

Policy for dealing with complaints about schools

This policy distinguishes two categories of complaints:

1. Complaints about the curriculum falling within Section 409 of the Education Act 1996.
2. Other complaints.

The procedure set out in Section 1 **must** be followed in the case of complaints in category 1 above.

The procedure set out in Section 1 is also adopted as the procedure for dealing with other complaints for which no other procedure exists.

Sections 2 and 3 provide guidance to support the effective implementation of the procedure.

Appendices A, B and C comprise the leaflets and complaints form which go to the complainants.

The full list of documents forming part of this policy is as follows:

Section 1	Procedure to deal with comments and complaints about schools
Section 2	Formal complaint to a school's governing body: model agenda
Section 3	Advice to school governing body
Appendix A	"I have something to say to the school" : advice to parents
Appendix B	Complaint Form

Section 1

Procedure to deal with comments and complaints in school

1. **Purpose** – Schools value the generally good relations they enjoy with parents and the community. These good relations are based on mutual respect and a willingness to listen to other points of view. The purpose of the procedure is to provide a structured opportunity to express and resolve concerns and thus to improve the provision for students. It is in the best interests of all parties that any concern is expressed and resolved quickly and at the earliest possible stage.
2. **Who can make a complaint?** - This procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to the school about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.
3. **General Information**
Timescales – You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this timeframe if exceptional circumstances apply.
Complaints received outside of term time – We will consider complaints made outside of term time to have been received on the first school day after the holiday period.
Anonymous Complaints – We will not normally investigate anonymous complaints. However, the Headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.
4. **Stages** – The procedure has three possible stages, which must begin with the informal stage:

- **Informal:** Most concerns/complaints are easily resolved informally by discussion with staff at the school; more difficult or complex concerns/complaints may take more than one discussion.
- **Stage 1 - Formal complaint to the Headteacher:** A formal complaint can be made to the Headteacher, usually after careful attempts have been made to resolve the matter informally.
- **Stage 2 - Formal complaint to the Governing Body:** If either party believes that the Headteacher has not dealt with the complaint properly or that the outcome is unreasonable, it can be referred to the Governing Body.

5. Informal

- Hackbridge Primary School and Spencer Nursery School are happy to receive suggestions and compliments and talk about concerns that help them identify areas of success and areas in which they could improve. Where a concern is brought to our attention it can almost always be resolved with a single conversation. Sometimes an issue is more complex and will take more than one discussion to resolve. If you want to raise a concern with the school please either complete our 'Concern Form' available from the school office or telephone or email us.

6. Stage 1 - Formal complaint to the Headteacher

- Occasionally, despite the best efforts of all parties, these discussions do not resolve the concern, which then may become a complaint. The complainant will be asked to confirm this in writing to the Head Teacher (see Appendix B : Complaint Form) and it will be formally acknowledged in writing. Within this response, the Headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Headteacher can consider whether a face to face meeting is the most appropriate way of doing this.
- The Headteacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken. During the investigation the Headteacher (or investigator) will, if necessary, interview those involved and/or those complained of, allowing them to be accompanied if they wish. A written record of any meetings/interviews in relation to the investigation will be kept.
- At the conclusion of the investigation the Headteacher will provide a formal written response within seven school days of the date of receipt of the complaint. If unable to meet this deadline the complainant will be provided with an update and revised response date.
- The response will detail any actions taken and provide an explanation of the decision(s) made and the reason(s) for it.
- If the complaint is about the Headteacher or a member of the Governing Body, a suitably skilled governor will be appointed to complete the actions under point 6 above.

