



Background

Some Governing Bodies adopt ad hoc complaints procedures, while others have formally adopted procedures, the contents of which cover an enormous spectrum. Some of these procedures allow for adversarial hearings and/or numerous appeal stages up to and including LA level. As a result, school leaders are not infrequently faced with protracted and often spurious complaints. These generate enormous additional workload (100+ hours is not unusual) and tremendous personal stress, particularly where the complainants are aggressive or accusatory. Many of these protracted procedures actually militate against complaint resolution as the focus becomes one of blame allocation and retribution rather than concentrating on taking steps to rectify an error/oversight or preventing a recurrence.

The legal framework

Section 409 of the 1996 Education Act allows a Local Authority to make arrangements for the consideration or disposal of any complaint about the unreasonable action of the LA or of a Governing Body in relation to a statutory duty or power. This would include Admissions, the provision of an appropriate curriculum, SEN, and Exclusions Appeals. Complaints of a more general nature fall outside the remit of this section.

The section 29 of the 2002 Education Act requires governing bodies to establish procedures for dealing with all complaints relating to the school or the provision of facilities or services, other than “complaints which fail to be dealt with in accordance with procedures required to be established by other statutory provision”, and to publicise these procedures.

While the majority of complaints received by schools are properly dealt with by other procedures, it is still necessary for schools to have a “general” procedure for the minority of complaints that are not covered by other statutory procedures.

Section 496 of the 1996 Act allows a person to complain to the Secretary of State that a Governing Body (or LA) has acted, or is proposing to act, unreasonably with respect to any power conferred or duty imposed by that Act. Such a complaint is unlikely to be successful where a school can show that it has acted reasonably in seeking to resolve a complaint and has used a “fair” procedure.

Informal procedure

As a matter of daily routine, schools receive numerous contacts from parents and other interested parties. Many of these will be resolved simply by providing information or through the arrangement of an informal meeting. Therefore the initial approach should normally be made to the school office, or to the individual member of staff who is likely to be able to provide the necessary information.

In some cases it may be necessary to request a meeting with a senior member of staff. Any such request should be made via the school office, preferably in writing (see model form). The request will need to include sufficient details to allow the school to decide whether a meeting is necessary, who should be asked to attend the meeting and to make any necessary preparations.

The procedure is likely to stop at this stage if the concern has been explained satisfactorily, or a shared understanding has been reached on the issue being raised.

Formal procedure

Where a matter is more serious, or else an informal approach has failed to resolve the issue, it may be raised formally as a complaint. This should be done in writing (see model form). On receipt of the complaint the school will normally arrange a meeting with the complainant to clarify details of their concerns and of the resolution that is being sought. Once the school has this information a decision will then be taken about the need for further investigation and the appropriate procedure to be followed.

This may involve additional meetings with the complainant to obtain further information.

Statute requires every school to have a large number of formal procedures in place. These include those for: pupil behaviour and discipline; exclusion of pupils; staff capability; staff conduct; and for “general” complaints relating to the school or to the provision of facilities or services.

Similarly, statute requires that a number of matters must be dealt with by other bodies, such as the Local Authority: provision to meet special educational needs; failure of a school to provide the National Curriculum; Exclusion Appeals; Admission Appeals.

When the school's procedures have been completed the complainant will be informed that the matter of their complaint has been dealt with and is now closed as far as the school is concerned. They will be provided with as much additional information as is possible in the circumstances, while respecting any right to confidentiality of third parties.

Selecting the most appropriate procedure

Any approach may have the potential to develop into a complaint. For that reason it is very important to follow the appropriate procedure from the outset, so that the interests of the individuals may be safeguarded and in order to seek to identify a resolution as quickly as possible.

Therefore schools should have clear procedures for receiving enquiries and complaints and an effective mechanism for "triage", so that they are directed to the appropriate person(s) for resolution.

