



St Paul's C of E (VC) Junior School



*Safe, successful learning.
Happiness and equality in a Christian setting.*

Guidance for Managing Parental Complaints about Schools

Status	Date
Finance & General Purposes Committee	7 th Nov 2013
Revision Due	Autumn 2017

This policy is written with reference to the Christian Foundation of the school

The LA's procedure and guidance document on Managing Parental Complaints about Schools, as reviewed/updated and re-issued in July 2002 is reproduced below. With reference to paragraphs 1 and 7 of this document, please note that Section 39 of the School Standards and Framework Act 1998 has been repealed by the Education Act 2002. Section 29 of the latter requires governing bodies of maintained schools to have in place procedures for dealing with all complaints relating to their school, or to the provision of community facilities or services under Section 27 of the Act, other than complaints for which different processes are applicable under separate statutory provisions. However, as explained in the letter to chairs of governors, dated 30 September 2003, the DfES has confirmed that because the LA's procedure which is currently followed by Somerset schools covers all complaints, it meets the new legal requirement.

As was also pointed out in the letter of 30 September 2003, the non-statutory guidance published and sent out to all chairs of governors by the DfES contained a recommendation that governing bodies should ensure that any third party providers offering community facilities or services through school premises, or using school facilities, have their own complaints procedure in place.

Source Reference: SD/PJT Date Re-issued: July 2002

INTRODUCTION

1. Section 23 of the Education Reform Act 1988, (now subsumed by Section 409 of the Education Act 1996) required every Local Authority (LA) to establish arrangements for handling complaints about the curriculum and religious worship in schools. In Somerset, it was agreed that it would be sensible to extend these arrangements to cover most complaints about schools and, more recently, Section 39 of the School Standards and Framework Act 1998 requires schools' governing bodies to have "procedures for dealing with all complaints relating to the school other than those falling to be dealt with in accordance with any procedures required to be established in relation to the school by virtue of any other statutory provision".
2. The arrangements (hereafter called the Procedure) cover complaints made by parents or other persons in respect of the way that maintained schools, their governing bodies or the LA (in respect of paras 6.4 and 6.5) have carried out their duties, or exercised their powers. Any other complaints about the LA should be dealt with through the County Council's Complaints Procedure.
3. An explanatory leaflet about the Procedure has been produced by the LA and should be made available at all schools. Copies are also available at public libraries, Council Information Points and from the Education Department at County Hall, Taunton. A summary of the Procedure should be included in the prospectus of every maintained school and in the Home/School Agreement (see also paragraphs 10 and 11). If required, information about the Procedure can be provided in a language other than English.
4. The purpose of this document is to provide guidance for schools and Education staff on the operation of the Procedure (which is summarised in paragraph 19), including advice on areas which it does NOT cover – see paragraphs 8 and 9.

SCOPE OF THE PROCEDURE

5. The Procedure covers all those schools maintained by Somerset LA. Separate procedures exist for Pupil Referral Units.
6. The areas which the Procedure is legally required to cover under the Education Act 1996 are:
 - 6.1 the provision of a curriculum, including Religious Education and Worship*, which meets the general requirements of the Act;
 - 6.2 the implementation of the National Curriculum and compliance with orders and regulations made about its requirements and exceptions to its provisions;
 - 6.3 provision to pupils of compulsory school age of courses leading to an external qualification, only if that qualification and the associated syllabus or syllabus criteria have been approved;
 - 6.4 **in the case of an LA**, establishment of a Standing Advisory Council on Religious Education (SACRE) and review of the agreed syllabus for the area if the SACRE so requires;
 - 6.5 the need to act reasonably in deciding whether or not to be associated with an application for exemption from all or part of the National Curriculum in order to carry out developmental work;
 - 6.6 **in the case of a governing body**, consideration of appeals by parents about the temporary withdrawal of pupils from part or all of the provisions of the National Curriculum.;
 - 6.7 operation of charging policies in relation to the curriculum;
 - 6.8 compliance with regulations about the provision of information;
 - 6.9 compliance with any other enactments relating to the curriculum.