7. Stage 2 - Formal complaint to the Governing Body

This would usually be made only if the complainant has:

- In the first instance, sought to resolve the concern through an informal approach to the school;
- Subsequently made a formal complaint to the Headteacher and is dissatisfied with the outcome and wishes to take the matter further.
- The governing body has a complaints committee whose responsibility it is to hear and decide about formal complaints about the curriculum that have not been resolved at the informal or first stage of this procedure. This procedure can also be used to deal with complaints where no other procedure exists.
- The complainant should write to the governing body clerk at the school, via the school office, requesting a meeting of the complaints committee. Enclosed with the letter should be a copy of the written complaint form (Appendix B) submitted at the first stage, indicating which matters remain unresolved. **No new complaints may be included.**
- The governing body clerk will immediately contact the complaints committee clerk nominated by the governing body as part of their committee arrangements. The complaints committee clerk is responsible for making all arrangements for the meeting, including time and place. The complaints committee clerk will immediately send the text of the formal complaint to the

Head Teacher and chairperson of governors. The school may have up to 10 school days from receipt of this notification to submit its response to the complaints committee clerk.

- The meeting will be arranged as soon as possible setting a date within 15-30 school days of receipt of the complainant's request for a formal meeting. If this is not possible, the clerk will provide an anticipated date and keep the complainant informed. The complainant will be informed, in writing, of the date of the meeting.
- If the complainant rejects the offer of three proposed dates, without good reason, the clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.
- Any documents from either the complainant or the Head Teacher to be considered by the committee, and the names of any witnesses who might be called must be received by the complaints committee clerk at least seven school days before the meeting.
- Copies of all papers submitted plus the agenda will be sent to the complaints committee members, complainant, Head Teacher, chairperson of governors at least five school days before the meeting date. The Head Teacher will copy relevant papers to any member(s) of staff named in the complaint.
- The committee will not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included.
- The complaints committee will consist of at least three governors with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the complaints committee. If there are fewer than three governors at the school available, the clerk will source any additional, independent governors through another local school of the Local Authority School Governance Services Team in order to make up the committee.
- The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs. The complaint will be considered on the basis of the papers they receive and what is said at a meeting if held.
- The complainant may bring a friend, supporter or interpreter to the meeting.
- The Head teacher may bring a friend or a professional representative.
- If teachers or other members of staff are asked by the Head Teacher to be present at a complaints committee meeting, they have a right to bring a friend or professional representative.
- It is not appropriate for a child/pupil to attend.
- Representatives from the media are not permitted to attend.
- The meeting will be held in private.
- Electronic recordings of meetings or conversations are NOT permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.
- In the event of either party not attending the meeting, the chairperson has discretion to proceed or to adjourn at any stage.
- The complaints committee chair controls the meeting and will aim to complete all the business at a reasonable hour without the need to adjourn to another day. It is important that all participants help by being clear about the points they wish to make, by keeping to the point, and by being courteous throughout.
- The committee can:
 - a) uphold the complaint in full,
 - b) uphold it in part, or
 - c) dismiss it
- In complex cases they may wish to give a complex response.
- If the complaint is upheld in whole or in part, the complaints committee will decide on the appropriate action to be taken to resolve the complaint and, where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

- The Chair of the complaints committee will provide the complainant, Head Teacher, and chairperson with a full explanation of their decision and the reason(s) for it, in writing, within seven school days of the meeting. The Headteacher will copy relevant papers to any member(s) of staff named in the complaint.
- The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled by the school.

8. Next Steps

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 2.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by the school. They will consider whether the school has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at:

www.education.gov.uk/contactus

by telephone on : 0370 000 2288 or by writing to:

