



**St Hugh's School**

**Complaints Procedure**

## Our procedure for dealing with school/academy complaints

### Concerns versus complaints. Resolving matters informally

"A 'concern' may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought" (DfE's definition). Most issues relate to 'low-level' concerns and can be addressed adequately through the normal day-to-day running of a school/academy. Where a concern has been raised and identified as an issue, the matter may need to be brought to a senior leader's attention.

A 'complaint' may be generally defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action" (DfE's definition). For clarity, a matter becomes a complaint, when either attempts to resolve a concern (see above) have failed, and the complainant wishes to escalate the problem; or the complainant explicitly states they want their issues treating as a complaint.

Attempts should still be made to try and resolve the matter informally. Where it has not been possible to address a concern and the person wishes to escalate the matter, they should be referred to Stage 1 below. The complaints policy underpins the principles behind this procedure.

Where a complaint is made about the head teacher/principal, the complainant should first see the head teacher/principal in an attempt to resolve the issue informally. If the complainant is not satisfied with this outcome they should notify the chair of governors (or clerk to governors if this is not appropriate).

#### Stage 1:

In the first instance, arrangements will be put in place to try and resolve the matter informally (this may have already happened if the matter has been discussed as a concern).

Where the complaint relates to the head teacher/principal the chair of governors (or nominated representative) will be responsible for coordinating the complaint. Ultimately the head teacher/principal or chair of governors (depending upon the complaint) is responsible for ensuring the policy is carried out effectively, however they can delegate duties (e.g. investigations, administration etc).

If appropriate, for example, during a meeting or telephone discussion, the complainant should be asked what outcome they are seeking. In order to manage expectations it should be made clear to the complainant, at the earliest possible stage, whether or not the outcome they are seeking is realistic.

#### What should happen and when should it happen by?

Complaints will normally be lodged within 3 months from the incident. The head teacher/principal or chair of governors will have the discretion to consider complaints older than 3 months taking into account the reasons for the delay<sup>1</sup>.

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<sup>1</sup> The DfE 2016 guidance states that where a policy includes a cut-off timeframe, the school will consider exceptions and that their complaint procedure reflects this. Schools must not have blanket policies of refusing to consider any complaints not lodged within the stated period

Where it is clear the matter needs to be treated as a complaint (i.e. it has escalated from a concern) the complaint should be made in writing (unless this is not possible) using the formal complaints form (attached). As a minimum, details of the complaint, any action already taken to resolve the complaint and what actions might help resolve the problem should be included. Complaints can also be made in person, by telephone, or email.

On receipt of the complaint, a complaints co-ordinator will be appointed.

The complaints co-ordinator will arrange for an acknowledgment to be sent to the complainant within 5 school days, confirming that the matter will be looked into and, if necessary, requesting a discussion with the complainant. It is good practice to advise the complainant how to access the complaints policy and procedure.

Provision will be made for any complaint to be made and considered initially on an informal basis. The complaints co-ordinator will try and resolve complaints informally if possible.

The complainant should be provided with the opportunity to meet with (or telephone) the investigator to supplement any information provided previously or to record the complaint in writing if it has been made verbally. It will be made clear to the complainant that if s/he wishes s/he may be accompanied to any meeting by a friend, relative, representative or advocate who can speak on his/her behalf or to provide support.

If the matter cannot be resolved through a provisional meeting/discussion and fact finding, the head teacher/principal (or chair of governors) will ensure that a thorough investigation is carried out and will keep records of all meetings, telephone conversations and any other evidence. The investigator should produce a written report including evidence collected.

Once all the relevant facts have been established, the head teacher/principal (or chair of governors) will consider the investigator's report. They will decide whether to uphold or dismiss the complaint (in part or full). The head teacher will write to the complainant within 15 school days confirming their decision and the reasons for the decision. If considered appropriate, in the written response the complainant may be offered a further meeting to explain how the investigation was carried out and how decisions were reached. If matters are likely to be delayed beyond 15 days (e.g. the investigation is taking longer than anticipated), the complainant should be notified at the earliest opportunity of a revised deadline.

