

COMPLAINTS POLICY AND PROCEDURE ST JOSEPH'S CATHOLIC PRIMARY SCHOOL

MISSION STATEMENT

We are growing together on our journey of achievement with Jesus in our hearts, heads and hands.

POLICY STATEMENT

This policy has been developed after consulting:

- DfE School Complaints Procedure Guidance;
- The best practice of other local authorities;
- 'Running a Complaints System' (The Local Government Ombudsman);
- NAHT (London) Model Procedure for Managing Complaints;
- 'A model general complaints procedure' (RISE);
- Headteachers, governors and Diocesan representatives within Bracknell Forest.

After defining the key principles, this policy sets out the 5 separate stages of the complaints procedure itself. Appendix 1 summarises the key roles and responsibilities of the complaints committee. Appendix 2 summarises the process in the form of a flowchart.

POLICY CONTENT

1. The key principles of the policy	1
2. Stage 1: Informal Discussion	7
3. Stage 2: Referral to the Headteacher	8
4. Stage 3: Review by governing body complaints committee	9
5. Stage 4: Complaint to Bracknell Forest Council	11
6. Stage 5: The Secretary of State	13
Appendix 1: Review by complaints committee – Key roles and responsibilities	
Appendix 2: Complaints process – Flow chart	
Appendix 3: Department for Education Best Practice 2016	
Appendix 4: Complaints about Ofsted	

1 The key principles of the policy

1.1 Legal context

From September 2003 governing bodies of all maintained schools and nursery schools in England are required, under Section 29 of the Education Act 2002, to have in place a procedure to deal with complaints.

The School Standards and Framework Act 1998 provided an additional function of the governing body to establish and publish procedures for dealing with complaints relating to the school, other than those covered by legislation and formal procedures elsewhere.

1.2 Summary

This policy sets out the procedures which St Joseph's Catholic Primary School will follow whenever it receives a complaint for which there are not alternative statutory procedures (see section 1.3).

A summary of the various stages is given below:

		Primary Responsibility	
1	Informal discussion and resolution	Informal Stage	School Staff / Chair of Gov's if complaint against headteacher
<hr/>			
2	Investigation by headteacher	Formal Stage ↓	School Staff Governing Body BFC LA Other
3	Complaints committee review		
4	LA investigation (BFC)		
5	Further recourse		

Each of these stages will usually occur in order and there will usually be no return to previous stages (exceptions to this are noted within the procedure).

It is stressed that the majority of complaints are resolved on an informal basis (stage 1).

1.3 Circumstances under which this procedure should not be used

This guidance does not refer to areas where Bracknell Forest Council (BFC), as the Local Authority (LA), has the lead role and for which different procedures must be followed. These areas are:

- Complaints about the national curriculum
- Collective worship
- Religious education
- Non-approved external qualifications or syllabuses
- Temporary withdrawal of pupils from all or part of the national curriculum
- Pupil admissions
- Pupil exclusions

Issues related to child protection, criminal investigations and employee grievances must also all be handled separately from this policy.

This complaints policy is distinct from formal staff disciplinary proceedings and this should be made clear to all concerned. There may be occasions where a complaint gives rise to disciplinary procedures which put the complaints process on hold. If and when this occurs, the complainant should be informed. Any non-disciplinary aspects of the complaint should continue to be dealt with through the usual complaints procedures.

If another policy is more appropriate than this complaints policy for any given situation then it should be used in preference to it.

This policy does not cover complaints made against Bracknell Forest Council. Any complaint of this sort should be dealt with in accordance with the Council's '*Corporate Complaints Procedure*'.

1.4 Circumstances under which stages of the procedure should be missed out

This policy sets out the most suitable and effective process for dealing with the majority of complaints which are not covered by alternative statutory procedures (see above). In most cases any concern or complaint, regardless of whose attention it is initially brought to, should be

discussed informally (stage 1) before being submitted at any of the following consecutive formal stages.

However, occasionally there will be circumstances under which it is unsuitable for complaints to be dealt with in this way.

In all cases where the complaint concerns the school's headteacher directly, the Chair of Governors will determine at which stage of the procedure the complaint should be dealt with; normally an informal investigation, stage 1 will be appropriate as the first option.