Department for Education

Piccadilly Gate

Store Street

Manchester

M1 2WD

Formal complaint to a school’s governing body : Model Agenda

1. Apologies
2. To consider members’ declaration of interests, entitlement to vote and any requirements to withdraw from the meeting.
3. To confirm the order of the procedure
4. To agree whether the decision will be conveyed orally to all parties at the end of the meeting (as well as in writing afterwards)
5. Invitation to complainant and Headteacher to join meeting and introduction to governors
6. Introduction and explanation of the procedure
7. To note the role of the clerk at the meeting
8. Complainant’s presentation and witnesses and questions to both by Headteacher and/or governors
9. Headteacher’s response and witnesses and questions to both by complainants(s) and/or governors
10. Any further questions or points from any of the parties
11. Opportunity for summing up by the Headteacher
12. Opportunity for summing up by the complainant
13. Summing up by the chairperson
14. Complainant and Headteacher leave the meeting
15. To decide on the complaint. The committee can:
 - uphold the complaint in full,
 - uphold it in part, or
 - dismiss it
16. To consider whether and how to refer issues of principle of general practice to another forum, such as the governing body, or to an individual such as the headteacher.
17. To inform the complainant and the Headteacher of the governing body’s decision and further rights of representation (if agreed at 4 above).
18. Confidentiality: to consider whether any items are confidential and should therefore not be available to persons wishing to inspect governing bodies papers.

Section 3

Advice to school governing bodies on the handling of complaints

1. **The Role of the Governing Body**
A key role of the governing body is to influence the ethos of the school, its general atmosphere and philosophy. This influence carries with it an equivalent responsibility to support the Headteacher and the staff and to ensure fairness to them as well as to pupils
2. **School Procedures**
In order to fulfil its role, as outlined above, the governing body should establish that there are clear procedures and structures for dealing with concerns and complaints within the school, and that these are widely understood and accepted for use by all school staff, including support staff and governors. It should be clear to all concerned as to who will deal with complaints, and what will happen at each stage. For example, a later stage in the informal arrangements might involve a school governor or other person nominated by the governing body.
Every effort should be made to deal with any complaint quickly. Experience has shown that this is beneficial for all concerned and it lessens the likelihood of the complainant adding further complaints about the way in which his/her complaint has been handled. A complaint well handled can result in a complainant having more confidence in a school than he/she had before making the complaint.
3. **Governing Body Complaints Committee**
 - 3.1 **Role**
The Committee has the power to make decisions on behalf of the governing body and may:
 - uphold the complaint,
 - uphold it in part, or

- dismiss it

Where the issue under consideration does not fall within this remit of the Committee, the members may still wish to make recommendations.

The complaints committee will be made up of at least three governors from the governing body with no prior involvement or knowledge of the complaint. The composition of this committee should be considered carefully. Dealing with any complaints that reach this stage is likely to be challenging but careful planning early on can avoid unnecessary complications. Consider the following:

3.2 Membership

The most important point to remember is that any complaints committee member should not have had previous significant involvement with the complaint. For example, it would be better not to appoint

- a governor who may have been involved in dealing with the complaint;
- a parent- or teacher governor who is likely to have significant involvement with the complaint;
- a governor who has been involved in any mediation at the informal stage.

Whoever is appointed should be prepared to attend a meeting at short notice.

A minimum of three governors (excluding the Headteacher) form the complaints committee. Substitutes should be appointed to take the place of any committee member who might be unavailable. The minutes of the Autumn Term governors meeting should show the makeup of the complaints committee. The complaints committee clerk will then be clear about whom to call from a list.

3.3 Committee Chair

A chairperson for the complaints committee will be appointed in advance of the complaints meeting. This avoids uncertainty all round and allows the chairperson to take control of the situation before the meeting as well as during and after it.

Previous experience of chairing a meeting is preferable. Governors should be aware that these meetings can be difficult and that the unexpected frequently occurs.

3.4 Clerk

The committee clerk will be appointed by the governing body. A decision about this should be made at the same time as the appointment of the committee.

The clerk will draw up the agenda and make all the necessary arrangements for the meeting.

4. Complaints Committee Meeting

4.1 Before a meeting

A copy of the agenda, the complaint, and any written response from the Headteacher will be sent to the complaints committee members and (if not a complaints committee member) the chairperson of governors at least five school days before the meeting. Each member must immediately read the papers to check that they have no significant involvement with the case under consideration, but should not discuss it with anyone else. If they need to withdraw from the committee the clerk will organise a substitute. It is essential to withdraw at this stage so that a substitute can be arranged. Written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the General Data Protection Act 2018 (GDPR).