Nature of contact	Appropriate person to receive contact	Relevant policy/ procedure
Request for published information	School office	FOI Act Charging Policy
Request for personal pupil information	Head Teacher or senior member of staff	DPA Charging Policy
Complaint about GB policy (content or application of)	Clerk/ Chair	General Complaints Procedure
Concern about provision of facilities or services by the school	Head Teacher Chair	General Complaints Procedure
Allegation about conduct of a member of staff	Head Teacher or Chair (if allegation against Head)	School Staff Discipline Procedure (Confidential to School and Employee)
Allegation of verbal or physical assault by employee on pupil	Head Teacher or child protection coordinator or Chair (if allegation against Head)	Local Child Protection Procedures (Confidential to school, LA CPO and parents of alleged victim)
Allegation about capability of a member of staff	Head Teacher or Chair (if allegation against Head)	School Staff Competence Procedure (Confidential to School and Employee)
Conduct of another pupil (e.g. bullying)	Head Teacher or senior member of staff	School behaviour and discipline procedures (Confidential to School and parents of alleged perpetrator)
Discipline of pupil	Head Teacher or senior member of staff	School behaviour and discipline procedures (Confidential to School and parents of pupil)
Content of/ Failure to maintain a statement of SEN	Head Teacher/ SENCO LA	LA procedures
Admissions	LA	Admissions Procedure Admissions Appeal Procedure
Exclusion	LA	Exclusion Appeal Procedure
Failure to provide NC Entitlement Or Inappropriate Curriculum	Head Teacher Clerk to GB LA	LA Procedure
Extended Services	Manager of relevant service	Procedures of Service Provider
Decision to remove licence for a person to enter school premises (banning)	Clerk to GB Chair	GB Appeal Committee

General principles

1. The procedure is designed to ensure that, wherever possible, an informal resolution is attempted.
2. All stages of the complaints procedure should be investigatory rather than adversarial.
3. The procedure is intended to be extended to those persons who may have a legitimate complaint relating to the school and where any complaint may not be pursued through another statutory procedure. (It is anticipated that, primarily, these persons will be parents, as defined by Section 576 of the Education Act 1996, and those with parental responsibility, as defined in the Children Act 1989.)

4. The responsibility for dealing with general complaints lies solely with the school. The procedures of LAs, Diocesan Boards and other agencies are expected to reflect existing legislation and ensure that any complaint received by them, which does not fall to them by statute to resolve, will be redirected to the school immediately and that the complainant be informed accordingly.
5. Any procedure should include provision that "An anonymous complaint will not be investigated under this procedure unless there are exceptional circumstances." These would include serious concerns such as child protection issues or bullying allegations, where the school would either involve appropriate external agencies or else conduct its own internal review to test whether there is any corroborative evidence which might trigger a formal investigation.
6. There should be a mechanism for terminating spurious complaints and those brought by vexatious complainants. Model letters are included in annex 4 to the procedure.
7. In advising complainants of the outcome of their complaint it is important to be most circumspect in the details provided. To do otherwise may prejudice the ability of any employee complained about to continue in post. The release of certain information might be an obstacle to the fair application of disciplinary/capability procedures or otherwise contravene the employee's employment or data protection rights. Sample responses are included in annex 4 to the procedure.
8. In the event that a complainant believes that the appropriate procedures have not been followed, by the person dealing with their complaint, the complainant may request that the governing body reviews the process that has been followed in order to verify whether the procedure has been adhered to. Any review request that is based solely on dissatisfaction with the outcome, rather than any identified failure to deal with a complaint according to procedure, should not be accepted.
9. Any governors involved in the process should receive prior training for their role.
10. It is important that any potential complainant is aware of the correct channel through which to pursue their complaint. This will reduce the likelihood of letters of complaint being directed, say, to the LA, Secretary of State, Councillors, MP, local paper, individual governors, the Diocese or the Bishop.

Therefore it is essential that reference is made to the existence of the General Complaints Procedure in the school prospectus. (A model paragraph is included in annex 5).

