



Procedures for Raising a Concern or Complaint

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General Principles of complaints

Some text extracted from 'School Complaints Procedure' document (DCSF – now DFE)

Dealing with Complaints – Initial concerns

1. Schools need to be clear about the difference between a concern and a complaint. A concern can be defined as a cause of worry, whilst a complaint can be defined as an expression of dissatisfaction. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

2. These key messages deal with complaints but the underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. In most cases the class teacher or the individual delivering the service in the case of extended school provision, will receive the first approach. It would be helpful if Staff were able to resolve issues on the spot, including apologising where necessary.

Schools may also wish to meet with Parents if that would help resolve the issue.

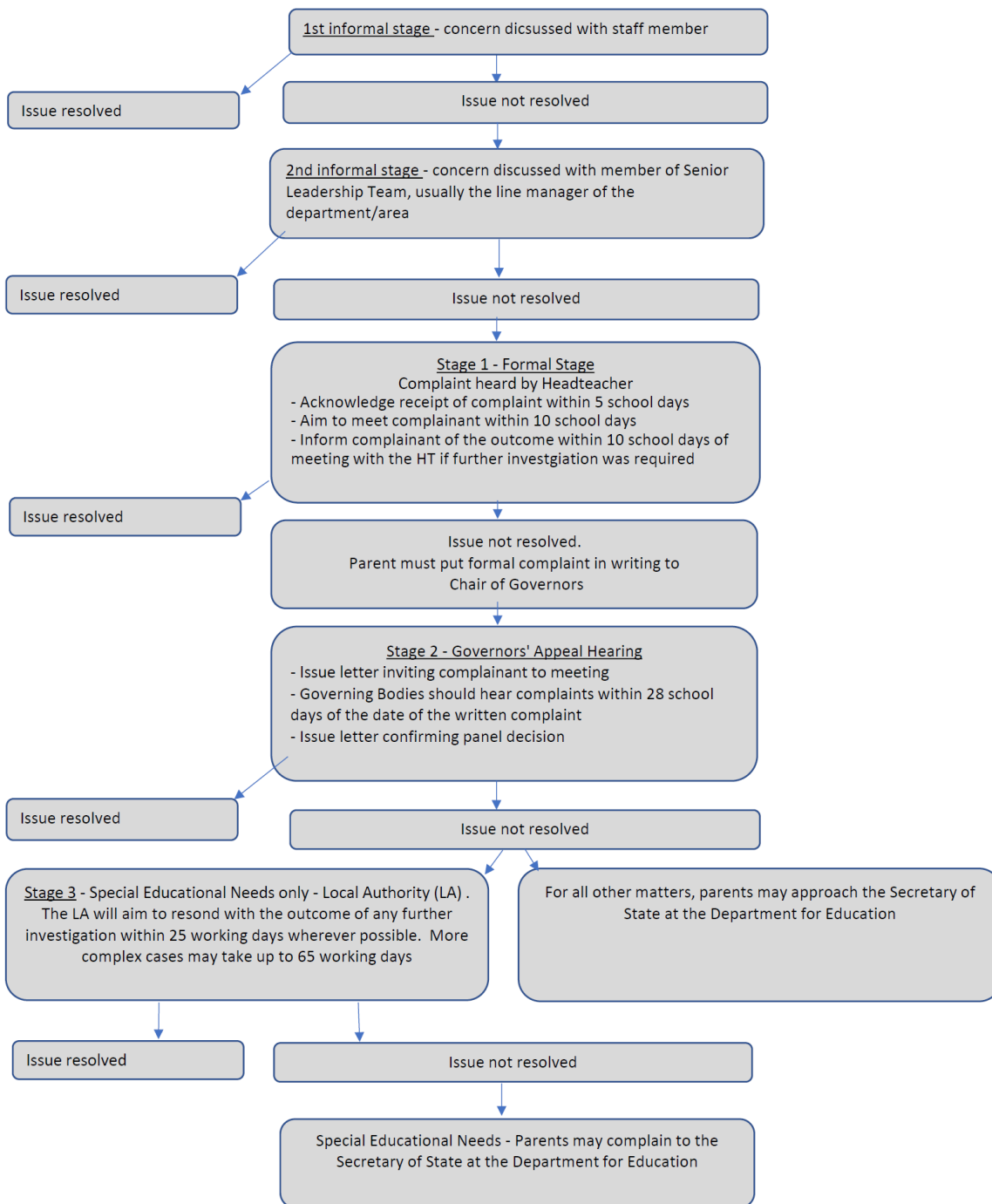
Similarly Parents can be given details of support organisations that may be able to impartially discuss their concerns with them.