4.2 Practical arrangements

The tone of an evening is often set by what happens when the complainant first arrives for the meeting. Therefore it is worth the chairperson considering the following:

- What time will participants be asked to arrive?
- Who will greet participants when they arrive?
- Will anyone wait with them?
- Where will other people wait? (Separate places for complainants and school representatives may be advisable).
- Will there be any refreshments provided?
- Where will the meeting take place?

- How will the meeting room be arranged? (Small informal arrangements are usually best).
- What route will the complainant and school representatives take to the meeting room?
- Does the complainant need an interpreter?

4.3 The meeting

The agenda is based on advice given by the Council of Tribunals and sets out the procedure to be used at the meeting.

The same rules apply as for other committee meetings of governors. For example, governors are not bound to accept tabled papers and may adjourn if they feel that they need time to consider an unexpected issue, including procedure issues.

4.4 Chairperson's role

4.4.1 During the meeting

- Take control of the meeting with confidence; use your judgement to move the meeting on when necessary and aim towards a resolution by coming to a conclusion on the written and oral evidence presented at the meeting.
- Ensure the meeting is minuted.
- Convey to all concerned that you are acting impartially by treating all participants with respect and courtesy.
- The committee and the clerk will be present throughout the meeting.
- The complainant and the Headteacher (with their friends/ advocates) will be invited in and asked to leave together.
- At the discretion of the chairperson witnesses will be invited to join the meeting when their input is required and to leave immediately afterwards.
- It is not appropriate for a child/pupil to attend or a member of the media.
- Having ascertained the names of all those waiting outside the meeting room, start the meeting by agreeing with the committee who should be invited to speak to the committee and in what order; at no time should the complainant, Headteacher or a witness be able to talk to committee members without both the complainant and headteacher being present; these arrangements may have to be modified if one or more of the parties have absented themselves from the meeting.
- If witnesses are waiting, the chairperson should try to ensure that they are called in due course if required or sent home early if it becomes apparent that they will not be seen.
- Once the main participants have joined you, explain the evening's proceedings (see below).
- Begin to hear the complaint being firm about keeping to the agenda and reminding participants as necessary about the procedure; e.g. if interruptions occur.
- Bear in mind that all participants will be under stress; treat all participants equally and sensitively.

4.4.2 Explaining the proceedings

- Introduce the people round the table.
- Explain that the agenda will be followed.
- Run down the items briefly and let the participants know if they will be able to hear the decision at the end of the meeting.
- If the complaint is complex and there are some aspects of it that fall outside the committee's remit, clarify this and explain exactly which aspects of the complaint can be addressed by the committee; later, you may wish to advise the complainant as to how best to follow up any complaint that could not be dealt with by the committee. Alternatively, the committee may wish to consider making representations to the responsible authority for those areas that fall outside its

remit.

- Make it clear that although you want to be as informal as possible, you will keep to the agenda as this will allow everyone to have a fair hearing.
- Explain, for example, that you will hear the complainant speak without interruption and then ask the Headteacher and complaints committee members to ask any questions to clarify any issues raised; then the Headteacher's response will be heard, again without interruption, and there will be an opportunity for the committee and the complainant to ask any questions about what has been said and so on.
- Indicate any time limits that you would like to adhere to.

4.4.3 Concluding the discussion

- It is important that all the participants feel that they have had every opportunity to be heard but if they are beginning to repeat themselves you can move the meeting on by proceeding to the summing up. The complainant and the Headteacher are then invited to sum up if they wish but if the issues are clear, formal summing up may not seem to be appropriate. Confirm the arrangements for the participants to receive the decision of the meeting.
- After the complainant and Headteacher have left, write down the decision of the committee with the reasons for it so this can be accurately recorded in the minutes.
- If the participants are invited back to hear the decision, make it clear to all parties that no further discussion is possible

6.4.4 The decision letter and minutes

- The complaints committee clerk sends a copy of the decision letter to the complainant, headteacher and chairperson of governors
- The complaints committee clerk writes the minutes and sends them to the Chair of the Complaints Committee for confirmation. The clerk will then send them to the complainant, complaints committee, the Headteacher, Chair of Governors and the governing body clerk. The minutes record the procedure followed, the decision reached and any recommendations made.
- It is usual for all documents relating to a complaint to be kept confidential.

