

SCHOOL COMPLAINTS PROCEDURE

From 1 September 2003 Governing Bodies of all maintained schools and maintained nursery schools in England are required (under Section 29 of the Education Act 2002) to have in place a procedure to deal with complaints relating to the school and to ensure that any community facilities or services operated on the school premises have their own complaints procedure. The law also requires the procedure to be publicised.

This document sets out a **procedure for dealing with general complaints** and also a **procedure for dealing with parental complaints against staff**, which are commended to schools by the Authority for adoption. The following details have been included to support schools refer to relevant documents when resolving complaints.

With regard to the **procedure for dealing with parental complaints against staff**, please note that this document has been the subject of consultation with the teacher associations and support staff trade unions. All staff representatives welcomed the pre-disciplinary approach to addressing parental complaints. Schools should, however, be sensitive to concerns raised by the support staff trade unions in operating this procedure. The concerns raised were:

i]. Time-scale for registering a complaint

The documentation allows parents three months in which to register a formal written complaint against a member of staff. This time-scale mirrors those included in other processes such as the staff grievance procedure and applications to tribunal.

The staff side felt that employees might feel anxious throughout that period if they were unsure as to whether a formal complaint would be lodged. Schools are reminded to address any internal issues as a matter of course rather than wait for an external complaint. This approach will reassure staff members.

ii]. Abusive Parents

It is a sad fact that from time to time employees are the subject of verbal or physical abuse from parents. Whilst these cases cannot be addressed through an internal procedure, schools are reminded that in serious cases assistance should be sought from the police who are responsible for upholding the peace. In cases where a number of incidents occur, schools should seek legal advice on injunctions.

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TYPES OF COMPLAINT	SEE APPENDIX
a) Procedure For Dealing With General Complaints	A: page 3
b) Procedure For Dealing With Parental Complaints Against Staff	B: page 11
c) Racial Incidents Refer to the Procedure For Dealing With General Complaints (above) and:	
<ul style="list-style-type: none">• Guidelines On Reporting And Recording Of Racist Incidents• Recording Of Racial Incidents Proforma	C
d) Child Protection Refer to the schools Child Protection co-ordinator and the LEA's Child Protection Guidelines: January 2003. [For further advice contact Sylvia Brown (Senior Education Officer: Equality / Child Protection). Tel: 233 8155, Email: sylvia.brown@liverpool.gov.uk]	
e) Curriculum or Collective Worship Refer to the Procedure For Dealing With General Complaints (above). [Complainants retain the right to pursue their complaint to the Standing Advisory Council On Religious Education (SACRE). Contact Marian Frayne (School Effectiveness Officer: Religious Education): Tel: 233 8140, Email: marian.frayne@liverpool.gov.uk]	
f) SEN Provision Refer to the Procedure For Dealing With General Complaints (above). [The LEA has very limited grounds to intervene. Parents of pupils with SEN may access Parent Partnership Service support in raising a complaint. Contact 233 2848].	
g) Staff Grievances Refer to the LEA's model procedure issued to schools in April 2003 that had purchased the School Employment & Legal Service's service level agreement (SLA). [For further advice contact Mike Owens (School Employment Advisory Team) Tel: 233 2818, Email: mike.owens@liverpool.gov.uk].	



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Procedure For Dealing With General Complaints

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PROCEDURE FOR DEALING WITH GENERAL COMPLAINTS

INTRODUCTION

1. In accordance with Section 29 of the Education Act 2002, the Governing Body must establish and publicise a procedure for dealing with complaints. A statement about the school's adopted complaints procedure(s) should be easily accessible and well publicised. It is recommended that the governing body ensure that any third party providers offering community facilities or services through the school premises, or using school facilities have their own complaints procedure in place.
2. The following LEA model procedure is commended for adoption by Governing Bodies to facilitate dealing with general complaints (**note: parental complaints against staff is dealt with under a separate procedure**). The framework contained in this document has been designed to enable complaints to be dealt with through an open and transparent process.
3. Complainants, who remain dissatisfied following the operation of a school's complaint procedure, may refer their concern to the Secretary of State for Education and Skills.

CONTEXT

4. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints. The underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally.
5. Where an informal resolution proves impossible a person may wish to register a formal complaint. For this reason there is a recommended pro-forma attached to the document that schools are advised to ask complainants to complete, when registering their complaint.
6. Complainants should be kept informed of how complaints are progressing under the procedure.

