

# **Dealing with complaints about schools**

## **A practical toolkit for headteachers and governors**

Revised December 2016

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# Introduction

Many schools have adopted the model guidance as set out in the original Dealing with Complaints About Schools published in 2002. Since then, the local authority has built up a wealth of practical experience and taken on board comments and views from teachers, governors, parents, trade unions and Local Authority (LA) colleagues, to produce what we hope is a clearer, easier-to-use toolkit that schools will find useful. This latest version (July 2016), reflects the guidance published by the Department for Education in January 2016.

## What's new?

The new guidance gives helpful advice to support schools in resolving complaints quickly and effectively, including a sample policy for dealing with serial complaints, details of the Schools Complaint Unit (SCU) helpline at the DfE, and clarity regarding closure of complaints.

Due to a number of complaints from estranged parents, the DfE has also produced advice for schools around the issues relating to parental responsibility which you may find useful. This guidance can be found on the DfE website <https://www.gov.uk/government/publications/dealing-with-issues-relating-to-parental-responsibility>

**Part I** establishes the key **roles and responsibilities** in dealing with complaints about schools.

**Part II – Dealing with complaints about schools** sets out key principles and practice in dealing with concerns or complaints from parents, carers or other legal representatives of children, and with complaints from the wider community.

**Part III – Model school complaints procedure** sets out a model procedure covering all the stages, from informal, pre-complaint discussions to final review by the Secretary of State for Education.

**Part IV** gives **further guidance**, including best practice around complaint handling and dealing with different types of complaint.

Model policies, procedures and letters that you might wish to adapt for use in your school are also included as additional support materials.

If you have any enquiries or questions about the toolkit, please contact the customer relations service on 0113 37 85111, by email at [feedback.childrens@leeds.gov.uk](mailto:feedback.childrens@leeds.gov.uk) or in writing to:

Customer Relations  
PO Box 837  
Leeds  
LS1 9PZ

## Part I – roles and responsibilities

- 1.1. Every well governed and well managed school will from time to time have to deal with complaints from parents, school neighbours and others. Teachers and governors will know that most parental concerns and complaints are resolved informally by school staff. Relatively few complaints lead to a formal process, but where they do, the governing body must ensure that proper procedures are in place, are publicised, understood and followed.
- 1.2. From 1 September 2003 governing bodies of all maintained schools and maintained nursery schools in England, have been required to have in place a procedure to deal with complaints relating to the school and to any community facilities or services that the school provides.

### Key responsibilities

- 1.3. The **head teacher** is responsible for making operational decisions on a daily basis about the school's internal management and organisation. The school should make it clear that parents and others should direct concerns or complaints to the head teacher in most circumstances.
- 1.4. The **governing body** has overall responsibility for the school and for ensuring that all pupils receive an appropriate and high standard of education. Given that school sites are now becoming places of service provision, it is important that the governing body ensures that any third party providers offering community facilities or services through the school premises have their own complaints procedure in place.
- 1.5. There are regulations that prescribe the role of governors in dealing with complaints. In general, the need to maintain a strategic overview, rather than a day-to-day operational involvement, is paramount, as is the need to provide an objective approach in the interest of the whole school community, ie. parents as well as staff.
- 1.6. **Parent and staff governors** in particular should not be drawn into the detail of specific complaints as this may prejudice their role in any further stages of the complaints procedure. However, they can help to refer more general concerns about school policy to the headteacher and the governing body.
- 1.7. Since the implementation of section 45 of the Education Act 2011, on 1 August 2012, the **LA** no longer has any power or duty to intervene in school complaints.
- 1.8. Parents and other complainants will be advised that if they contact the LA, they will be referred back to the school and all details will be recorded and passed on to the head teacher or chair of governors.
- 1.9. However, under the schools improvement policy, the LA has a responsibility to 'monitor information about all schools, with particular emphasis on identifying strengths, areas for improvement and progress in order to support, challenge and validate a school's self-evaluation'. In this respect, the LA needs to monitor the

frequency and nature of complaints being brought to the governing body at stage two of the formal complaints procedure.

- 1.10. The LA will provide advice, guidance and support to schools dealing with complaints at any stage. Please contact :

Customer Relations  
PO Box 837  
Leeds LS1 9PZ  
Phone: 0113 378 5111  
e-mail [feedback.childrens@leeds.gov.uk](mailto:feedback.childrens@leeds.gov.uk)

### **Who can complain?**

- 1.11. This model procedure applies to complaints made by:
- parents of pupils currently or recently (within three months) at the school;
  - people who either have 'parental responsibility' for a pupil or who care for them, but are not the pupil's parents;
  - pupils aged 18 years or over; and
  - third parties concerned about action (or lack of action) taken by schools.

### **Types of complaints covered by the school complaints procedure**

- 1.12. This practical toolkit is a good practice guide, that will apply to most general complaints received by schools. The complaint could be about the way the school is run or about the way a school policy has been implemented. Most will be about decisions that affect pupils at the school.

### **Types of complaints NOT covered by the school complaints procedure**

- 1.13. It is **not** intended to cover those matters for which there is a specific statutory process to object, complain or appeal for example child abuse, staff discipline, special needs assessments, school admissions or exclusions (Appendix A lists the types of statutory processes and separate procedures that apply)

### **What is the difference between a complaint and a formal disciplinary procedure?**

- 1.14. 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 before responding to any investigation into a complaint.
- 1.15. General complaints may involve members of staff, but any investigation into such a complaint should be seen as very distinct from the disciplinary process. General complaints should be treated as complaints against the school, unless serious allegations of misconduct are made, in which case advice should be sought from the school's

personnel officer at the LA.

- 1.16. If it becomes apparent that the complaint has the potential to be a disciplinary issue or if the complaint is against any member of staff, it is for the head teacher or designated senior member of staff or, in the case of the head teacher, the chair of governors or designated governor, to determine if it is a disciplinary or capability matter.
- 1.17. If this is the case, the matter will be dealt with by following the appropriate (disciplinary or capability) procedure and the complainant will be notified that this is the outcome of their complaint, i.e. 'The matter has been referred to the appropriate procedure.'

# Part II – dealing with complaints about schools

## Complaints policy

2.1 Schools should have a **complaints policy** that is a summary of the approach the school takes to handling concerns and complaints. This should not be confused with a set of **complaints procedures**, which prescribe the steps to be taken in handling complaints. Whilst schools are free to adopt the model policy and procedure attached at Annex A and B in this document, they must be tailored to the individual school before they are published.

2.2 A school's complaints **policy statement** should:

- be easily accessible and publicised (for example, within your school prospectus);
- be a concise statement of how your school deals with concerns and complaints, whether from parents or other legal representatives of your pupils, or from members of the community.

## Complaints procedures

2.3 The complaints **procedures** should:

- be well publicised and easily accessible;
- be simple to understand and use;
- encourage the resolution of problems by informal means wherever possible;
- be impartial;
- establish time limits for action and keeping people informed of progress;
- be non-adversarial;
- respect people's confidentiality;
- ensure full and fair investigations where necessary;
- address all points of issue, provide an effective response and appropriate redress where necessary;
- require that complaints be recorded and that the school's senior management and governing body be informed so that any improvements or adaptations can be made; and
- be reviewed annually by both the school's management team and governing body.

2.4 **Part IV** - 'Further Guidance' contains a **model policy statement** and a **model complaints procedure** which schools may wish to use. The policy statement is offered for schools to adapt to suit their local needs and circumstances and is not prescriptive. It would be good practice to refer to the availability of both the policy statement and your procedural documents, within the school prospectus or brochure.

## Stages of complaints procedures

2.5 Good complaints procedures will have well-defined stages that explain the action to be taken, when it should be taken and who will be involved. The need for flexibility should be built into this area as further investigations may be required.

2.6 This model guidance establishes three school-based stages which should be sufficient for most schools, as well as a further review stage by the Secretary of State for Education.

