

# ST AUGUSTINE'S CE HIGH SCHOOL & SIXTH FORM



## PARENTAL COMPLAINTS

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## **PREFACE**

Governors of Church of England schools and academies are responsible for the conduct of their schools and must have in place a complaints procedure to hear any concerns or complaints from parents and others. Complaints procedures must be clear and easily understood and should reflect the Christian values of the school.

These guidelines aim to assist governors in drawing up a policy and procedure and provide practical advice for headteachers and governors when dealing with complaints.

## **I INTRODUCTION**

### **Aims of these guidelines**

**1.1** It is not intended that these guidelines should replace the normal discussion on day-to-day problems and concerns which take place in schools as they arise. It is only where a complainant remains dissatisfied with the outcome of such discussions that further steps may need to be taken.

**1.2** These guidelines will assist governors, staff and parents as they review their school's complaints policy and procedure: they also aim to encourage schools to strengthen their home-school links and to reaffirm the partnership between governors, staff and parents as they work together for the good of the pupils in the school. Complaints procedures in academies differ only in having specific monitoring requirements and in the membership of the complaints' panel; these differences are noted in the text. The responsibility for complaints in an academy may differ according to the Funding Agreement and in some academies responsibility may rest with the Academy Trust. Throughout this document "governing body" may also mean "Academy Trust" where the Trust has retained responsibility for complaints.

### **Why have a policy and procedure for complaints?**

**1.3** A complaints procedure is a legal requirement under section 29 of the Education Act 2002 for maintained schools and under the Education (Independent School Standards) Regulations 2010 for academies. Every complaint is a matter of concern to a school and should be investigated with due urgency and thoroughness. A key sign of quality in an organisation is its willingness to listen to criticism and challenge from the users of its services and its ability to respond positively to these in order to bring about improvement. Whenever a complaint is upheld, every effort should be made to rectify the issue and, if necessary, action should be taken to prevent a recurrence. Good communication between the school and the complainant plays a key role in the effective handling of a complaint. The benefits of a written policy are:

- (i) parents will have a clear understanding of the way the school receives and deals with concerns and complaints;
- (ii) staff will be able to respond in a consistent way to parents;
- (iii) in writing the policy, governors, staff and parents will be reminded that they are all working together to achieve what is best for the pupils in the school;
- (iv) pupils learn best if there is an effective partnership between the school and parents.

**1.4** A school which has an effective complaints procedure reaps the benefits from the goodwill of its community, from savings in time and resources and from high staff satisfaction and morale. Feedback from the school community and others can help to improve the school, which in turn helps to develop a more confident and responsive image. The governing body is responsible for the complaints policy and procedure; it must ensure that this is in place and that it is communicated clearly to parents.

### **What is a complaint?**

**1.6** From time to time parents will raise legitimate concerns about their child's education; these are dealt with as a matter of routine, without formal procedures, normally by the class teacher/form tutor and are not generally regarded as 'complaints' in the formal sense. Taking concerns seriously and dealing with them quickly can reduce the number of formal complaints. Occasionally a parent's concern may become more serious and develop into a complaint and be a clear statement of dissatisfaction. This may relate to a variety of issues including:

- the way in which an initial concern was handled;
- the conduct or actions of pupils;
- the action or lack of action of members of staff;
- inappropriate discipline;
- lack of information.

**1.7** Pupils too may wish to express a concern where they feel they have been treated unfairly. They should be encouraged to speak to an appropriate adult who should investigate the concern and seek to resolve the matter informally. Should the investigation raise serious issues, these should be dealt with through the appropriate channels.

**1.8** Visitors to the school may make verbal complaints or allegations. These should be investigated as with parental complaints and the complainant responded to, while maintaining confidentiality. If a governor, or member of staff, receives a written complaint these must be forwarded to the head in accordance with the school's procedure.

## **2 MANAGING COMPLAINTS**

### **Principles**

**2.1** An effective complaints procedure will:

- encourage resolution of problems by informal means wherever possible;
- be easily accessible, well publicised and easy to understand and use;
- allow the individual being complained against equal rights with the person making the complaint;
- be non-adversarial;
- ensure that a full and fair investigation takes place as appropriate;
- allow for speedy handling of the complaint, with established time limits for each stage of the procedure;
- respect confidentiality at all times;
- provide clear assurances that there will never be any victimisation of pupils as the result of a parental complaint;
- allow for meetings with complainants to be minuted, if possible, by a third party;
- ensure all parties are kept informed of progress;
- address all the points raised in the complaint and, where applicable, provide appropriate redress and/or information about any positive changes which have resulted from discussion of the complaint, eg, change in policy/procedures
- ensure consistency of action by all handling complaints;
- ensure that complaints are monitored by governors to ensure that the procedure is working effectively.