7. It is very important to treat conversations and correspondence with discretion. However, from the outset all parties to a complaint will need to be aware that some information may have to be shared with others involved in the operation of the complaints procedure.
8. It should be at the Head teacher or Governing Body's discretion to decide whether the gravity of an anonymous complaint warrants an investigation.
9. The process for resolving complaints has been divided into three stages:
 - Informal
 - Formal
 - Appeal

INFORMAL STAGE

10. Schools should nominate a member of staff to have responsibility for the operation and management of the school complaints procedure. They could be termed the school's 'complaints co-ordinator'. However, in most cases the staff member will receive the first approach. It would be helpful if staff were able to resolve issues on the spot, including apologising where necessary.
11. Having established the facts, the staff member will determine a resolution and this should be notified to the 'complaints co-ordinator'.
12. If the complainant is dissatisfied with the resolution reached at the end of the informal stage, they will be entitled to progress the complaint to the second and formal stage.

FORMAL PROCEDURE

13. Where a complaint has not been resolved informally the person raising the concern may complete a complaint pro-forma to register the concern.
14. The head teacher will be responsible for managing the procedure, which may be delegated to the 'complaints co-ordinator', but not the decision on the action to be taken.
15. The complaint must be registered within three months of the date on which the substance of it first arose, or where a series of associated incidents have occurred, within three months of the last of these incidents.

16. A person registering a concern outside of these time scales will be informed that their complaint is out of time.
17. A complaint should be investigated as quickly as possible.
18. All information gathered under this procedure will be subject to the principles of the Data Protection Act.
19. It is suggested that at each stage, the person investigating the complaint makes sure that they:
 - establish what has happened so far, and who has been involved;
 - clarify the nature of the complaint and what remains unresolved;
 - meet with the complainant or contact them (if unsure or further information is necessary);
 - clarify what the complainant feels would put things right;
 - interview those involved in the matter (the complainant may be accompanied by a friend, in the capacity of an observer, throughout any interviews)
 - conduct the interview with an open mind and be prepared to persist in the questioning;
 - keep notes of the interview.
20. At each stage in the procedure schools will want to keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part.
21. It would be useful if complainants were encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence.

CONCLUSION

22. Having considered all the information gathered during the investigation the head teacher must now form a conclusion. The potential outcomes of an investigation may include, that:
 - The complaint is not upheld and there is no evidence to support it.
 - The complaint is not upheld, however, a misunderstanding appears to have occurred, possibly because the person has not had access to the context of the matter or has not been provided with all the facts.
 - The complaint is found to be malicious or vexatious.
 - The complaint is upheld and requires an admission that the situation could have been handled differently or better;
 - The complaint is upheld and requires an assurance that the event complained of will not recur;

23. Dependent on the outcome of the investigation the following actions to improve school relations may be considered.
- Where a complaint is not upheld, the complainant may be invited to meet the head teacher to receive the outcome of the investigation and the reasons why the complaint has no substance.
 - Whether or not the complaint is upheld, the complainant may be invited to attend a meeting in order to improve relationships. This can only be achieved by mutual agreement.
 - Where a complaint is upheld, it may be appropriate for the school to provide an apology to the complainant, an explanation of the steps that have been taken to ensure that it will not happen again and an undertaking to review school policies in light of the complaint.
 - Where a complaint is not upheld and the complaint is found to be malicious or vexatious, the school should consider actions available to it to resolve the matter.
24. A letter should be sent to the complainant notifying them of whether or not the complaint was upheld.

APPEAL PROCEDURE

25. If complainants are dissatisfied with the decision of the head teacher set against a realistic expectation of the outcome of the complaint, they may appeal to an appropriate committee of the Governing Body, in order to present their case. The committee members should be governors who have had no prior involvement with the complaint.
26. They must register that wish in writing to the Clerk to the Governors within seven days of receiving the decision.
27. The Clerk to the Governors will convene a meeting of the appropriate committee within three weeks of receiving the appeal, unless there are exceptional circumstances, which will lead to a date being fixed at a later time.
28. Copies of the full details of the complaint and the outcome of the investigation will be submitted to the appropriate committee not less than three days before the meeting.
29. At the meeting of the appropriate committee the complainant will present their complaint to the governors and the head teacher will present the response. Either party may wish to call witnesses in support of their case.

30. The decision of the appropriate committee, subject to the principles of confidentiality, will be provided to the complainant in writing within five working days of the meeting. The committee may:
 - dismiss the complaint in whole or in part;
 - uphold the complaint in whole or in part;
 - decide on the appropriate action to be taken to resolve the complaint;
 - recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.
31. The decision of the appropriate committee will be final. A written statement outlining the decision of the committee must be sent to the complainant and head teacher within five working days of the Appeal hearing.
32. Complainants will retain the right to pursue their complaints to the Secretary of State for Education and Skills.