The letter must advise the complainant that, if they are not happy with the decision, they may proceed to stage 2 of the procedure. In order to proceed to stage 2, the complainant should, at minimum, submit notice in writing within 10 school days from receipt of the letter. The complainant should be asked to confirm why they are dissatisfied with the stage 1 outcome. Notice received later than 10 school days will be considered at the head teacher/principal's or chair of governor's discretion, having considered the reasons for the delay. (It may be helpful to confirm to the complainant what the terms of reference are for the review (ie a panel of three governors have the remit to review how the complaint was handled, the suitability of the investigation undertaken and whether the outcome(s) was appropriate.) This stage does not involve a reinvestigation of the complaint. The scope of the review is to consider only the original complaint).

If the matter is resolved at this stage, the complaint and records will be maintained securely and confidentially by the school/academy.

## **Stage 2: Governors' review panel**

If complainants are dissatisfied with the way in which their complaint was investigated and / or the outcome of the investigation at stage 1, there will be a further and final right of review to a panel of governors.

Requests for a review should be made in writing to the chair of governors within 10 school days of receipt of the stage 1 decision. The chair of the governing board will write to the complainant to acknowledge receipt of the request within 5 school days, the head teacher/principal will be also be notified at the same time. The complainant should be asked to confirm why they are dissatisfied with the stage 1 outcome. The letter should also explain that the complainant and the head teacher/principal have the right to submit documents relevant to the complaint (this is not the opportunity to introduce new complaints). These must be received in time for the documents to be sent to the panel members.

The clerk to the governors should arrange to convene a *Governors' Review Panel* selected from members of the governing board. The panel will comprise of three governors who have no previous knowledge of / or involvement in the case [*for academies, ensure that one panel member is independent of the management and running of the school*]. The panel should not include staff governors. It may be necessary for the governing board to appoint reserves to this panel to ensure that three governors are available to carry out the review within the set time.

For maintained schools, complainants have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The school should consider the request based on its merits, and the decision lies with the governing board.

The review panel should meet within 20 school days from the notice. The complainant, the head teacher/principal and if appropriate the investigator will be informed of the date, time and venue of the appeal hearing. All parties should be notified at least 5 school days before the meeting, informing them of the date, time and place. The agenda and invitation should be sent to all parties, including the background papers, 5 school days in advance. The notification to the complainant should also inform him/her of their right to be accompanied to the meeting by a friend / advocate / interpreter.

The Complaints coordinator will ensure the panel hears the complaint within 20 school days of receiving the letter. The chair of the panel has responsibility to ensure that the meeting is properly minuted.

The panel of three governors have the remit to review: how the complaint was handled, the suitability of the investigation undertaken and whether the outcome(s) was appropriate. This stage does not involve a reinvestigation of the complaint. The scope of the review is to consider only the original complaint.

The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that sometimes it may only be possible to establish facts and make recommendations which will satisfy the complainant that his/her complaint has been taken seriously.

It will be at the chair's discretion if either party wishes to introduce previously undisclosed evidence or witnesses. The chair may wish to adjourn to allow for proper consideration of further evidence.

The review should allow for:

- the complainant to explain their complaint, followed by any witnesses;
- questions invited from others on matters of fact;
- the head teacher/principal / chair is invited to present their report and explain the school/academy's actions, followed by any witnesses;
- questions invited from others on matters of fact;
- if applicable, the independent investigator should present their report;
- questions invited from others on matters of fact;
- opportunity for complainant to make final statement;
- opportunity for head teacher/principal / chair of governors to make a final statement;

At the end of the meeting, the chair of the panel will explain to the complainant and the head teacher/principal that the panel will now consider the case, and a written decision will be sent to both parties within 5 school days. The complainant, head teacher/principal, other members of staff and witnesses will then leave.

The panel will then consider the complaint and all the evidence presented. The panel can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- recommend appropriate action to be taken to resolve the complaint;
- where, in the panel's view, they consider that the investigation was inadequate, a further investigation can be ordered, resulting in the reconvening of the panel to review the further information;
- recommend changes to the school/academy's systems or procedures to ensure that problems of a similar nature do not recur.

A written statement clearly setting out the decision of the panel must be sent to the complainant and the head teacher. The letter to the complainant should also advise how to take the complaint further in the event they should wish to.

