



# Complaints About Schools

# 2018

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The aim of this document is to parents/carers with information regarding school complaints

The vast majority of concerns and complaints about schools are dealt with immediately and satisfactorily through informal discussions with your child's class / subject teacher or, head of year. Schools encourage this through their own individual ethos and effective communication systems. When you have concerns about a school, it is important that you raise them as soon as possible with the relevant members of staff in order to try to resolve any issues promptly. Three months is generally considered to be an acceptable time frame in which to lodge a complaint. The school, however, may wish to consider such complaints if it would be unreasonable to expect the complainant to have made the complaint earlier.

### **What do we mean by complaint?**

Generally, a complaint about a school is when a parent, carer or member of the public is dissatisfied with the actions or lack of action of a school. Examples of types of complaints can be:

- Bullying by a pupil or a teacher
- Policy changes
- Schools' response to an incident
- Failure to follow statutory guidance
- Failure to provide support for children with Special Educational Needs
- An incident not being dealt with properly
- Any other concerns about the school.

A complaint can be made using various forms of communication including: by letter, telephone / e-mail, and by a parent or carer in person. Writing to the school is the preferred method and gives you the opportunity to be clear what the complaint is about and to identify the outcome you would like to achieve.

### **What the complaint procedure does not cover**

There are certain complaints that fall outside the remit of a school's complaint procedure for which there are specific statutory regulations and other local authority (LA) mechanisms, such as:

#### **Exceptions**

- Admissions to schools
- Statutory assessments of Special Educational Needs (SEN)
- School re-organisation proposals
- Matters likely to require a Child Protection Investigation
  
- Exclusion of children from school
  
- Whistleblowing

#### **Who to contact**

Concerns should be raised direct with local authorities (LA). For school admissions, it will depend on who is the admission authority (either the school or the LA). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.

Further information about raising concerns about exclusion can be found at: [www.gov.uk/school-discipline-exclusions/exclusions](http://www.gov.uk/school-discipline-exclusions/exclusions). Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted The Department for Education is also a prescribed body for whistleblowing in education.

- Staff grievances and disciplinary procedures
- Complaints about services provided by other providers who may use school premises or facilities.

These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation. Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.

## **Complaint to a school maintained by the Local Authority**

### **The Complaints Procedure**

There are three stages to the complaint procedure. In order to protect the rights of all parties it is important that the various stages of the procedure are adhered to as far as possible. Should a complaint, therefore, be reported to a governor, Chair of Governors or the LA, the complainant will be directed to the school for the matter to be considered by the appropriate member of staff in the first instance.

Initially, it may be helpful to speak informally with the appropriate or designated member of staff, for example, the class teacher in the primary sector or, the form tutor / subject teacher or head of year in the secondary sector. This is usually the first step for a parental concern and, due to the first-hand information that the teacher has about the pupil, many concerns can be resolved at this point.

If this is not possible for any reason, ideally you should put your complaint in writing to the Headteacher. This would be the first formal stage of the complaint procedure.

#### **Stage 1**

The headteacher may provide an opportunity to meet with you in order to supplement any information previously provided. You can be accompanied to the meeting by a friend, relative or representative and arrangements for any interpreting facilities should be considered, where appropriate. It may be your complaint is resolved in whole or in part at the meeting. However, if there are outstanding issues these should be highlighted and the headteacher will advise you of the date at which his/her written response will be sent to you. The headteacher's written response will signify the school's response at stage 1.

If you do not wish to meet with the Headteacher, or the Headteacher does not consider it necessary to convene a meeting, you will receive a written response after your complaint has been investigated and this will also signify the school's response at stage 1.

If you remain dissatisfied, you have the right to progress the complaint to the next stage. To do this, you should write to the Chair of Governors, via the school, within fifteen school days of receipt of the response letter from the headteacher.

#### **Stage 2**

Your letter to the Chair should outline the complaint, the reasons for your dissatisfaction and your preferred outcome. It should be in an envelope marked private and confidential for the attention of the Chair of Governors and sent via the school, or handed in at the school office. This will help to ensure s/he fully understands the issues when investigating the matter.

