

A Model Complaints Procedure for Schools

Guidance for Governors and Headteachers



**Northamptonshire
County Council**

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COMPLAINTS PROCEDURE FOR SCHOOLS POLICY

Persons Responsible: **Headteacher, Personnel
Governors.**

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Web Page: **www.headlandsprimary.co.uk**

Policy written by Northamptonshire County Council, Governor Services adopted by Headlands Primary June 2008

Personnel sub-Group reviewed March 2009 – no changes.

Personnel Sub-Group reviewed May 2010 - There have been no changes suggested by the LEA, as checked by AL. HR Policy adopted. This old policy not used.

MODEL COMPLAINTS PROCEDURE FOR SCHOOLS

INTRODUCTION

1. This model procedure is provided as a good practice guide, which will apply to most general complaints received by schools. It is not intended to cover those matters for which there is a specific statutory process to object, complain or appeal.
2. Complaints about delivery of the National Curriculum and the provision of religious education and collective worship should be handled under the requirements of Section 409 of the Education Act 1996.
3. Separate procedures also exist for appeals about special needs assessments and school admissions and exclusions. (See the SEN Code of Practice and School Admissions Code of Practice).
4. Concerns about allegations of child abuse and staff discipline must be dealt with through the separate agreed procedures that have been adopted for these purposes. (See Professionals and Child Protection Procedures and Practice and the DfES document *Safeguarding Children in Education: Dealing With Allegations of Abuse Against Teachers and Other Staff*, Ref: DfES/2044/2005).
5. Guidance on dealing with complaints linked to racism is contained in Annex B.
4. It is good practice for schools to make all parents aware of the existence of their complaints procedure, perhaps through the distribution of a leaflet and inclusion in the school's prospectus, with reference in the annual report to parents. The text of a possible model is included in a Schools Service parents' leaflet.
5. Schools may wish to use this to produce their own information leaflet.

GENERAL PRINCIPLES

- The resolution of a complaint provides the potential opportunity for the school to improve its practice and develop further a strong partnership with parents.
- The complaints procedure should be easily accessible and well publicised, so that parents know how to raise concerns.
- It is desirable for any concern/complaint to be addressed by a member of staff / governor at a level closest to the cause for the concern.
- Procedures should be as speedy as possible, consistent with fairness to all. (Suggested time-scales are provided in the model for schools to adopt or adapt to suit their circumstances).
- A complaint is distinct from any formal disciplinary procedure. Staff who may be questioned as part of a complaints procedure must be treated fairly and have an opportunity to put their case. They should be offered support in responding to any investigation into a complaint.
- If it becomes apparent to the headteacher or chair of governors that the parent's concern/complaint has the potential to be a disciplinary issue, advice should immediately be sought from Schools HR.
- Confidentiality is important in securing the confidence of all concerned. Conversations and correspondence must be treated with discretion. Parents need to feel confident that a complaint will not disadvantage their child. However, the parties to a complaint should realise that some information may have to be shared to carry out a thorough investigation.
- If the investigation of a complaint shows that it is justified, then the school should consider how to make amends in an appropriate way.
- Staff and governors in schools should have the opportunity to take part in training or briefing to raise their awareness of the procedures and develop their skills in dealing with people who wish to complain.
- All complaints should be recorded and monitored to identify issues and allow any lessons to be learned by the school.
- Every complaint should be acknowledged as "genuinely felt" by the complainant.

MODEL COMPLAINTS PROCEDURE FOR SCHOOLS

This model complaints procedure for schools has three stages:-

1. Initial Approach
2. Formal Complaint to Headteacher or Chair of Governors
3. Appeal to Governor Committee

Stage 1 - INITIAL APPROACH

GUIDELINES

- The vast majority of concerns and complaints can be resolved informally, often straight away by the class teacher, year head or headteacher.
- Schools should aim to ensure that parents feel able to raise concerns with staff without undue formality, either in person, by telephone or in writing. There may be occasions when it is appropriate or helpful for someone to accompany or act on behalf of a parent.
- Parents may not be clear at first that they are making a complaint. They may wish to ask a question or express an opinion. A preliminary discussion with school staff will usually clarify the issue and help parents to decide whether they wish to take the matter further.

PROCEDURE

1. Parents should have an opportunity for informal discussion of their concerns with an appropriate member of staff. This discussion should aim to clarify the nature of the parent's concern and assure them that the school wishes to hear about it. The discussion should also aim to clarify what kind of outcome the parent is seeking.
2. If the member of staff first contacted cannot deal with the matter immediately, he/she should make a firm arrangement to deal with it at a future date or refer the matter to the headteacher or another appropriate member of staff. In either case a note of the name, date and contact details of the complainant should be taken. The first contact should check to make sure the referral has been successful.
3. Headteachers should ensure that staff have guidelines about when to refer a matter and who to.

