



# Model School Complaints Procedures

April 2010

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## Model School Complaints Policy

### Introduction

It is the responsibility of individual schools to respond to complaints about the school. This document is intended to assist Head Teachers and Governors to draw up a policy and procedure that enable them to deal effectively with any concerns raised. Schools may, if they wish, amend elements of the model procedure to meet their own needs.

**From April 2010, the right of pupils and parents to refer matters that cannot be resolved to the Local Government Ombudsman is statutory, however and must be included.**

The school also has a duty under the Education Act 2002 to publicise the procedure. This can be done by including a summary in the school's prospectus, displaying posters or leaflets, or publishing the procedure on the school's website. A one-page guide is included on Page 29, which schools can copy and give out to parents and pupils.

The governing body should review the policy and procedure regularly to ensure that it is being operated effectively. It can be useful for the Head Teacher to provide a termly report to the governors detailing any complaints received and the outcome. This information should not include personal details of parents, children or staff.

Should anyone contact the local authority regarding a school complaint, they will be provided with information on the procedure and encouraged to contact the school directly. The Complaints Officer will also endeavour to inform the Head Teacher of any enquiries to enable them to make an early intervention and address any concerns.

## Model School Complaints Policy Statement

**Schools take their responsibility for children seriously. They value the support and partnership of parents and carers. They try very hard to get things right. However, despite everyone's best efforts, situations may arise which require further attention.**

A complaint is defined as:

***“An expression of dissatisfaction or disquiet in relation to a school or teacher, which requires a response.”***

Pupils, parents or carers can make a complaint to the school about most aspects of its function including:

- Attitude / behaviour of staff
- Teaching and learning
- Application of behaviour management systems
- Bullying
- Provision of extra-curricular activities

Members of the general public may make complaints to the school if the school is directly responsible for the issue being complained about e.g.

- Behaviour of pupils during break-times
- Disturbance to neighbours during school hours
- Health and Safety issues of premises
- Behaviour of staff

These complaints will not however fall within the jurisdiction of the Local Government Ombudsman. Therefore only the Head Teacher and the Governing Body will consider them.

Legal, safeguarding or disciplinary proceedings take precedence over complaints procedures and timescales.

## Model School Complaints Procedure

**STAGE ONE** The vast majority of concerns can be resolved informally. There are many occasions where the class teacher, office staff, or the Head Teacher, can resolve concerns straight away. It is in everyone's best interests that complaints are resolved at the earliest possible stage. Complainants must feel able to raise concerns with members of staff without any formality, either in person, by telephone or in writing. This allows staff to establish whether a person is asking a question, expressing an opinion or making a complaint.

The member of staff first contacted should clarify the nature of the concern and re-assure the complainant that the school wants to hear about it. If the member of staff can resolve the concern immediately they should do so. They should then record the enquiry and any agreements made, and notify the Head Teacher. In some schools, the Head Teacher may wish to delegate responsibility for co-ordinating complaints to another member of staff.

It would assist the procedure if the school respected the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the complaints co-ordinator can refer the complainant to another staff member. Where the complaint concerns the Head Teacher, the complaints co-ordinator can refer the complainant to the Chair of Governors.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the complaints co-ordinator may consider referring the complainant to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial

If the member of staff can't resolve the concern, they should make a clear note of the date, name, contact address and phone number and a brief note of the nature of the concern. It would also be useful to record what sort of outcome the complainant is looking for. The member of staff should then refer the complaint to the Head Teacher, or designated Deputy. The Head Teacher must decide if the concern is covered by the complaints procedure or should be dealt with under other procedures e.g. child protection or personnel.

If the concern involves an allegation of assault or abuse of a child by a member of staff, the Head Teacher must inform the Local Authority Designated Officer (LADO).

If the concern is about the Head Teacher, the member of staff should provide the complainant with details of how to contact the Chair of the Governing Body.

The staff member dealing with the concern should make sure that the complainant is kept informed of any action taken. The emphasis at this stage should be on resolving the issue quickly and informally for the benefit of staff, pupils and parents.