- **Informal stage - dealing with concerns:** initial concerns are heard by a class teacher, head of year or another appropriate member of staff on an informal basis, either in person, by telephone or in writing.
- **Formal stage one:** where a formal written complaint is considered by the head teacher (or representative), or - **if the complaint is about the head teacher** – by the chair of governors or nominated governor. The decision of the head teacher or chair of governors at this stage is usually final.
- **Formal stage two:** If stage one has been worked through and the complainant is unhappy with *the way in which their complaint has been handled*, the case can be referred to a panel of governors. The panel of three governors will carry out a **review** of the investigation carried out at formal stage one to consider the way the complaint has been investigated and handled by the school. This stage **does not** involve a rehearing of the complaint.

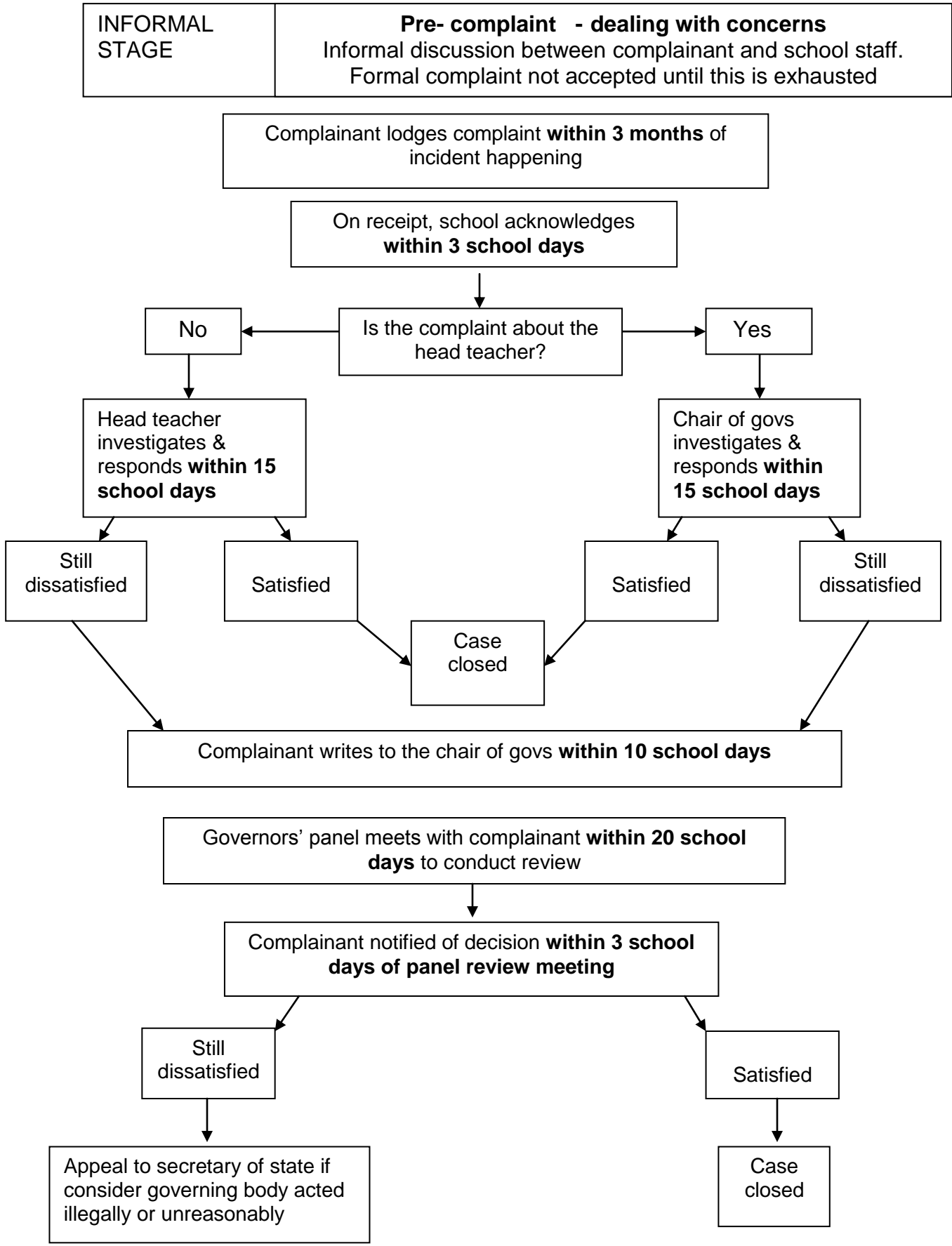
} School-based stage

- **Secretary of State review :** Having exhausted the previous stages, complaints can finally be taken to the Secretary of State for Education but only on the grounds that the governing body is acting or proposing to act unreasonably or illegally.

} Secretary of state review



# DEALING WITH COMPLAINTS ABOUT SCHOOLS - FLOWCHART



## Dealing with initial concerns

- 2.7 Schools need to be clear about the difference between a **concern** and a **complaint**. Taking informal concerns seriously at the earliest stage will reduce the number that develop into formal complaints. People may wish to ask questions or express an opinion, and schools should aim to create an environment that supports, welcomes and respects the involvement of others.
- 2.8 The fact that schools must, by law, have a complaints procedure need not in any way undermine efforts to resolve concerns or complaints informally. The underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures.
- 2.9 In most cases the class teacher or the individual delivering the service in the case of extended school provision, will receive the first approach. Being able to resolve issues on the spot, including apologising or expressing regret, where appropriate is often the best approach. This is preferable to immediately invoking a complaints procedure which can place an unnecessary barrier of formality between the school and its parents or the wider community.

## Dealing with formal complaints

- 2.10 Formal procedures will need to be invoked when the initial attempts to resolve the issue have been unsuccessful and the complainant remains dissatisfied and wishes to take matters further.
- 2.11 This could be handled by any one of the following:
- the head teacher;
  - an independent person agreed by the governing body;
  - a designated member of staff who has the responsibility for the operation of the school's complaints procedures;
  - the chair of governors; or
  - a designated governor.

## Complaints or concerns from the community

- 2.12 Dealing with complaints or concerns from residents is also the responsibility of the school and the governing body. It is important to maintain good relationships with local residents and to that end schools should ensure that any concerns from the community, which can cover issues such as litter, unruly pupils, objects landing in gardens and car parking, are dealt with in a similar way to a complaint from a parent or other legal representative of the child.
- 2.13 In the event of an incident giving rise to a complaint, taking the issues seriously, a prompt and courteous reply, with perhaps an expression of regret for any inconvenience caused, will go a long way to maintaining the school's good name and standing in the community.
- 2.14 It is the responsibility of the governing body of the school to ensure that any third party, such as a sports or social club, offering community facilities or services through the school premises, or using school facilities, has its own complaints procedures in place.

2.15 Where there may be shared responsibility for providing a service under children's service provisions, the governing body needs to make sure there is an agreed complaints process in place.

## Resolving and closing complaints

2.16 At each stage in the procedure, schools will want to keep in mind ways in which a complaint can be resolved. An effective procedure should identify areas of agreement and clarify any misunderstandings that might have occurred, as this can create a positive atmosphere in which to try to reach a resolution. 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 or an expression of regret. Note – this is *not* an admission of liability;
- an explanation;
- an admission that the situation could have been handled differently or better. Note: this is *not* the same as an admission of negligence;
- an assurance that the event which prompted the complaint 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.

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

2.18 The complaints procedure must not suggest that a complaint can only be escalated to the next stage if the school permits it.

2.19 If the school rejects the complaint, it is important to reassure the complainant that the matter has been thoroughly investigated. Part IV 'Further guidance' contains model response letters for use at the end of stage 1 and stage 2.

2.20 **Special Educational Needs (SEN) mediation – the Leeds SEND Information Advice Support Service** can offer independent, impartial advice and guidance to parents regarding special educational needs issues. Schools can refer a parent to Leeds SEND Information Advice Service (Leeds Special Educational Needs and Disability Advice Support Service) formerly the parent partnership service.

They can be contacted on 0113 3951222, email: [sendiass@leeds.gov.uk](mailto:sendiass@leeds.gov.uk) or visit their website [www.leedssendiass.co.uk](http://www.leedssendiass.co.uk)

## Serial or persistent complaints

2.21 A sound set of complaints procedures should limit the number of complaints that become

protracted or perceived to be vexatious; and if the procedures are followed correctly to keep the person informed of what is happening, this should not become an issue.