4. If the concern relates to the headteacher and the parent feels unable to raise it with the headteacher they should be advised to contact the chair of governors.
5. The staff member/headteacher dealing with the complaint should make sure that the complainant is clear about what will happen next (if anything). This should be put in writing if it seems the best way of making the next steps or outcome clear.
6. If no satisfactory solution has been found, the complainant should be informed about how they should proceed if they wish to take their complaint further. They should be informed of any advice and support that may be available to them.

Stage 2 - FORMAL COMPLAINT TO HEADTEACHER OR CHAIR OF GOVERNORS

GUIDELINES

- The headteacher needs to determine who has responsibility for responding to a formal complaint, including the decision about his/her own involvement at various stages.
- If the complainant is dissatisfied with the action of the headteacher, or the headteacher has been very closely involved informally, the chair of governors should carry out all the Stage Two procedures, with support if necessary from another governor.
- Individuals on the governing body should not become involved at this stage to avoid prejudicing their possible future involvement.

PROCEDURE

1. Parents who wish to pursue a formal complaint at Stage Two should be asked to put the complaint and their desired outcome in writing to the chair of governors or headteacher. The chair of governors / headteacher (or designated member of staff) should acknowledge the complaint orally or in writing within three days of receipt giving a brief explanation of the complaints procedures and a target date for providing a response. Ideally, this should be within ten days. If it is not possible to deal with the matter in this time, the complainant should be informed of when it is likely to be concluded.
2. The chair of governors / headteacher (or a designated member of staff) may offer an opportunity for the complainant to meet him/her. The complainant should, if he/she wishes, be allowed to be accompanied by a friend or relative who can speak on his/her behalf. Interpreting facilities should be made available if required.
3. If necessary, the chair of governors / headteacher (or a designated member of staff) should interview any witnesses and take statements from those involved. If the complaint centres around a pupil, the pupil should also be interviewed, normally with parent/guardian present. In some circumstances this may not be possible or appropriate and a senior member of staff with whom the pupil feels comfortable should attend with him/her. If a member of staff is complained against, the needs of that person should be borne in mind. Advice may need to be sought from Schools HR.

4. The chair of governors / headteacher (or designated member of staff) should keep written records of meetings, telephone conversations and other documentation.
5. Once all the relevant facts have been established, the chair of governors / headteacher (or designated member of staff) should either write to the complainant or arrange a meeting to discuss or resolve the matter. This meeting should be followed up with a letter summarising the outcome of the meeting. The complainant should be advised in this letter that if they remain unhappy with the outcome, he/she may appeal to a panel of governors. The complainant should notify the chair of governors within two weeks of receiving the letter detailing the outcome of the complaint.

Stage 3 – APPEAL TO PANEL OF GOVERNORS

GUIDELINES

- Complaints only rarely reach the appeal stage, but it is important that governing bodies are prepared to deal with them. At this stage, the chair of governors may wish to seek advice from an Education Officer and/or the appropriate diocesan authority.
- The aim of the appeal to a panel of governors is to resolve the complaint and achieve a reconciliation between the school and the complainant. However, it may only be possible to establish the facts of a situation and make recommendations about future action, and to satisfy the complainant that their complaint has been taken seriously.
- It is important should a complaint reach the appeal stage, that the governing body is impartial and independent and is seen to be so. Individual complaints should not be considered by the full governing body. The governing body should therefore establish a panel to deal with complaints, by nominating a pool of five governors from which three can be drawn for any hearing.
- Panel members should have had no prior involvement with the complaint. Generally, the chair of governors is not on the panel as he/she may be involved at the earlier stage. Governing bodies should have regard to the advantages of having a mix of types of governor on the panel and be sensitive to issues of equal opportunity in the composition of the panel.
- Individual governors should not get involved in looking into complaints before this stage to avoid prejudicing their potential involvement. If individual governors are approached by parents or others with complaints, they should refer the complainant to the schools complaints procedure, making the necessary introduction to a member of staff or headteacher if appropriate.
- Complaints that reach the appeal stage will do so because the complainant is not satisfied with the response so far. In this situation it is perhaps helpful for the panel of governors to view any complaint as being against the school rather than an individual staff member whose actions may have lead to the original complaint.