The complainant should receive a response as soon as possible, and within a maximum of 15 school days. At this stage the response may be given verbally or in writing.

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## Model School Complaints Procedure

**STAGE TWO** Parents and Pupils should be advised of their right to make complaints. Complaints should be made in writing to the Head Teacher. If the complaint is about the Head Teacher the Chair of Governors should deal with the matter using this procedure. If the complainant has difficulty expressing themselves in writing, they should be informed where they can get independent assistance.

The Head Teacher should acknowledge the complaint within 3 school days. The acknowledgement should include a summary of the complaints procedure and a target date for providing a response. This should be within 15 school days. If this date cannot be met, the complainant should be contacted and given a reason for the delay and a revised target date.

The Head Teacher should contact the complainant and provide an opportunity for the complainant to discuss their concerns and find solutions. This could be by phone or in a meeting. It should be made clear that the complainant may bring a friend, family member or advocate to any meeting if they wish. Interpreting services should also be made available where necessary. The Head Teacher may find it useful to have another member of staff present to observe and record the meeting and promote staff safety. Care should be taken in these circumstances not to create an intimidating atmosphere for the complainant.

The Head Teacher should make whatever enquiries s/he considers necessary to ascertain the facts, conclude whether actions were reasonable and decide on the response. This may include

- Interviewing staff / pupils
- Reviewing minutes of meetings
- Reviewing school records

Pupils should be interviewed in the presence of another member of staff, or in the case of serious complaints (e.g. where the possibility of criminal investigation exists) in the presence of their parents. Again, care should be taken in these circumstances not to create an intimidating atmosphere. Pupils should be told what the interview is about and that they can have someone with them.

It is important that the Head Teacher investigates complaints thoroughly and objectively. If s/he feels unable to do this (e.g. if s/he has been directly involved in the decision making process that led to the complaint) s/he should delegate responsibility for investigating the complaint to another member of the management team, the chair of governors or a Head Teacher from another school. It is strongly advised that the Head Teacher (or designated person) should keep a record of interviews, telephone conversations and other documentation.

Once all the relevant facts have been established, the Head Teacher should provide a written response to the complainant. This should include a full explanation of decisions taken and the reasons for them. Where appropriate, it should include details of actions the school will take to resolve the complaint.

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## Model School Complaints Procedure

**STAGE THREE** A letter received by the school notifying that a complainant is dissatisfied with the outcome of a complaint at Stage Two must be passed to the Chair of Governors within 3 school days. Any complaint received by an individual governor must be passed to the Chair of Governors within 3 school days.

In the case of a written complaint received directly by the governing body, the Chair of governors should first ensure that

- The complaint has first been dealt with at Stage Two
- The complaint is covered by the school's complaints procedure not other procedures e.g. personnel or child protection

If the governors cannot hear the matter, it should be referred back to the Head Teacher and the Clerk to the governors should write to the complainant advising them of the correct procedures.

Upon receipt of a letter notifying that the complainant is not satisfied with the outcome of a Stage Two investigation the Clerk to the governors should write acknowledging that the complaint has been received. The letter should explain that the complainant has the right to submit any further documents or information relevant to the complaint. A deadline for submission of these documents should be given. This should be at least 5 days before the hearing.

The Head Teacher should also be invited to submit a written report for the committee. This may be a copy of the stage one response. The Head Teacher may also invite members of staff directly involved in matters raised by the complainant to respond personally or in writing.

The Clerk to the Governors should convene the complaints committee elected from the governing body. The committee should comprise 3 or 5 governors who have had no previous involvement with the complaint. The complaint should not be heard by the entire governing body as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

The complaints committee should set a timetable for the hearing and should notify the complainant of this. The review hearing should be heard within 20 school days of receiving the letter.

The Clerk should write to inform the committee, Head Teacher, complainant and any relevant witnesses of the date and time of the hearing, giving a minimum of 5 days notice. All documents submitted should be circulated to the committee, the Head Teacher and the complainant. The complainant will be notified of their right to have a friend, family member, advocate or interpreter present if they wish. The Chair of Governors should ensure that the review panel meeting is minuted.