In some cases, it may be deemed inappropriate for individuals to discuss their concerns informally. In such cases, complainants may be directed to contact the headteacher directly (i.e. begin at stage 2). Complainants may choose to contact the headteacher directly of their own accord. In these cases it will be at the discretion of the headteacher as to whether or not it is appropriate for the complainant to discuss the matter informally (i.e. return to stage 1).

If and when complaints about the school are brought to the attention of Bracknell Forest Council, the majority of complainants will be advised to contact the school and to follow the procedures set out within this document from stage 1 onwards. In certain exceptional cases, however, it may be decided, at the discretion of the Director of Children, Young People & Learning, that it is appropriate to deal with the complaint at a different stage.

1.5 Who is allowed to complain?

This policy may be used by anyone who has a concern or complaint about any aspect of the school. In the main this will mean the parents and carers of the school's pupils, but may include neighbours of the school, or any other members of the local community.

1.6 Aims and objectives of the policy

This complaints policy aims to:

- Encourage the resolution of problems by informal means wherever possible;
- Ensure that concerns are dealt with quickly, fully and fairly and within clearly defined time limits;
- Provide effective responses and appropriate redress;
- Maintain good working relationships between all people involved with the school.

1.7 Other relevant documents

The following documents may be relevant to those reading or implementing this policy:

- 'How to complain about a Bracknell Forest School' (public guidance leaflet);
- 'Bracknell Forest Council Corporate Complaints Procedure'.

1.8 Monitoring complaints

At all formal stages of the complaints procedure, the following information should be recorded:

- The name of the complainant;
- The date and time at which complaint was made;
- The details of the complaint;
- The desired outcome of the complainant;
- How the complaint is investigated (including written records of interviews held);
- Results and conclusions of investigations;

- Any action taken;
- The complainant's response (satisfaction or further pursuit of complaint).

The school may choose to appoint a member of staff as a 'complaints co-ordinator'. When this is the case, this individual will have the responsibility for the operation and management of the school complaints policy and will be responsible for monitoring complaints. Records should be retained for the periods specified in guidance on records retention (available separately).

1.9 Upholding or not upholding complaints

At each stage of the complaints procedure, the conclusion will be either:

1 That the complaint is upheld (in part or in full) and, where appropriate, some form of action is taken.

Or

2 That the complaint is not upheld and reasons for this are clearly given.

In the first instance, 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 assurance that the event complained of will not recur;
- 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.

In the second instance, the complainant may either choose to take no further action or to take their complaint to the next relevant stage.

1.10 Publicity and communication

There is a legal requirement for schools to publicise their complaints procedures.

This policy will be included within the school's handbook and may also be included, as appropriate, within the following:

- The governors' report to parents;
- The information given to new parents when their children join the school;
- The information given to pupils at the school;
- The home-school agreement;
- Home school bulletins or newsletters;
- Documents supplied to community users including course information or letting agreements;
- Posters displayed in areas of the school that will be used by the public, such as reception or the main entrance.

All staff and members of the governing body should be made aware of the complaints procedure and the various stages involved.

At all stages of the complaints procedure, everybody involved needs to be clear about what is happening and what their responsibilities are. In addition, the complainant should be told how to proceed to the next stage of the procedure if and when their complaint is not upheld.

1.11 Confidentiality

Confidentiality is vital. All conversations and correspondence will be treated with discretion. Complainants have the right to know what use will be made of personal information and, accordingly, personal information will only be shared between staff on a 'need to know' basis.

1.12 Equal access, accompaniment and representation

Appropriate steps should be taken to ensure that any individual has the opportunity to raise their concerns or submit a formal complaint. This includes the right to be accompanied or represented by a friend or relative at discussions and hearings and/or to submit formal complaints which have been written by another individual on their behalf.

Should any meeting need to be held where any parties would have difficulties in terms of access, Bracknell Forest Council can assist with providing an appropriate venue.

It is an expectation that equal respect will be granted to each person involved within the process and that differences between people will be respected and understood.

1.13 Support offered by Bracknell Forest Council (BFC)

BFC Education Department offer advice and guidance to headteachers and governing bodies who feel they need extra support when dealing with a complaint.