PROCEDURE

Upon receipt of a written request from the complainant for the complaint to proceed to Stage Three, the following procedure should be followed:

1. A suitable clerk to the panel should be appointed
2. The clerk should write acknowledging receipt of the written request, informing the complainant that it will be heard by a committee of the governing body within 15 working days of receipt.
3. The clerk should convene a meeting of the complaints committee at a time which is convenient for the complainant and the school.
4. The clerk should ensure that the complainant, headteacher and any other witnesses are given at least five working days notice in writing of the date, time and place of the hearing or otherwise are in full agreement of a shorter timescale. The letter of notification to the complainant should also inform him/her of their right to be accompanied by a friend/relative who can act as an advocate. The chair should ensure that interpretation facilities are offered and made available if required. The letter should set out the procedure for the conduct of the hearing (see annex A) and the complainant's right to submit further written evidence to the committee.
5. The clerk should invite the headteacher to attend the hearing and to submit a written report for the committee in response to the complaint. The headteacher may also invite the chair of governors or any other members of staff directly involved in matters raised by the complainant to respond in writing and/or in person to the complaint. Any involvement of other staff should be at the discretion of the chair of the committee.
6. All relevant documents should be received by all parties, (including the complainant) at least five days before the meeting of the panel. This provides adequate opportunity to read them prior to the start of the meeting.
7. An Education Officer or member of Governor Services may be invited to attend the meeting to advise the committee (see below).
8. The panel should elect a chairperson who should ensure that proper minutes of the meeting are taken.
9. The chair of the panel should try to ensure that the proceedings are sufficiently informal as possible and that the complainant and other participants feel at ease.

10. At the conclusion of the representations and questions, the chair should explain that the panel will consider the issues and write to both parties with their decision or judgement within 5 working days.
11. All except for the governors panel and any advisers should then withdraw and the panel should consider the evidence. This should include: a judgement about the validity of the complaint; appropriate action to be taken by the school and/or the parent and where appropriate, recommendations on changes to the school's systems or procedures to ensure similar problems do not arise in the future.
12. The school should ensure that a copy of all correspondence and notes is kept confidentially on file in the school. This should be separate from pupils' personal records.
13. The broad outcomes recommended by the panel can be reported to the next full governing body or appropriate committee with the identity of all those taking part kept confidential. The governing body should monitor implementation of any recommendations made.

THE ROLE OF THE SCHOOLS SERVICE

- The primary responsibility for resolving complaints rests with the governing body. (1998 Education Act, Part II, Chapter 3, Para. 39[1]). The Schools Service's role in school complaints is to provide advice to all parties.
- When the Schools Service receives a general complaint which does not come under one of the areas covered by statutory requirements, nor is obviously concerned with child abuse or staff disciplinary matters the complainant will be referred to the school's complaints procedure. The complainant will be advised to contact the headteacher to take the matter further. If the complaint has already involved the headteacher but has not achieved a satisfactory resolution from the perspective of the complainant, the complainant will be referred to the chair of governors. In this situation the headteacher will be notified of the referral and details of the complaint.
- Schools Service staff will give advice to headteachers, governors and parents on the use of complaints procedures.
- A representative of the local authority can be invited to attend a Stage 3 hearing in order to provide advice and guidance to all parties. The cost of this service will be charged at the hourly rate for a Governor Services consultant. A service level agreement with the Governors Service may cover all or part of these costs.

ANNEX A

Model Procedure for the Conduct of a Stage 3 Governors Panel Hearing

1. The chair of the committee should invite all parties (except any witnesses) into the room, introduce them and explain the role of each person.
2. The chair should explain to all present that the purpose of the hearing is to review the complaint and try to resolve it and achieve a reconciliation between the school and the complainant. However, it may only be possible to establish the facts of a situation and make recommendations about future action.
3. The chair should then ascertain whether the proposed procedure is acceptable. If so, the meeting will proceed along the following lines:
 - i. The complainant describes his/her complaint and may call witnesses.
 - ii. The headteacher may seek clarification from the complainant and any witnesses.
 - iii. The governors' panel or its advisers may seek clarification from the complainant and any witnesses.
 - iv. The headteacher will respond to the complaint and may call witnesses.
 - v. The complainant may seek clarification from the headteacher and any witnesses.
 - vi. The governors' panel (including any Advisers) may seek clarification from the headteacher and any witnesses.
 - vii. The headteacher will be given the opportunity to sum up.
 - viii. The complainant will be given the opportunity to sum up.
 - ix. Both parties will leave the room to allow the panel to deliberate but any advisers may remain to offer technical and procedural advice.
4. The panel should make a decision or judgement on:-
the validity of the complaint; appropriate action to be taken by the school and/or parent and where appropriate, recommendations on changes to the school's systems or procedures to ensure similar problems do not arise in the future.
5. The decision or judgement will be confirmed in writing within 5 working days.

NB If there is more than one complainant this procedure should be followed for each one in turn, unless the complainants agree to the complaint being heard with all present in one sitting.

ANNEX B

Dealing with Complaints about Racism in Schools

1. Racist Behaviour to a Child or Student

The procedures to be followed are contained in the Schools Service's guidance "Notification of Racist Incidents"

2. Racist Incident Alleged Against School Staff

- i. The report/complaint should be made to the head teacher, or if the head teacher is the subject of the report/complaint, to the Chair of Governors;
- ii. As racism is a disciplinary offence, the normal disciplinary procedures are followed.

3. Institutional Racism

Parents who perceive that racist practice or policies are operated by the school should pursue these through the General Complaints Procedure