The panel should be open-minded and independent. The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it may sometimes only be possible to establish the facts and make recommendations that satisfy the complainant that their concern has been taken seriously.

## Model School Complaints Procedure

The hearing should be held in private. Any witnesses (other than the complainant and the Head Teacher) should only attend for the part of the hearing in which they give their evidence. Good practice would be that at no point should the Head Teacher or the parent be left with the complaints committee without the other being present

The committee should remember that the complainants may not be used to formal meetings and may feel inhibited in addressing the committee. It is recommended that the Chair of the committee keep the proceedings as informal as possible. This is particularly important if the complainant is a child.

If either party wishes to introduce new information at the meeting, this should be allowed. The meeting should then be adjourned for a short period to allow other parties to review and respond to this information.

The meeting should allow for

- The complainant to explain their complaint and the Head Teacher to explain the school's response.
- Witnesses to be brought by the complainant or the Head Teacher.
- The Head Teacher and the complainant to ask questions of each other and any witnesses.
- The committee to ask questions of the complainant, Head Teacher and any witnesses.
- The complainant and the Head Teacher to summarise their position

The Chair of the Panel should explain to the complainant and the Head Teacher that the committee will consider its decision and respond in writing within 15 school days. The complainant and the Head Teacher should then leave.

The committee should then consider the complaint and all the evidence presented. They should then decide

- Whether or not they uphold the complaint, in whole or in part
- What action can be taken to resolve the complaint
- Where appropriate, recommend what action can be taken to prevent similar difficulties on the future.

A written response detailing the decisions, recommendations and the basis on which these have been made should be sent to the complainant within 15 school days.

The school should retain a copy of all correspondence and records of meetings.

The Complainant should be notified of the right to raise their concerns with the Local Government Ombudsman if they are dissatisfied with the way their complaint has been dealt with.



## Model School Complaints Procedure

**LOCAL GOVERNMENT OMBUDSMAN** From April 2010, the Local Government Ombudsman will have jurisdiction to investigate complaints about school matters. Normally the Ombudsman will only consider complaints that have already been handled at all stages of the school's own complaints procedure.

The Ombudsman will consider the matter being complained about as well as the way the complaint has been handled. The Ombudsman will consider whether the actions of the school have caused an injustice to a pupil or the parent of a pupil.

The Ombudsman can consider complaints about any duty or function of the Governing Body and any of the duties or functions of the Head Teacher prescribed in the Complaints against Schools (England) Regulations 2010. The Ombudsman has the powers of the High Court in relation to investigations and schools must co-operate with the investigation.

Once their investigations are completed, the Ombudsman can make recommendations for the School to take actions to resolve the complaint. It is generally expected that schools will accept and implement any recommendations.

Ofsted can investigate complaints about the work of the school as a whole, but are not in a position to investigate any matter that relates only to one child or family.

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## Withdrawing a Complaint

Complaints may be withdrawn in writing at any time.

The Head Teacher and Chair of Governors should review the issue of concern and consider whether further investigation is required through other internal management systems.

## Dealing with Unreasonable Complaints

A good complaints procedure can limit the number of complaints that become protracted. However, there may be occasions when despite all stages of the procedure being followed, the complainant remains dissatisfied.

A complaint can be regarded as unreasonable when the person making the complaint

- Repeatedly makes the same complaint and refuses to accept the findings of the investigation into that complaint
- Seeks an unrealistic outcome
- Has a history of making unreasonable complaints.
- Makes frequent, lengthy, complicated and stressful contact with staff regarding the complaint.

A complaint will also be considered unreasonable if the person making the complaint does so

- Maliciously
- Aggressively
- Using threats, intimidation or violence
- Using abusive, offensive or discriminatory language
- Knowing it to be false

In these circumstances, the Head Teacher and / or Chair of Governors should liaise with legal services and the Assistant Director for Schools before deciding what action to take. They may also seek advice from the Complaints Manager, Governor Training Unit and / or the Local Government Ombudsman.