***NOTE: The Authority has no power to inspect the provision or influence the content of collective worship in voluntary controlled or voluntary aided schools, or denominational religious instruction in voluntary aided schools or in those voluntary controlled schools where denominational religious instruction is provided in accordance with the Trust Deed of the school. There is a separate Procedure for considering such complaints and this is set out in Appendix 3.**

7. To comply with the School Standards and Framework Act, 1998 the Procedure also applies to most general complaints which a school is likely to receive. It also meets the Circular 6/94 requirement to have a school policy about complaints concerning Additional Educational Needs (which embraces SEN) provision within the school. A complaints procedure can improve a school's reputation by demonstrating its responsiveness and encouraging parents to make their concerns known directly to the school rather than to everyone in the neighbourhood!
8. Although the Procedure covers those aspects of school life listed in 6 above, there are other areas in respect of which specific statutory requirements apply and for which there are separate arrangements, such as school admissions, exclusions and LA decisions regarding special needs assessments. Where there is a statutory appeals process, then that must be followed rather than the complaints Procedure set out in this document. If there is any doubt about the appropriateness of the Procedure for a particular complaint, advice should be sought from the Authority.
9. The Complaints Procedure is distinct from formal Disciplinary Procedures for staff and this needs to be made clear to all concerned. Complaints involving individual members of staff should always be investigated in the first instance by the Headteacher. There may be occasions where, during the investigation of a complaint, it becomes apparent that in fact action under the Disciplinary Procedure is appropriate. If so, the complainant should be informed of this and only non-disciplinary aspects of the complaint should then continue to be dealt with under the Complaints Procedure; and once the Disciplinary Procedures have been completed any appropriate responses (eg an apology and/or an explanation, information about proposed new policies or procedures to avoid similar problems, etc) should be made to the complainant.

GENERAL PRINCIPLES

10. Every school is required to have a **Home/School Agreement**. This should inform parents and pupils of appropriate ways of expressing their views about the school so that staff receive an early warning of potential difficulties; many problems can thus be prevented from arising. Some underlying principles should be observed whenever concerns or complaints are raised.

11. **Publicity** - Parents should always know how to raise concerns or lodge a formal complaint. A summary of how the school deals with complaints should be included in the school brochure/prospectus and given to new parents when their children join the school as part of the Home/School Agreement. Schools might also consider including this information given to the children themselves. Leaflets explaining how the Complaints Procedure works are available from the Education Department. If parents contact the Department when the school's internal procedures have not been fully exhausted, they will be referred back to the school.
12. **Quick response.** Complaints should be dealt with as speedily as possible - consistent with fairness to all concerned. Each stage of the Procedure should have clear time limits. When it is difficult to meet these, the complainant should be kept informed of progress. Care should be taken not to drag things out with unnecessary bureaucracy.
13. **Advice and support for complainant.** It is important that parents should know where they can go for information, advice and advocacy, if they require it. They may seek help from local advice agencies (Citizens Advice Bureau, Council Information Point), from individual governors or an LA officer (Information and Access Officer - 01823 355748) providing such governors and officers are able to avoid involvement in any later parts of the Procedure. (NB: as indicated in paragraph 21 below, individual governors should limit their involvement to the provision of procedural advice/guidance). Parents raising concerns or complaints should be invited to be accompanied at any point in the Procedure.
14. **Support for a person complained against.** Staff who are implicated in a complaint and may be questioned as part of the investigation of that complaint must feel they are being treated in a fair way and that they have the 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 staff so that their rights and reputations are protected, and investigating a complaint thoroughly and impartially (see also 9 above). Staff should seek guidance and support from their trade union or professional association. Non-union staff would need to meet the cost of any professional advice/representation themselves.
15. **Confidentiality.** Correspondence and conversations should be treated with discretion. Parents must feel confident that their complaint will not penalise their child. However, all parties involved will need to be aware that some information may have to be shared with others involved in the operation of the Procedure. It is usually proper to disregard anonymous complaints. However, if they relate to something of a serious nature, the Headteacher or Governing Body should use their discretion to decide whether the gravity of the complaint warrants its investigation. We feel that it is important that on receipt of a complaint the Headteacher should normally observe confidentiality within a selected consulting group e.g. The SMT. The Chair of Governors may be consulted at this point at the Headteacher's discretion..
16. **Redress.** If the outcome of the Procedure shows the school is at fault, the range of possible responses includes one or more of the following:
 - acknowledgement with empathy and apology;
 - explanation; an undertaking to review/revise school policies or practices;
 - a commitment to take steps designed to prevent a recurrence;
 - (in appropriate circumstances) financial compensation.