2.22 However, occasionally, a complainant may remain dissatisfied despite all the procedures having been followed. It may well be a case of not being able to resolve all their concerns and meet all their wishes. Sometimes it is simply a case of 'agreeing to disagree' and moving on.

2.23 If the complainant continues to make representations to the school or attempts to re-open the same issue, the chair of governors should inform them, in writing, that the procedures have all been followed and that all reasonable action has been taken to try to resolve the issue and that the matter is now closed.

However, schools should be careful to not label issues as serial until the complaint has completed the procedure. Also, the label of 'serial' should be made against the complaint or issues raised rather than against the complainant as they may have valid reasons to complain in the future about other matters.

In some cases, it may be necessary to seek support from the LA customer relations service and /or legal services to deal with particularly vexatious or persistent complainants. **Part IV – Further guidance** – provides a useful definition of vexatious or persistent behaviour that may help schools determine the correct course of action.

2.24 Threats involving the media and/or legal action should be treated respectfully, whilst reassuring the person that the school will respond to any letters or approaches from the media or solicitors in the normal way. These may be 'empty' threats made out of frustration in the heat of the moment and are without substance. However, head teachers should contact Leeds City Council's press office (tel 0113 247 4713) for advice if they are concerned about statements being made to the media.

2.25 Occasionally, the behaviour of a complainant can pose a threat to the school community. If this occurs, a warning letter to the person threatening to ban him or her from the premises should be sufficient to stop any unwelcome behaviour. In extreme cases, it may be necessary for the chair of governors to impose an actual ban on the person. Schools should take further advice from their legal services representative.

If a ban is to be applied, the chair of governors should write to the complainant and inform them that their implied licence to be on school premises has been temporarily revoked. The letter should explain the reasons for the ban and the length of time that it is to remain in place. At the end of the period, it is recommended that it be reviewed, taking into account any representations made from that person and a letter should be sent either lifting or extending the ban with reasons. Anyone wishing to complain about a ban can do so to the head teacher or chair of governors. However, these complaints cannot be escalated to the Department for Education and the only recourse to appeal is via the courts.

## **Monitoring complaints**

- 2.26 Schools should record and monitor all complaints to identify issues and allow any lessons to be learned by the school. The head teacher should provide a termly report to the governing body identifying the number, nature and current status of complaints handled, without giving individual details. The governing body should monitor all complaints which reach formal stage two and receive a report at the end of the process.

## Part III – school complaints procedures

### Informal pre-complaint stage - dealing with concerns

- 3.1 All concerns should be treated seriously. The member of staff should make a brief note of the concerns and an indication of the outcome of the discussion.
- 3.2 It should be made clear to the complainant, at the earliest possible stage, whether or not the outcome they are seeking is realistic. If it is not and a compromise is unlikely, they should be advised to make a formal complaint, using the complaints form, and be advised of the formal complaints procedure. It would be important to ask what outcome the complainant is expecting to ensure there is no misunderstanding.
- 3.3 If a member of staff becomes aware that someone is likely to lodge a formal complaint, they should inform the head teacher, and pass on any information they hold about the issue. Staff should be given clear guidance on the school's procedure, particularly about when it is appropriate to refer the matter on and to whom. Time and care spent at this early stage can prevent a concern from becoming a formal complaint.
- 3.4 If a concern relates to a school policy rather than a particular incident, e.g. policy on school dress, timing of school day, it would be more appropriate for the issue to be referred directly to the head teacher. Where possible, people should be invited to put their comments in writing, with assistance if necessary, and these can then be used to inform any review of the policy. A written acknowledgement should be sent telling them when and how the matter will be considered.
- 3.5 If it is clear that a number of people share a concern the matter should be dealt with as a matter of urgency to avoid escalation of the issue within the parent community.

***[More advice and guidance is given in Part IV – Further guidance of this document.]***

## Formal stage one: official complaint

- 3.6 Where a person has not been able to resolve a concern informally, they are entitled to ask the head teacher or a senior member of staff nominated by the head teacher, to investigate the issue. The complaint should, where possible be put in writing to the head teacher, ideally using the formal complaints form (see Annexe C). In all cases, the form should include details of the complaint, action already taken to resolve the complaint and what actions might help resolve the problem.

Complaints made either in person or by telephone, should not prohibit complaints being dealt with under formal procedures.

- 3.7 **Formal complaints should be lodged as soon as possible, but no later than three months of the incident or issue occurring.** There may be certain exceptions to this and the school should ensure that their complaint procedure reflects this. The Department for Education stipulates that schools must not have blanket policies of refusing to consider any complaints not lodged within the stated period.
- 3.8 **Acknowledgement within three school days:** Receipt of the complaint will be acknowledged within three school days and will specify how the complaint will be investigated, by whom and the timescale within which a full response will be made.
- 3.9 **Full response within 15 school days.** The head teacher will ensure that a thorough investigation is carried out and a full written response is made within 15 school days. If the timescale needs to be extended (for example, if meetings with complainants or relevant people cannot be arranged within this timescale) complainants will need to be informed. *[Detailed advice and guidance on conducting an investigation is given in Part IV – Further guidance, Section 8]*

## Exceptions

- 3.10 **Complaints about the head teacher.** A complaint about the head teacher should be made in writing to the **chair of governors**. This may include a complaint about the actions or lack of actions of the head teacher in investigating a complaint. The governing body should consider appointing a designated governor to investigate the complaint as a stage one complaint. Where a complaint is about the conduct of the head teacher, the chair of governors should seek advice from the school's personnel officer at the LA.
- 3.11 **Complaints about the chair of governors** should be made in writing to the **vice-chair of governors**. Procedural advice and guidance should also be sought from the LA customer relations service or governor support service.
- 3.12 **Complaints about issues covered by other statutory procedures.** Where complaints concern issues that are covered by other statutory procedures, for example, school admissions or exclusions, then those specific procedures and related timescales will apply instead (see Appendix A).
- 3.13 **Complaints involving a claim for compensation.** Schools should refer any claims for

compensation directly to the schools claims financial adviser in the LA.

## **Reporting the outcome**

- 3.14 A full written response should be made to complainants who may be offered a further meeting to explain how the investigation was carried out and how decisions were reached. The decision at the end of formal stage one is final. The only exception to this is if in investigating the complaint, the head teacher or governor did not conduct a full and fair investigation and therefore did not arrive at the decision fairly, then there may be an opportunity to review the decision at formal stage two.
- 3.15 Complainants will be advised that if they are dissatisfied with the way in which their complaint has been handled they may refer the matter to the governing body. This should be done by writing to the chair of governors **within 10 school days** of receipt of the letter from the head teacher and chair of governors.



## Formal stage two: review to panel of governors

### The governors' review panel

- 3.16 If complainants are dissatisfied with the way in which their complaint was handled at stage one, there will be a further and final right of review to a specially convened panel of governors.
- 3.17 **Lodging review within 10 school days.** Reviews should be lodged in writing with the chair of governors within 10 school days of receipt of the stage one decision.
- 3.18 **Convene panel meeting within 20 school days.** The review panel will meet within 20 school days of receiving the complaint. The complainants and the head teacher or appropriate investigating officer (or governor if the stage one complaint was about the head teacher) will be informed of the date, time and venue of the appeal hearing.
- 3.19 The panel will comprise at least three governors who have had no previous knowledge of or involvement in the case. The panel should not include staff governors.

### Remit of the governors' panel

- 3.20 The panel will consider the way the complaint has been investigated and handled by the school (or governor if it is about the head teacher). The panel will carry out a review of the investigation carried out at formal stage one. It will hear the report of the investigating officer at stage one and any submissions on that report by the complainant. The review ***should not entail a rehearing*** of the case.

The panel can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

*(Detailed advice and guidance on conducting a stage 2 panel hearing is given in Part IV – Further guidance, Section 8).*

- 3.21 **Decision within three school days.** The decision of the panel is final and will be communicated in writing to complainants and the head teacher within three school days. Some schools e.g. faith schools may wish to include a further review stage if appropriate where the diocese or some other independent body reviews the complaint.

### Secretary of State review

- 3.22 A further stage of appeal can be taken to the Secretary of State for Education, but only on the grounds that the governing body is acting or proposing to act unreasonably or illegally.