If a complaint concerns the headteacher, the governing body will be required to work with BFC from the outset.

In exceptional circumstances, BFC is able to investigate on behalf of either the headteacher or school governors. Where possible, the intention will always be for BFC to support the school in its own investigations rather than take complete responsibility for them itself.

1.14 Time between stages

Although each of the stages within the procedure should occur consecutively, it is not necessary for each stage to immediately follow the last. Complainants may need some time to decide whether or not they wish to pursue the matter any further.

After each stage, the complainant and the individual who is dealing with their complaint at that time should agree an appropriate time limit within which the next stage should be accessed, if at all. If the complaint is not submitted to the next stage within this agreed time limit it should be considered as closed.

1.15 Changes to time limits and deadlines

In general, the time limits and deadlines contained within this policy should be adhered to. However, in certain circumstances it may be deemed inappropriate or impossible to guarantee that this is possible.

Where a complaint leads to criminal proceedings this will always be the case.

If and when it becomes necessary to alter the time limits and deadlines set out within this policy, the complainant should be told and given an explanation as to why this has been the case.

1.16 Appeals

If at any stage, as the result of a complaint, a decision or course of action is taken with regards to an individual (apart from the complainant) which they feel is ungrounded, unjustified or incorrect they have the right to appeal.

It is recommended that school governing bodies use their established appeal procedures in order to facilitate this.

1.17 Vexatious Complaints

The Chair of governors can write to a complainant and refuse to consider their complaint at stage 3 if he or she feels that there are insufficient grounds to do so, if the complaint has already been considered at this stage or if it has been closed.

In both cases, the complainant has the right to take their complaint to Bracknell Forest Council (stage 4) who will, if appropriate, investigate the school's adherence to the complaints policy.

2 STAGE 1: Informal discussion

2.1 Introduction

The vast majority of concerns and complaints can be dealt with informally. There are many occasions where concerns are resolved straight away without the need to submit a formal complaint. Indeed, many concerns raised at this level might not be classified as complaints.

When a complaint is made directly against the school's headteacher, stage 2 is not required and the formal procedure begins at stage 3.

A complaint against the Chair of Governor or any individual governor should be made in writing to the Clerk to Governors

2.2 Who to speak to informally

Individuals may decide to raise their concerns with a member of school administrative staff, class teacher, senior teacher, governor or headteacher depending on their wishes and the type of issues they want to discuss.

2.3 Monitoring

It is not necessary to record or monitor complaints at this level.

2.4 Time scales

There are no specific time scales for dealing with concerns at this stage. However, as at all stages, issues should be considered and dealt with as quickly and effectively as possible.

2.5 Response

The individual who raised the issue should be informed of any action to be taken to resolve the issue. If appropriate, this might be confirmed in writing.

2.6 Options for complainant

If the individual is dissatisfied with the response they have been given and would like to take their complaint further, they should be referred to the school's complaints procedure and accompanying public guidance leaflet and told how to move on to the next stage.

3 STAGE 2: Referral to the headteacher

3.1 Introduction

This is the first stage of the formal complaints process and, as a result, all communications between parties need to be carefully recorded and monitored as set out in the 'monitoring complaints' section of this document.

3.2 Informal discussion with headteacher

Before proceeding with a formal investigation, the headteacher will meet with the individual and discuss their concerns and wishes. It may still be appropriate and satisfactory to reach an informal resolution at this point. If not, the headteacher will decide whether the individual's complaint will be dealt with by this policy or another statutory procedure and advise them on what they will need to do.

3.3 Submitting a formal complaint

By this stage it must be clear that the concern is a definite complaint which will be dealt with according to this policy and should be formally submitted in writing to the headteacher.

As indicated within the 'equal access, accompaniment and representation' section of this policy, all complainants have the right to submit formal complaints, at this or any stage, which have been written by another individual on their behalf.

3.4 Acknowledgement and time scales

The headteacher should formally acknowledge the complaint within 3 school days of receiving it and begin an investigation.

3.5 The investigation

The headteacher will need to investigate the complaint and review any relevant documentation and information. If necessary, the headteacher will interview witnesses and take statements from those involved. If the complaint centres around a pupil, the pupil will also usually be interviewed.

