

School Complaints Procedure: Accompanying Guidance



Who is this guidance for?

It is important all school staff, members of the governing board and the clerk to governors are familiar with this guidance. They must also read the school complaints procedure and any policies mentioned within that, in case they are approached with a concern or complaint.

Legislation

Schools are required by law to have a complaints procedure and this must be published online. For details please see the following:

- Maintained schools (and PRUs) – [The Education Act 2002: Section 29](#)
- Academies, free schools and independent schools – [The Education \(Independent Schools Standards\) Regulations 2014 \(Part 7\)](#)
- <https://www.gov.uk/guidance/what-maintained-schools-must-publish-online>.

Approval

The DfE's [Statutory Policies for Schools and Academy Trusts](#) states that the governing board is free to determine how often the complaints procedure is reviewed, but an annual review is recommended. The full governing board can approve the procedure itself or can choose to delegate it to a committee, an individual governor or the headteacher. The clerk to governors should record the agreed frequency and delegation level in the Policy Review Schedule (maintained by the clerk).

Writing a procedure

It is not the governing board's role to write procedures and policies, but it should be reviewing whether the procedure is robust, has been fit for purpose and what lessons have been learnt since the last review. If the approval of the complaints procedure is delegated (see above), the governing board should still receive feedback about any changes that have been made and why.

Brighton & Hove's model procedure is based on the DfE guidance, updated in March 2019: <https://www.gov.uk/government/publications/school-complaints-procedures>. Further input was then sought from Brighton & Hove school leaders, governors, clerks and a range of council officers who have involvement with customer complaints.

Schools are free to modify aspects of the procedure, but it is recommended that any major changes are agreed by the full governing board, even if the approval is normally delegated. This is particularly important if the changes relate to the formal stages of the procedure, which the governing board is an important part of. Please note that there is no longer a stage in the procedure for the local authority to investigate the process. The next step after the school stages is for the complainant to contact the DfE. However, for monitoring purposes, the local authority does need to be notified of any Stage 2 panels and subsequent outcomes (see page 3 of this guidance).

The highlighted text in the model procedure must be adjusted before publication and the highlights, watermark and footer removed.

Key principles for dealing with complaints effectively

- Take informal concerns seriously and deal with them quickly (see timescales in the procedure), in order to reduce the number that escalate into formal complaints
- Ensure that timelines in the procedure are followed
- Make the procedure easily accessible on the school website, in a prominent place, so people are not put off from making a complaint
- Resolution should be sought at every stage – always ask the complainant what resolution they are seeking and what affect the issue has had on them
- As few people as possible should be involved at every stage, partly to ensure confidentiality, but also so there are enough impartial governors to form a panel
- If there are issues relating to parental responsibility, schools may find the DfE's guidance useful: <https://www.gov.uk/government/publications/dealing-with-issues-relating-to-parental-responsibility>
- If the headteacher is investigating a complaint about the actions of a member of staff, or the chair of governors is investigating the actions of the headteacher, they should be aware of the sensitivities and challenges of such a situation and seek advice if necessary
- When writing to all parties with the agreed date for the hearing, the clerk should include an agenda (see Appendix 1) and other information as outlined in the school's complaints procedure for Stage 2, so that everyone is clear about the process and what is expected of them

Clerking

The chair of governors should ensure that the clerk is aware of their responsibilities, as set out in the complaints procedure. Clerks who are employed on Scale 5 are expected to “administer the organisation and clerking for governor panels such as pupil discipline, staff grievance, staff discipline and complaints in own school and/or other schools in the city” (Brighton & Hove job description). Scale 3 clerks are not expected to carry out the clerking of panels, due to the complexity of the role. The Governance Development Team can assist in sourcing a Scale 5 clerk from another school if necessary, although please note there are no guarantees of availability.

Record keeping

It is important that records are kept at each stage, as they will be needed if the complaint is escalated. It may not be necessary to record in detail any ‘basic’ concerns that are answered quickly. But some concerns will progress into formal complaints and it will then be helpful to have a full trail of communications. The following should be recorded:

- Name of the complainant
- Date and time at which concern/complaint was made
- Details of the nature of the concern/complaint
- Desired outcome of the concern/complaint
- Brief summary of any telephone calls
- How the concern/complaint is being investigated (including written records of any interviews held)
- Results and conclusions of investigations
- Any action taken
- The complainant's response
- Record of any subsequent action if required

Record keeping at Stage 2 (governors' panel)

The local authority must be notified of any Stage 2 requests within five school working days of receipt. This should be followed up with a copy of the outcome letter (see template at the end of this guidance). Please send to the Assistant Director (Education & Skills) via educationandskills@brighton-hove.gov.uk.

In line with minutes of other governing board meetings, minutes of Stage 2 hearings and associated papers must be kept permanently. The clerk to governors must store them securely in the same manner as other confidential minutes of the governing board. They can be archived after a period of time – it is recommended that they are kept in school for six years or the period covering the last two Ofsted inspections, whichever is greater.

Upholding (i.e. fault was found) or not upholding complaints

When responding to complainants following an investigation, it may be appropriate to:

- Provide an explanation of events
- Recognise that the situation could have been handled differently or better
- Explain what actions/improvements to school systems have been made – being careful not include any information about members of staff or pupils
- Agree to review school policies in light of the findings of the complaint

Appendix 1: Example agenda for governors' panel

1. Chair's welcome
 - Introductions
 - Aims and objectives of the hearing
 - Explanation of the process
 - Others in attendance (representatives/witnesses) and their purpose
2. Verbal statement from complainant, with supporting information from witnesses, if applicable
3. Questions from panel to complainant
4. Questions from headteacher to complainant
5. Verbal statement from headteacher, with supporting information from witnesses, if applicable
6. Questions from panel to headteacher
7. Questions from complainant to the headteacher
8. Complainant sums up their complaint
9. Headteacher sums up the school's actions and their response to the complaint
10. Chair explains next steps and timescales
11. Both parties to leave at same time / panel deliberates

Appendix 2: Example outcome letter following Complaint Hearing

Dear <Name of complainant>

Thank you for attending the Complaint Hearing with the Governors' Panel on <insert date>. The panel consisted of <insert names>, and the hearing was attended by <insert names>.

We are sorry that <insert expression of regret that the situation has occurred, if relevant, taking responsibility for the problem>.

The following actions were taken to investigate your complaint at Stage 1:

- <insert actions>

Having read the written submissions from you and the school, and having considered all statements and answers provided by you and the school at the hearing, the panel has decided that <faults were found (upheld) / not found / found in part – delete as appropriate>. The panel has come to this decision because <insert reasons>.

(If the complaint is upheld in whole or in part, include also the following)

Having listened carefully to all your concerns and desired outcomes from this meeting, the panel <insert details of recommendations made to the school, if relevant, or noting actions the school has already taken to remedy>. The governing board will then monitor that the recommendations are being carried out. We hope these measures will resolve <insert details> in the future.

If you believe the school did not handle your complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, you can contact the Department for Education after completing Stage 2.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by the school. They will consider whether the school has adhered to education legislation and any statutory policies connected with the complaint.

You can refer your complaint to the Department for Education via an online form at <https://www.gov.uk/contact-dfe>. Alternatively you can write to:

Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD
Tel 0370 000 2288

Yours sincerely

Name
Panel Chair