Dealing with Complaints – Formal procedures

3. The formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

4. Schools might wish to nominate a member of Staff to have responsibility for the operation and management of the school complaints procedure. They could be termed the school's 'Complaints Co-ordinator'. In smaller schools this may often be the Headteacher.

Flowchart - Summary of Dealing with Complaints



Framework of Principles

Our 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.

Investigating Complaints

It is suggested that at each stage, the person investigating the complaint makes sure that they:

- establish **what** has happened so far, and **who** has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them (if unsure or further information is necessary);
- clarify what the complainant feels would put things right;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct the interview with an open mind and be prepared to persist in the questioning;
- keep notes of the interview.

Resolving Complaints

Prior to a complaint being escalated to involve a formal hearing, schools will want to keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review school policies in light of the complaint.

It would be useful if complainants were encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of liability.

An effective complaints procedure will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

Time-Limits

Complaints need to be considered, and resolved, as quickly and efficiently as possible. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay. All complaints should be made promptly and in any event it would not normally be necessary for schools to consider complaints made 3 months or more after the events complained of.

Stages of the complaints process

11. A clear complaints process has well-defined stages:

Informal – Local resolution of the concern with Staff member and/or SLT member

Stage 1 – complaint heard by Headteacher

Stage 2 – Governors' Appeal Panel

Further recourse – Possibly to Department for Education, Local Authority or Diocese

Recording Complaints

Schools should record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, or in writing. At the end of a meeting or telephone call, it would be helpful if the member of Staff ensured that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls can be kept and a copy of any written response added to the record.

Governing Body (GB) Review

The Governing Body can monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Preferably, complaints information shared with the whole Governing Body will not name individuals.

As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to school improvement. When individual

complaints are heard, schools may identify underlying issues that need to be addressed. The monitoring and review of complaints by the school and the Governing Body can be a useful tool in evaluating a school's performance.

Publicising the Procedure

There is a legal requirement for the Complaints Procedure to be publicised. It is up to the Governing Body to decide how to fulfil this requirement but details of the Complaints Procedure could be included in the following ways:

- on the school website;
- in the school prospectus;
- in the Governors' report to Parents;
- the information given to new Parents when their children join the school;
- the information given to the children themselves;
- in the home-school agreement;
- in home-school bulletins or newsletters;
- in documents supplied to community users including course information or letting agreements;
- in a specific complaints leaflet;
- on posters displayed in areas of the school that will be used by the public, such as reception or the main entrance;
- complaints statement.

Why does the school need a complaints procedure?

Section 29 of the Education Act 2002 requires all maintained School Governing Bodies to adopt and publicise a complaints procedure for Parents. This includes complaints about any community facilities or services that the school provides.

Previous legislation still applies. In particular, 1991 SEN Information Regulations require Governing bodies of schools to publicise their complaint procedures in relation to SEN and the 1996 Education Act requires the LA to establish procedures for disputes between schools and Parents about SEN provision.

How will these guidelines help you?

The Model Procedures include:

- Guidelines for Headteachers and Governing Bodies for handling complaints.
- A Toolkit for Governors – Hearing Stage 2 Formal Complaints

Also included is:

- HCC school complaints information factsheet entitled 'Complaints regarding schools'

These procedures are now well-established in Hertfordshire and have been formally adopted or followed by the vast majority of schools. They were drawn up following consultation with Headteachers, Governors, the Diocesan Authorities, the Teacher Associations and Representatives of Parent groups in 1995. The Diocese of St Albans commended the adoption of these procedures for Church of England Schools. For Roman Catholic schools the Diocese of Westminster has also provided its own guidelines for dealing with complaints.