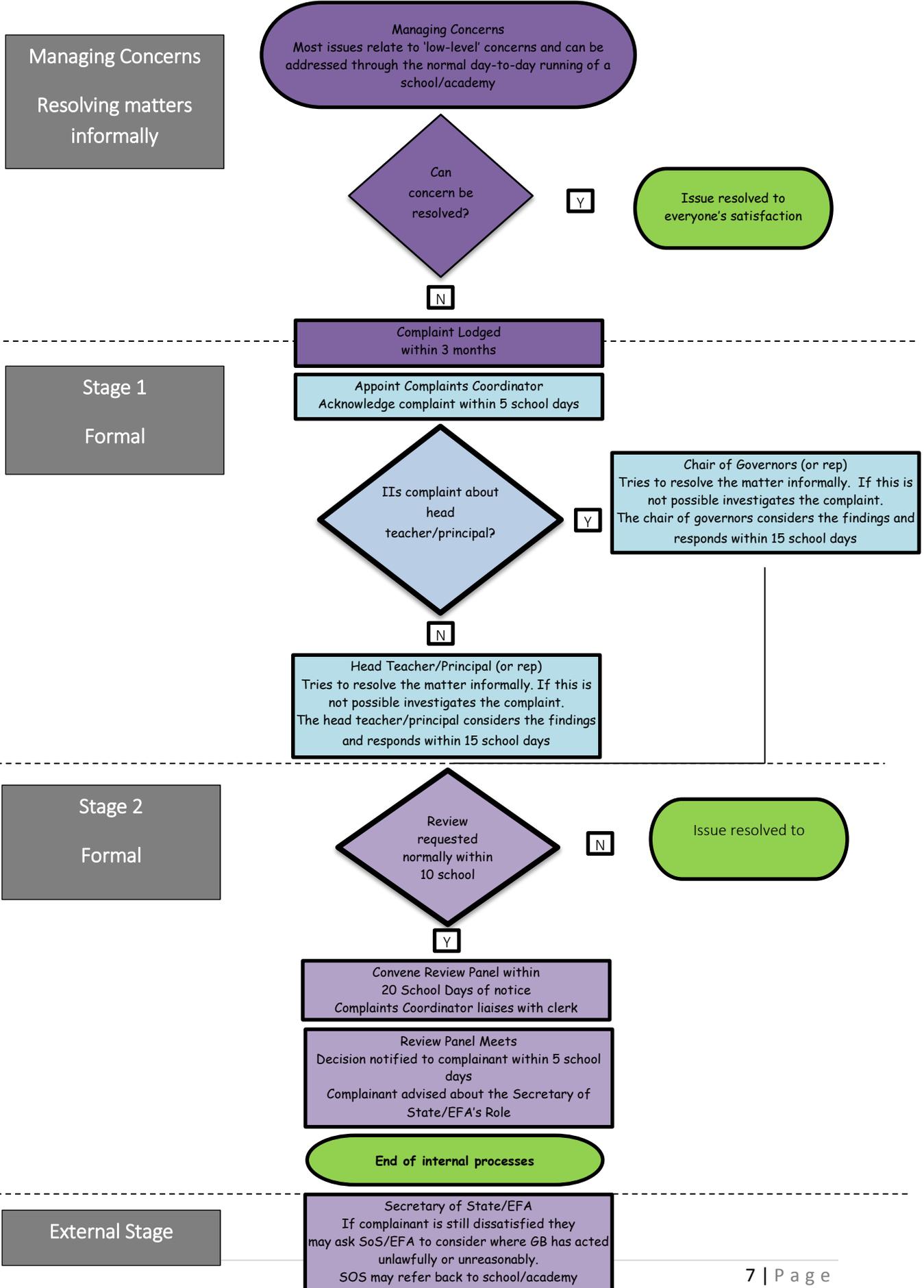
The school should ensure that a copy of all correspondence and notes are kept on file in the school's records. These records should be kept separately from the pupil's personal records.

Where it is likely that deadlines will not be met during any part of this stage, the complaint will be updated on progress at the earliest opportunity and informed of the likely timescale.

### **Secretary of State review**

A further stage of review can be taken to the Secretary of State for Education (Schools Complaints Unit), who will only act where the governing board has acted unlawfully or unreasonably. More information is available at [www.education.gov.uk/help/contactus](http://www.education.gov.uk/help/contactus) for both maintained schools and academies. Complaints about academies are handled by the Education Funding Agency (EFA) on behalf of the Secretary of State for Education.

## Flow chart of complaints process



## Model Correspondence Literature

### Model text / information for a 'how to complain' leaflet

*Suggestions for the text of a leaflet, to be modified to fit a particular school, which should be publicised.*

#### Concerns and Complaints about Schools/Academies

##### **If you have a concern or complaint**

We would like you to tell us about it. We welcome suggestions for improving our work in the school/academy. Be assured that no matter what you want to tell us, our support and respect for you and your child in the school/academy will not be affected in any way. Please tell us of your concern as soon as possible. It is difficult for us to investigate properly an incident or problem which has happened some time ago.