# Part IV – further guidance

## 1 How to minimise the volume of complaints you receive

There are simple steps that schools can take to reduce the likelihood of complaints being made.

- **Be open with information about all school policies** and documentation (for example about the curriculum or access to pupil records). Be clear in your school brochure or prospectus about what parents are allowed to see and how they can obtain copies.
- **Publicise your arrangements for handling parental concerns** as part of your general information policy. You should regard this as generating useful feedback rather than ‘inviting complaints’. The Education Act makes publication of your complaints procedures a statutory requirement rather than simply good practice.
- **Ensure that all staff are aware of the statutory regulations** regarding such areas as health and safety, child protection and the hate incident reporting system (HIRS) which encompasses all hate incident categories such as race, gender, disability, faith and sexual orientation. Arrange awareness-raising sessions for your staff on topics where knowledge is patchy.
- **Don’t ‘go into denial’** about incidents that appear to cast the school in a bad light. Dealing with issues causing concern will be positive for the school overall. Bullying is a prime example; accept that it can occur in otherwise happy and well-managed schools. The important point is to have effective policies and practices in place when it occurs.

## 2 Distinguishing between concerns and complaints

A useful strategy for managing parental ‘complaints’ is to treat them initially as concerns that can, and should, be resolved informally. This is preferable to immediately invoking a complaints procedure which can place an unnecessary barrier of formality between the school and the complainant, where a different approach might be more appropriate. In this respect the following advice may be helpful. Many of the points will apply whether you are a classroom teacher, head teacher, administrator or governor.

### 3 The first contact

- If a parent or member of the community brings a concern to you, thank them – in person or in writing – for bringing their concern to your attention so that you can address it. Then indicate to them how it might be possible to resolve the difficulty informally.
- If practical, discuss the problem there and then or arrange a mutually convenient time to meet with them.
- Try to assess at the outset precisely what the concern is about. It is important to be aware that the original complaint may be masking other, underlying, issues which will need to be explored before any meeting takes place.

## 4 Apologies

- It is important to recognise the difference between an expression of regret, an apology and an admission of liability. Often, an expression of regret that someone is concerned about an issue, or that he or she has been inconvenienced by an incident, is a useful starting point for a constructive approach to resolving the difficulty. This can be a simple statement such as “I’m sorry that you feel like that” or “I’m sorry to hear what has happened”.
- The school may wish to implement a policy that an individual member of staff should not make a *personal* apology (thereby implying acceptance of some responsibility) but that any apologies will be expressed by the head teacher or the governing body on behalf of the school.
- If the head teacher or governing body are concerned that an apology may be taken as accepting liability, advice should be taken, initially from the school’s legal advisers or insurers.

## 5 Moral support for the parent

- It can be helpful to suggest that the complainant might bring along a friend as moral support. The school should be sensitive to, and aware of, anything which may appear intimidating, such as the room layout; the number of people involved especially a high number of school staff; as well as any unnecessary delay leading to keeping people waiting.
- Whilst you cannot dictate who the ‘friend’ should be, it is not always productive, with parental complaints, for other parents to be involved, especially where they might have a personal interest in the issue brought by the concerned parent/complainant.
- In some cases, a parent governor may be able to provide independent ‘support.’ However, care must be taken to avoid the parent governor being seen as an advocate for the parent; the role of parent governors here is only in the interest of objectivity.
- We would advise parents to be accompanied by someone who was not connected with the school but who would be able to judge whether the meeting allowed the parent to express his or her concerns and have them addressed.

## 6 Moral support for staff

- Hopefully, your school will have set out guidelines for parents about how you will work with them and what they can expect from you. However, there will be times when school staff will feel under pressure or harassed by parents or other members of the community. In these cases it is important that any direct contact is managed through the head teacher and that advice given about vexatious complainants is followed (see Section 10 ‘Dealing with protracted, persistent or serial complaints’ below). Where staff, including the head teacher, are feeling under pressure, then you should contact your personnel advisor in the first instance for support. Union representatives may also be a useful contact. For support and advice about coping with the complaint or situation itself, then contact the customer relations service.

## 7 Who should be involved from the governing body?

- Ensure that all governors are clear about their role in handling complaints. Your procedures should make it clear who is the first contact for concerns beyond the head teacher: is it the chair of governors or a designated governor? Some schools prefer to have a designated governor with responsibility for complaints so that, should the case reach the review panel (stage 2 in the model procedures) the chair of governors is able to chair the panel *without detailed prior knowledge of the case*. This important point applies to all members of such a panel.
- If particular governors being involved in specific cases means there is a potential or real conflict of interest, you should identify someone else to step in. A common allegation is the perceived collusion between head teachers and governing bodies. The only effective way to counter this is to have procedures in place that allow for some flexibility in responding to complaints. The inclusion of a parent governor on the review panel can go some way to alleviating any perceived collusion.

## 8 Investigating complaints – good practice guidelines

We recommend that, at each stage of the concern or complaint, the following steps are followed as far as possible.

- The head teacher should nominate a senior member of staff, who has had no prior involvement with the complaint, to investigate the complaint (where resources and the size of the school staff body allows). This allows the head teacher to retain a degree of detachment and independence from the complaint, which may be helpful in maintaining good relations between the complainant and the school after the complaints procedure has run its course.
- During the investigation the head teacher, or nominated person, - the investigating officer - should contact the complainant to clarify the details of the complaint and speak to other persons as necessary. Sometimes one concern can be masking other underlying issues. It is important to ask what the complainant feels would resolve the issue. Expressing regret over the issue at this stage is not an admission of liability, but it may go a long way to appeasing the complainant. (see section 4 'Apologies' above)
- Complainants will be allowed the opportunity to meet with the investigating officer and to be accompanied by a friend or relative to speak on their behalf or help them make their case (see section 5, above 'moral support for the parent'). Support for interpretation and translation can be obtained from the city council's central interpretation and translation unit (telephone: 0113 336 7800).
- The task of the investigating officer at this stage is to compile accurate evidence and he/she will need to interview relevant witnesses and take statements from those involved.
- When interviewing witnesses, the investigating officer should explain their role clearly and confirm the witness understands the complaint procedure and their role within it.

- They should use open, not leading questions and be careful not to express opinions in words or attitude.
- They should try to separate hearsay evidence from fact by asking interviewees how they know a particular fact and deal with conflicting evidence by seeking corroborative evidence
- A written record should be made of interviews and checked for accuracy with the interviewee. It is good practice to ask the interviewee to sign the record.
- If the complaint involves a pupil, his/her parent/carer should be contacted and, if interviewed, ideally a parent/carer should be present. In some cases this might not be possible and a member of staff with whom the pupil feels comfortable, for example, a learning mentor, should attend the interview.
- Care should be taken when interviewing children and young people, to make the atmosphere relaxed and informal.
- Before it takes place, it should be ensured that any interview with a pupil will not prejudice a Police or Local Authority Designated Officer (LADO) investigation.
- 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. Similarly, parents should also be made aware of confidentiality especially where other children are involved. However, the parties to a complaint should realise that some information may have to be shared in order to carry out a thorough investigation.
- Complaints need to be considered and resolved as quickly, and efficiently as possible. It is important to keep to response times. If this is not possible, an interim letter should be sent, explaining when you will be able to respond. If the complainant raises their case with the DfE at a later stage, it is likely that excessive time limits will be seen as unacceptable, except in extenuating circumstances.
- The investigating officer should keep written records of all meetings and telephone conversations undertaken as part of the investigation together with any other relevant documentation.
- In the event of a stage one complaint being investigated by the governing body the investigating governor should be supported by another governor, if possible, to ensure consistency, fairness and objectivity.
- All people involved in the complaint procedure should be made aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000.
- Staff and governors in schools should have the opportunity to take part in training

or briefings to raise their awareness of the procedures and develop their skills in dealing with people who wish to complain.