The Department for Education (DFE) has confirmed that these model procedures are well ordered. They have, however, issued guidance in the form of a School Complaints Procedure Toolkit. The document is intended to help schools draw up a complaints procedure if they have not already done so, or to review their existing procedure if they wish. However, the good news is that the DFE acknowledges that the vast majority of schools already have a complaints procedure in place, based on LA or Diocesan Board models.

The DFE guidance broadly reflects what this LA has for many years commended to schools. To obtain a copy of the guidance, download it from www.governornet.co.uk (go to Publications and search for School Complaints Procedure Toolkit) or telephone 0800 072 2181.

By following the updated procedures set out here, schools can ensure complaints are handled effectively.

How should schools handle complaints made about or by:

- A member of Staff about another member of Staff or the Headteacher?
- A member of the Governing Body about a member of Staff?
- A Governor about another member of the Governing Body?
- A member of Staff about a member of the Governing Body?
- A member of Staff about the action/decision of the Governing Body?
- Members of the public (not Parents)?
- A Parent whose child no longer attends the school?
- Data Protection and Freedom of Information related matters

This model procedure essentially covers complaints made by Parents or Carers of children who attend the school, but it is important that schools do have in place written procedures for the above eventualities. All complaints should be made promptly and in any event it would not normally be necessary for schools to consider complaints made 3 months or more after the events complained of.

Complaint made by one member of Staff against another (including the Headteacher)

Complaints from members of Staff are not covered by this procedure. They should be dealt with by the Headteacher (where appropriate) or the Chair of Governors informally in the first instance. If this approach fails to resolve the issue, the next step would be for the Staff Grievance Procedure to be invoked (by the person bringing the grievance). A full transcript of the Model Grievance Procedure for Schools is available on www.thegrid.org.uk

The Schools HR Advisory Team can be contacted for advice on (01438) 844875.

Complaint made by a Governor about a member of Staff

This should be dealt with through the complaints process outlined in this document. Clearly the Governor concerned would have to withdraw from any meeting at which the complaint or its outcome was being discussed. If the complaint is related to the *conduct* of a member of Staff, it would be more appropriate to invoke the School's Disciplinary Procedures.

Complaint by a Governor about another Governor (including the Chair of Governors)

Complaints by a Governor about another Governor should be dealt with informally in the first instance to try and resolve the matter as swiftly as possible. In most cases, this should be handled by the Chair of Governors. If however, the complaint is about the Chair of Governors, the Vice Chair of Governors should handle the matter. Should it remain unresolved, a Panel of Governors should be convened as per the guidance on process set out in this document to hear the complaint.

Should the Governor handling the matter consider that it is not possible to convene a Panel of impartial Governors, then it may be possible to convene a Panel comprised of Governors from other schools. Should this situation ever arise, the Governor handling the matter should contact School Governance on 01438 843082 for advice.

Governors should be mindful of their behaviour and attitude throughout their tenure in the role. Useful guidance from the Committee on Standards in Public Life regarding the 7 principles of public life can be found at the following link:

<https://www.gov.uk/government/publications/the-7-principles-of-public-life/the-7-principles-of-public-life--2>

Complaint by a member of Staff against an individual Governor acting in a personal capacity

The Chair of the Governing Body (or the Vice-Chair if the complaint is against the Chair) should attempt to resolve the matter informally. If such a resolution is not possible, and with the agreement of the Governor concerned, a Panel of Governors could be set up to consider the matter as per the complaints process outlined in this document.

Complaint by a member of Staff against the action/decision of the Governing Body

If the decision was taken at a meeting of the full Governing Body the matter would have to be put on the agenda for review at another meeting and if the decision was then confirmed, that would be the end of the matter. (For this reason it is important that matters that could potentially lead to a complaint or appeal are routinely dealt with by a committee with delegated authority, in order to allow for an appeal or a rehearing by an unprejudiced second group of Governors). If a committee or individual with delegated authority took the original decision then a Panel of Governors who were not involved in the decision should review the matter, ensuring that the member of Staff concerned was given an opportunity to state his/her case to the Panel. Any decision by the Panel would be final.