The presumption should be in favour of not restricting access unless it is absolutely necessary. The Governors may consider

- Warnings / contract re future conduct
- Restricting telephone calls to a particular day / time or person.
- Restrictions on methods of contact (e.g. in writing only)
- Not acknowledging future correspondence that does not present new information.
- Temporary suspension of the person's access to the complaints system

The complainant will be informed in writing of any action taken and how long the action will last. They must be advised how to contact the Local Government Ombudsman.

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## Information for Parents

### STAGE ONE

Many concerns can be resolved quickly with goodwill, often by making early contact with the class teacher or Head of Year. If this is not possible, or the teacher is unable to resolve the concern, the parent, carer or pupil should contact the Head Teacher or Deputy Head Teacher.

The person who receives the complaint should attempt to work with the family to resolve the complaint informally. This may involve

- Mediation and conciliation
- Explaining policies or decisions
- Helping the pupil to express their views to another person
- Review of educational provision
- Review of support services

Most complaints will be dealt with in this way.

### STAGE TWO

If the pupil, parent or carer are not satisfied with the outcome of the informal investigation, they may wish to make a formal complaint. This should be done in writing to the Head Teacher.

If the complaint is about the Head Teacher, or if the problem is not resolved, the matter should be referred to the Chair of Governors of the school.

The school and its governors have a duty in law to act properly and investigate complaints impartially. Once investigations are complete the person making the complaint should receive a written response from the school.

### STAGE THREE

Pupils, parents and carers who are not satisfied with the outcome of the investigation and wish to pursue a complaint regarding a school issue can refer the complaint to a review committee of Governors, known as the complaints panel. This can be done by writing to the Clerk to the Governing Body. The aim of the panel is to establish any areas of agreement and identify actions that can be taken to resolve the complaint.

### Referral to Ombudsman

If all other attempts to resolve the complaint have been unsuccessful the pupil, parent or carer may refer their complaint to the Local Government Ombudsman. The Ombudsman will investigate whether a pupil or the parent of a pupil has suffered an injustice.

Ofsted can investigate complaints about the work of the school as a whole, but are not in a position to investigate any matter that relates only to your child.

## Quick Guide to Complaints for Teachers and School Staff

If a parent, carer or pupil wants to make a complaint

- Listen to what they have to say.
- Find out what they want to happen about it
- Make a written record of it
- Inform the Head Teacher

Can you sort it out yourself?

**STAGE ONE** If a pupil / parent contacts the school with a concern, someone should respond to them within 24 hours. If the person they wish to speak to is unavailable, someone else should contact them to let them know and offer an alternative. In most cases, a member of staff, class teacher or Head of Year will be able to address problems or concerns by talking through issues and looking for solutions. If you think you can resolve the concerns quickly, speak to the pupil / parent and tell them what you are going to do and how long it should take. Work with the pupil / parent to find a solution to the problem. If you can't sort it immediately, make a record of the person's concerns. Inform the Head Teacher or Deputy Head as soon as possible so that they can deal with it.

Tell the complainant who you are passing their concern on to and when they can expect a reply. The Head Teacher or their designated Deputy will clarify the correct procedure for responding to the concern. If it is covered by the complaints procedure the Head Teacher or Deputy will contact the complainant and attempt to resolve the problem informally.