As indicated within the 'equal access, accompaniment and representation' section of this document, all individuals have the right, at this or any other stages, to be accompanied or represented by a friend or relative at discussions and hearings. This includes the right of teachers to be accompanied by a representative from their Trade Union.

When pupils are interviewed, an additional member of staff should always attend.

3.6 Response

The headteacher will provide the complainant with a full written response within 10 school days of acknowledging it. This response will determine whether or not the complaint has been upheld, the reasons why, and what action (if any) will be taken.

3.7 Options for complainant

If the individual is dissatisfied with the response they have been given and would like to take their complaint further, they should be referred to the school's complaints procedure and accompanying public guidance leaflet and told how to move on to the next stage.

4 Stage 3: Review by governing body complaints committee

4.1 Introduction

Complaints only rarely reach this formal level, but it is important that governing bodies are prepared to deal with them.

Upon receiving a formally submitted complaint at this stage the Chair of Governors will usually choose to deal with it by holding a complaints committee hearing. However, in some cases, it may be possible and appropriate for the Chair of Governors to resolve the issue with the complainant by other means without the need for a complaints committee review.

The complaints committee must be clerked. The clerk may be a member of the school staff, the clerk to the governing body or another governor. If required, BFC will offer support and guidance to the clerk, the Chair of Governors and/or the members of the complaints committee on procedural issues but will not normally play any part in reviewing the details of the complaint itself.

When stage 2 has been missed out (see section 1.4), this is the first stage under which a formal complaint about the headteacher will be dealt with.

The first Annex summarises the key roles and responsibilities of the complaints committee.

4.2 The committee

It is recommended that school governing bodies annually agree five governors who will be able to form part of a complaints committee if and when this becomes necessary at any point. The three governors appointed to the complaints committee in any case will usually be chosen from this group of five.

The committee will generally consist of three governors who have not previously been involved with dealing with the complaint. The committee should elect its own chair.

4.3 Submitting a formal complaint

The complainant must submit a written request to the Chair of Governors for their complaint to be considered by a complaints committee.

4.4 Acknowledgement and time scales

The Chair of Governors should acknowledge receipt of this letter within 5 school days if possible but no more than ten at most by writing to the complainant. This letter will inform them that their complaint will be heard by a complaints committee within 15 school days.

4.5 Preparation

The Chair of Governors will then contact the clerk and ask him or her to begin making preparatory arrangements.

The clerk will convene a meeting of the complaints committee. The membership of the complaints committee will be confirmed, a date and time will be arranged for a hearing and all existing relevant documentation will be given to the three appointed governors.

The clerk should then formally write to the complainant, the headteacher and any other relevant staff or witnesses and inform them:

- Of the date, time and venue of the hearing;
- Of the aims and objectives of the hearing and how it will be conducted;
- That any documentation they wish the committee to consider must be returned to the Clerk no later than 5 school days before the hearing takes place;
- Of the rights of equal access, accompaniment and representation as set out within this document;
- How and when the committee will reach their decision.

It is the responsibility of the clerk to ensure that all parties receive all relevant documents at least 3 school days before the date of the hearing so as to allow individuals to familiarise themselves with them.

4.6 The hearing

The hearing should allow each party involved to explain their understanding or interpretation of events and for other parties to question them. The hearing will, therefore, usually operate according to the following format:

- The chair will introduce all parties to one another and explain the principles, objectives and format of the hearing
- The complainant will be given the opportunity to explain their complaint. Following this the headteacher and the complaints committee will be allowed to ask the complainant questions.
- The headteacher will then be given an opportunity to explain the school's official response, interpretation or view about the complaint. Following this the complainant and committee will be allowed to question the headteacher.
- Every party will be given the opportunity to call witnesses and question witnesses called by other parties.
- The headteacher and the complainant will both be given the chance to give final statements.
- The hearing will be concluded by the chair who should explain that the committee will consider its decision and write to both parties within 5 school days informing them of the outcome.

This format will need to be altered under certain circumstances, including instances where Bracknell Forest Council, rather than the headteacher, has played an investigating role. Ultimately, the chair of the meeting has control over its proceedings.