## **Procedures for reviewing complaints at stage two**

- The governors' review panel is the last school-based stage of the complaints process and is not convened merely to rubber-stamp previous decisions.
- The panel will appoint its own chair, normally the chair or vice-chair of governors. The chair of the panel will ensure that the appeal hearing is minuted.
- When the complainant asks to move their complaint to stage two you should ascertain if they have any further information that they wish to submit. Once the packs for the hearing are sent out, any further submissions of information should be discouraged but it is at the discretion of the panel chair whether further information will be accepted
- Complainants may be accompanied by a friend or relative to speak on their behalf or help present their case. Interpreting facilities can be made available, if necessary, through the LA.
- Panel members should be mindful that some complainants may feel nervous and inhibited in a formal setting and the chair should ensure that proceedings are as welcoming as possible.
- Extra care should be taken where a child attends the panel hearing to ensure the child does not feel intimidated and that their views are respected.
- Where a child is the complainant or attending the hearing in any other capacity, the panel should ask in advance if any support is needed for them to be able to present information at the panel hearing.
- The conduct of the panel meeting will be at the discretion of the chair, but the following format is recommended:
  - The complainant puts forward why they are dissatisfied with the stage one investigation.
  - The investigating officer at stage one goes through the process of investigation that led to their conclusions.
  - Either party can ask questions, when invited to do so by the chair
  - The panel can ask any questions of the complainants or the head teacher/investigating officer.
- The panel will:
  - reach its decision

- decide on appropriate action
  - consider any recommendations it will make to review or change school policies or procedures
- The purpose of the panel hearing at stage two is to consider whether the complaint was investigated fairly and objectively at stage one. The panel will only ever be able to recommend a review of the decision at stage one if it decides that the complaint was not investigated fairly, e.g. if an essential witness was not interviewed.
- Complaints should not be shared with the whole governing body at early stages, 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, the customer relations service or 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;
- However, it must be stressed that this approach must only be used after all other avenues have been exhausted. It may be necessary for the LA to charge a fee to reflect the additional time and resources needed to service and manage this process.
- It is advisable for governing bodies to elect a complaints panel at the start of the year to avoid this situation arising.
- If the panel considers that the initial investigation at stage one is incomplete and that this throws doubt over the final decision, it can direct additional or re-investigation of those areas it determines. In this case, the stage two proceedings will be suspended to enable the complaint investigator to properly complete the stage one investigation and report their findings and conclusions to the complainant and the panel.
- The panel will then reconvene at the earliest possible date to reopen the hearing and bring it to a conclusion, subject to the new information.
- 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

## **9 Dealing with difficult responses from parents**

- If it is likely that the complainant will become aggressive, either physically or verbally, you should ensure that you are not meeting with them alone and that you are able to call upon additional assistance, if required.
- Whilst it is a fact that the ultimate action for parents to take is to remove their children from the school and place them elsewhere, caution is needed about the way this is expressed to parents as an option.
- In any event, **you should not remove a pupil from the school roll without reference to the formal regulations on registration of pupils.** In this context, it is not permissible to take such action purely on the grounds that the parents have informed you that they are removing their child. If in doubt, contact your attendance improvement officer for advice.
- If a parent insists on keeping their child at home until the situation is resolved, you should inform your attendance improvement officer. The LA will do the same if such a situation comes to light when a complaint is made via the authority.

## 10 Dealing with protracted, persistent or serial complaints

- Assuming that the principle of taking, and being seen to take, complaints seriously is respected, and the head teacher and/or governing body have done everything possible to address and resolve the complaint, including considering the complaint through the full scope of the complaints procedure, there may be a justifiable case for formally closing the complaint.
- While the vast majority of complainants are reasonable, a small minority may become preoccupied with their grievances. They are sometimes referred to as 'vexatious', 'persistent', 'habitual' or 'serial' complainants.
- A serial or persistent complainant is **not** someone who raises legitimate concerns or criticisms of a complaints procedure as it progresses, for example, with regard to timescales. Nor are they someone who is unhappy with the outcome of a complaint and are seeking to challenge it.
- For the purposes of this policy, a persistent complainant is someone whose behaviour is characterised by:
  - frequently complaining about a variety of different things, or the same issue through a number of different channels. While doing this, their actions are obsessive, persistent, harassing, prolific, and /or repetitious;
  - seeking unrealistic outcomes relative to the issue being raised. They state that their intention to persist until that outcome is achieved;
  - insisting upon pursuing valid complaints in an unreasonable manner;
  - persistently making the same complaint with minor differences but never accepts the outcome of any investigation into their complaint;
  - challenging a historical decision/action which cannot be changed;
  - contact with the school is often frequent, lengthy and complicated;
  - behaving aggressively and provocatively towards the school and individual members of staff;
  - using unusual methods of emphasis, such as multiple underlinings, putting words in capital letters, and using exclamation marks and inverted commas, as well as extensive use of marginal notes;



- changing aspects of the complaint or the desired outcome part way through the investigation and/or after the investigation is completed and a conclusion has been reached;
- refusing to co-operate with the investigation process;
- insisting on the complaint being dealt with in ways which are incompatible with the adopted procedure or with good practice;
- making what appear to be groundless complaints about the staff dealing with the complaint, and seeking to have them replaced by someone more senior or with a person the complainant names;
- refusing to accept information provided, for no justifiable reason;
- making statements the complainant knows are not true or persuading others to do so;
- supplying manufactured 'evidence' or other information the complainant knows is incorrect;
- raising at a late stage in the process, significant information which was in the complainant's possession when he or she first submitted a complaint;
- raising a large number of detailed but unimportant questions and insisting that they are all fully answered;
- lodging a number of complaints in batches over a period of time, resulting in related complaints being at differing stages of the complaints procedure;
- pressing for further investigation of matters that have already been addressed;
- electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved;
- pursuing a complaint or complaints with the authority and at the same time, with a MP/ a councillor/ the standards board/ the local police/ solicitors/the ombudsman in the hope of getting a different response;
- using obscene, racist, offensive or threatening language in written or verbal communications;
- threatening or aggressive or abusive behaviour in direct personal contacts with staff;
- using the vehicle of valid new complaints to resurrect issues which were included in previous complaints;
- persistence in sending communications which demand responses, or making telephone calls seeking interview with staff, after the authority has closed the investigation into a complaint and all rights of review and appeal have been exhausted.

Providing the LA has been consulted (via its customer relations service) and has agreed that closure of a complaint is appropriate, we will support the decision of a governing body to take this action if requested. The LA's backing should normally be indicated in a letter from the chair of governors to the complainant. In some instances, it will be appropriate for the letter to come from your legal advisers, for example if you are considering banning a parent.

## **11 Closing complaints**

Very occasionally, a school will feel it needs to close a complaint where the complainant is still dissatisfied. Sometimes it is simply not possible to meet all of the complainant's wishes and the complaint remains irresolvable.

If a complainant persists in making representations to the school – to the head teacher, designated governor, chair of governors or anyone else – or to the LA, this can be extremely time-consuming and can detract from the school's responsibility to look after the interests of all the children in its care.

For this reason, **schools are entitled to close correspondence (including personal approaches, letters and telephone calls) on a complaint where they feel that they have taken all reasonable action to resolve the complaint.** The LA will support schools in this position, in writing, if asked to do so, and especially where persistent contact is causing distress to staff and/or pupils.

Before closing a complaint against a complainant's wishes it should be ensured that:

- the school has taken every reasonable step to address the complainant's needs; and
- the complainant has been given a clear statement of the school's position and their options (if any).

The case may be stronger if the school agrees with one or more of these statements.

- The school has reason to believe the individual is contacting them with the intention of causing disruption or inconvenience - have they actually said as much in a letter, email or telephone call?
- The complainant is contacting the school repeatedly but making substantially the same points each time.
- Their letters/emails/telephone calls are often or always abusive or aggressive.
- They make insulting personal comments about or threats towards staff.

However, 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.

You should be aware that, even where the school closes a complaint, with or without the assistance of the LA, an 'appeal' to the DfE could result in a direction to the governing body from the Secretary of State for Education if the governing body's action is judged by them to be unreasonable. This underlines the importance of following your own procedures closely and having everything documented. If you also have the LA's support for the action you have taken, this will strengthen your case if the parent does refer it to the DfE.

Correspondence received from the complainant subsequent to closure should be kept on file indefinitely, as should notes of telephone calls and any further personal calls referring to the matter. This will be important if the DfE asks for copies later. It is even more important where the case is particularly sensitive, for example if it involves child protection or hate incident issues.