Complaint by a member of the public (not a Parent)

Complaints from members of the public are most likely to be dealt with by the Headteacher and beyond that the Chair of Governors.

Complaint by a Parent whose child no longer attends the school

The purpose of this complaints process is to ensure that if an error has been made, or an injustice done, some action can be taken to remedy matters for the injured party. Where Parents have removed their child from the roll of a school it is clearly impossible for the Governing Body to put things right for that child. However, the Governing Body has a duty of care to the pupils who remain on roll and it would be advisable for Governors to review the circumstances to satisfy themselves that no-one had acted inappropriately and that procedures and policies had been followed correctly. Whilst it is not necessary to convene a Governor's Complaint Panel, it would be good practice to inform Parents whether the complaint had been upheld or otherwise and of any changes to practice and procedures which have been agreed by the Governing Body. If a child is removed from roll after a complaint has been made, it is at the discretion of the Chair of Governors as to whether to proceed with a Governor Review. Hertfordshire County Council will not investigate any complaints further where the child no longer attends the school in question as there is no tangible benefit in doing so beyond the school's complaints procedure.

Complaints regarding compliance with Data Protection and Freedom of Information legislation

All schools are responsible for their own compliance with the Data Protection and Freedom of Information Acts, regardless of their status. Hertfordshire County Council is not responsible, even if the school is a Community or Voluntary-Controlled school. Should your school receive a complaint concerning Data Protection or Freedom of Information compliance, the complaints process outlined in this document should be followed. Advice and guidance about DP and FOI can be found at www.ico.org.uk

What complaint/appeal procedures are NOT covered by this document?

This document does not cover:

- Child Protection Procedures – see www.hertfordshire.gov.uk/childprotection
- Appeals about admissions – see www.hertfordshire.gov.uk/schoolappeals
- Complaints about fixed term or permanent exclusions from school – see www.hertfordshire.gov.uk/schoolappeals
- Staff Disciplinary Procedures – see www.thegrid.org.uk
- Whistleblowing Policy – see www.thegrid.org.uk

What is the position of Staff complained about?

Any member of school Staff who is the subject of a parental complaint will have the opportunity to respond to the complaint during its investigation. They should also be able to see any response sent to the complainant as a result of the investigation.

There is an entirely separate procedure for schools to follow in dealing with Staff Disciplinary matters. Therefore, if in the course of considering a complaint the Headteacher or Governors conclude that disciplinary procedures should be initiated, they will take separate action.

Where can the school get further help?

There is a "Toolkit" to help Governors with practical arrangements for Stage 2 complaints to the Governing Body. For specific guidance on the materials in the "Toolkit" and for the practical arrangements for carrying out Governor Reviews and hearings, you should contact School Governance at governance@hertsforlearning.co.uk or on 01438 843082.

How long should the school take in dealing with concerns and complaints?

Schools should aim to deal with these quickly and efficiently at Stage 1, so avoiding the formal Stage 2 procedure wherever possible. All complaints should be acknowledged within **5 school days (1 week)**.

The Governing Body should deal with and respond to Stage 2 appeals within **28 school days (5½ weeks)** of the written complaint being received. If this is not possible Parents need to be given the reasons for the delay and to be kept informed of progress.

What is the FIRST stage in dealing with a complaint?

Most concerns, or potential complaints, can be resolved informally by offering Parents a full discussion with the member of Staff who is best able to help.

Should this approach not resolve matters, the complaint should be raised with a member of the school's Senior Leadership Team. If this is unsuccessful, a formal complaint should be made to the Headteacher at Stage 1. The Headteacher should carry out an investigation. Governors approached by Parents at this stage should steer parents in this direction initially.

Governors need to be aware that if they do become involved closely with complaints at Stage 1, they cannot be involved with Stage 2 of the process.

If the complaint is about the provision the school is making for a child's Special Educational Needs, then a Parent might find it helpful to talk to the named SEN Officer where this applies. SENDIASS (Special Educational Needs & Disability Information Advice & Support Service – formerly known as the Parent Partnership Service) will be able to provide advice on the procedures the LA has in place for resolving disputes between schools and Parents over SEN provision.