4.7 After the hearing

The committee 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 (if any) to be taken;
- Where appropriate, suggest changes to, or request a review of, the school's systems or procedures to ensure that problems of a similar nature do not happen again.

This information will be included in both the letters to the headteacher and the complainant.

4.8 Options for complainant

If the individual is dissatisfied with the response they have been given and would like to take their complaint further, they should be referred to the school's complaints procedure and accompanying public guidance leaflet and told how to move on to the next stage.

5 STAGE 4: Complaint to Bracknell Forest Council

5.1 Introduction

Complainants are entitled to complain to Bracknell Forest Council (BFC) Local Authority (LA) if they believe that their complaint was not handled fairly and in accordance to the school's complaints policy. Complaints can only be considered once the school's procedures have been completed in full.

Complaints very rarely reach this level. However, it is important that the LA, the school are ready to deal with them if necessary and that the complainant is fully informed of how and when they can complain at this level.

5.2 Submitting a formal complaint

Complaints must be submitted, in writing, to the following address:

The Director of Children, Young People & Learning
Bracknell Forest Council
Time Square
Bracknell
Berkshire
RG12 1JD

This written complaint must include the following information:

- Details of the original complaint;
- The judgement and action taken by the governing body;
- Reasons for believing that the original complaint was not dealt with fairly and in accordance with the school's complaint's procedure;
- The expected or desired outcome.

5.3 Acknowledgement and time scales

BFC will write to the complainant and formally acknowledge their complaint within 3 working days of receipt.

BFC will also write to the school's headteacher and Chair of governors to inform them that a complaint has been made against the actions they have taken with regards to the original complaint.

5.4 The investigation

BFC will examine all relevant documentation considered by the school in their original investigation as well as the records and correspondence produced at each stage.

5.5 The response

BFC will write to the complainant and inform them of their findings within 20 working days of acknowledging their original complaint. Copies of this letter will be sent to the headteacher and Chair of governors.

5.6 Possible outcomes

If BFC decides that the school has failed to handle the original complaint fairly and according to its complaints policy the matter will be referred back to the governing body.

The governing body will then be requested to reinvestigate the complaint at stage 3 (review by governing body complaints committee). The governing body will need to re-appoint a new complaints committee.

Again, BFC Governor Services will be able to offer support to the governing body in their investigations.

5.7 Options for complainant

If the individual is dissatisfied with the response they have been given and would like to take their complaint further, they should be referred to the school's complaints procedure and accompanying public guidance leaflet and told how to move on to the next stage.

6 STAGE 5: The Secretary of State

6.1 Introduction

Individuals have the right to contact to the Secretary of State for Education with regards to the way their complaint has been handled.

Usually, they will not take any action until both the school and the Council's procedures have been exhausted.

6.2 Complaining to the Secretary of State

Complainants have a right of appeal to the Secretary of State for Education under sections 496 or 497 of the 1996 Education Act if they believe that the LA has acted unreasonably. If the Secretary of State agrees that a complaint is justified, the Department for Education has the power to require the LA to take certain actions including issuing instructions to school governing bodies in appropriate circumstances, although in practice this would be very rarely exercised.

6.5 Contacting the Secretary of State

The DfE National Enquiry Line can be contacted on:

Telephone: **0870 000 2288**

Fax: **01928 79 4248**

Web site: **www.education.gov.uk**

If you wish to write to the Secretary of State for Education by post:

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

Review by Complaints Committee – Key Roles and Responsibilities

The Role of the Clerk

The clerk organises the complaints committee review. He or she will need to:

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

The Role of the Chair of Governors

The Chair of Governors should:

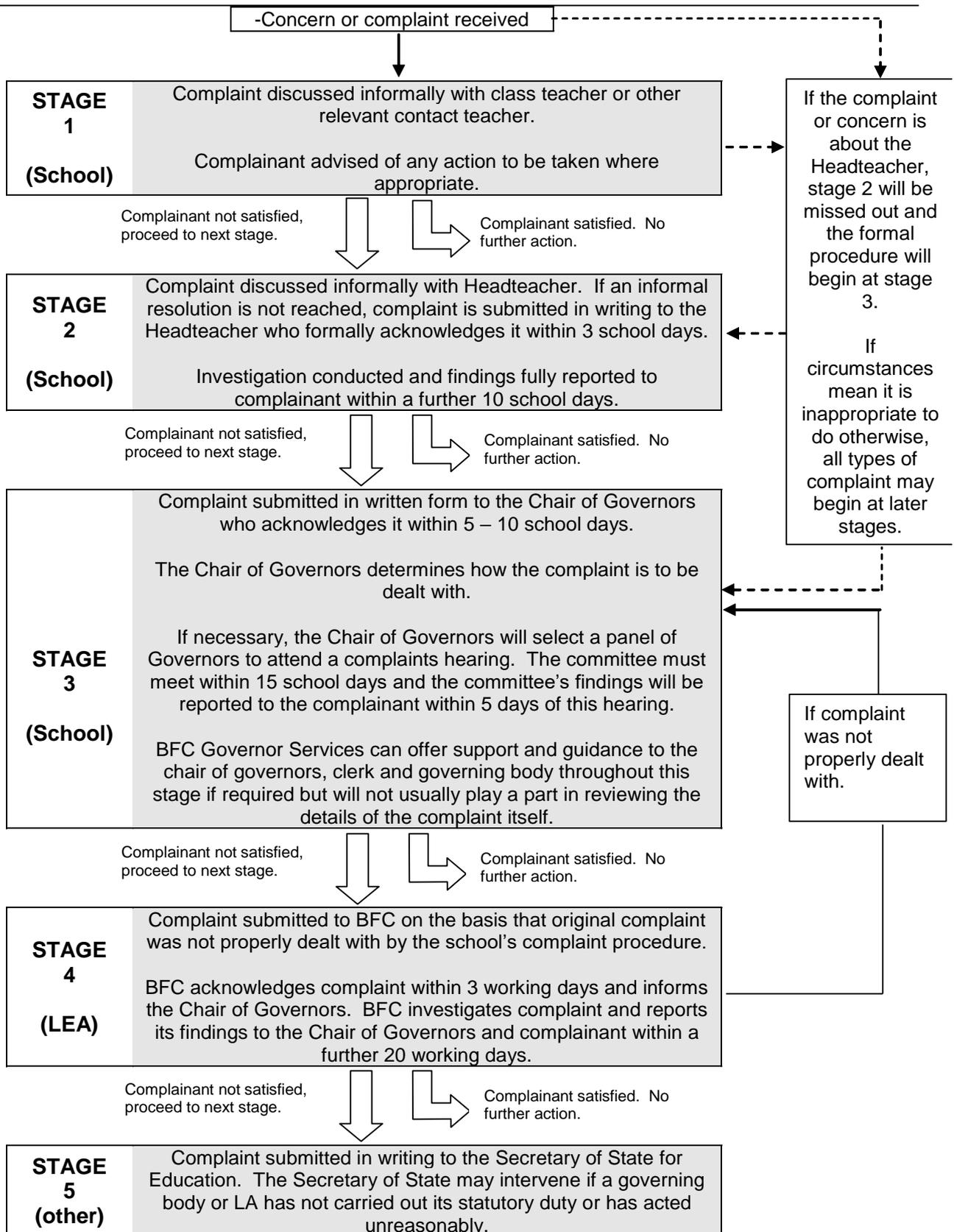
- Check that the correct procedure has been followed;
- If a review is appropriate, notify the clerk to arrange the committee.

The Role of the Chair of the Complaints Committee

The chair of the complaints committee has a key role. He or she will need to ensure that:

- The remit of the committee is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- The issues are addressed;
- Key findings of fact are made;
- Parents and others who may not be used to speak at such a review are put at ease;
- The review is conducted in an informal manner with each party treating the other with respect and courtesy;
- The committee is open minded and acting independently;
- No member of the committee has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- Each side is given the opportunity to state their case and ask questions;
- Written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

The chair of the complaints committee needs to ensure that the complainant is notified of the committee's decision, in writing, with the committee's response within 5 school days. This letter will explain if there are any further rights of appeal and, if so, to whom they need to be addressed.