A sample policy for dealing with unreasonable complaints is provided at **Appendix B**

## 12 Recording complaints

- It is essential that you keep appropriate records of all complaints, incidents and any meetings with parents or other complainants. If, for example, a parent alleges that bullying is taking place, you should record this as the concern, *whether or not you accept* that bullying is the issue.
- 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
- 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 head teacher 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 Act 2000 and Data Protection Act 1998.

Whilst one would hope that resolution would be straightforward and informal, any subsequent legal action would require clear written evidence of any action taken and it is at such times that properly kept records are an invaluable source of information. This is especially important in cases of alleged hate incidents or child abuse.

## 13 Complaints involving allegations of hate incidents

Hate is a strong word, used to reflect the way that hate motivated incidents can contain a message that communicates to entire groups of people that they are unwelcome and unworthy of social respect. Children and young people should understand the impact hate motivated incidents can have upon both individuals and the broader community.

Recording all hate incidents, bullying and prejudice-based incidents is one of the ways in which a school may show that it has 'due regard' for fostering good relations, as well as eliminating discrimination, harassment and victimisation and thus demonstrate compliance with the Equality Act 2010.

The local authority recognises that occurrence of prejudice based incidents and hate incidents can have a detrimental effect on the achievement and wellbeing of the whole school community.

All such incidents must be recorded and reported to the local authority in accordance with its guidance and procedures. Data collected by the local authority will be used to identify trends across the council in order to assist the children services leadership team, schools and area teams in providing targeted support.

It is not acceptable for such allegations to be dismissed simply because the head teacher, chair of governors or anyone else judges the incident not to be 'hate' motivated.

School staff should be aware that children's needs (educational, psychological or social) can often be obscured by hate incident issues. Taking accusations seriously, can be the first step to opening up dialogue on the broader issues. Separating out multiple issues within a complaint needs to be achieved as early as possible so that they can be prioritised and addressed appropriately.

Although hate incidents are subject to a statutory procedure, the Equality Act 2010, this does not necessitate the complaints procedure being suspended. However, there is a duty for local authorities to monitor hate incidents, bullying and prejudice based incidents and so schools must complete the electronic system (HIRS) form, as part of the procedure for any complaint regarding race, gender, disability, faith and sexual orientation incidents and send to [reportthatecrime@leeds.gov.uk](mailto:reportthatecrime@leeds.gov.uk).

## **14 Child protection issues**

- If allegations of physical (including sexual) abuse or misconduct, by a member of staff towards a pupil are made, you should follow the procedures set out in the guidance on child protection issued separately to all schools. This includes the need to inform the local child protection unit of the LA who will then decide whether or not to investigate the matter in line with approved procedures.
- As a precaution, you should also inform the school's HR advisor team. They will then ensure that the attendance improvement service and the child protection lead officer are informed. The safeguarding service has a responsibility, on behalf of the local authority, to ensure appropriate child protection procedures are being used. Particular care must be exercised to ensure confidentiality in such cases in the interests of the child(ren) and staff involved.

## **15 Complaints about bullying or other behavioural issues**

- Whilst we always advise parents or other complainants to speak to their school in the first instance, they can also contact the LA's customer relations service who also offers support and advice. When this happens the LA will notify the school if appropriate.
- If the problem is affecting the child's attendance – for example, if the parent is refusing to return the child to school until the matter is resolved – we may also inform the attendance improvement service who will then contact the parent to see how the family can best be supported.

## **16 Responding to threats to involve the media**

Frequently, the more irate complainant will threaten to 'take it to the press' if their concern is not addressed. We would suggest the following possible responses:

- When such a threat is made, assure the complainant that this is, of course, their right but that you will follow up their concerns in line with your procedures; that

adverse publicity could be counterproductive for them and their child(ren); and that settling the problem between yourselves is likely to be in everyone's interests.

- If you have reason to believe that such threats are real, or if you are contacted by the media, you can seek guidance from the city council's press office on 0113 24 74713.

## 17 Responding to threats of legal action

Schools are sometimes threatened with legal action by parents and others, or even receive letters from lawyers representing the complainants. In the former scenario you should continue to handle the concern/complaint properly and not respond to the legal threat until you receive a letter from lawyers. Once a formal lawyer's letter has been received you should do two things:

- you should acknowledge the letter and tell the sender that you are taking advice and will respond fully in due course; and
- you should take legal advice from the city council's legal advisers (if you have bought back the service from the city council's legal services) or your own legal advisers, if appointed. If the matter appears to relate to a claim of negligence or a wish for compensation then you should inform the finance officer at the LA.

## 18 The involvement of elected members

- Complainants will sometimes contact their local councillor or MP at an early stage in a complaint before the school or the LA's officers have had an opportunity to comment. If this happens, you should inform the councillor that the matter is being dealt with through the school's complaints procedures and (where appropriate) that you are seeking advice from the LA. Tell them that you will inform them of the outcome. The LA's customer relations service will follow a similar approach. MPs may sometimes misunderstand the limited role of local authorities in dealing with general complaints but are usually satisfied once the process is explained.

## 19 The role of LA officers in dealing with complaints

- While a local authority has no statutory framework within which to operate a general complaints function, there are, nevertheless, expectations from government that a local authority will use its detailed knowledge of schools and circumstances to facilitate the resolution of complaints, especially from parents. The DfE regularly asks the local authority for its view where a complaint has been escalated to the department.
- The **customer relations service's** responsibilities include handling general queries about parental concerns and complaints. The customer relations service will advise parents and others how to express their concerns through the appropriate route, which starts with informal contact at school level.
- The local authority's **governor support service** advises, among other things, on issues of governance, and can provide support and guidance on how governors could help manage relationships between the school and its community, including its

parents. If a governing body needs help with the school's ability to deal with a complaint, it is likely that governor support services will be asked to offer appropriate support and advice.

- The local authority's **HR advisors** have a dual function. On the one hand, they provide advice and guidance to schools on a subscription basis. However, from time to time, they fulfil the employer function of the local authority and will need to ensure that statutory requirements in respect of conditions of service and other matters are being met.
- They also liaise closely with the child protection team on cases where there is a child protection element. The customer relations service will always refer such cases to the school's HR advisor and the child protection team for any intervention or investigation that may be necessary.
- The **customer relations service** may also refer some cases to the **child protection team** where an issue – such as bullying – is affecting the child's attendance or where there may be a pattern of bullying at a school of which they need to be aware. This is part of the local authority's duty of care towards children. All services liaise to provide support to the pupil.

## **Reviewing Complaints Procedure**

The governing body should determine how often the complaints procedure is reviewed. The DfE 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 DfE or any legislative changes. Responsibility for reviewing the procedure may be delegated to a committee of the governing body, an individual governor or the head teacher. 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.

## Annexe A

# Model School Complaints Policy

This policy statement is offered for schools to adapt to suit their local needs and circumstances and is not prescriptive. It is suggested that reference be made to the availability of both the policy statement and your procedural documents, within the school prospectus or brochure.

1. This policy statement sets out the school's approach to dealing with parental concerns and complaints. Further details of how we handle them are contained in our procedures document, *[Title]*, which you can obtain on request from the school office.
2. We value good home/school relations and will, therefore, do everything we can to establish and maintain them. This includes seeking to resolve any concerns or complaints promptly, and to the satisfaction of all concerned.
3. We welcome feedback on what parents feel we do well, or not so well, as a school. We will consider carefully all feedback, whether positive or negative, and will review our policies and practices accordingly.
4. We will treat all concerns and complaints seriously and courteously and will advise parents and others of the school's procedures for dealing with their concerns. In return, we expect parents and other complainants to behave respectfully towards all members of the school community. In particular, any disagreement with the school should not be expressed inappropriately or in front of pupils.
5. All school staff and members of the governing body, will receive a copy of this policy statement and will be familiar with the school's procedures for dealing with parental concerns and complaints, to which they will have access as required. The policy is available on request to parents.
6. The school's procedures will be reviewed regularly and updated as necessary.
7. Staff and governors will receive training in handling parental concerns and complaints as appropriate. This may be on an individual basis, or as a group activity for all staff, or for specific groups, such as the office staff or members of the governing body.
8. Whilst we will seek to resolve concerns and complaints to the satisfaction of all parties, it may not be possible to achieve this in every case. We will, therefore, use our option to close a complaint before all the stages of the school's procedures have been exhausted, if this appears to be appropriate.
9. The government and the local authority advocate resolution of parental concerns and complaints at school level wherever possible, in the interests of maintaining good home/school relations. The role of the local authority in advising parents and schools on the handling of concerns and complaints is set out in the school's procedures.