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LIVERPOOL EDUCATION AUTHORITY PROCEDURE FOR DEALING WITH GENERAL COMPLAINTS FORM TO REGISTER A FORMAL COMPLAINT

Name of School:

Personal Details:

Name

Address:

.....

Tel Number:(work)(home)

**Pupil Details
(if applicable):**

Name of Pupil:.....

Class/Form:.....

Date incident took plac.....

Name of any witness(es):.....

.....

Details of Complaint [Please state clearly the nature of complaint]:

.....

.....

.....

.....

[If necessary, additional information may be included on a separate sheet, which should be signed and attached to this form]

Signed: **Date:**.....

*Persons making a complaint must register the complaint within 3 months of the incident.

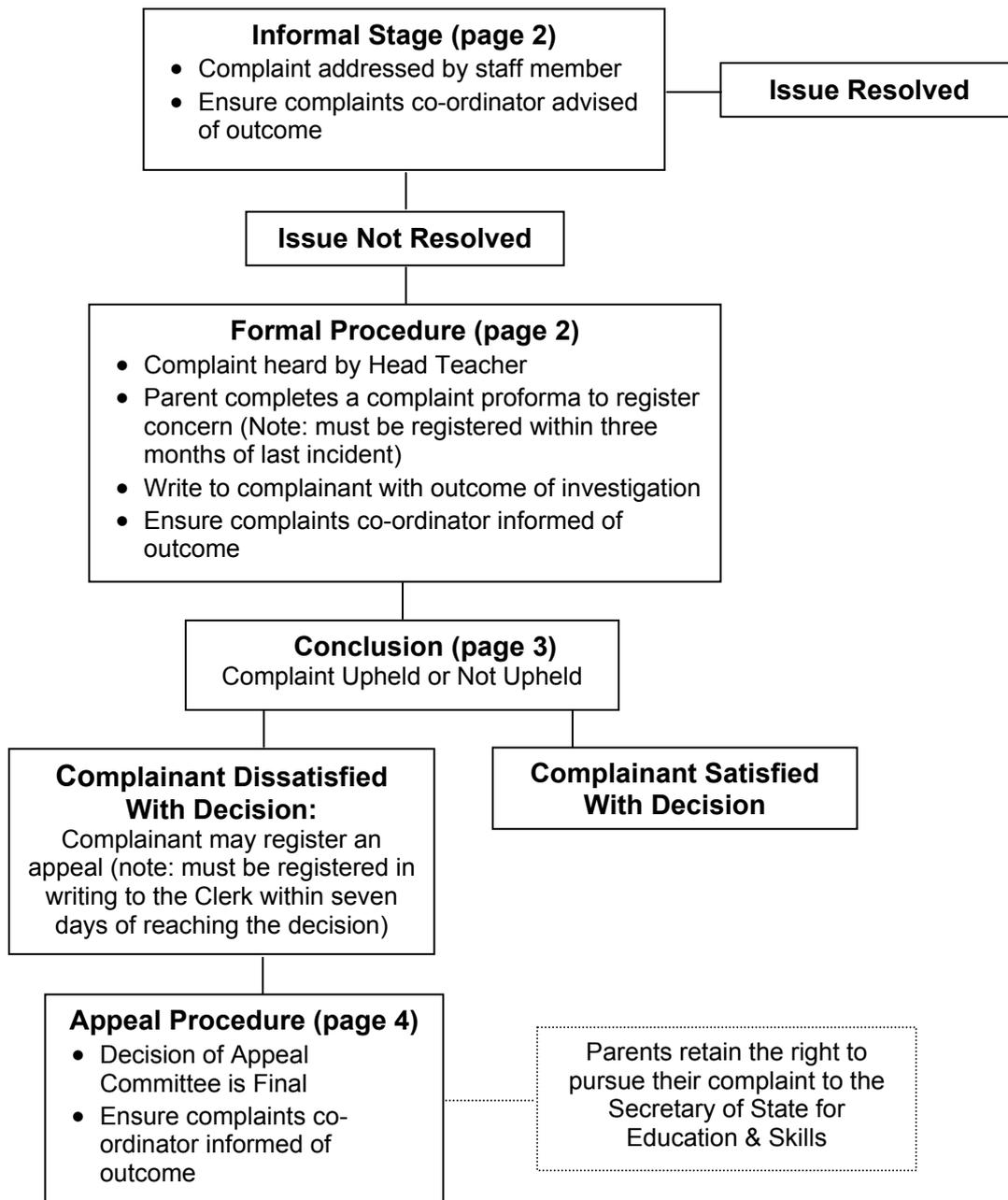
Note This form should be returned to the head teacher, unless the complaint is against the head teacher, in which case it should be forwarded to the Chair of Governors.