11. Some existing procedures include a "hearing" stage, where the subject of the complaint is questioned in the presence of the parent or by the parent. The absence of such a stage in this procedure is deliberate as its inclusion creates an opportunity for confrontation, which runs counter to the resolution of any complaint.
12. It may be helpful to place a limit on the time after which a complaint will normally not be considered (e.g. complaints must be raised within 3 months of the event being complained of, save in exceptional circumstances)
13. Schools should include an indication of the time scale within which the school will process the complaint. e.g. Investigation of any complaint or review request shall begin within 5 school days of receipt of the same, save in exceptional circumstances. The investigation shall be completed as soon as reasonably practicable, say within 10 school days, save in exceptional circumstances.
14. The matter of keeping a record of the complaint and its investigation could be addressed. The issue of taking notes/minutes may also be addressed, along with that of their safe storage.
15. The procedure should be designed to facilitate resolution of concerns with the minimum of conflict. Therefore, it is important that the procedure adopted carries the confidence of all interested parties so that its use secures "closure". This is more likely to be the case if the procedure adopted has been the subject of consultation.
16. The use of well designed "Complaints" and "Review Request" Forms may assist the process by focusing the complainant on the importance of being specific about the nature of their complaint and the need to provide evidence or at least to be able to cite relevant incidents. Model letters are included in annex 4 of this document.
17. It is usually unhelpful if a complaint is broadcast to the school community. Therefore the school should make it clear any person who raises a concern that the school will treat the matter with a high degree of confidentiality

and asks the complainant to do likewise. This is more likely to meet with a favourable response if the complainant is convinced that the school is taking their concern seriously and is actively seeking to resolve the matter.

18. Vexatious complainants

19. It is clear from the information provided by our members that the vast majority of complaints are resolved by informal contact. Problems arise where the complainants are unreasonable and are not seeking to have a situation remedied but instead are determined to extract retribution for some real or imagined wrong.

20. It is these latter circumstances that can lead a school, which is acting very reasonably, to be drawn into an interminable saga with letters flying back and forth with each reply demanding more and more answers to more and more questions. Often an attempt to clarify the situation will trigger a multitude of questions, none of the possible answers to which serve any constructive purpose. It is these vexatious complainants from which schools need protection.

21. A model letter for use in such circumstances is included in annex 4.

22. The model policy statement in annex 6 may also be helpful in these circumstances.

School Complaints Procedure

General Principles:

- This procedure is intended to allow you to raise a concern or complaint relating to the school, or the services that it provides.
- An anonymous concern or complaint will not be investigated under this procedure, unless there are exceptional circumstances.
- To enable a proper investigation, concerns or complaints should be brought to the attention of the school as soon as possible. In general, any matter raised more than 3 months after the event, being complained of, will not be considered.

Raising a concern or complaint

1. Informal Stage

It is normally appropriate to communicate directly with the member of staff concerned. This may be by letter, by telephone or in person by appointment, requested via the school office. Many concerns can be resolved by simple clarification or the provision of information and it is anticipated that most complaints will be resolved by this informal stage.

In the case of serious concerns it may be appropriate to address them directly to the head teacher (or to the chair of the governing body, if the complaint is about the head teacher).

If you are uncertain about who to contact, please seek advice from the school office or the clerk to the governing body.

2. Formal Stage

If your concern or complaint is not resolved at the informal stage you may choose to put the complaint in writing and pass it to the head teacher, who will be responsible for ensuring that it is investigated appropriately. If the complaint is about the head teacher, your complaint should be passed to the clerk to the governing body, for the attention of the chair of the governing body.

A complaint form is provided to assist you.

You should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents.

It is very important that you include a clear statement of the actions that you would like the school to take to resolve your concern. Without this, it is much more difficult to proceed.

Please pass the completed form, in a sealed envelope to the school office. The envelope should be addressed to the head teacher, or to the clerk to the governing body, as appropriate.

The head teacher (or chair) may invite you to a meeting to clarify your concerns and to explore the possibility of an informal resolution. If you accept that invitation, you may be accompanied by a friend, if you wish, to assist you in explaining the nature of your concerns.

It is possible that your complaint will be resolved through a meeting with the head teacher (or chair). If not, arrangements will be made for the matter to be fully investigated, using the appropriate procedure. In any case you should learn in writing, usually within 5 days of the school receiving your formal complaint, of how the school intends to proceed. This notification should include an indication of the anticipated timescale. Any investigation will begin as soon as possible and when it has been concluded, you will be informed in writing of its conclusion.

If you are not satisfied with the manner in which the process has been followed, you may request that the governing body reviews the process followed by the school, in handling the complaint. Any such request must be made in writing to the clerk to the governing body, within 10 school days of receiving notice of the outcome, and include a statement specifying any perceived failures to follow the procedure. The procedure described below will be followed. A review Request form is provided for your convenience.