## Annexe B

# Model School Complaints Procedure

### ...(school name)... procedures for dealing with complaints

The majority of concerns from parents, carers and others are handled under the following general procedures.

To ensure you receive an effective response to your complaint, it will be helpful if you:

- co-operate with the school in seeking a solution to the complaint;
- express the complaint in full as early as possible;
- respond promptly to request for information or meetings or in agreeing the details of the complaint;
- ask for assistance if needed; and
- treat all those involved in the complaint, with respect.

The procedure is divided into three stages;

**The informal stage** aims to resolve the concern through informal contact at the appropriate level in school.

**Stage one** is the first formal stage at which written complaints are considered by the head teacher or the designated governor, who has special responsibility for dealing with complaints.

**Stage two** is the next stage once stage one has been worked through. It involves a complaints appeal panel of governors.

How each of these stages operates is explained below:

### Informal stage – your initial contact with the school

1. Many concerns will be dealt with informally when you make them known to us. The first point of contact should be your child's form teacher/tutor [*secondary schools may wish to insert 'subject teacher' or 'head of year' or similar at this point*].
2. Once your concern is made known to us, we will see you, or contact you by telephone or in writing, as soon as possible. If it is necessary, all members of staff know how to refer to the appropriate person with responsibility for your particular issues. He or she will make a clear note of the details and will check later to make sure that the matter has been followed up.
3. Any actions or monitoring of the situation that has been agreed, will be communicated clearly and we will confirm this in writing to you.



4. If necessary we will contact appropriate people who may be able to assist us with our enquiries into your concern.
5. We will normally update you on the progress of our enquiries within 10 school days. Once we have responded to your concern, you will have the opportunity of asking for the matter to be considered further.
6. If you are still dissatisfied following this informal approach, your concern will become a formal complaint and we will deal with it at the next stage.

## **Stage one - formal consideration of your complaint**

This stage in our procedures deals with written complaints. It applies where you are not happy with the informal approach to dealing with your concern, as outlined above.

1. Normally, your written complaint should be addressed to the head teacher. If, however, your complaint concerns the head teacher personally, it should be sent to the school marked "for the attention of the chair of governors".
2. We will acknowledge your complaint in writing as soon as possible after receiving it. This will be within three school days.
3. We will enclose a copy of these procedures with the acknowledgement.
4. The complaint will either be investigated by the head teacher or they may ask a senior member of staff to be the investigating officer.
5. Normally we would expect to respond in full within 15 school days but if this is not possible we will write to explain the reason for the delay and let you know when we hope to be able to provide a full response.
6. As part of our consideration of your complaint, we may invite you to a meeting to discuss the complaint and fill in any details required. If you wish, you can ask someone to accompany you to help you explain the reasons for your complaint.
7. The head teacher, or chair of governors/designated governor\* may also be accompanied by a suitable person if they wish.
8. Following the meeting, the head teacher, investigating officer or chair of governors/designated governor will, where necessary, talk to witnesses and take statements from others involved. If the complaint centres on a pupil, we will talk to the pupil concerned and, where appropriate, others present at the time of the incident in question.
9. We will normally talk to pupils with a parent or carer present, unless this would delay the investigation of a serious or urgent complaint, or where a pupil has specifically said that he or she would prefer the parent or carer not to be involved. In such circumstances, we will ensure that another member of staff, with whom the pupil feels comfortable, is present.
10. If the complaint is against a member of staff, it will be dealt with under the school's internal confidential procedures, as required by law.

11. The head teacher or chair of governors/designated governor will keep written/typed, dated records of all meetings and telephone conversations, and other related documentation.
12. With regards to meetings with yourself or other witnesses, accurate notes will be agreed and signed by both/all parties.
13. Once we have established all the relevant facts, we will send you a written response to your complaint. This will give an explanation of the head teacher's or chair of governors'/designated governor's decision and the reasons for it. If follow-up action is needed, we will indicate what we are proposing to do. We may invite you to a meeting to discuss the outcome as part of our commitment to building and maintaining good relations with you.
14. If you are unhappy with the way in which we reached our conclusions, you may wish to proceed to stage two, as described below. If you wish to move your complaint to stage two, you should contact us within **10 school days**.

\*The designated governor will usually be the governor with allocated responsibility for dealing with complaints but may from time to time be another member of the governing body (including the chair of governors)

## **Stage two - consideration by a governors appeal panel**

- If the complaint has already been through stage one and you are not happy with the outcome as a result of the way in which the complaint has been handled, you can take it further to a governors' appeal panel. This is a formal process, and the ultimate recourse at school level.
- The purpose of this arrangement is to give you the chance to present your arguments in front of a panel of governors who have no prior knowledge of the details of the case and who can, therefore, consider it without prejudice.
- However, the aim of a panel is not to rehear the complaint. It is there to review how the complaint has been investigated and to determine whether this has been conducted fairly. It is there to establish facts and make recommendations which will reassure you that we have taken the complaint seriously.

The governors' appeal panel operates according to the following formal procedures:

1. The governing body will convene a panel of three governors and will aim to arrange for the panel meeting to take place within **20 school days**.
2. You will be asked whether you wish to provide any further written documentation in support of your appeal.
3. The head teacher or complaint investigator will be asked to prepare a pack of the documentation related to the investigation and the outcome for the panel. The panel can request additional information from other sources if necessary.
4. You will be informed, at least **five school days** in advance, of the date, time and place of the meeting. We hope you will feel comfortable with the meeting taking place in the school but we will do what we can to make alternative arrangements if you prefer.

5. With the letter, you will receive any relevant correspondence or reports regarding stage one and you will be asked whether you wish to submit further written evidence to the panel. Any additional documentation should be submitted prior to the review panel meeting.
6. The letter will explain what will happen at the panel meeting and that you are entitled to be accompanied to the meeting. The choice of person to accompany you is your own, but it is usually best to involve someone in whom you have confidence but who is not directly connected with the school. They are there to give you support but also to witness the proceedings and to speak on your behalf if you wish.
7. In exceptional circumstances, and if it is necessary in the interests of the ratifying the investigative process, the complaint investigator may, with the agreement of the chair of the panel, invite relevant witnesses directly involved in matters raised by you to attend the meeting.
8. The chair of the panel will bear in mind that the formal nature of the meeting can be intimidating for you and will do his or her best to put you at your ease.
9. As a general rule, no evidence or witnesses previously undisclosed should be introduced into the meeting by any of the participants. If either party wishes to do so, the meeting will be adjourned so that the other party has a fair opportunity to consider and respond to the new evidence.
10. The chair of the panel will ensure that the meeting is properly minuted. You will receive the written outcome of the panel meeting which should give you all the information you require.
11. However, if you feel that you would like to have a copy of the minutes it would be helpful if you could indicate this in advance as such minutes usually name individuals and are understandably of a sensitive and therefore confidential nature. The clerk can then be asked maintain confidentiality in the minutes.
12. During the meeting, you can expect there to be opportunities for:
  - the panel to hear you explain your case and your argument for why it should be heard at stage two;
  - the panel to hear the complaint investigator's case in response;
  - you to raise questions via the chair;
  - you to be questioned by the complaint investigator through the chair;
  - the panel members to be able to question you and the complaint investigator; and
  - you and the head teacher/complaint investigator to make a final statement.
13. In closing the meeting, the chair will explain that the panel will now consider its decision and that written notice of the decision will be sent to you and the head teacher **within three school days**. All participants other than the panel and the clerk will then leave.
14. The panel will then consider the complaint and all the evidence presented in order to:
  - reach a unanimous, or at least a majority, decision on the case;
  - decide on the appropriate action to be taken, if necessary; and

- recommend, where appropriate, to the governing body changes to the school's systems or procedures to ensure that similar problems do not happen again.
15. The clerk/chair of the panel will send you and the head teacher a letter outlining the decision of the panel. The letter will also explain that you are entitled to have the handling of the complaint reviewed by the Secretary of State for Education.
16. We will keep a copy of all correspondence and notes on file in the school's records but separate from pupils' personal records.