Best Practice Advice for School Complaints Procedures 2016

**Departmental advice for maintained
schools, maintained nursery schools and
local authorities
January 2016**

Contents

Summary	3
About this departmental advice	3
Expiry / review date	3
Who is this advice for?	3
Introduction	3
The difference between a concern and a complaint	4
Who can make a complaint?	4
The Complaints Procedure – Best Practice Tips	5
Timeliness	6
Stages	6
Recording Complaints	7
Governing Body Review	7
Complaints not in scope of the procedure	9
Serial and Persistent Complainants	10
Is it time to stop responding?	10
Sample Policy for Unreasonable Complainants	12
Barring from the School Premises	13
The Role of the School Complaints Unit	15
Appendix – Roles and Responsibilities	16
Interviewing Best Practice Tips	19
Further information	20
Useful Resources and External Organisations	20
Other Relevant Departmental Advice and Statutory Guidance	20
Other Departmental Resources	20

Summary

About this departmental advice

This is departmental advice from the Department for Education. This advice is non-statutory, and has been produced to help governing bodies understand their obligations and duties in relation to Section 29 of the Education Act 2002¹.

¹ <http://www.legislation.gov.uk/ukpga/2002/32/section/29>

Expiry or review date

This advice replaces the School Complaints Toolkit 2014. It will be reviewed annually.

Who is this advice for?

This guidance is for:

- School leaders, school staff and governing bodies in all maintained schools and maintained nursery schools
- Local authorities
- Dioceses

Introduction

In accordance with Section 29 of the Education Act 2002, all local authority (LA) maintained schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides.

The Department for Education has produced this non-statutory guidance to share best practice and help schools avoid common pitfalls. It is for school leaders, school staff and governing bodies in all LA maintained schools and maintained nursery schools, LAs and Dioceses. It is not designed for use by academies, free schools or independent schools.

There is a difference between 'legal requirement' and 'good practice'. In this guidance, we use 'must' where a school has a duty. We use 'can' where a school has a power (not a duty) under statutory or common law. We use 'should' for advice on good practice.

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.

There are occasions when complainants would like to raise their concerns formally. In those cases, the school's formal procedure should be invoked through the stages outlined within their procedure.

Who can make a complaint?

Any person, including members of the general public, may make a complaint about any provision of facilities or services that a school provides, unless separate statutory procedures apply (such as exclusions or admissions). Schools must not limit complaints to parents or carers of children that are registered at the school.

The Complaints Procedure – Best Practice Tips

- A guidance document for parents on making complaints does not satisfy the legal requirement for schools to have in place a procedure to deal with all complaints. A distinct policy must be in place;
- While schools are free to adopt their LA's model policy, it must be tailored to the individual school;
- Some complaints fall outside the school's complaints procedure, for example, staff grievances or disciplinary procedures (see: Complaints not in Scope);
- We recommend that the governing body ensures that any third party providers offering community facilities or services through the school premises, or using school facilities, have their own complaints procedure in place;
- Conflict between estranged parents over the application of parental responsibility is a common cause of complaints made to schools. *'Understanding and Dealing with Issues Relating to Parental Responsibility'* contains specific advice about how to properly approach issues concerning parental responsibility.

The following tips and suggestions are intended to help schools ensure their complaints procedures are robust and effective:

- Be aware of the difference between a concern and a complaint (taking informal concerns seriously will reduce the numbers that develop into formal complaints);
- Be mindful of the language used in the complaints procedure (it is recommended that schools have policies which state what they 'will' do rather than what they 'should' or 'may' do);

Where a policy states that a school '*should*' do something which they then choose not to do, if escalated to the Department for Education for further consideration, the school may be asked to provide a written explanation for the reasons why they deviated from best practice.

- Ask the complainant at the earliest stage what they think might resolve the issue (an acknowledgement that the school could have handled the situation better is not the same as an admission of unlawful or negligent action).
- The complaints procedure should set out the steps to follow in the event that the headteacher or member of the governing body is the subject of the complaint.

Schools should also ensure the complaints procedure:

- is easily accessible and publicised;
- is simple to understand and use;
- is impartial;
- is non-adversarial;

- enables a full and fair investigation by an independent person where necessary;
- respects people's desire for confidentiality;
- addresses all the points at issue and provides an effective response and appropriate redress, where necessary;
- provides information to the school's senior management team so that services can be improved.