### **Home-school Agreements**

**2.2** Home-school agreements, while not a legal requirement, can generate goodwill and positive relationships between parents and the school. If they are to be truly effective, home-school agreements should be drafted and agreed by a working-party comprising parents, pupils, staff and governors. The agreement should be reviewed on a regular basis; see model at Annex G.

### **Training for staff**

**2.3** All staff, both teaching and non-teaching, will benefit from training in how to respond to a parent who is expressing a concern or making a complaint. This can help staff to recognise any

barriers there may be between themselves and parents and to know how to deal with these. It should be accepted by both parents and teachers that each has a legitimate interest in the well-being of pupils in the school. Good home-school partnerships can help to build mutual understanding. Training is particularly important where staff may face abusive and aggressive parents; as the employer (in voluntary aided and foundation schools and academies), the governing body has a particular responsibility to ensure staff have access to training.

**2.4** The school's policy and procedures could be included in a training session, together with advice and discussion on:

- (i) the use of appropriate inter-personal skills;
- (ii) practical ways of handling conflict;
- (iii) an understanding that an effective complaints procedure is a protection and a measure of quality and not simply a means of attacking what schools do;
- (iv) how staff can obtain advice if a complaint is received against them.

### **Complaints against members of staff**

**2.5** It is important that all members of staff understand the school's procedure. If members of staff are complained against, they should be fully informed of the content of the complaint. Members of staff should always be given an opportunity to explain their actions and be advised that they may have a friend, or union representative, present during any part of the process. The member of staff should provide a written statement in response to the complaint.

**2.6** Complaints about the headteacher should be sent to the chair of the governing body, who will investigate the matter, or name an alternative governor to investigate the matter.

**2.7** Where a complaint has taken on a personal aspect and is unresolved before a governors' hearing, in exceptional circumstances, it may be advisable for the governors' panel to hear each side's evidence separately.

### **Child protection**

**2.8** For any complaint that involves a potential child protection issue local authority procedures must be followed and the appropriate officer at the LA must be contacted immediately and any investigation must wait until the LA procedure has been completed.

### **Time-limits**

**2.9** Complaints should be dealt with as quickly as possible. Realistic time-limits should be set for each stage of the process and these may differ according to the complexity of the issue concerned. The time-limits provided in these guidelines are only for guidance, they are not a statutory requirement. If the governing body feels that it would be better to allocate shorter or longer periods at various stages, it is free to decide to do so, but must inform the complainant of any change and the reasons for it. However, it should be noted that parental satisfaction is sometimes proportionate to the time taken; an acknowledgement of the complaint should not take longer than two school days.

**2.10** Investigations should be carried out as close to the day of an incident as possible. It is difficult to carry out a reliable investigation of an incident or problem if more than a few days have elapsed. Parents should be urged to raise any concerns as soon as possible.

## **Pupils as witnesses**

**2.11** Only in exceptional circumstances would pupils be interviewed, ie, where there are no adult witnesses and the matter is sufficiently serious to warrant it. Headteachers are advised to seek parental consent before any interview with a child where they are being asked to clarify facts concerning a parental complaint. Children should be accompanied by a responsible adult where the parent has given permission for the interview but is not present. The headteacher should ensure that pupils do not participate in any discussion where they might witness confrontation between adults. Where there may be a child protection issue see 2.8 above.

## **Complaint form**

**2.12** Some schools have found it helpful to provide a simple complaint form to be used by parents wishing to make a complaint. This enables the school to be more systematic in the way it handles and monitors complaints. It may also be helpful for parents who might find it difficult to frame a letter (see Annex A).

## **Forms of redress**

**2.13** The need for any form of redress will vary considerably. In cases where there has been redress, studies have shown that 90% of complainants felt their complaint had been addressed if they received an apology. Listed below are some of the actions which may be expected to satisfy a complainant:

- (a) an apology;
- (b) an explanation of why things went wrong;
- (c) an admission that things could have been handled better, or differently;
- (d) an undertaking to review policy/practice so that similar actions are not repeated;
- (e) an answer to a specific question;
- (f) an official investigation;
- (g) a meeting with staff.