Review Process

Any review of the process followed by the school will be conducted by a panel of 3 members of the governing body. This will usually take place within 10 school days of receipt of your request.

The review will normally be conducted through a consideration of written submissions, but reasonable requests to make oral representations should be considered sympathetically.

Governing body meetings

1. Complaints panel

If the school receives a formal complaint about one of the limited number of matters, that is not dealt with by another statutory process, it may be necessary to convene a governing body panel to consider the matter and formulate a response.

The complaint is likely to relate to matters such as:

- the content or the application of a governing body policy;
- school facilities;
- services that the school provides.

If a governing body committee already has delegated power with respect to a policy that is being complained of, a panel of members from that committee should be convened.

Otherwise the clerk should convene a panel of 3 governors, who have not previously been involved with the complaint.

The complainant should submit the details of their concerns, in writing, to the clerk. The clerk will seek similar written responses from the school, where this is necessary.

A meeting of the panel will take place, usually within 10 school days, to consider the matter. The complainant (who may be accompanied by a friend if they wish) and representative(s) from the school (who may also be accompanied by workplace colleagues or representatives from their professional associations) may be invited to attend this meeting in order to clarify the matter. As the panel meeting is intended to be investigatory, rather than adversarial, the persons giving evidence or making representations to the panel will normally attend separately.

When the panel has collected sufficient information, it will deliberate and then inform the complainant, the head teacher and the governing body of the outcome, in writing.

Consideration of the complaint by the governing body and the school, save for any actions that are agreed, will terminate at this point.

If the complainant is not satisfied that the appropriate procedure has been followed, they may request a review of that process by another panel of the governing body.

2. Review meeting

Any review of the process followed by the school will be conducted by a panel of 3 members of the governing body. This will usually take place within 10 school days of receipt of a written request. The review will normally be conducted through a consideration of written submissions, but reasonable requests, from any of the parties, to make oral representations should be considered sympathetically.

The panel will first receive written evidence from the complainant.

The panel will then invite representatives of the school (usually the head teacher or the chair of the governing body panel that has considered the matter), as appropriate, to make a response to the complaint.

The panel may also have access to the records kept of the process followed.

The complainant and the school representative(s) will be informed in writing of the outcome, usually within 5 school days of the panel meeting.

The matter will then be closed as far as the school is concerned.

Model Letters

a. Response to spurious complainant

Following receipt of your communications and careful consideration of the same, I regret that I am unable to deal with this matter under the Governing Body's complaints procedure as:

(It will be appropriate to include SOME of the following statements)

- You have not identified any specific actions of which you might complain.
- Your concerns are presented as conclusions rather than specific actions of which you complain.
- The concerns that you identify relate to historical actions and any evidence which might have enabled an objective investigation of your complaint is no longer available.
- The substance of your complaint has been addressed under this procedure already.
- The concerns that you raise do not fall within the scope of this procedure.
- You have not identified any potential sources of evidence which might allow the matter to be investigated.

If you wish my decision to be reviewed then you may take advantage of the procedure set out in the school's formal complaint procedure, by writing to the Clerk to the Governing Body.

Yours sincerely,

Head Teacher
Or Chair of Governing Body

Model Letters

b. Acknowledgement of receipt of formal complaint and invitation to meet

Dear

I have received your formal complaint, dated I am grateful that you have brought this to my attention.

The school and governing body take any complaint most seriously. Therefore I would like to meet with you, as soon as possible, so that I may understand the details of your concerns more clearly. You are welcome to be accompanied to the meeting by a friend, if you would find this helpful. Please telephone in order to arrange an appointment./ I can offer you an appointment at on Please let me know if this is convenient.

I hope that we will be able to resolve your concerns through our meeting, but if not I will ensure that the appropriate investigation takes place. This should begin within 5 days of our meeting.

Yours sincerely,

Head Teacher
Or Chair of Governing Body

Model Letters

c. Acknowledgement of receipt of formal complaint referred by a third party (e.g. LA, Diocese, MP)

Dear

I have received a copy of the documentation that you sent to setting out a complaint about This has been passed to the school as it has responsibility for these matters.