If school is not at fault, the complaint should be acknowledged, the outcome of the investigation explained and justified

Concern about possible litigation should not prevent a school from admitting to parents when mistakes have been made. But, depending on the details of the individual case, advice should be sought, as appropriate, from the County Council's Insurance Section (Treasurer's Department), Health & Safety Unit and Legal Services team if litigation is known or suspected to be a possibility.
17. **Staff and governors' awareness and training.** All staff and governors should be familiar with the Procedure so that they can advise parents about its operation. Potentially a great many staff can be involved in complaints, particularly at the informal level. Their confidence in such situations will depend on having clear information, knowing that senior staff are committed to the Procedure and having some basic training in practical interpersonal skills needed when confronting people who are upset or angry. All staff and governors should have clear information about each others' responsibilities so that parents are not passed inappropriately from one to another.
18. **Record keeping.** Complaints can contribute to raising the quality of education by, for example, highlighting a weakness in a process. But, in order to do so, they must be recorded and monitored on a regular basis by senior staff and governors. If a concern or complaint cannot be resolved immediately, but needs investigation and/or consultation with others, then a record should be made and the complainant informed that the matter is being investigated. Some

Headteachers may wish to require that they be notified of all complaints. Record keeping at the earliest stages needs only to be very basic, giving the date, name of parent and general nature of the complaint. A proforma or comments/complaints book could be used.

19. THE PROCEDURE

School's (informal) consideration (i) by appropriate member(s) of school staff; and if unresolved

(ii) by the headteacher

Governors' review if the complainant feels that their concerns have not been addressed satisfactorily by the school staff

Review by LA when the complainant has been through the earlier (ie school's internal) elements of the procedure but remains dissatisfied.

THE FIRST CONTACT: GUIDELINES FOR DEALING WITH CONCERNS AND COMPLAINTS INFORMALLY

NOTE: (a) It is advisable for any member of staff dealing with a parental concern/complaint to keep a record of what is said/agreed in order to avoid, or at least minimise the potential for, any subsequent misunderstandings. Such recording should begin at the point when a concern or initial complaint has become the kind that cannot be resolved on the spot but needs investigation and/or consultation with others in the school and will require a later report back (either oral or written) to the complainant.

(b) Parents raising concerns or complaints are entitled, and on occasion may choose, to be accompanied by a friend, family member or advocate.

20. If handled with appropriate sensitivity the vast majority of concerns and complaints should not need to progress beyond this point. They are resolved straight away through the class teacher, or the school secretary or Headteacher depending on who is first approached. In smaller schools, or on certain major issues, the Headteacher may decide to deal with concerns directly at the outset.
21. Parents must feel able to raise concerns with members of staff without any formality, either in person, by telephone or in writing. At first it may be unclear whether a parent is asking a question or expressing an opinion rather than making a complaint. A parent may want a preliminary discussion about an issue to help decide whether he or she wishes to take it further. If a concern is raised with a governor, he or she should limit their involvement to giving advice about the Procedure and should not "take sides", or appear to do so.
22. Parents should have an opportunity to discuss and/or clarify their concern with the appropriate member of staff. The member of staff may explain to the parent how the situation which generated the concern had arisen. It can be helpful at this point to identify what sort of outcome the parent is looking for. If the member of staff first contacted cannot immediately deal with the matter s/he should take note of the details. Staff should know how to refer concerns raised by parents, if necessary, to the person within the school with responsibility for the issue in question and should check later to ensure that any such referral has resolved the concern.
23. If the concern or complaint cannot be resolved by the member of staff, or the person to whom it has been referred, the matter should be passed to the Headteacher for investigation. The Headteacher must keep written records of meetings, telephone conversations and other related documentation. Once all the relevant facts have been established, the Headteacher will arrange a meeting with the complainant to answer/resolve the matter directly.

