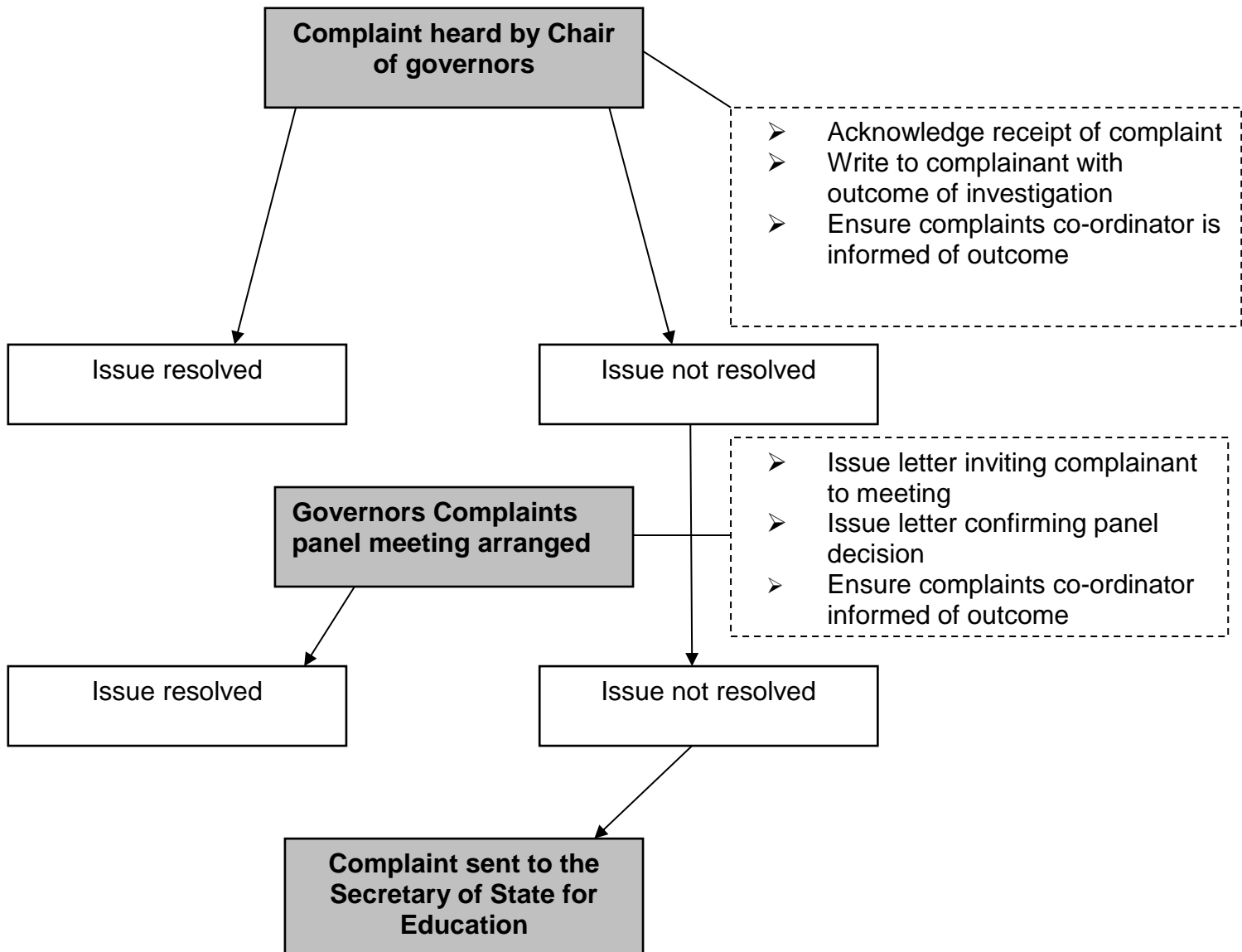
- 3.9 A written statement outlining the decision of the Panel must be sent to the complainant and Headteacher. The letter to the complainant should also explain whether a further appeal can be made, and if so, to whom.
- 3.10 The school should ensure that a copy of all correspondence and notes are kept 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:

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| <b>Don't pass the buck</b>                               | 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.  |
| <b>Don't be flippant</b>                                 | First impressions count. You and the school may be judged on your immediate reaction.  |
| <b>Treat all complaints seriously</b>                    | However small or trivial it may seem to you, the complaint will be an important problem for anyone who takes the trouble to complain.  |
| <b>Treat every complaint individually</b>                | Even if you have already received several similar complaints the same day, it is probably the person's first chance to have their say.   |
| <b>Be courteous and patient</b>                          | Be sympathetic and helpful, but do not blame other colleagues.   |
| <b>Say who you are</b>                                   | If you are unknown to the other person, introduce yourself.  |
| <b>Ask for their name and use it</b>                     | Anonymous complaints are acceptable only where there are special circumstances.  |
| <b>Take time to find out exactly what the problem is</b> | It is easy for someone to forget to tell you an important detail, particularly if they are upset or annoyed.   |
| <b>Don't take the complaint personally</b>               | To an angry or upset person, YOU are the school, and the only one they can put their feelings to right now.  |
| <b>Stay cool and calm</b>                                | 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.   |
| <b>Check you are being understood</b>                    | 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'.   |
| <b>Don't rush</b>  | 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. |





