



Complaints Toolkit

Four stage process to support the resolution of complaints.

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Stage 1: The first contact - guidelines for dealing with concerns and complaints informally

- 1.1 The vast majority of concerns and complaints can be resolved informally. There are many occasions where concerns are resolved straight away through the class teacher or school administrative staff or Headteacher, depending on whom the parent first approached.
- 1.2 Complainants must feel able to raise concerns with members of staff either in person, by telephone, email or in writing. On occasion it may be appropriate for someone to act on behalf of a parent or guardian making a complaint.
- 1.3 At first it may be unclear whether a complainant is asking a question or expressing an opinion rather than making a complaint. A complainant may want a preliminary discussion about an issue to help decide whether he or she wishes to take it further.

Procedure for schools to use at Stage 1

- 1.4 Complainants have an opportunity to discuss their concern with the appropriate member of staff who clarifies with the complainant the nature of the concern, and reassures them that the school wants to hear about it. The “appropriate member of staff” is the person who has been designated to handle the complaint and not the teacher being complained about. The member of staff may explain to the complainant how the situation happened. It can be helpful to identify at this point what sort of outcome the complainant is looking for.
- 1.5 If the member of staff first contacted cannot immediately deal with the matter, s/he makes a clear note of the date, name and contact details of the complainant.
- 1.6 All members of staff will know how to refer, if necessary, to the person with responsibility for the particular issue raised by the complainant. S/he will check later to make sure the referral has been successful.
- 1.7 In some schools or for certain issues, the Headteacher may decide to deal with concerns directly at this stage.
- 1.8 If the concern relates to the Headteacher, the complainant is advised to contact the chair of the school governing board.
- 1.9 The staff member dealing with the concern makes sure that the complainant is clear what action (if any) or monitoring of the situation has been agreed, putting this in writing only if this seems the best way of making things clear.

- 1.10 Where no satisfactory solution has been found within ten working days, complainants will be asked if they wish their concern to be considered further. If they do, they should be given clear information, both orally and in writing, about how to proceed and about any independent advice available to them (see Appendix A).
- 1.11 In some cases, and in small schools, it may be necessary for a complaint to progress straight to stage 2.

Stage 2: Referral to the Headteacher for investigation

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

Procedure for schools to use at Stage 2

- 23 The Headteacher (or designate) acknowledges the complaint orally or in writing within three working days of receiving the written complaint. The acknowledgement gives 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, the complainant should be contacted with a reason for the delay and a revised target date.
- 24 The Headteacher (or designate) provides an opportunity for the complainant to meet him/her to supplement any information provided previously. It is made clear to the complainant that if s/he wishes, s/he

- may be accompanied to any meeting by a friend, relative, representative, or advocate who can speak on his or her behalf, and that interpreting facilities are available if needed.
- 25 If necessary, the Headteacher (or designate) should interview witnesses and take statements from those involved. If the complaint centres on a pupil, the pupil may also need to be interviewed. Pupils would normally be interviewed with their parent/carer present. In some situations, circumstances may prevent this, eg where this would seriously delay the investigation of a serious/urgent complaint or where particular circumstances mean that a pupil has specifically said s/he would prefer that parents or carers were not involved. In such circumstances another member of staff with whom the pupil feels comfortable should be asked to attend. If a member of staff is complained against, the needs of that person should be borne in mind (see paragraph 4 under 'General Principles').
 - 26 The Headteacher (or designate) keeps written records of meetings, telephone conversations, and other documentation.
 - 27 Once all the relevant facts have been established, the Headteacher (or designate) should then produce a written response to the complainant, or may wish to meet the complainant to discuss/resolve the matter directly.
 - 28 A written response includes a full explanation of the decision and the reasons for it. Where appropriate, this includes what action the school will take to resolve the complaint. The complainant is advised that should s/he wish to take the complaint further s/he should notify the Chair of the School Governing Board within 20 working days of receiving the outcome letter.
 - 29 If a complaint is against the action of a Headteacher, or if the Headteacher has been very closely involved at Stage 1, the complaint may be moved to directly to Stage 3.

Stage 3: Review by the School Governing Board

- 3.1 ***Complaints only rarely reach this formal level, but it is important that governing boards are prepared to deal with them when necessary.*** At this stage, schools should seek advice from L.A Governance Advisor. This can provide a useful "outside view" on the issues and ensure that the correct procedure is followed.
- 32 ***It is important that this review not only be independent and impartial but that it is seen to be so.*** Therefore, individual complaints should not be considered by the full school governing board as serious conflicts of interest can arise. For example, in exceptional circumstances a complaint may result in disciplinary action against a

member of staff, and governors might be required to give an unprejudiced hearing to an appeal by the member of staff concerned. Similarly some governors might have previous knowledge of the problem which led to the complaint and would be unable to give fair unbiased consideration to the issue.