## **Anonymous complaints**

**2.14** Anonymous complaints may come from parents, pupils or members of the public; they should be considered as they may relate to something serious. The handling of such complaints should be left to the headteacher's or chair's discretion to decide whether the gravity of an anonymous complaint justifies investigation. If the headteacher, or chair of governors, believes there could be any substance to the complaint, s/he should investigate the matter and record the results of the investigation on file. This will provide evidence that the school took the matter seriously.

## **Vexatious complaints**

**2.15** A good complaints procedure should limit the number of complaints that become protracted. However, there may be occasions when a complainant remains dissatisfied despite all stages of the procedure being followed. Should a complainant try to re-open a complaint on the same issues the chair of governors should write informing them that the procedure has been exhausted and that the matter is now closed. Where a complainant continues to be dissatisfied, even after the above measures have been taken, it may be advisable to ask for an officer from the Diocesan Board, or LA, to be present at a meeting.

**2.16** Where matters escalate despite the complaints procedure being followed and there is prolific correspondence, or excessive e-mail, or telephone contact about a concern or complaint,

the school needs to make clear to the complainant that this is not acceptable. In these circumstances a school may:

- (a) inform the complainant in writing that his/her behaviour is now considered by the school to be unreasonable/unacceptable and, is therefore being treated as a vexatious complaint;
- (b) inform the complainant that any meetings with a member of staff will be conducted with a second person present and that notes of meetings may be taken in the interests of all parties;
- (c) inform the complainant that, except in emergencies, all routine communication with the complainant to the school should be by letter only;
- (d) (in the case of physical, or verbal aggression) take advice from LA or Diocesan Board and consider warning the complainant about being banned from the school site;
- (e) consider taking advice about putting in place a specific procedure for dealing with complaints from the complainant, ie, the complainant will not be able to deal directly with the headteacher, but only with a third person to be identified by the governing body of the school, who will investigate, determine whether or not the complaint is reasonable, or vexatious, and then advise the headteacher accordingly.

### **Monitoring complaints**

**2.17** Governors should monitor complaints to ensure that the procedure is effective in dealing with concerns. Some of the areas relating to complaints which schools may wish to monitor are:

- (a) the number and nature of the complaints;
- (b) whether the complaints were dealt with within agreed time limits;
- (c) the stage at which complaints were ended satisfactorily.

**2.18** Under *The Education (Independent School Standards) (England) Regulations 2010*, academies are required to log the number of complaints lodged under their formal procedures each year and whether they are resolved at the preliminary stage, or proceed to a panel hearing.

## **3 ROLES IN COMPLAINTS PROCEDURES**

### **Role of the headteacher**

**3.1** The headteacher is responsible for the internal organisation and management of the school and its staff. S/he therefore has overall responsibility for considering complaints in the first instance, or, if appropriate, arranging for a designated member of staff to deal with them.

**3.2** Where the headteacher chooses to arrange for other members of staff to consider complaints, there should be arrangements for the headteacher to be kept fully informed of the complaint and the way in which it is being addressed. In determining which course of action to take over a response to a complaint, the headteacher may wish to consult the chair of the governing body, the Local Authority, or the Diocesan Board.

### **Role of the governing body**

**3.3** The governing body is responsible for the overall conduct of the school and must ensure that a complaints procedure is in place and reviewed regularly.

**3.4** The headteacher would normally inform the chair of the governing body of complaints received. However, if it has been decided that the chair will form part of any panel to hear disciplinary or capability procedures, they must remain untainted. Any complaints procedure should note that additional time may be needed should a disciplinary procedure need to be invoked.

**3.5** If a governor is approached directly by a parent (or other complainant), the parent should be referred to the appropriate person in accordance with the complaints procedure. Governors must not get involved at this stage. Only in circumstances where the head is the subject of the complaint would the chair of the governing body undertake the initial investigation. If the chair of the governing body receives a formal written complaint, s/he would normally first discuss the matter with the headteacher and follow the appropriate procedures (see section 4).