The school and governing body take any complaint most seriously. Therefore I would like to meet with you, as soon as possible, so that I may understand the details of your concerns more clearly. You are welcome to be accompanied to the meeting by a friend, if you would find this helpful. Please telephone in order to arrange an appointment./ I can offer you an appointment at on Please let me know if this is convenient.

Meanwhile I would be grateful if you would complete and return the formal complaint form that is enclosed, along with details of the school's complaints procedure.

I hope that we will be able to resolve your concerns through our meeting, but if not I will ensure that the appropriate investigation takes place. This should begin within 5 days of our meeting.

Yours sincerely,

Head Teacher
Or Chair of Governing Body

Model Letters

d. Acknowledgements of receipt of formal complaint and advising complainant that the matter has been referred

Dear

I have received your formal complaint, dated I am grateful that you have brought this to my attention.
Barningham CEVC Primary School Dealing with Concerns or Complaints Policy May 2020
Personnel and Communications Committee

However, the matters that are of concern to you are the responsibility of the governing body/pupil discipline committee/LA/Diocese/service provider, so I have forwarded your documentation to You should be contacted, in the near future, to be advised of how they intend to proceed.

If I can be of any further assistance, please do let me know.

Yours sincerely,

Head Teacher

Model Letters

e. Acknowledgements of receipt of formal complaint and advising complainant that the matter is being dealt with under a confidential school procedure

Dear

I have received your formal complaint, dated I am grateful that you have brought this to my attention.

The school and governing body take any complaint most seriously. Therefore I have initiated an immediate investigation. It is possible that the investigator will wish to meet with you to clarify the evidence that you have provided so far. If so, he/she will write to you to make suitable arrangements.

As your concerns relate to the conduct/capability of a member of staff, the investigation will be carried out under the school's personnel procedures. This means that the detail of the procedure and its outcome must remain confidential to the school and the member of staff concerned.

OR

As your concerns relate to the behaviour of a pupil, the investigation will be carried out under the school's pupil conduct and disciplinary procedures. This means that the detail of the procedure and its outcome must remain confidential to the school and the parents of the child concerned.

In due course, I may be able to provide you with some information about the outcomes of the investigation and the processes that have been followed, but in any event will let you know when the matter has been concluded.

If I can be of any further assistance, please do let me know.

Yours sincerely,

Head Teacher
Or Chair of Governors

Model Letters

f. Notification of decision regarding formal complaint

Dear

Following receipt of your complaint and careful consideration of all the available relevant evidence, I/the panel have/has concluded that:

- a. There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld. If you are able to provide additional evidence forthwith I/we will reconsider this decision.

OR

- b. The concern is not substantiated by the evidence in that

OR

- c. The concern was substantiated in part/in full, as The school will review its practices/procedures with the intention of avoiding any reoccurrence. Parents will be informed in due course of any policy changes.

OR

- d. In order to address fully the matters investigated, the school has initiated appropriate internal procedures. Due to the nature of these procedures, their outcome must remain strictly confidential. We are confident, however, that the circumstances that gave rise to your complaint should not recur

OR

- e. In order to address fully the matters of concern that you identified, the panel recommended that the governing body should review its policy, as a matter of urgency. We are confident that this should prevent similar concerns arising in future.

I hope that we may now put this matter behind us and work together for the benefit of your child's progress.

Yours sincerely,

Head Teacher/Chair of Governing Body/Chair of Panel

Model Letters

g. Review outcome notification

Dear

Having carefully considered your representations in the context of the relevant evidence, the Governing Body Complaints Review Panel has concluded that the school followed the relevant procedure appropriately in respect of your complaint.

Summary of reasons

Therefore, the matter is now closed as far as the school is concerned. Or

Having carefully considered your representations in the context of the relevant evidence, the Governing Body Complaints Review Panel has concluded that the school followed the relevant procedure appropriately in respect of your complaint except

Therefore, the following action will be taken

Once this action has been completed the school will consider the matter to be closed. Or

Having carefully considered your representations in the context of the relevant evidence, the Governing Body Complaints Review Panel has concluded that the school followed the relevant procedure appropriately in respect of your complaint except

However the panel determined that this procedural failure did not affect the outcome of the consideration of your complaint so, while we regret this error, we will now consider this matter to be closed as far as the school is concerned.

Yours sincerely,

Chair of Complaints Review Panel

c.c. Head Teacher Chair of Governors