6.5. After the meeting

The chairperson needs to ensure the clerk has properly collated all papers given to the committee and these should be securely shredded. One copy of all the documents should be kept by the school in a confidential file for the appropriate retention period.

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I have something to say to the School

Introduction

Often parents and other members of the public would like schools to know their views. Sometimes there are meetings when this is possible. On other occasions a personal comment is more appropriate. Communication, written or spoken, is valued as part of the partnership between home and school. Cooperation between parents, staff and governors leads to a shared sense of purpose and a good atmosphere in school. Here are some of the questions we frequently receive.

Should I pay a compliment?

Certainly. Those at the school are always pleased to learn that things have gone well and compliments are appreciated.

Should I tell them my concerns?

Definitely. All members of staff want to know as soon as possible if something concerns you or your child. They can then investigate and give you a response. If need be, they can also take steps to remedy a situation. Misunderstandings can be cleared up. An apology can be given if something is found to be wrong. Everyone benefits from the speedy resolution of difficulties and from suggestions for improvement.

Should I complain?

Yes, if you believe that something is seriously wrong. Your view can then be considered and an investigation can establish whether there is something wrong which needs to be corrected. The school's response will be based on the governors' agreed policy and will seek to be fair to all concerned. Writing down your complaint helps to clarify exactly what you are complaining about.

Who do I contact?

That depends on the particular situation. Often the teacher is able to deal with the matter. More serious problems will require the attention of a senior member of staff or the headteacher. Mutual courtesy is to be expected and ensures that things go smoothly. There should always be discussion in the hope of solving difficulties informally. Most problems are solved in this way. Certain specific complaints (e.g. about admissions to school) are dealt with separately.

What if the matter is still unresolved?

It will be necessary to write to the school to inform them about this. In response the school may invite you to a meeting to talk together about it. The school may arrange for a suitable mediator to be present. If the matter remains unresolved, you may decide to make a formal complaint to the governing body.

What is a complaint?

It is an expression of serious dissatisfaction. This could be about an event that has happened, failed to happen, or the way in which something was handled. You can obtain a copy of your school's full complaints procedure from the school.

Who will deal with my complaint?

At first, school staff will respond, and others may assist. If you proceed further with your complaint, a committee of governors (not previously involved with the case) will listen carefully to both sides before reaching an independent decision.

How do I make a formal complaint to the governing body?

You submit a copy of your complaint in writing to the clerk of governors, including a request for a formal hearing. You cannot introduce new or different complaints at this stage. You will receive an acknowledgement within five school days. A meeting will follow, with all the relevant paperwork having been circulated at least five school days in advance to everyone involved. You (accompanied by a friend or supporter) will be invited to speak to the committee and to ask and answer questions. The committee normally allows witnesses to attend part of the meeting. A governing body may decide not to consider a complaint about something which occurred more than three months previously.

What happens next?

You will be informed in writing of the committee's decision. If you believe that the complaint has not been properly and fairly dealt with by the governing body, you can contact the Department for Education (details in the main complaints policy document).

Remember

This whole process exists so that your views, and the views of others, can be heard. You have rights. Pupils have rights. Staff and governors have rights. The aim is that the complaint should be properly and fairly dealt with. Communications with school are frequent and are welcome. The later stages of the complaints procedure are used rarely but remain part of the response to compliments, concerns and complaints.

What action have you already taken to try to resolve your complaint? For instance, who have you spoken with or written to and what was the outcome?

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

Signature:

Date:

For school use only	
Date form received:	
Received by:	
Date acknowledgement sent:	
Acknowledgement sent by:	
Complaint referred to:	
Meeting arranged (date/time):	