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FLOWCHART OF PROCEDURE FOR DEALING WITH GENERAL COMPLAINTS





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**Procedure For Dealing With
Parental Complaints Against Staff**

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PROCEDURE FOR DEALING WITH PARENTAL COMPLAINTS AGAINST STAFF

INTRODUCTION

1. From time to time parents may wish to express a complaint about a member of staff. This document deals specifically with parental complaints against staff that by their nature should not automatically be seen as a disciplinary matter.
2. In accordance with the School Standards and Framework Act, the Governing Body must establish a procedure for dealing with complaints. Schools must make the complaints procedure clear to parents. A statement about the school's adopted complaints procedure(s) for use by parents should be included in the school prospectus.
3. It is important to ensure that parents can access and are empowered to make any such complaints with ease. Complainants should feel reassured that their child will not suffer a detriment as a result of raising a concern.
4. The following LEA model procedure is commended for adoption by Governing Bodies to facilitate dealing with parental complaints. The framework contained in this document has been designed to enable parents to have their complaints dealt with through an open and transparent process.
5. Parents, who remain dissatisfied following the operation of a school's complaint procedure, may refer their concern to the Secretary of State for Education and Skills.

CONTEXT

6. The aim of this procedure is to maintain good relationships between the school, pupils and parents. Many parental complaints will normally be resolved informally. In addition, parents of children with SEN are reminded that Authority's Parent Partnership Scheme, may be able to assist in the resolution of their complaints.

7. Where an informal resolution proves impossible a parent may wish to register a formal complaint. For this reason there is a recommended pro forma attached to the document that schools are advised to ask parents to complete, when registering their complaint.
8. It is important to ensure that parents are given a realistic understanding of the possible outcomes to a complaint made against a member of staff, and the purpose and limitations of this procedure are made clear to the parent.
9. Complainants are not entitled to know if any subsequent management counselling or a disciplinary sanction is given to the member of staff about whom they have complained. A list of possible outcomes to a complaint with appropriate advice is detailed in paragraph 44 and 45.
10. However, complainants should be kept informed of how complaints are progressing under the procedure.
11. The subject of complaints against staff is confidential. It is vitally important that the complainant and respondent understand this issue. In exceptional circumstances, where emotions are running high, it is possible that information is inappropriately placed within the public domain. Schools will be required to put in place a strategy to defuse this situation and maintain the contractual obligation of confidentiality towards the member of staff.
12. The process for resolving parental complaints has been divided into three stages:
 - Informal
 - Formal
 - appeal

INFORMAL STAGE

13. The first stage requires management to investigate the complaint in order to establish the facts and determine a resolution. In investigating the informal complaint it is necessary to establish whether:
 - the issue of complaint could have occurred, i.e. was the respondent present at the site where the concern arose at the specific time;
 - the complaint needs to be dealt with under the Child Protection Procedures in the first instance;

- the complaint should be automatically referred to the disciplinary procedure for investigation because of the seriousness of the concern.

Having established the facts, the head teacher or chair of governors will determine a resolution.

14. If the parent is dissatisfied with the resolution reached at the end of the informal stage, they will be entitled to progress the complaint to the second and formal stage.
15. The third stage will be invoked if the parent, subject to paragraph 14 above, remains dissatisfied after their complaint has been dealt with under the first stage. In such circumstances the parent will be asked to present their case to an appropriate committee of the Governing Body.

SCOPE

16. Member of Staff – Is anyone employed by the Governing Body to work at the school.
17. Parent – Is any adult who has guardianship over the child at the time of the concern.
18. Agency, third party contractors and LEA staff – Where a complaint involves a person working at the school, but employed by another body, the head teacher should refer the matter to the employing manager for investigation. It will be the head teacher's role to liaise with the parent. Schools are reminded that where a genuine concern exists they may require a contractor to remove one of their employees from the school premises.
19. Types of complaint – Complaints from parents may include inappropriate discipline; actions or attitudes toward a parent or pupil; lack of effective action e.g. over bullying; racist behaviour; inappropriate restraint.
20. Professional Judgement – during the course of their duties, teachers are required to make professional assessments and judgements on the attainment levels of pupils and appropriate intervention strategies to support pupil learning. The head teacher shall respond to a parental complaint regarding the outcome of a teacher's professional judgement, as this complaint will be against the application of the school procedure and not the individual's professional judgement.
21. Anonymous Complaints – It is usually proper to disregard anonymous complaints. However, head teachers and chairs of governors should exercise discretion where the gravity of an anonymous complaint warrants investigation.