The Headteacher will then arrange a second meeting with the complainant, summarizing the facts as s/he sees them. (This could include consultation with Chair of Governors). If this does not resolve the matter, the Headteacher will agree to carry out further investigations. At either meeting the Headteacher will give a full explanation of decisions taken, reasons for the decisions and, where appropriate, the action the school will take to resolve the complaint.

At this point there may be further correspondence between the Headteacher and the complainant requesting further clarification or investigation. If this does not resolve the complaint the Headteacher will write a letter to the complainant stating all the facts about the complaint to date and will advise that if the complainant wishes to take matters further, they must write to the Clerk to the Governors within 10 school days of receipt of this final Headteacher's letter.

24. If the complaint is against the actions of the Headteacher and cannot be resolved by discussion with the Headteacher, the complainant should be advised to contact the Chair of Governors who should consider – in consultation with the LA if necessary – how the complaint might most appropriately be addressed.
25. Schools should aim to complete the initial (informal) part of the Procedure within 15 school days of receipt of the concern or complaint.

NOTE: alleged racist incidents

If staff receive a complaint that a racist incident has occurred, guidance about how the incident should be investigated is available in the 'Draft Anti-Racist Procedure Guidelines.' These Guidelines also provide details of how the incident should be recorded and reported to both Governors and the LA. Additionally they specify the responsibilities of both the LA and schools under the Race Relations (Amendment) Act 2000 to investigate and report incidents and challenge perpetrators, and explain the potential for legal liability under the Act if we fail in our responsibilities. Further advice/support in addressing any such complaints is available from the Information and Access Officer in the Education Department.

GOVERNORS' REVIEW

26. Complaints should only rarely reach this formal level, but it is important that governing bodies are prepared to deal with them when necessary. On receipt of a formal written complaint to the Governors, the school may seek advice from the Authority's Governor Support Team, or the Diocese, on procedure and/or to get an independent view on the issues.
27. It is important that this review is not only independent and impartial but is seen to be so. Therefore, individual complaints should be considered by a complaints panel comprising three governors (none of whom have had any earlier involvement in the matter or with the complainant) and NOT by the full governing body, as serious conflicts of interest can otherwise arise; for example, a complaint may result in disciplinary action and governors might be required to give an unprejudiced hearing to an appeal from the member of staff concerned.
28. Many complaints are seen by parents as being "against" a member of staff for their actions or omissions. Complaints which have reached the formal Governors' review level will have done so because the complainant is unhappy with the Headteacher's handling of, and/or response to, their concerns. The Governors' panel therefore needs to review/investigate how the complaint was dealt with by the school's staff and/or headteacher, decide whether the outcome/response was appropriate and, if not, the form of redress that is necessary (see paragraph 16 above). A model procedure for the review of complaints by a panel of the governing body is provided in Appendix 1.
29. Complainants must be advised in the governors' response to their concerns to write to the LA within 10 school days of its receipt should they remain dissatisfied.

REVIEW BY THE LOCAL EDUCATION AUTHORITY

30. Occasionally, a complainant will continue to be dissatisfied, having received the governors' response to their complaint, and will wish the Authority to consider/review their outstanding concerns. The Authority will seek to determine whether the process followed by the governors was procedurally correct, appropriately thorough and fair, and the conclusions reached were sound and supported by the evidence.