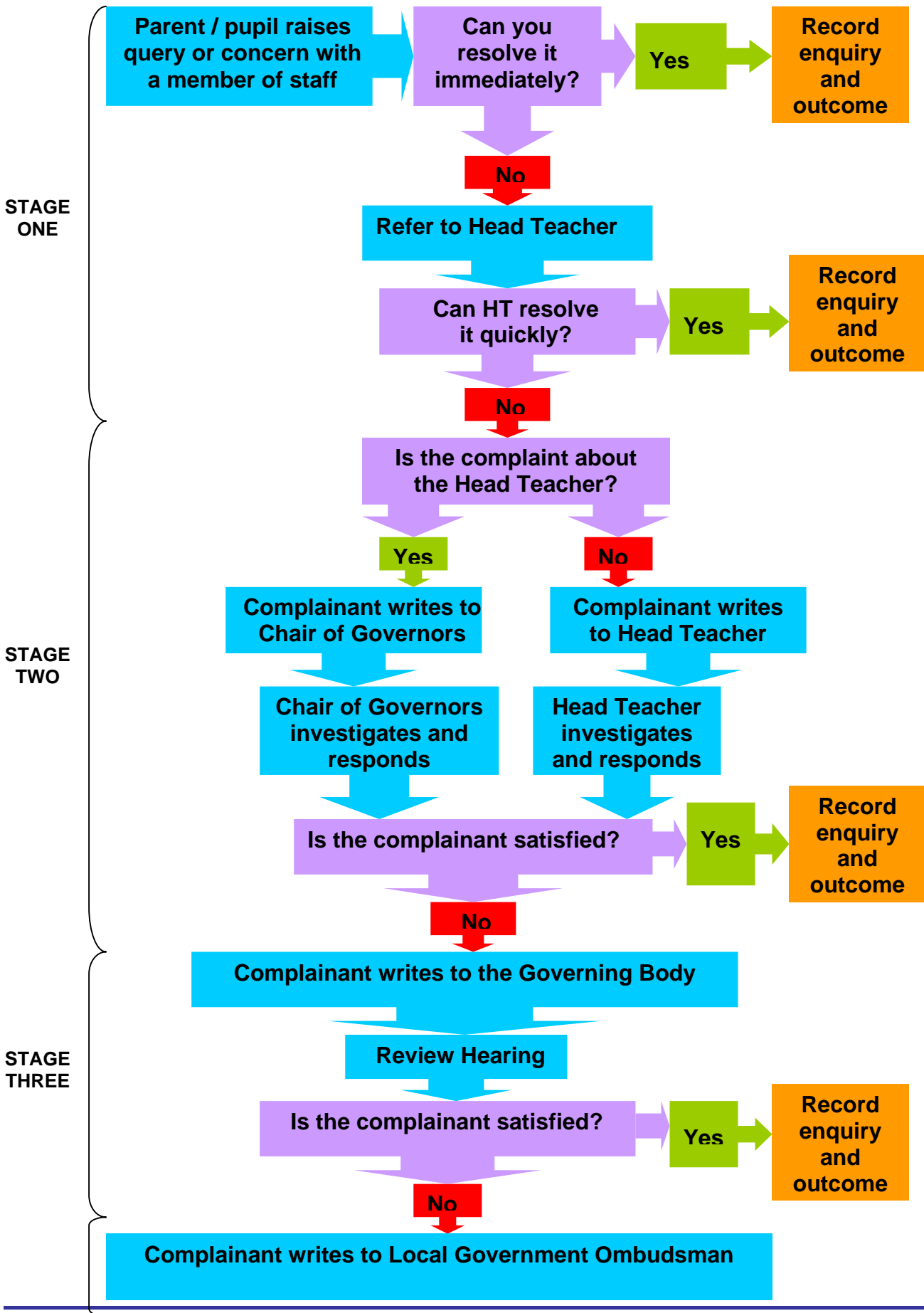
What happens if you can't resolve it?

**STAGE TWO** Formal complaints should be made in writing to the Head Teacher. If the complaint is about the Head Teacher the complaint should be made in writing to the Chair of Governors. If the complainant needs help to do this they should be given information on where to access independent advice. The person investigating the complaint may speak to staff or pupils and check school records. They should then provide a written response to the complaint.

**STAGE THREE** If the Head Teacher / Chair of Governors is unable to resolve the matter at Stage Two the complaint can be referred to the Governing Body. A review hearing will be convened where a committee of governors will look at the complaint. The complainant and the Head Teacher may call members of staff as witnesses to appear at the hearing. The aim of this hearing is to try to resolve the concern.

**Referral to Ombudsman** If all other attempts to resolve the complaint have been unsuccessful the pupil, parent or carer may refer their complaint to the Local Government Ombudsman. The Ombudsman will investigate whether a pupil or the parent of a pupil has suffered an injustice.

Ofsted can investigate complaints about the work of the school as a whole, but are not in a position to investigate any matter that relates only to your child.



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## Services Not Covered by Complaints Procedures

The complaints procedure does not apply to proceedings where there is an existing appeals process e.g. SEN statements, allocation of school places, exclusions.