## Closure of complaints

- Very occasionally, a school and/or the LA will feel that it needs, regretfully, to close a complaint where the complainant is still dissatisfied.
- We, and the local authority where appropriate, will do all we can to help to resolve a complaint against the school but sometimes it is simply not possible to meet all of the complainant's wishes. Sometimes it is simply a case of "agreeing to disagree".
- If a complainant persists in making representations to the school – to the head teacher, designated governor, chair of governors or anyone else – or to the local authority, this can be extremely time-consuming and can detract from our responsibility to look after the interests of all the children in our care.
- For this reason, we are entitled to close correspondence (including personal approaches, as well as letters and telephone calls) on a complaint where we feel that we have taken all reasonable action to resolve the complaint and the complaint has exhausted our official process. The local authority will support us in this position, and especially where the complainant's action is causing distress to staff and/or pupils.

Where you have been through the school's internal complaints procedures and are still unhappy with the outcome or decision from the governing body, you can contact the Secretary of State for Education via the DfE website [www.education.gov.uk](http://www.education.gov.uk), by telephoning 0370 000 2288 or by writing to the address below:

The School Complaints Unit (SCU)  
Department for Education  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

Please enclose with your letter to the DfE a copy of the complaint outcome. This will save time in that the DfE will not need to ask for our view of what has happened.

**We would advise parents that, unless the school is shown to have behaved unreasonably or not to have followed their own procedures, there is likely to be little further action that can be taken, as governing bodies are empowered to deal with many issues without reference to either the local authority or the secretary of state.**

### **Other sources of information and advice**

If your concern is about an aspect of **special educational needs provision**, which might include information about relevant voluntary organisations and support groups in Leeds, you might like to talk to Leeds SEND Information Advice Service (Leeds Special Educational Needs and Disability Advice Support Service) on their helpline:0113 3951222.

# Annexe C School Complaints Recording Form

School's logo

## **Complaints / Feedback form**

Personal Details .....

Name .....

Address .....

.....

Postcode .....

Telephone number(s) .....

mail address .....

If applicable, name of child(ren) and year at school

.....

Your relationship to the school, e.g. parent, carer, neighbour, member of the public, student:

.....

Please give details of your complaint:

What action, if any, have you already taken to try and resolve your complaint ? Who did you speak to, when and what was the response?

What actions do you feel might resolve the problem at this stage?

Signature .....

Date .....

**Official Use:**

Date of acknowledgment .....

By whom .....

Complaint referred to .....

Date .....

## Annexe D Model Complaint Closure Letter – Stage 1

Dear Mr and Mrs X,

### **FORMAL STAGE 1 COMPLAINT ABOUT Y AND SCHOOL Z**

Thank you for your letter dated.... From your letter(s) it is clear that you are still unhappy with the situation. As a result I have decided to have the matter investigated as part of formal stage one of the school's complaints procedure.

You complain that :

*summary of complaint to be stated. State each point separately.*

I have completed my investigation and can offer the following response(s) on each of the points you have raised.

1. Concerning your complaint that ....
2. Concerning your complaint that ....

It is important that you are clear about what action the school has taken at each stage of the process so far:

Informal stage

*State what action was taken in response and the outcome of this.*

Formal stage one

*State what investigative action was taken in response and the outcome of this, including any remedial action to be taken if complaint is upheld.*

I hope this response answers your concerns. Please let me know if you wish me to clarify any points.

In the meantime, if you are still not satisfied with my reply, there is a further stage of the complaints procedure that you can follow. This formal stage two is a review by a panel of governors who will look at the way in which your complaint has been dealt with. The panel will not, however, rehear the whole case.

To go to the next formal stage two, you should write to the chair of governors within 10 days of the receipt of this letter, giving your reasons why you wish to take your complaint further. If you are still not satisfied with the results of the formal stage two panel of governors, you can complain to the Secretary of State for Education who will consider how your complaint has been handled.

Yours sincerely,



## **Annexe E Model Complaint Closure Letter – Stage Two**

Dear Mrs and Mrs

### **FORMAL STAGE 2 COMPLAINT ABOUT Y AND SCHOOL Z**

The panel met on ...date...to hear your appeal regarding your complaint which can be summarised as follows:

*That so and so/the school did/said/did not,...*

#### **Legal or administrative background**

*State any legal or administrative background to the case, including any legislation relevant to the investigation.*

#### **The investigation**

*Set out the key facts about the complaint, the findings and conclusions from the formal stage one investigation, and any continuing concerns.*

#### **Conclusion**

*Set out the findings of the panel*

#### **Panel decision**

*Outcome of the decision*

Please let me know if you wish me to clarify any points for you.

In the meantime, if you remain dissatisfied with the way in which your complaint has been dealt with, you can contact the Secretary of State for Education through the DfE website [www.education.gov.uk](http://www.education.gov.uk) or by writing to the following address:

The School Complaints Unit (SCU)  
Department for Education  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

Yours sincerely

## Appendix A

### Complaints which are subject to statutory procedures

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	Who to contact
<ul style="list-style-type: none"> <li>• Admissions to schools</li> </ul>	<p>Concerns should be raised direct with local authorities. For school admissions, it will depend on who is the admission authority (either the school or the local authority). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.</p>
<ul style="list-style-type: none"> <li>• Statutory assessments of Special Educational Needs (SEN)</li> </ul>	<p>Contact Leeds City Council Complex needs service tel: 395 1030</p>
<ul style="list-style-type: none"> <li>• School re-organisation proposals</li> </ul>	<p>Contact Leeds City Council  <a href="mailto:educ.school.organisation@leeds.gov.uk">educ.school.organisation@leeds.gov.uk</a></p>
<ul style="list-style-type: none"> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	<p>If you have a concern as a practitioner please call the Social Care Duty &amp; Advice team on: 0113 376 0336 (9am to 5pm ) or the Emergency Duty team on 0113 240 9536 (out of office hours)</p>
<ul style="list-style-type: none"> <li>• Exclusion of children from school</li> </ul>	<p>Further information about raising concerns about exclusion can be found at:  <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a></p>
<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	<p>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: <a href="mailto:whistleblowing@ofsted.gov.uk">whistleblowing@ofsted.gov.uk</a> 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.</p>
<ul style="list-style-type: none"> <li>• Staff grievances and disciplinary procedures</li> </ul>	<p>These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.</p>
<ul style="list-style-type: none"> <li>• Complaints about services provided by other providers who may use school premises or facilities.</li> </ul>	<p>Providers should have their own complaints procedure to deal with complaints about service.</p>

The head teacher will in most cases determine which if any of these statutory procedures apply. Advice can be obtained from the local authority on any such issues either by contacting the appropriate service manager or customer relations on 0113 37 85111.

If one of these statutory procedures needs to be invoked at some point during the investigation of a more general complaint the complaints procedure should be suspended until the statutory procedure has been concluded.

## Appendix B

### Sample Policy for Unreasonable Complainants

<...School> is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

<...School> defines unreasonable complainants as '*those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints*'.

A complaint may be regarded as unreasonable when the person making the complaint:-

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;
- Makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:-

- maliciously;
- aggressively;

- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information; or
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached. Whenever possible, the head teacher or chair of governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the head teacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact <...School> causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from <...School>.

## Appendix C

### The Role of the School Complaints Unit

If a complaint has completed the local procedures and the complainant remains dissatisfied, they have the right to refer their complaint to the Secretary of State for Education. The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing body has acted unlawfully or unreasonably and where it is expedient or practical to do so.

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

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

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

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

Further information can be obtained from the SCU by calling the National Helpline on **0370 000 2288** or going online at: [www.education.gov.uk/help/contactus](http://www.education.gov.uk/help/contactus) or by writing to:

Department for Education  
School Complaints Unit  
2nd Floor, Piccadilly Gate  
Store Street  
Manchester  
M1 2WD