The procedure followed by the Authority in such cases is set out in Appendix 2.

APPENDIX 1

PROCEDURE FOR REVIEW OF COMPLAINTS BY THE GOVERNING BODY

1. Upon receipt of a written request for a complaint to be reviewed by the Governors, the procedures outlined below should be followed.

The Clerk to the Governors receives the letter from the complainant, informs the Chair of Governors that the letter has been received, and forwards a copy of the letter to the Chair. The Clerk will acknowledge that the complainant's letter has been received.

The Chair of Governors must make preliminary investigations to confirm that the first contact procedure described above has been fully observed to date and to confirm that the procedure process has been followed to date. This will include discussing the details of the complaint with the Headteacher. If, following these investigations the Chair of Governors is not satisfied that a review by the Governing Body is appropriate, the Chair of Governors will instruct the Clerk to the Governors to write to the complainant within 5 school days to acknowledge that the complainant's letter has been received and that the matter has been referred to the Headteacher for resolution.

If following these investigations the Chair of Governors is satisfied that a review by the Governing Body is appropriate the procedures outlined below should be followed.

The Clerk to the Governors will write to the complainant within 5 school days to acknowledge receipt of the written request. If the exact nature of the complaint, and/or the complainant's desired outcome(s), are not clear from their letter, clarification should be requested. (A pro forma drafted by the LA for use in this connection is at Appendix 1A). The acknowledgement will inform the complainant that they will be invited to meet the panel who will hear the complaint. The panel comprising three members of the Governing Body, within 15 school days of receiving the complaint, should provide details of the panel members and their status (e.g. parent governor, co-opted governor, etc). The complainant will have the option of not attending the meeting if they so wish.

The complainant should be told what papers will be supplied to the panel (usually just the letter of complaint and/or the completed complaint pro forma) and should be afforded an opportunity to provide any further relevant papers for the panel's consideration if they so wish. The complainant should be given copies of any papers provided for the panel at this stage..

3. The Clerk to the Governors should arrange to convene the panel from members of the Governing Body. The panel members should be governors who have had no prior knowledge of the complaint. The Headteacher should not be on the panel and it would usually also be inappropriate for the Chair of Governors to be a panel member. The advantages of having a governor who is a parent on the panel should be borne in mind, as should the need to be sensitive to issues of gender, race and religious affiliation, if appropriate.
4. The advisability of including a teacher or staff governor on the panel, and whether such a governor would be compromised where the complaint is against a fellow member of staff at the school, should be carefully considered.
5. The complaint should be considered by the panel, preferably at a venue other than the school, within the period of 15 school days referred to in paragraph 2 above. Details of the date, time and location of the hearing should be agreed in consultation with, and confirmed in writing to, the complainant and panel members, at least 5 school days prior to the meeting. The letter should also outline in general terms how the hearing will be conducted (see paragraph 6 below) and confirm the complainant's right to be accompanied by a 'friend'. If at this point the complainant wishes to take no further action the matter is concluded.
6. The meeting must be properly minuted, either by the Clerk to the Governors or an independent clerk (not another governor) appointed for the purpose. At the meeting, the following procedure should be followed by the Chair of the panel:-
 - 6.1 Welcome all in attendance, and introduce panel members, giving their status (parent governor, etc).
 - 6.2 If the complainant is accompanied, check/clarify - if necessary - the name and status of the friend/representative.
 - 6.3 Explain purpose of meeting, i.e.

to provide the complainant with the opportunity to explain or clarify their written complaint, and to enable the panel to identify any issues for investigation; and

to ascertain from the complainant what would, in their view, constitute a satisfactory resolution of the complaint.