Timeliness

Complaints need to be considered and resolved as quickly, and efficiently as possible:

- Set realistic and reasonable time limits for each action within each stage (where further investigations are necessary, set new time limits, send the complainant details of the new deadline and give an explanation for the delay);
- Understand that the department does not consider excessive time limits to be reasonable or acceptable, except in extenuating circumstances;
- Expect complaints to be made as soon as possible after an incident arises (although three months is generally considered to be an acceptable time frame in which to lodge a complaint);
- Ensure that, if the policy includes a cut-off timeframe, the school will consider exceptions and that their complaint procedure reflects this. Schools must not have blanket policies of refusing to consider any complaints not lodged within the stated period.

Stages

Schools are free to choose how many stages their procedure will include – two or three formal school-based stages are likely to be sufficient for most schools.

- Determining what the appeal panel considers is for the school to decide.
- The complaints procedure must not suggest that a complaint can only be escalated to the next stage if the school permits it.

Regardless of how many stages the school chooses, or whether or not the complaint is 'justified', a dissatisfied complainant must always be given the opportunity to complete the complaints procedure in full.

- Some procedures may also allow for an additional stage if the LA, Diocese or other external agency provides an independent appeal or review.
- Complaints against the headteacher are usually first dealt with by the Chair of Governors. Complaints against the Chair of Governors or any individual governor should be made by writing to the Clerk to the Governing Body.

Recording Complaints

Schools must ensure that they comply with their obligations under the Equality Act 2010. It is common practice to ask for complaints to be made by using a complaint form or in writing, however the complainant may have communication preferences due to disability or learning difficulties and schools must allow alternative methods of contact:

- A complaint may be made in person, by telephone, or in writing;
- In order to prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls should be kept and a copy of any written response added to the record. Where there are communication difficulties, schools may wish to use recording devices to ensure the complainant is able to access and review the discussions at a later point;
- Schools should record the progress of the complaint and the final outcome. The headteacher or complaints co-ordinator should be responsible for these records and hold them centrally.
- Schools should be aware that complainants have a right to copies of these records under the Freedom of Information and Data Protection Acts.

Governing Body Review

- Complaints should not be shared with the whole governing body, except in very general terms, in case an appeal panel needs to be organised;
- If the whole governing body is aware of the substance of a complaint before the final stage has been completed, schools should arrange for an independent panel to hear the complaint. They may approach a different school to ask for help or the local Governor Services team at the LA, or the Diocese;
- Complainants have the right to request an independent panel, if they believe there is likely to be bias in the proceedings. Schools should consider the request but ultimately, the decision is made by the governors;
- The process of listening to and resolving complaints can contribute to school improvement. When individual complaints are heard, schools may also identify underlying issues that need to be addressed. The monitoring and review of complaints can be a useful tool in evaluating a school's performance. The governing body may wish to consider using complaints and review their handling at regular intervals to inform improvements and the effectiveness of the complaints procedure;
- It is the governing body which determines how often the complaints procedure is reviewed however the department suggests as good practice that it is reviewed regularly; every two to three years is quite typical. This will enable the school to take into account any new guidance issued by the Department for Education or legislative changes.

Responsibility for reviewing the procedure may be delegated to a committee of the governing body, an individual governor or the headteacher. If projected review dates are published on the policy document they should be adhered to. Failure to do so could constitute a failure to adhere to a policy.

Complaints not in scope of the procedure

A complaints procedure should cover all complaints about any provision of facilities or services that a school provides with the **exceptions** listed below, for which there are separate (statutory) procedures. **Exceptions**

- Admissions to schools
- Statutory assessments of Special Educational Needs (SEN)
- School re-organisation proposals
- Matters likely to require a Child Protection Investigation

- Exclusion of children from school

- Whistleblowing

- Staff grievances and disciplinary procedures

- Complaints about services provided by other providers who may use school premises or facilities.

Who to contact

Concerns should be raised direct with local authorities (LA). For school admissions, it will depend on who is the admission authority (either the school or the LA). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.

Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.

Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: whistleblowing@ofsted.gov.uk or by writing to: WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD. The Department for Education is also a prescribed body for whistleblowing in education.

These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation. Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.