

West Sussex County Council

Adults and Children: Learning

Recommended Procedures for Dealing with School Complaints

This guidance document sets out advice for school staff and Governing Bodies when dealing with complaints. It supports the model policies suggested by the Local Authority and is written in such a way that the Governing Body of a school can adopt it if they wish.

1. Procedure for dealing with All Complaints

1.1 In relation to resolving school complaints, the principal aim of the Governing Body is to deal with all complaints openly, fairly, promptly and without prejudice. The procedure is a staged process designed to ensure every effort is made to deal with complaints informally with the complainant if appropriate, and escalated when necessary.

1.2 A complaint against a school, as defined by section 206 of the Apprenticeships, Skills, Children and Learning Act 2009, is a complaint that the pupil or parent of the pupil has sustained injustice in consequence of an act or omission of the Governing Body of the school or the exercise of, or failure to exercise, a prescribed function of the Headteacher of the school. A complaint against a school does not include a decision about admissions to the school or any other matter the complainant has, or had a prescribed right of appeal.

1.3 This procedure will also be used to deal with complaints raised by persons who are not pupils or parents of pupils in school in respect of any community facilities or services the school provides.

1.4 Stage 1 is the **informal stage**. Where a complaint is raised by a parent or pupil, the class teacher or other designated teacher will receive the complaint. In the case of a complaint from any other individual, the School Business Manager or other designated person will receive the complaint. A decision will then be made as to which member of staff is best placed to deal with the complaint.

1.5 Stage 2 is a **formal stage** led by the Headteacher when appropriate.

1.6 Stage 3 is the next **formal stage** led by the Governing Body.

1.7 In order to effectively manage the various complaints that may be received, the school will need to initially consider at which stage the complaint should be dealt with when first brought to the attention of the school, and which member of staff will be best placed to investigate it.

1.8 The 'Overview' on page 3 of this guidance is provided to be of assistance in best illustrating this staged approach.

1.9 Once the Governing Body concludes Stage 3, the complaints process within the school is concluded.

1.10 There is no provision for the complainant to refer the matter to the Local Authority (West Sussex County Council), however the Apprenticeships, Skills, Children and Learning Act 2009 provides for a complaint made under Part 10 Chapter 2 to be referred for investigation to a Local Commissioner by either the complainant or with the complainant's consent, by the Governing Body or Headteacher. This comes into operation for maintained schools in West Sussex in September 2011. In the meantime, if the complainant's view is that the Governing Body has acted unreasonably, they can refer the matter to the Secretary of State (contact details at the end of this guidance).

1.11 Ofsted also has powers to investigate certain complaints by parents about their child's school (contact details for both the Local Commissioner and Ofsted are at the end of this guidance).

2. Guidance on Each Stage of the Procedure

2.1 There are three stages to this complaints procedure.

Stage 1 is informal; **Stages 2 and 3** are formal.

Any person feeling aggrieved at the conclusion of each Stage should be advised of the next Stage of the procedure and their right to invoke it.

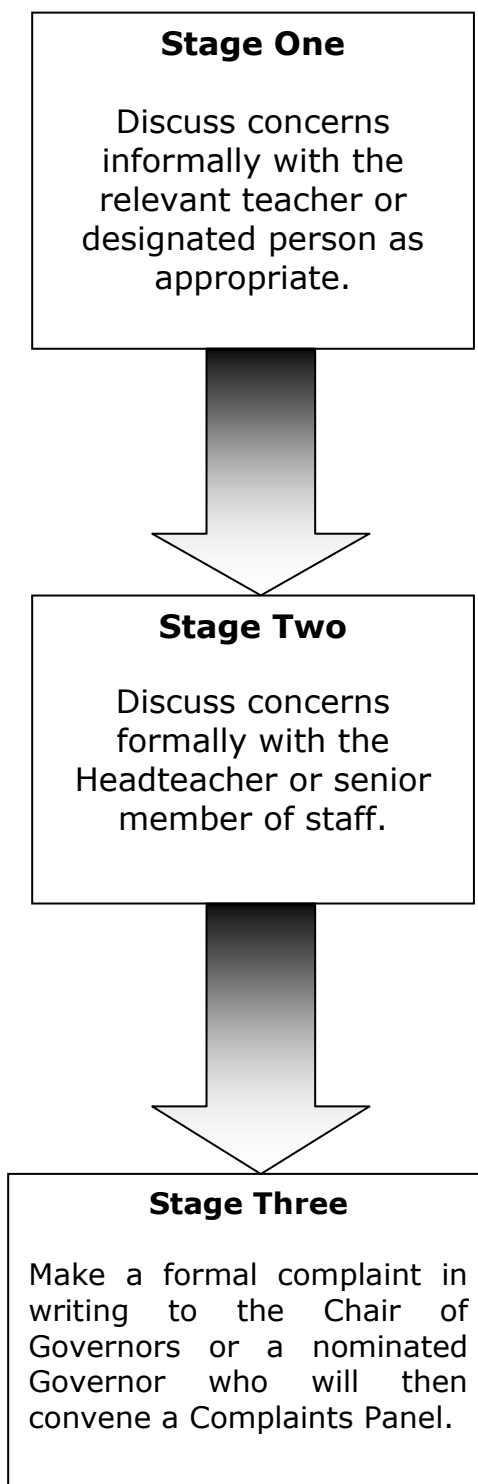
2.2 Stage One: Discuss concerns informally with the relevant teacher or other designated person.