### Special Educational Needs

Where there are difficulties regarding SEN provision, parents can get support and information from the Parent Partnership. Where there is a clear disagreement, Children's Services has a duty to provide opportunities for disagreement resolution. They should demonstrate independence and credibility in working towards early and informal resolution of disagreements. Parents have a right of appeal, which can be lodged with the First-tier Tribunal (Special Educational Needs and Disability). This is not affected by entering into disagreement resolution. Disagreement resolution can run alongside the appeals process.

### School Admissions

If a child is not offered a place at their preferred school after going through the admission criteria, they have the right to appeal to an Independent Appeals Panel. These Panels are set up in accordance with the requirements of the School Standards and Framework Act 1998. Appeals may be presented in person by the parent or a representative of their choice, or they can request that a written appeal be considered.

The Appeals Panel will take the family's reasons and the authority's admission arrangements into consideration when reaching its decision. The Appeals Panel's decision will be completely independent of any previous decision taken by the admissions authority and is binding upon all parties i.e. the Local Authority or governors and the parents.

Only one appeal will be considered in each academic year unless there have been significant changes in the circumstances relevant to the application.

### School Exclusions

If a child is excluded from school, their parent may make a representation in writing and often also in person to the Governing Body of the school. If the exclusion is for 5 school days or less the governors do not have to meet with parents but it is good practice for them to do so.

If the total is 5 and a half school days or more, or if the child will miss a public examination (not mock exams or SATs) parents have the right to put their case at a meeting of the governors. They are able to return to school a child who is still excluded, this is called reinstatement.

For exclusions which total 15 school days or less in one term the governors will only review a child's exclusion if the parent puts a case to them. When exclusions total more than 15 school days in one term, the governors must meet to review the exclusion whether or not the parent attends.

If a child is permanently excluded, and a parent is not satisfied with the outcome, the decision can be appealed to an independent panel. This must be done in writing within 15 school days of the Governing Body's decision.

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## Links to Other Procedures

### Concurrent Considerations

The following procedures may be defined as concurrent considerations. If there is a risk that dealing with a complaint might prejudice a concurrent consideration, the complaints procedure will be suspended until the concurrent consideration is concluded. The Complaints Officer must write to the complainant explaining the reason for the decision and the nature of the concurrent consideration. Once the concurrent consideration is concluded, the complaint can be resubmitted.

### Legal Proceedings

Where the complaint becomes subject to legal proceedings, or where the local authority is engaged in legal proceedings against the person making the complaint, the Complaints Officer must liaise with the Legal Services to agree what action can be taken on the complaint.

### Safeguarding Children

Although the local authority has lead responsibility for child protection matters, complaints regarding the conduct or practice of partner agencies during Child Protection procedures should be referred to that organisation's own procedures. Complaints regarding the conduct or practice of Children's Services employees are covered by these procedures.

Parents, carers or children wishing to make a complaint regarding

- The process of the child protection case conference
- The outcome / decision of the case conference

should do so to the conference chair. The conference chair has a responsibility to inform the Complaints Officer of any complaints made.

If the Chair cannot resolve the concerns, the local authority should then convene an inter-agency panel comprising senior members of member agencies of the LSCB. This panel cannot overturn the decision of a conference but should review the process and decisions of the conference. If the complaint is upheld, they should make a recommendation to a re-convened case conference under a new chair.

### Allegations

If the details of the complaint allege that a criminal offence has been committed, the Complaints Officer must liaise with a senior manager regarding any duty to report this to the police.

Procedures are in place to deal with allegations of abuse against centrally employed or school-based members of staff. The lead officer in relation to such allegations is the Local Authority Designated Officer (LADO).

## Links to Other Procedures

### Personnel Procedures

In the case of other complaints from service users where disciplinary proceedings may apply these procedures take precedence. The Complaints Officer will contact the Human Resources manager to discuss what action is to be taken. The person making the complaint should have their complaint acknowledged and be informed that they will be notified when investigations are complete. In order to preserve the confidentiality of the member of staff, the details of this process should not be disclosed to the person making the complaint.