Following completion of the investigation, the Chairperson will write to you, outlining their decision, any actions that have been or will be taken, and any recommendations to the school or Governing Body.

If you remain dissatisfied you have the right to progress the complaint to the next stage. You should do this by writing to the Complaints Resolution Service (CRS) within a maximum of 15 school days of receipt of the response letter from the Chairperson. Your letter should outline the elements of the chair's response you remain dissatisfied with and your preferred outcome. The CRS will commence arrangements for the meeting of the Governing Body Complaints Panel.

### **Stage 3: Appeal to the Governing Body Complaints Panel**

Within 5 school days of receipt of the request to proceed to stage three, the CRS will write to you, the Headteacher, Chair of Governing Body, any relevant witnesses and members of the appeal panel to advise of the date, time and place of the meeting, which should take place within 20 school days of receipt of your request. In addition the letter will explain the main issues relating to the complaint, how the meeting will be conducted and the parent's and school's right to submit further written evidence to the panel. This evidence should be returned to the CRS in sufficient time to enable it to be circulated to all parties at least 5 school days prior to the meeting. The complaints panel is made up from elected members of the governing body (excluding Associate Members) who have had no significant involvement with the complaint. This may include the Chair of Governors if not previously involved.

You can be accompanied to the meeting by a friend, relative or representative and arrangements for any interpreting facilities should be considered where necessary.

It should be noted that the standard of proof applied by the Panel will be the civil standard of, 'balance of probabilities' and not the criminal standard of, 'beyond reasonable doubt' as generated under Police or Court processes.

Only in exceptional circumstances should any party introduce previously undisclosed information or witnesses. If this happens it may be in the interests of natural justice to adjourn the meeting so that all parties have time to consider and respond to any new information. The panel will also consider whether any additional material is appropriate to the complaint under consideration, and not relating to matters other than the parents original concern: NB: - no new complaints should be raised.

A decision letter will be produced and sent to the parent and Headteacher within 15 school days of the meeting stating the decision(s) of the panel and the basis on which the decisions were made. The complaints panel is the final stage of the schools' complaint procedure and you will be advised that if you remain dissatisfied, you can forward the complaint to The Secretary of State.

### **Withdrawal of a Complaint**

Parents can withdraw a complaint at any stage. This should preferably be done in writing.

## **Closing a Complaint**

It is reasonable that complaints be considered to have lapsed if no response or contact has been received from you within the prescribed timescales of the complaint procedure. Where a complaint is not officially withdrawn but you have not been in contact or fail to attend a complaint panel meeting with no apology or due cause, it will be within the jurisdiction of the complaints panel and / or the LA to decide whether to proceed with the complaint. Guidance should be sought from the LA prior to any decision being taken.

Where the decision is taken to close the complaint, a letter will be sent from the school advising you forthwith.

## **Complaints against the Headteacher**

Where a complaint relates specifically to the actions / inactions of the Headteacher the complaint should be directed in the first instance, via the school, to the Chair of the Governing Body. The letter should specify the nature of the complaint, the actions which you are dissatisfied with and an indication of what outcome is being sought. These complaints do not cover the following, where more specific procedures apply and should be followed:

- Allegations of child abuse
- Financial impropriety
- Other criminal activity

Further information should be sought from the Complaints Resolution Service.

Depending on the nature of the complaint the parent, or Chair, may request the involvement of the LA to advise them in the resolution of the complaint.

On receipt of the letter the Chair will notify the LA immediately and seek advice to establish whether the complaint falls within the scope of the schools' complaint procedure, or other existing Council procedures. If the complaint does fall within the school's procedure the Chair will act as complaints officer.

The Chair will acknowledge the letter and confirm their understanding of the exact nature of the complaint itself. They will give a description of the complaints procedure and a target date for providing a response. A full response will be made within 15 school days. However, if the complaint requires an in-depth investigation, the Chair will acknowledge this and let you know that a full response will take longer than usual.

The Chair may decide to contact or meet with you in order to obtain / clarify specific points or gather additional information to assist in the investigation. You can be accompanied to the meeting by a friend, relative or representative and arrangements for any interpreting facilities should be considered where necessary.