### **Role of the complaints panel**

**3.6** The governing body must appoint a complaints panel (see Annex D) to consider any formal written complaints in accordance with the procedure. In a voluntary aided or foundation school, this panel can be formed of three governors from the pool of governors appointed at the beginning of each school year to serve on staffing, pupil behaviour and complaints panels. In an academy, the complaints panel must include one member who is independent of the management and running of the academy, ie, s/he cannot be a governor, employee, volunteer, or member of the Academy Trust. An academy may choose to ask a governor of another school to serve on its complaints panel.

**3.7** Parental complaints seldom reach the formal stage involving a panel of governors: nonetheless, it is important that governors do not become prejudiced by taking part in discussion of a complaint, either during a meeting of the governing body, or with an individual. Such discussion would make a governor unable to serve on a complaints Panel.

**3.8** After a complaint has been dealt with it may be appropriate for the headteacher or chair of the governing body to make a brief report to the governing body, without mentioning names. Details should not be divulged to the full governing body as to do so would violate confidentiality.

### **Role of the Diocesan Board**

**3.9** The Diocesan Board acts in an advisory capacity to headteachers and governing bodies, it does not have any general power to investigate complaints in either voluntary or foundation schools, or academies. Any complaints received by the Diocesan Board will be responded to by referring the complainant to the school/academy's procedures; the Diocesan Board will inform schools/academies of any complaints received.

## **4 STAGES IN A COMPLAINTS PROCEDURE**

### **Introduction**

**4.1** It is normal for each stage in the complaints procedure to be completed before moving to the next stage. In very exceptional circumstances the headteacher, usually in consultation with the chair of the governing body, may decide to omit a stage. The complaints procedure is formed of three stages:

**Stage 1** – Informal

**Stage 2** – Formal - written complaint to headteacher (or chair of Governors, if complaint is about the headteacher)

**Stage 3** - Formal – complaint heard by Governors' Complaints Panel

**4.2** The headteacher, or member of staff investigating a complaint, should always be aware of the fact that a concern or complaint may escalate into a larger issue and be referred to the

Complaints Panel of the governing body. It is therefore essential that clear, concise written notes of discussions and incidents are made and kept for every stage of the procedure.

### **Stage 1: Informal**

**4.3** Most parents' concerns can be resolved informally by the class teacher, or other designated member of staff by:

- (a) responding to the parent courteously;
- (b) handling the complaint seriously;
- (c) taking action quickly.

**4.4** It is essential to give time to complainants and to be patient, so that they feel they have been heard properly. It is important that parents are reassured that there are established procedures and, if appropriate, that their case will be impartially investigated.

**4.5** Sometimes parents might wish to complain but do not do so because they fear that this would be held against them or their child. Parents need to be reassured, both in the school's written policy and by individual members of staff that this will not happen.

**4.6** When a parent is making an informal complaint there is usually no need to ask for the complaint to be put in writing. To insist on this could result in a genuine complaint not being resolved due to fear or lack of confidence on the part of the parent. If parents are pushed into writing down their concerns, this can also lead to them taking an entrenched position from which it could be difficult to achieve a resolution.

**4.7** Some headteachers find it helpful to inform parents of the times during the week when they would be available to have informal discussions about any concerns or topic of the parents' choice.

**4.8** Those dealing with complaints should consider whether, or not, to invite to the informal discussion any staff member named as involved in the matter, but inevitably hostile confrontation and entrenched defensive positions will not aid resolution of the problem.

**4.9** In the case of an oral complaint to the headteacher, an assurance should be given that the matter will be investigated and a response given within a certain time, normally 5 school days. At the end of the discussion it should be clear to the complainant what action, if any, will be taken, the timescale within which it will take place and how s/he will be notified of any outcome. Every effort should be made to resolve the matter to the satisfaction of the parent. If a response cannot be given within the 5 school days, the complainant must be told.

**4.10** If it becomes clear that the parent is not happy with the response to their complaint, or the member of staff or headteacher would like the protection of the formal procedure, the parent should be advised that the complaint should be put in writing and a complaint form may be used (Annex A). If a parent is reluctant to put their concerns in writing, they may need assistance, especially if English is not their first language.

**4.11** Governing bodies will need to decide on an acceptable timescale for the complainant to request a stage 2 or stage 3 for their complaint.