2.21 Complainants are advised to speak to the teacher concerned if the matter is to do with a pupil or the curriculum and to the School Business Manager if it relates to any other matter. Experience has shown that most complaints can be resolved at this informal stage.

2.22 If the complainant indicates that he/she would have difficulty in discussing a complaint with a particular member of staff, the complainant should be referred to another member of staff (who may not necessarily be more senior).

2.23 The member of staff who is dealing with the complaint should ensure that the complainant is reassured that the matter will be investigated and is clear what action has been agreed. All staff should be aware of the need for confidentiality.

Overview of Complaints Process



2.24 A brief record of any telephone calls, meetings and agreed actions relevant to the complaint should be retained. Every written record kept is subject to disclosure under either the Freedom of Information Act or the Data Protection Act. It is crucial that staff are aware that paperwork could be released on request. A senior member of staff should monitor retained records.

2.25 The outcome of Stage 1 should be communicated in writing to the complainant, and include a clear explanation as to actions taken/proposed and clear reasoning.

2.26 If the complainant, or staff member, feels the matter needs to be pursued further, the Headteacher or a senior member of staff should be contacted.

2.3 Stage Two: Discuss concerns formally with the Headteacher or a senior member of staff.

2.31 Complaints which remain unresolved at the end of Stage 1, or complaints that have been initiated at Stage 2 because of their nature or complexity, should be referred to the Headteacher or a senior member of staff for investigation. Any meetings held with the complainant in relation to the complaint should be arranged within 10 school days. More complex complaints may require an extension to this time limit and agreement should be sought from the complainant. The complainant should be kept informed of progress at all times.

2.32 A record of all dialogue (written or oral) relating to the complaint should be retained.

2.33 The Headteacher or senior staff member should communicate the outcome of Stage 2 to the complainant in writing, together with any agreed actions.

2.34 If, following the investigation, issues arise relating to staff discipline or capability, details should remain confidential to the Headteacher. However, the complainant should be informed that the school has taken appropriate follow-up action.

2.4 Stage Three: Make a formal complaint in writing to the Chair of Governors (or a nominated governor) who will then convene a Complaints Panel.

2.41 Governors should only proceed with Stage 3 of the Complaints Procedure if they have received a complaint in writing addressed to the Chair of Governors, and all previous Stages have been exhausted (unless the nature of the complaint is such that it is appropriate to initiate the complaint at Stage 3).

2.42 The Clerk to the Governing Body will send acknowledgement of the written complaint within 5 school days.

2.43 Details of the complaint should not be disclosed to the full Governing Body at this stage.

2.44 Any Governor can sit on the Complaint Panel which is usually convened with 3 or 5 Governors supported by a Clerk. All must have had no prior involvement or knowledge of the matter under consideration, subject of the complaint.

2.45 There are times when the complaint is about the actions of the Governing Body itself, or Governors feel that because they have close associations with the school or the complainant, they cannot be objective and consequently disqualify themselves, making it difficult to appoint a Complaints Panel. Advice from the Department for Education is that in these instances, Governors with the least impartiality proceed to hear the complaint. West Sussex County Council departs from this advice and recommends that in the interests of natural justice, Governors from another school should be invited to make up the Complaints Panel. Please contact the Leadership and Governance Team at West Sussex County Council should it be necessary to resort to this course of action.

2.46 It is for the Governing Body to agree on procedures to be followed at the Complaint Panel, which should meet within 15 school days of the Clerk to the Governing Body receiving the complaint.

2.47 The Chair of the Complaint Panel should notify the complainant and Headteacher as to whether their attendance is required at the meeting. Neither party will attend in the absence of the other. Alternatively, the Panel may decide to consider written material only. .

2.48 If the complaint relates to a staff disciplinary or capability issues about which the Headteacher has already taken action, the Panel should focus on how the original complaint was dealt with to avoid prejudicing any ongoing disciplinary or capability procedures.

2.49 The complainant and Headteacher should be informed of the Panel's decision in writing within 10 school days. This concludes the school's Complaints Procedure.

2.5 Conclusion

2.51 If the complainant remains dissatisfied and both the complaint and complainant fall within the definitions stated in Chapter 2 of Part 10 of the Apprenticeships, Skills, Children and Learning Act 2009, the complainant can refer the complaint to the Local Ombudsman (with effect from September 2011) for consideration (until September 2011 a complainant can refer the matter to the Secretary of State for Education).

2.6 Contact Details:

The Local Government Ombudsman

Address: PO Box 4771
Coventry
CV4 0EL

Telephone: 0300 061 0614 or 0845 602 1983

Email: advice@lgo.org.uk

Ofsted

Address: Royal Exchange Buildings
St Ann's Square
Manchester
M2 7LA

Telephone: 0845 640 4045

Email: enquiries@ofsted.gov.uk

Department for Education

Address: Secretary of State
Department for Education
Sanctuary Buildings
Great Smith Street
London
SW1P 3BT

Telephone: 0870 000 2288