Schools should give Parents wishing to complain further a copy of the school's complaints procedure and ask them to set out their complaint in a letter or by completing the formal complaint form.

What is the SECOND stage in dealing with a complaint?

Please see "Hearing Stage 2 Formal Complaints - A Toolkit for Governors" for detailed guidance on all the practical steps for investigating and hearing Stage 2 appeals.

The Chair of Governors (or delegated chair) will convene a panel to consider the appeal under the arrangements approved by the Governors for this purpose. This will usually involve a Panel of Governors appointed to act on behalf of the Governing Body. **In the case of Special Educational Needs complaints, the Chair of Governors must inform the Children's Services Complaints Manager at the Local Authority.**

If the Chair of Governors, or other Governors, have been involved in earlier discussions to try and help settle the disagreement at Stage 1, then arrangements should be made for another Governor with no prior involvement to take charge of the appeal.

It may be helpful to offer the Parent an opportunity to talk about the complaint prior to the appeal hearing. This might clarify the outstanding matters of complaint which remain unresolved and what outcome is sought by the complainant. Please note that a pre-meeting is not a requirement and is optional; it is up to Governors to decide whether to conduct one. Parents should be provided with full details of how the Governors' Panel will conduct the appeal, if there is to be one, (please see page 16, paragraph 3 entitled 'Complaint by a Parent whose child no longer attends the school' for the exception to this rule). A formal hearing is the best way for both Parents and the Headteacher and Staff to be satisfied they have had a proper opportunity to be listened to by Governors. Everyone should also be informed in advance of the order of proceedings for appeal hearings. Both parties should make available to the Panel, in advance, any written information they wish to be considered in the formal hearing.

Who can attend a Stage 2 Appeal hearing?

At any meeting Parents may be accompanied by a friend or representative who may speak on their behalf, as long as prior notice of this has been given. This person could be an interpreter of their choice.

The Chair of the Panel may invite to the meeting any person who may be relevant to the hearing. Parents need to be told who this person is before the meeting. Please note that witnesses cannot be forced to attend unless they are members of staff.

Any member of Staff required by Governors to attend any meeting or the hearing will have the opportunity to be accompanied or represented.

A member of Staff named by Parents in the complaint may also choose to attend even if not required to do so by Governors and may make representations if they wish. If this happens, Parents should be told beforehand.

What happens after the Appeal hearing?

When the complaint has been fully reviewed and the hearing has taken place, Parents should be notified of the **findings only** in writing by the Chair of the Panel hearing the appeal or the Governor responsible for the review/appeal within **5 school days (1 week)** of the hearing date.

The report, with findings, should, at the same time, be published to the Governing Body as a confidential item and will, in addition, include any **recommendations**. A meeting of the Governing Body must accept the findings but can accept, reject or reject in part, the recommendations. Personal details should not be disclosed, but an outline of the complaint hearing and findings should be given.

The Chair of Governors should write to the Parents to confirm any actions agreed by the Governing Body. Any agreed actions must be implemented by whoever it applies to - this could be the Governing Body as well as the Headteacher. Parents should also be informed whether and how they can take their complaint further.

A copy of the report must be sent to the Headteacher and the Children's Services Complaints Manager in the case of a Special Educational Needs complaint, where there is a possibility of a third stage of complaint to the County Council.

What can Parents do if they are not satisfied with the outcome of the second stage Appeal?

In most cases it is expected that Parental complaints will be satisfactorily resolved following a formal appeal to the Governing Body. However, should Parents remain dissatisfied, the following sections explain the circumstances in which complaints can be taken further.

It should be noted that if Parents remain dissatisfied following the outcome of their Stage 2 hearing and wish to take their complaint further, they must do so within **20 working days (4 weeks)** of receiving the written outcome of the hearing.

After **20 working days (4 weeks)**, neither the school nor the Local Authority (where appropriate) are under any obligation to investigate or progress the complaint any further.

When is there a THIRD stage of complaint to the County Council and how does it work? (THIS APPLIES TO VERY FEW COMPLAINTS AS SET OUT BELOW)

When it is a complaint about the way a school is making provision for a child with a Statement of Special Educational Needs or an Education Health and Care Plan.