##### **What to do first**

*[For primary schools: Most concerns and complaints can be sorted out quickly by speaking with your child's class teacher.]*

*[For secondary schools: Most concerns and complaints can be sorted out quickly by speaking with your child's form tutor or head of year.]*

Any member of staff at the school/academy can help you and direct you to the most appropriate person to deal with your concern / complaint. If you have a complaint which you feel should be looked at by the head teacher/principal in the first instance you can contact him / her straightaway if you prefer. It is usually best to discuss the problem face to face. You may need an appointment to do this, and can make one by ringing, calling or emailing the school/academy. You can take a friend or relative to the appointment with you if you would like to do so.

All staff will make every effort to resolve your problem informally. They will make sure that they understand what you feel went wrong, and they will explain their own actions to you. They will ask what you would like the school/academy to do to put things right. Of course, this does not mean that in every case they will come round to your point of view but it will help both you and the school/academy to understand both sides. It may also help to prevent a similar problem arising again.

##### **What to do next**

If you are dissatisfied with the teacher's response (or with the head teacher/principal's initial reaction if he/she has already been involved) you can make a complaint to the head teacher/principal. This should be made in writing.

You may also find it helpful at this stage to have a copy of the School's Complaints Procedures as this explains in detail what procedures are followed. This is available from the school/academy / on the school's website.

If your complaint is about an action of the head teacher/principal personally, then you should refer your complaint to the chair of the governing board. Contact details can be obtained from the school office.

The head teacher/principal will ask to meet you for a discussion of the problem and try and resolve the matter informally. Again you may take a friend or someone else with you if you wish. If we have been unable to resolve the matter informally, the head teacher/principal or representative will conduct a full investigation of the complaint and may interview any members of staff or pupils involved. You will receive a written response to your complaint.

Most problems can be resolved by the end of this stage.

#### **If your complaint has not been resolved**

If you are still not satisfied you may wish to contact the chair of the governing board to ask for referral of your complaint to the governing board. It will then be heard by a panel of governors who have no previous knowledge of the problem and so will be able to give it a fresh assessment. You will be invited to attend and speak to the panel at a meeting which the head teacher/principal will also attend. The complaints procedure explains how these meetings operate.

#### **Further action**

Complaints about school/academy problems are almost always settled within schools/academies but in exceptional cases it may be possible to refer the problem to an outside body such as the Secretary of State for Education. The Department for Education will expect the complaint to have been considered by the school governors first. Complaints about academies are handled by the Education Funding Agency (EFA) on behalf of the Secretary of State for Education. There is more detail in the full complaints procedure, on the school's website or on the Department for Education website at [www.education.gov.uk/help/contactus](http://www.education.gov.uk/help/contactus).

The school/academy's complaints policy can be found on our website at [www.school.xyz.uk](http://www.school.xyz.uk)

## Model complaint form (for publication)

### Contact details

Your family name/surname:

Pupils family name/surname (if applicable):

Relationship to pupil (If applicable):

Address (including postcode):

Daytime telephone number:

Mobile telephone number:

Email address:

### Details of complaint

Please give details of your complaint (please note, if your complaint relates to a member of staff we will share this information with them):

Details of complaint (*continued*)

What action, if any, have you already taken to try and resolve your complaint.  
(Who did you speak to and what was the response?)

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

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Official use

Date acknowledgement sent:

Complaint referred to:

Date:

By whom:

Sample acknowledgement of a complaint and invite for informal discussion

Dear.....

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

The school/academy and governing board take any complaints seriously. Therefore I would like to meet with you, as soon as possible, so that I can understand the details of your concerns more clearly and try and resolve the matter informally.

You are welcome to be accompanied to the meeting by a friend, if you would find this helpful. Please telephone my secretary, in order to arrange an appointment / I can offer you an appointment at ..... on, .....

Please let ..... know if this is convenient.

I hope that we will be able to resolve your concerns quickly through our informal meeting, but if not I will ensure that an appropriate investigation takes place.

Yours sincerely,

*Signature*

Head Teacher/Principal

Or Chair of Governing Board

Sample outcome of meeting regarding informal discussion (above)

**Note:** No two complaints are the same, this is only a guide. Time should be taken to tailor letters to meet specific circumstances

Dear XXXX,

Thank you for meeting with me on XXXXXX, to discuss your concerns regarding XXXXXXXXX.