### **Stage 2: Formal**

**4.12** If the complaint cannot be resolved informally by a member of staff, the parent should be advised to put their complaint in writing to the headteacher. If a written complaint is received by the headteacher, the following procedure should be followed:

- (a) the complaint is acknowledged within two school days and the complainant is told that the matter will be investigated;
- (b) the headteacher and staff keep notes of any discussions held with complainant. (It is advisable to have a separate note-taker present at the meeting.);
- (c) where the headteacher, or designated member of staff, undertakes an investigation, it is important that clear written statements are taken and that every statement is signed and dated;
- (d) a response given within a certain time, normally five school days.

**4.13** If the chair of the governing body receives a written complaint direct from a parent s/he should consult with the headteacher to ensure that the informal stage of the procedure has been exhausted. If this is not the case, the chair would normally advise the complainant to follow the procedures described for the informal stage above. If the informal stage has been exhausted the parent should be advised to follow the formal procedure in 4.12 above. If the complaint is against the headteacher and not in relation to any previous informal handling of the complaint, the chair of governors\* normally investigates the matter through the informal procedures above and if the complaint is unresolved at this stage the formal stage would be invoked.

\* Unless s/he has been party to information which compromises his/her position in which case the investigation may be handled by the vice-chair, or another designated governor.

#### **Investigation process:**

**4.14** The following process should be followed:

- (a) there should be a clear understanding of the complaint, clarification should be sought if necessary;
- (b) interviews should be held as soon as possible after the incident to minimise the possibility of evidence becoming tainted;
- (c) strict attention should be paid to confidentiality;
- (d) separate discussions should be held with all parties involved, and with any witnesses;
- (e) careful written notes should be made of all discussions;
- (f) the complainant's desired outcome and any possibilities of redress discussed;
- (g) written statements should be obtained where appropriate, and be signed and dated;
- (h) if pupils are to be interviewed, see section 2.11;
- (i) efforts should be made to resolve the complaint, if possible, to the satisfaction of the complainant;
- (j) the complainant and member of staff should be given an opportunity to provide documentation and identify potential witnesses.

**4.15** After completing the investigation, a written summary of the findings must be sent to the complainant saying that the investigation has been completed. Some of the following points may be included:

- (a) all appropriate steps have already been taken and no further action is considered necessary;
- (b) as a result of the investigation the following arrangements have been made ..... which it is hoped the complainant will find satisfactory;

- (c) the following recommendations will be made to the governing body .....
- (d) a statement to the effect that if the complainant is not happy with the response, s/he may write to the clerk to the governing body at the school address requesting that the complaint be considered by the complaints panel of the governing body.

### **Stage 3: Formal**

**4.16** If the Complaints Panel of the governing body is to consider the complaint, the clerk to the governing body should set up the meeting within 15 school days giving at least ten school days' notice of the meeting to: the members of the panel, the complainant and the headteacher, sending them the following:

- (a) an invitation to attend the meeting including details of date, time, place of meeting; (see Appendix F)
- (b) a request for copies of any written papers which the parties to the complaint may wish to be considered to be sent to her/him by (Date) so that they can be distributed to members of the complaints panel and the other party;
- (c) a request for the names of any witnesses who may be called;
- (d) a statement that the complainant may be accompanied by a friend and a request for the name of any such friend;
- (e) where appropriate, an enquiry as to whether, or not, it would be helpful for an interpreter to be available;
- (f) an enquiry as to whether, or not, access should be provided for the disabled;
- (g) a summary of the procedure to be followed at the meeting.

**4.17** The hearing by the complaints panel should be as informal as possible. The chair of the governing body and the headteacher may be present. The clerk to the governing body, or another person appointed by the chair of the governing body, should be present throughout the hearing and after the parties have withdrawn, in order to take notes. A model procedure for the meeting is in Annex D.