Parents may complain further to the LA by writing to the Children's Services Complaints Manager but only once the school's complaints procedure has been exhausted.

The CS Complaints Manager will acknowledge the letter and will notify the Chair of Governors and the Headteacher. The CS Complaints Manager will arrange for the complaint to be investigated. The Investigator will seek the comments of the Governing Body and any other information or advice that they deem necessary.

When the complaint has been fully investigated and considered the CS Complaints Manager will notify Parents of the outcome in writing, giving the reasons for it, any action or proposed action to

be taken and the further recourse available. A copy of this will be sent to the Headteacher, the Chair of Governors and to anyone else concerned in the investigation. This brings the third stage for Special Educational Needs complaints to a conclusion.

Parents who remain dissatisfied following further investigation of their Special Educational Needs complaint by the Local Authority have the right to complain to the Secretary of State who may decide to conduct an additional investigation. The contact details for the Secretary of State are as follows:

The Secretary of State
Department for Education
Sanctuary Buildings
Great Smith Street
London
SW1P 3BT
Website: www.education.gov.uk
Telephone: 0370 000 2288

What happens when there is NO statutory third stage of complaint to the County Council?

If the complaint is about Denominational Religious Education in a Voluntary-Aided school or Collective Worship in a Voluntary-Aided school in accordance with the trust deed or previous practice before the school became a Voluntary-Aided school:

There is no formal right of complaint to the LA. This is because the LA has no power to inspect the provision or to influence its content but complaint beyond the second stage may be made to the relevant Diocesan Authority where this applies.

For Roman Catholic schools, complainants should write to: The Director of the Education Service, Diocese of Westminster, Vaughan House, 46 Francis Street, London, SW1P 1QN. Email: education@rcdow.org.uk, Website: www.rcdow.org.uk. Telephone: 020 7798 9005.

For Church of England schools complainants should write to: The Diocesan Director of Education, Diocesan Office, Holywell Lodge, 41 Holywell Hill, St Albans, AL1 1HE. Email: schools@stalbans.anglican.org, Website: www.stalbans.anglican.org. Telephone: 01727 818170.

FOR ALL OTHER TYPES OF COMPLAINT, INCLUDING THOSE REGARDING BULLYING, THE NATIONAL CURRICULUM OR COLLECTIVE WORSHIP IN A COMMUNITY, VOLUNTARY-CONTROLLED, VOLUNTARY-AIDED, FOUNDATION OR TRUST SCHOOL, THERE IS NO THIRD STAGE OF COMPLAINT TO THE LOCAL AUTHORITY

For almost all complaints there is no right of further complaint or appeal to the LA beyond the school's Governing Body.

Parents may contact the complaints helpline for further advice but will be told there is no right of a further stage of formal investigation by the LA.

If parents who have not yet complained to their child's school contact the Local Authority, Council Officers will ask the complainant for their written consent to share information regarding their complaint with the school in question. If the complainant declines to provide their consent, the matter will not normally be taken any further. If consent is provided, the Council will pass the complainant's concerns onto the school, whilst ensuring that the complainant is made aware that

this will not necessarily result in the complaint against the school being resolved or the complainant achieving the outcome they were seeking.

Can Parents complain to anyone other than the County Council?

Parents have the right to complain to the Secretary of State at the Department for Education (under the Education Act 1996), if they believe that the Governing Body or the LA is acting or proposing to act unreasonably (section 496), or is failing to carry out a statutory duty (section 497). This has to mean that the LA or the Governing Body is acting outside its powers, or misusing them. Only then would the Secretary of State follow up the complaint.

The Secretary of State will then contact the Governing Body or LA for information. The contact details for the Secretary of State are as follows:

The Secretary of State
Department for Education
Sanctuary Buildings
Great Smith Street
London
SW1P 3BT

Website: www.gov.uk/education

Telephone: 0370 000 2288

What kind of record will be kept about complaints?

The County Council will monitor Special Educational Needs complaints escalated to it under the statutory third stage of the complaints procedure.

Schools should, as good practice, formally record and monitor all Stage 2 complaints to the Governing Body and keep a complete record of Stage 1 and Stage 2 complaints paperwork.