The Chair will write to both you and Headteacher to indicate the outcome of the investigation: that the complaint is:

- Unsubstantiated and no further action will be taken or,
- Justified in whole or in part and what action / recommendation will result

In addition, you will be advised of your right to make a representation to the LA against either the decision or, the conduct of the investigation.

### **Representation to the Local Authority**

Should you or the Headteacher remain dissatisfied with the outcome of the Chair's investigation, a representation can be made in writing to the Corporate Director, Services to People. The matter will be allocated to a senior officer with no previous involvement, who will then write to all parties outlining the process to be followed. The senior officer will carry out a review of the Chair's investigation and response letter, relevant paperwork and any other submissions pertinent to the complaint and, if necessary arrange meetings with the parties involved. Once any meetings have taken place, and allowing time for deliberation, a response will be sent to all parties within 20 school days from the date of the final meeting.

It should be noted that the LA has no power to re-investigate the complaint or, to overturn the decision of the Chair. Its role is to review the rigour applied to the investigational process. Parents will be advised of their right of appeal to the Secretary of State or Local Government Ombudsman (LGO) if appropriate.

### **Complaint to an Academy School**

All Academy schools are required to have a complaint procedure in place in writing. It should be available to parents and should set out clear timescales for the management of the complaint.

The complaints procedure must consist of at least three stages:

1. Informal (usually a meeting with the complainant)
2. Formal (the complaint is put in writing)
3. A panel hearing

If the complaint progresses to the final panel hearing stage, the Academy must:

- Allow the parent(s) to attend and be accompanied if they wish;
- Ensure at least one member of the panel is independent of the management and running of the Academy;
- Clearly signpost parents that are not satisfied about the handling of their complaint to the Education Skills Funding Agency (ESFA).

The panel cannot be made up solely of governing body members because they are not independent of the management and running of the academy. It is a matter for the academy to identify suitably independent individuals who can fulfil the role and responsibility of being the independent member.

### **The Role of the Education Skills Funding Agency (ESFA)**

If the school is an academy and you feel that the governing body or board of trustees have acted unreasonably about your concerns, you can write to the Education Funding Agency (EFA).

The EFA carries out certain functions in relation to open academies on behalf of the Secretary of State. They will not usually investigate complaints until the academy's own complaints procedure, including any hearing, has been exhausted.

Full details about the role of the EFA can be found on the Department for Education (DfE) website: [www.gov.uk/government/organisations/education-funding-agency/about/complaints-procedure](http://www.gov.uk/government/organisations/education-funding-agency/about/complaints-procedure).

### **OfSTED**

What types of complaint can Ofsted consider?

It is important to understand that Ofsted's role in considering a complaint about a school is solely to determine if there is a need to inspect. Ofsted cannot seek to resolve or establish cause for any individual complaint.

If your concern affects the school as a whole and you have followed all of the existing processes including complaining to the governing body and local authority it has powers to consider some complaints made in writing about schools and an online form for is available for this.

Examples could include:

- the school is not providing a good enough education
- the pupils are not achieving as much as they should, or their different needs are not being met
- the school is not well led and managed, or is inappropriately managing finances
- as a group, the pupils' personal development and well-being are being neglected. OfSTED will not investigate cases to do with individual pupils.

How should I ask Ofsted to look at my complaint?

If you are certain that you have exhausted the school's full complaints procedures as set out above, then you should fill in an online complaints form: [www.ofsted.gov.uk/onlinecomplaints](http://www.ofsted.gov.uk/onlinecomplaints)

What areas are excluded?

It is not able to consider a complaint when there are other statutory (legal) ways of pursuing it. This includes complaints relating to:

- admission procedures
- legal exclusions of individual pupils
- providing education for individual pupils with special educational needs
- religious education or the religious character of a school, or
- temporary changes to the curriculum.

It will not:

- investigate incidents that are alleged to have taken place
- judge how well a school investigated or responded to a complaint
- mediate between a parent or carer and a school to resolve a dispute.

If your concerns are about these issues you should contact your local parent partnership, local authority or the DfE.