**Option A):** -----

I am pleased that we reached a positive outcome and you are assured that that the matter has /will be addressed. We are always grateful for feedback, as this enables us to improve our school/academy and provide a better education service for our pupils and to our community.

The complaint has now been concluded. However, should you have any concerns in the future, please do not hesitate to get back in touch.

**Option B):** -----

It is unfortunate that were unable to resolve your concerns at our meeting on XXXXXXXX. As discussed, this matter is now being dealt with formally.

The complaint(s), as noted on your complaint form, will be investigated.

**Option b1:** As agreed, we will meet on XXXXXXXX [within 20 School days of complaint notice] to discuss the outcome of the investigation. There may be the possibility of an earlier meeting, if the investigation is concluded sooner.

**Option b2:** As discussed I will notify you of the outcome of the investigation, in writing, within 20 school days. (this option removes the possibility for discussion that might lead to resolution, if appropriate).

In the meantime, if you have any queries regarding the process, please do contact me. I have enclosed a copy of our complaints policy and procedures (if not already given).

Yours sincerely,

*Signature*

Head Teacher/Principal

Or Chair of Governing Board

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**Outcome of Investigation Letter (assuming a meeting has taken place, if agreed as per above)**

**Note:** No two complaints are the same, this is only a guide. Time should be taken to tailor letters to meet specific circumstances

Dear XXXX,

Further to my letter of XXXXX, I am pleased to confirm that the investigation has been concluded.

The outcome of the investigation in relation to your complaint(s) is as follows:

**Complaint 1:** [Description] was upheld / dismissed. [if dismissed, why / if upheld, what is the schools response / what action will be taken]

**Complaint 2:** [Description] was upheld / dismissed. [if dismissed, why / if upheld, what is the school/academy's response / what action will be taken] etc.....

I am satisfied that the matter has been investigated thoroughly and that outcome(s) is appropriate. I hope you will be reassured that this matter has been taken seriously and that your complaint been thoroughly investigated. However, if you are still dissatisfied, you may ask for your complaint to be reviewed by a panel of governors, which you will be invited to attend.

The panel has the remit to review: how the complaint was handled, the suitability of the investigation undertaken and whether the outcome(s) was appropriate. This stage does not involve a reinvestigation of the complaint. The scope of the review is to consider only the original complaint.

If you would like to request a review by the governing board, you must inform me, in writing within 10 school days, otherwise the case will be closed. You also must explain why you remain dissatisfied with the outcome of your complaint.

Yours sincerely,

*Signature*

Head Teacher/Principal

Or Chair of Governing Board

## Typical agenda for reviewing complaints

### **A: Introductions and confirmation of process**

1. Welcome
2. Apologies
3. Consider declaration of interests
4. To confirm the order of the procedure and process and roles of individuals

### **B: Presentation of complainants case**

5. Presentation of information by the complainant (including witnesses)
6. Questions on matters of fact by others
7. Questions on matters of fact by the review panel

### **C: Presentation of information by the head teacher/principal / governor**

8. Presentation of information by the head teacher / principal / chair of governors (including witnesses and investigator)
9. Questions on matters of fact by others
10. Questions on matters of fact by the review panel

### **D: Summing up**

11. Summing up by the head teacher / principal / chair of governors
12. Summing up by the complainant

### **E: Decision making**

13. Everyone except the panel members and the clerk will withdraw. The panel will decide on the outcome and a record of the reasons for the decision will be taken.

## REFERENCES

DfE (Jan 2016), Best Practice Advice for School Complaints Procedures 2016. Departmental advice for maintained schools, maintained nursery schools and local authorities -

<https://www.gov.uk/government/publications/school-complaints-procedures>

2014 EDUCATION, ENGLAND - The Education (Independent School Standards) Regulations 2014 -

<http://www.legislation.gov.uk/ukxi/2014/3283/made>

EFA (2015) Guidance: Creating an academy complaints procedure. Updated 27 January 2015 -

<https://www.gov.uk/government/publications/setting-up-an-academies-complaints-procedure/putting-in-place-a-complaints-procedure>.

EFA (2013) Procedure for dealing with complaints about academies -

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/321851/Complaints\\_about\\_an\\_academy.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/321851/Complaints_about_an_academy.pdf)