- 33 Many complaints are inevitably seen by parents as being "against" a particular member of staff and their actions. However, all complaints which reach this stage will have done so because the complainant has not been satisfied by the Headteacher's response at the earlier stage of the procedure, and it may be appropriate for the school governing board to consider that the complaint is against the school rather than against the member of staff whose actions led to the original complaint.

A model procedure for review by the school governing board at Stage 3

- 34 Upon receipt of a written request by the complainant for the complaint to proceed to Stage 3, the procedures outlined below should be followed.
- 35 The clerk to the school governing board should write to the complainant to acknowledge receipt of the written request. The acknowledgement should inform the complainant that the complaint is to be heard by three governors and that this hearing will take place within 20 working days of receiving the complaint. The letter should also explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received in time for the documents to be sent to the panel.
- 36 The clerk to the governors should arrange to convene a Governors' Complaints Panel. It may be necessary for reserves to be identified to ensure that three governors are available to carry out their task within the set time.
- 37 All panel members should be governors who have had no prior involvement with the complaint, including at least one governor who is independent of the management and running of the school. If s/he has not previously been involved, the chair of the governing body should chair the panel; otherwise the vice-chair should take this role. Generally it is not appropriate for the Headteacher to have a place on the panel. Governors will want to bear in mind the advantages of having a parent (who is also a governor) on the panel. Governors will also want to be sensitive to issues of race, gender and religious affiliation.

- 3.8 The chair/vice-chair will ensure that the complaint is heard by the panel within 20 working days of receiving the letter in 3.5. All relevant correspondence regarding the complaint should be given to each panel member as soon as the composition of the panel is confirmed. If the correspondence is extensive, the chair of the panel should prepare a thorough summary for sending to panel members.
- 3.9 The chair/vice-chair will write to all parties (the complainant, Headteacher, members of the panel and any relevant witnesses) at least five working days before the meeting, informing them of the date, time and place. The notification to the complainant should also inform him/her of their right to be accompanied to the meeting by a friend/advocate/interpreter. The letter will also explain how the meeting will be conducted and the complainant's right to submit further written evidence to the panel.
- 3.10 The chair/vice-chair of the governing body should invite the Headteacher to attend the panel meeting and prepare a written report for the panel in response to the complaint. The Headteacher may also invite members of staff directly involved in matters raised by the complainant to respond in writing or in person to the complaint. Any relevant documents including the Headteacher's report should be received by all concerned - including the complainant - at least five working days prior to the meeting.
- 3.11 The involvement of staff other than the Headteacher is subject to the discretion of the chair of the panel.
- 3.12 It is the responsibility of the chair of the panel to ensure that the meeting is properly minuted.
- 3.13 The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that sometimes it may only be possible to establish facts and make recommendations which will satisfy the complainant that his or her complaint has at least been taken seriously.
- 3.14 The panel should remember that the complainant might not be used to dealing with groups of people in formal situations and may feel inhibited when speaking to the panel. It is therefore recommended that the chair of the panel ensures that the proceedings are as informal as possible.
- 3.15 If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interests of natural justice to adjourn the meeting so that the other side has time to consider and respond to the new evidence.
- 3.16 The meeting should allow for:
- the complainant to explain their complaint

- the Headteacher to explain the school's response
 - the Headteacher to question the complainant about the complaint
 - the complainant to question the Headteacher and/or other members of staff about the school's response
 - panel members to have an opportunity to question both the complainant and the Headteacher
 - any party to have the right to call witnesses (subject to the approval of the chair)
 - all parties having the right to question all the witnesses
 - final statements by both the complainant and the Headteacher.
- 3.17 The chair of the panel will explain to the complainant and the Headteacher that the panel will now consider its decision, and a written decision will be sent to both parties within 15 working days. The complainant, Headteacher, other members of staff and witnesses will then leave.
- 3.18 The panel will then consider the complaint and all the evidence presented and (a) reach a unanimous, or at least a majority, decision on the complaint and (b) decide upon the appropriate action to be taken to resolve the complaint and (c) where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again.
- 3.19 A written statement outlining the decision of the panel must be sent to the complainant and Headteacher. The letter to the complainant should explain that if they are not satisfied with the response whether a further appeal can be made, and if so, to whom.
- 3.20 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 any involved pupil's personal records.
- 3.21 Once Stage 3 has concluded this should be reported by the Headteacher /Chair to the whole Governor body, to ensure they retain oversight of implementation of this procedure and of issues arising in school. This reporting should remain statistical in nature and not breach the confidentiality of the process.

Stage 4: Beyond local resolution

- 4.1 **The Education and Skills Funding Agency:** Complaints can be taken to the Education and Skills Funding Agency (ESFA) for review on behalf of the Secretary of State for Education and Skills. The ESFA considers complaints about schools that fall into the following areas:
- undue delay or non-compliance with a school's own complaints procedure
 - an school's failure to comply with a duty imposed on it under its funding agreement with the Secretary of State
 - an school's failure to comply with any other legal obligation, unless there is another organisation better placed to consider the matter as set out in the next section