### Whistleblowing

Sefton Council's Whistleblowing policy stands alongside the Complaints procedure. Any member of staff who wishes to raise a concern about the practice of the Authority or any of its officers may contact their line manager, their departmental Director or the Legal and Administrative Services Director.



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## Roles and Responsibilities

### The Complainant

The complainant is the person who makes the complaint.

The complainant will receive more effective responses to the complaint if s/he:

- co-operates with the local authority in seeking a solution to the complaint;
- expresses the complaint in full as early as possible;
- responds promptly to requests for information or meetings or in agreeing the details of the complaint;
- asks the Complaints Manager for assistance as needed; and
- treats all those involved in the complaint with respect.

### Role of the Children's Complaints Officer

The Children's Complaints Officer is the Designated Complaints Manager for Sefton Children's Services. The primary function is to co-ordinate all aspects of complaints by users of Sefton Children's services, including children's social care, education, early years and youth services.

The Complaints Officer will be available as an initial point of contact for people wishing to make a comment, compliment or complaint. The service will provide information, advice and support to service users regarding the complaints procedures, and support staff to respond to and resolve issues. This may include providing mediation or conciliation if the Service Manager or Head Teacher and the Complaints Officer agree that this would be appropriate and beneficial.

The Complaints Officer has responsibility for promoting the accessibility of the complaints service to all Sefton children and young people and their families, regardless of age, disability or ethnicity. This includes providing access to advocacy services for children and young people.

The Complaints Officer has responsibility for maintaining a detailed record of all complaints made and their outcomes and producing reports on the operation of the complaints service.

The Complaints Officer will also provide training, support and advice to staff, managers and partners to ensure an effective response to all representations and complaints.

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## Roles and Responsibilities

### Role of the Advocate

The advocate should provide independent and confidential information, advice, representation and support to the child or young person making the complaint. The role of the advocate in the complaints procedure is:

- to empower the child or young person by enabling him to express his views, wishes or feelings, or by speaking on his behalf;
- to seek the resolution of any problems or concerns identified by the child or young person by working in partnership with the child or young person and only with his agreement;
- to support the child or young person pursuing a complaint through every stage of the complaints procedure and to provide him with information about his rights and options, helping him clarify the complaint and the outcomes he is seeking; and
- to speak for or represent the child or young person at any stage of the complaints process, including at the informal stage or at any formal hearing or interviews.

### Role of the Ombudsman

- To investigate whether there has been any maladministration on the part of the local authority
- To investigate whether injustice has been caused to a pupil by the actions of a school
- To make recommendations on action to be taken if maladministration or injustice is found.
- To report publicly on any cases where maladministration is found.

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## Useful Contacts

### Children's Complaints Officer –

9<sup>th</sup> Floor, Merton House, Stanley Road, Bootle, L20 3JA

0151 934 3628

[childrenscomplaints@sefton.gov.uk](mailto:childrenscomplaints@sefton.gov.uk)

### Children's Participation Officer -

Bootle Town Hall, Oriel Road, Bootle, L20 7AE

0151 934 3226

### Parent Partnership

Caretakers House, Good Shepherd Site,  
Sterrix Lane, Litherland L21

0151 291 0551

### Citizen's Advice Bureau –

24 Wright Street SOUTHPORT Merseyside PR9 0TL

01704 531456

Goddard Hall, 297 Knowsley Road BOOTLE L20 5DF

0151 922 1114

### Local Government Ombudsman –

Beverley House, 17 Shipton Road, York YO30 5FZ

0300 061 0614

[www.lgo.org.uk](http://www.lgo.org.uk)

### Ofsted

08456 40 40 45

[www.ofsted.gov.uk](http://www.ofsted.gov.uk)

### Children's Commissioner

[www.childrenscommissioner.org](http://www.childrenscommissioner.org)

### Children's Rights Director

[www.rights4me.org](http://www.rights4me.org)

### Every Child Matters

[www.everychildmatters.gov.uk](http://www.everychildmatters.gov.uk)

### Department for Children, Schools and Families

[www.dcsf.gov.uk](http://www.dcsf.gov.uk)