

School Complaints Procedures - General Information

The School Standards and Framework Act 1998 requires schools to establish a formal complaints procedure. The procedure must make provision for complaints from different categories of person i.e. governors, parents, guardians, pupils and the general public. This guidance document suggests a four-stage complaints procedure to manage complaints from parents, guardians and members of the general public starting with an informal stage for concerns and ending with an appeal to the governing body. **Stage 1** deals with concerns which have the potential to be managed by the majority of the staff during the course of their duties. Complaints dealt with at **stage 2** should either be managed by the Headteacher or a senior member of staff. When a formal complaint arises and is not dealt with to the satisfaction of the complainant, it will first be addressed by the Headteacher at **stage 3**, if they have not been involved at stage 2, then subsequently by the governing body at **stage 4**.

Section 29 of the Education Act 2002 requires governing bodies of all maintained schools and nursery schools in England to have in place by 1 September 2003 a procedure to deal with complaints. Governors may wish to refer to the Department for Education website for further information regarding “Complaints against Schools”.

In formalising their complaints procedure governing bodies need to be aware that they may need to have a response mechanism to urgent or serious complaints about the Headteacher or a senior staff member, a member or the Chair of the Governing body and have appropriate provision in place (see stage 4 Guidelines for a committee of governors dealing with complaints).

Complaints not covered by the procedure

Staff grievance and capability proceedings along with child protection investigations are outside the process.

A suggested working definition of a complaint would be

“A clear statement of dissatisfaction of a service provided or requested”.

This would arise if a concern was not dealt with to the satisfaction of the complainant at stage one. It is vital that parents are aware of the procedure for raising concerns and all staff are primed to respond appropriately.

General principles of the procedure

Parents and guardians need to know how they can raise a concern or lodge a formal complaint. The school's complaints procedure should be easily accessible, easy to understand and well publicised.

A summary of how each school proposes to deal with complaints could be included in the school prospectus, the annual parents' report and on the school website. Schools could also prepare a leaflet explaining how concerns are dealt with and how the complaints procedures work.

Schools could also consider whether they need to make the procedures available in languages other than English, in audio format, braille or large print version. The school might need to consider in advance how it would locate qualified interpreters in various languages, including British Sign Language.

Timescale

The procedures should address the complaints as speedily as possible and be consistent with fairness to all concerned. Experience will probably demonstrate that at the first stage many concerns can be dealt with and resolved immediately. Where a concern cannot be dealt with immediately, the employee dealing with the issue should note a response date for the complainant and should record it to ensure a reply is communicated. The response date could set a time limit e.g. the governing body may recommend a response time of no more than 15 school days. Likewise the governing body could establish that a formal complaint in writing requires a decision to be communicated in writing, within a maximum of 15 school days of receiving the complaint. If a decision cannot be communicated within the deadline, then a letter could be written to the complainant indicating a date by which a decision will be made.

Support for Complainant

As part of the general publicity about complaints procedures, it is important for complainant also to know where they can go for information, advice and advocacy. Support could be offered from individuals and organisations who are clearly separate from those complained against, such as Parents' Partnership, Citizens Advice Bureaux, Community Relations Councils, refugee support organisations etc.

Parents or others raising concerns or complaints could be made aware that if they consider it appropriate they are welcome to be accompanied by a friend, a relative or a representative at any stage of the procedure.

Support for a person complained against

Staff who may be questioned as part of a complaints procedure investigation must feel they are being treated in a fair way and that they too will have an opportunity to put their case. They should be told about the procedure and be kept informed of progress. There is a crucial balance to be maintained between supporting the individual so that his/her rights and reputation are protected, and investigating a complaint thoroughly and impartially.

The complaints procedure is distinct from formal disciplinary proceedings for staff and this needs to be made clear to all concerned. There may be occasions where a complaint launches a disciplinary procedure which puts the complaints procedure on hold. If so, the complainant should be informed of this and any non disciplinary aspects of the complaint should be dealt with by the usual complaints procedures; the complainant should be “up-dated” on likely further delays to a response. It may be clear after the disciplinary procedures have been completed that particular responses to the complainant are required.

Confidentiality

It is very important to treat conversations and correspondence with discretion. It is vitally important that complainants feel confident that their complaint will not penalise their child. However, from the outset all parties to a complaint will need to be aware that some information may have to be shared with others involved in the operation of the complaints procedure. Headteachers and members of the senior management team may feel it appropriate to be accompanied by another member of staff when dealing with some complaints. Complainants should be aware that a written record will be maintained of all meetings as part of the procedure.

Anonymous Complaints

It is usually proper to disregard anonymous complaints unless somebody is prepared to substantiate them, but the danger in this is that they may relate to something quite serious. If the unforeseen eventuality occurs, to the detriment of the school, the complainant may subsequently make themselves known and say that s/he alerted the school even though the complaint was unsigned. It should be at the Headteacher or Governing Body’s discretion to decide whether the gravity of an anonymous complaint warrants an investigation.

Redress

If the outcome of the complaint procedure shows the school is at fault, it is often sufficient to provide redress in the form of an acknowledgement that the complaint is valid. Alternatively, it may be appropriate to offer one or more of: an apology, an explanation, a promise that the event complained of will not recur, an undertaking to review school policies or practices in the light of the complaint, or, in appropriate circumstances, financial compensation. Fear of litigation should not prevent a school from admitting when mistakes have been made, but advice should be sought from the Authority's Risk and Insurance Section if financial compensation is being sought or if litigation is a possibility.