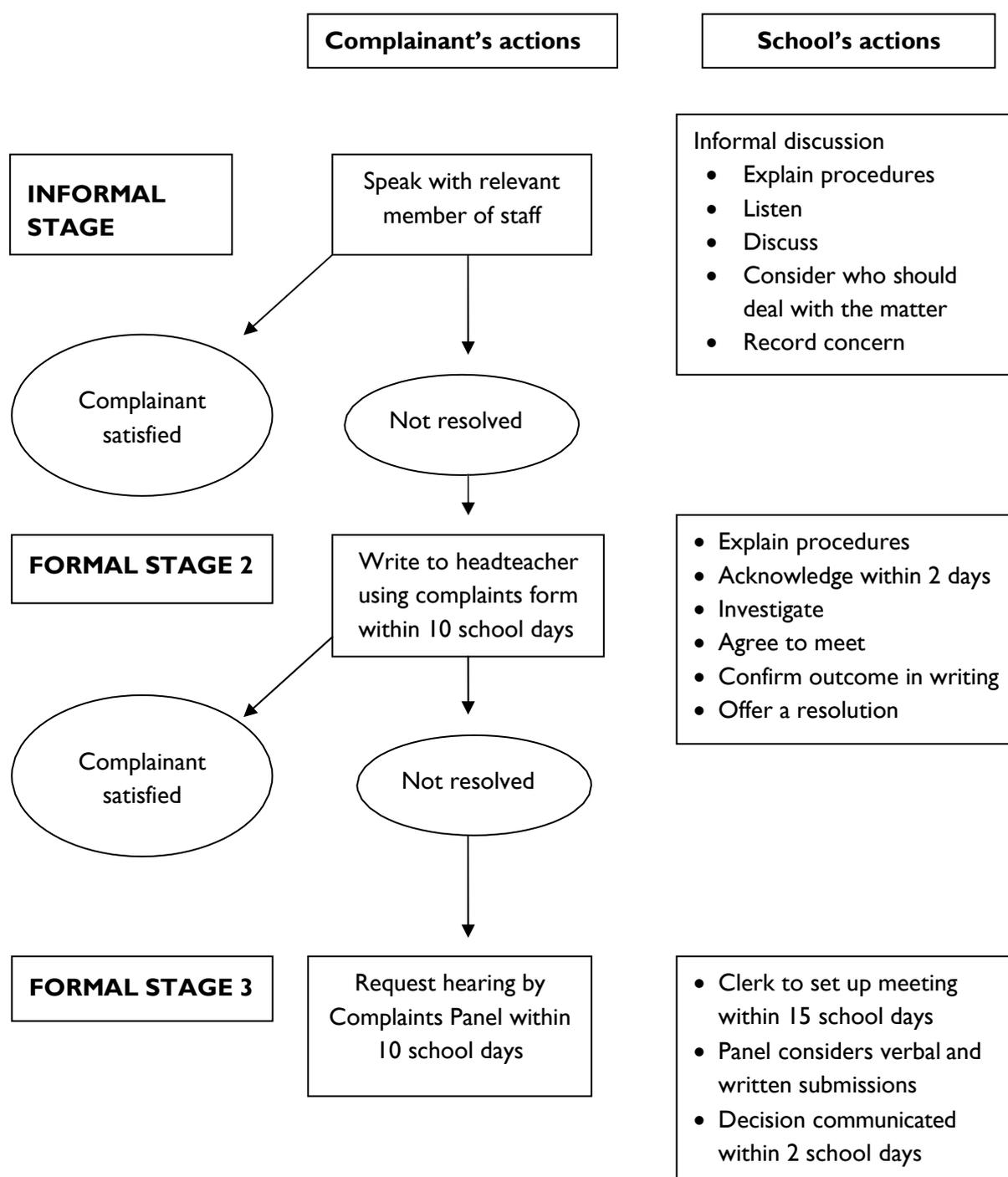
**4.18** The decision and recommendations of the complaints panel are sent as soon as possible to all parties. The Panel's decision is final.

## **5 FURTHER RIGHTS OF APPEAL**

**5.1** Parents may, if they believe the Governors' complaints panel has acted unreasonably, or that the governors have not followed their own procedures in considering the complaint, make a complaint to the Department for Education using an on-line complaints form. In academies, complaints are made to the Education Funding Agency.

**5.2** Parents may also complain to OFSTED, but OFSTED will not normally investigate complaints concerning individual pupils, but if there are any child protection concerns they may pass these to social services, or the police and this may trigger an inspection.

## SUMMARY COMPLAINTS PROCEDURE



<b>COMPLAINTS FORM</b>	
<i>Name of School</i>	
When we receive a written complaint, we aim to acknowledge its receipt within 2 days and send a full or interim response within 5 school days.	
Name of complainant:	
Address:	
Postcode:	
Telephone (day):	Telephone (evening):
What is your concern and how has it affected you?	
Are you attaching any paperwork? If so, please list below:	
Have you discussed this matter with a member of staff before filling in this form? If so, who did you speak to and what was the response?	
What would you like to happen as a result of making this complaint?	
Signature:	Date:
<b>Please return this form to .....</b>	