

Dealing with School Complaints

Under Section 29 of the Education Act 2002 Governing Bodies have been required to have in place a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides. Complaints are not restricted to parents or carers of current pupils; they could also come from a member of the wider community or an ex-pupil. The law also requires that the school's procedure is publicised, and the Governing Body have to decide the most effective way to do this.

In 2012 Dudley LA produced a model HR policy, D45 – General Complaints Procedure, and it was proposed that schools should adopt this. More recently, in August 2014, the DfE produced a School Complaints Toolkit. The toolkit provides a framework which enables schools to review their complaints policy.

Having been in the position of having to respond to a parental complaint, which was subsequently referred to the LA and then the DfE, I would recommend that Governing Bodies review their policy and make sure that appropriate processes are in place in school to ensure that complaints, should they arise, can be dealt with properly.

School staff deal with issues every day; not all issues are complaints and the majority are resolved without recourse to a formal procedure. Staff do, however, need to be familiar with the formal complaints policy. The informal stage of the procedure is to speak to the most appropriate person, which may not be the Headteacher. Governors need to ensure that clear guidelines are given (to parents in particular) about the established protocols in your school for raising issues with staff. Parents need to understand that it is not acceptable to expect to meet with staff without prior appointment, neither is it acceptable to expect an immediate answer to the issue raised. Governors need to ensure that staff are confident and capable of dealing with general issues, or to provide support or training if they are not. Once a meeting has been held it is important that the member of staff notes the nature of the issue raised, what action will be taken to resolve this and whether the parent accepts the outcome. This may seem onerous, but in my experience if the issue escalates into a complaint then a history of a background to the case will be invaluable.

In most circumstances the Headteacher will deal with the first stage of any formal complaint. Following this, if the complaint remains unresolved then the Governing Body will be required to undertake a further investigation, therefore keeping proceedings confidential at this stage is important. The complainant must have confidence that the representatives from the Governing Body have an unbiased opinion and will approach their consideration of the complaint from a neutral standpoint. Again in my experience, it was difficult to convince the complainant of this so to re-iterate this in a letter may be appropriate.

Governors should be clear on what is, and what is not, within their remit to deal with under the complaints procedure. They should also enforce the complaints procedure and ensure that the first stage has been concluded before progressing to stage two. Whilst Governors may not wish to be seen as obstructive, it may not always be possible to proceed with

looking into the complaint. For example, the model policy states that complaints must be raised within six weeks of the event. Realistically, what could Governors do to resolve a complaint referring to an event that took place in the previous year or even earlier? Governors should retain a full record of all of the evidence considered by them, in case the complainant follows the policy to the next stage(s).

Governors need to be mindful of the responses given to complainants, and if necessary Legal Services will give support in this respect (including training if required, as a chargeable service).

The third stage of the complaint would be to refer the case to the Local Authority.

In the unlikely event that the complaint progresses to the Secretary of State for Education (the fourth and final stage) then consideration will be given to the following:

- whether the school's policies adhere to legislation, and
- whether the school has followed its policy when handling the complaint

The DfE will not investigate the substance of the complaint. The DfE will only consider the evidence presented to them, therefore it is important that Governors provide a copy of the complaints policy (personalised for the school), notes of meetings, copies of correspondence etc as evidence of actions taken. Following consideration of this (and evidence produced by the complainant if appropriate) a Complaints Report will be produced. The report is the conclusive, final outcome to the matter (subject to factual reviews).

The ultimate sanction would be for the Secretary of State to issue a direction to ensure that the relevant power or duty is exercised, performed or discharged by the Governing Body.

I hope that by taking the time to review your complaints policy, by taking a methodical approach when dealing with complaints, by ensuring staff and Governors understand their roles within the process and ensuring that complainants follow the policy, the risk of your school having such a direction imposed will be negligible.

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