- 6.4 Invite complainant to explain their written complaint, with panel members asking questions and/or seeking clarification as necessary.
- 6.5 Formally agree with complainant the issues to be investigated and/or considered by the panel, signed and agreed by all.
- 6.6 Explain that the panel will undertake any necessary investigations and make a written response to the complainant (copied to the school) within 15 school days of the meeting.
- 6.7 Thank the complainant for attending and seek confirmation that they feel they have had a full and fair hearing.
7. After the complainant has left the meeting, the panel should:-
 - 7.1 Produce a letter to go to the complainant confirming the agreed issues for investigation/consideration (see paragraph 6.5)
 - 7.2 Agree a draft nature/scope and timetable for any necessary investigations.
 - 7.3 Arrange to meet with the Headteacher as the first point of contact within the school.
 - 7.4 If appropriate/necessary, agree a date to meet again, to consider the results of investigations and to draft/agree a written response to the complaint.
 - 7.5 Following the meeting with the Headteacher and the carrying out of all necessary investigations the panel will write to the complainant with the results of those investigations.
8. The Clerk to the Governors, or other person appointed to act as clerk to the complaints panel, should assist the panel in the production of their written response, once the complaint has been investigated. This response should confirm:-
 - 8.1 The date and venue of the hearing attended by the complainant;
 - 8.2 Membership of the Governors' panel;
 - 8.3 The issues mutually agreed to be the subject of the panel's investigations and/or deliberations;
 - 8.4 The methods followed by the panel for their investigation; (eg interviews, written statements obtained, etc).
 - 8.5 The conclusions reached by the panel.
 - 8.6 The complainant's right, if they are dissatisfied with the panel's response, to write to the Authority within 10 school days of receipt of the response requesting a review by the LA.
9. A copy of the panel's response (and of the complainant's request for the governors' review) should be forwarded to the Authority for information.
10. The nature of the complaint and the outcome of the panel's investigation should be reported, in general terms, to the next full meeting of the Governing Body, together with any implications for school policies or procedures which require further consideration/action.

NOTE: Should the complainant subsequently proceed to the LA review stage of the Procedure, the complainant and representatives of the school would be invited to attend the meeting of the LA complaints panel at which it was to be considered.

If at any stage in the complaints procedure the complainant removes their child from the school permanently, the Clerk to the Governors will write to the complainant asking whether they wish to continue with the complaints procedure. If the complainant does not respond to this request, the school will assume that the answer is "no".

APPENDIX 1A

Complaints Procedure

Governing Body Review - Request Form

When you have filled in this form, please return it to the Clerk to the Governors, at your child's school.

Your name:

Your address and postcode:

Your daytime 'phone number:

Your child's name:

Your complaint about the school is:

When did you raise this with Headteacher?

When did you receive the Headteacher's response?

Your reasons for requesting a review are:

(If you run out of space, please use extra paper)

Complaints Procedure

Governing Body Review – Request Form (continued)

What do you want the School Governors' Panel to do?

give an acknowledgement and/or apology

give an explanation

give an undertaking to recommend revision of school policies or practices

give a commitment to recommend steps designed to prevent a recurrence

other action (please specify)

Your signature

Date

What happens next?

you will receive an acknowledgement that this form has been received

the Chair of governors will consider your complaint and will either refer it to the Headteacher for resolution, or will instruct the Clerk to the Governors to invite you to discuss your complaint with a Panel of Governors.

In the event that you are invited to discuss your complaint with a Panel of Governors, within 15 school days of meeting the Governors' Panel you will receive a full reply telling you the Panel's conclusions/decisions, explaining their reasons and informing you of any action that has been taken/recommended.

Equal Opportunities

Strictly confidential

By answering the following questions, you will help us make sure we give a good and fair service to all the people in the community. (Please tick relevant sections.)

Are you:

male? _____ female? _____ Do you have a disability? Yes _____ No _____

Are you:

White?

(UK Heritage) _____ White European? _____ White Other? _____

Please specify

.....

Black

Caribbean? _____ Black African? _____ Black Other? _____

Please specify

.....

Indian? _____ Pakistani? _____ Bangladeshi? _____

Chinese? _____ Other? _____

This information will not affect the way in which your complaint is handled

When you have filled in this form, please return it to the Clerk to the Governors at your child's school.