22. Appropriate restraint – For complaints relating to inappropriate physical contact, head teachers, or the chair of governors in the case of a complaint against a head teacher, should initially refer to the Child Protection Procedures particularly where the alleged assault has been reported as a potential crime to the police.
23. Concerns of sexual abuse – All complaints relating to alleged sexual misconduct shall be dealt with under the Child Protection Procedures in the first instance. Schools are reminded that under the Sexual Offences Act 2000, certain protocols have been highlighted with regard to what may or may not be considered an appropriate relationship between an employee in a position of trust, e.g. teacher, learning mentor and a pupil, irrespective of whether that pupil is above the age of sexual consent.

RESPONSIBILITIES OF THE HEAD TEACHER AND GOVERNORS

24. Where a complaint is made against a member of staff, it is the responsibility of the head teacher, in the first instance, to investigate and resolve the matter. It is the responsibility of the chair of governors to investigate and attempt to resolve a complaint made against the head teacher.
25. Under circumstances where a parent remains dissatisfied with a resolution arising under paragraph 24 above, the matter will be referred for resolution to an appropriate committee, comprising three governors with no prior involvement.
26. It is the responsibility of the Clerk to the Governors, under the direction of the head teacher, to convene a meeting of the appropriate committee when required in accordance with the time scale outlined in paragraph 49.
27. The Clerk to the Governors, under the direction of the Chair of the appropriate committee, will provide written confirmation of the resolution of the committee to all relevant parties, within the time scales contained in paragraph 52. The written confirmation will adhere to the issues around confidentiality as outlined in paragraph 11.

FORMAL PROCEDURE

28. Where a parent has a complaint that has not been resolved informally the parent may then complete a complaint pro forma to register the concern.
29. If the complaint refers to a member of staff other than the head teacher, the head teacher will be responsible for managing the procedure.

30. When the complaint involves the head teacher, they should pass the pro forma on to the Chair of Governors for the management of the procedure.
31. The complaint must be registered with the head teacher within three months of the date on which the substance of it first arose, or where a series of associated incidents have occurred, within three months of the last of these incidents.
32. Parents who try to register a complaint outside of these time scales will be informed by the head teacher or chair of governors; whichever is appropriate, that their complaint is out of time.
33. Upon receipt of a complaint the head teacher/ chair of governors will investigate the matter as quickly as possible. Both parties to the complaint, i.e. the parent as the complainant and the member of staff as the respondent be informed that they should not to discuss the matter.
34. The person investigating the complaint may be accompanied during interviews and should ensure that notes are taken at all meetings.
35. All information gathered under this procedure will be subject to the principles of the Data Protection Act.

STEP 1 ESTABLISHING THE COMPLAINT

36. The complaint pro-forma will outline the essence of the parental complaint. However, the person investigating the complaint may wish to interview the complainant to clarify the concern and identify whether there are any witnesses to the matter.
37. With the mutual agreement of the head teacher / chair of governors, the complainant may be accompanied by a friend, in the capacity of an observer, throughout any subsequent interviews.

STEP 2 ESTABLISHING THE RESPONSE

38. Once the complaint has been clarified the respondent should be provided with a copy of the pro forma detailing the complaint.
39. An interview with the respondent should be arranged as soon as possible to enable them to respond to the complaint. The respondent may wish to be accompanied by a representative of their professional association or trade union.

40. During the course of the respondent's interview, the person investigating the complaint should establish whether there are any witnesses to the matter.

STEP 3 ESTABLISHING EVIDENCE

41. The person investigating the complaint should arrange to interview any named witnesses to collect information, which may support either the complainant or respondent's case.
42. Following interviews with witnesses it may be necessary to re-interview either or both the complainant and the respondent to corroborate information received throughout the investigation.
43. The person investigating the complaint should also collect and consider any relevant documentary evidence referred to by the interviewees.

STEP 4 CONCLUSION

44. Having considered all the information gathered during the investigation the head teacher/ chair of governors must now form a conclusion. The potential outcomes of an investigation may include, that:
 - The complaint is not upheld and there is no evidence to support it.
 - The complaint is not upheld, however, a misunderstanding appears to have occurred, possibly because the parent has not had access to the context of the matter or has not been provided with all the facts.
 - The complaint is found to be malicious or vexatious.
 - The complaint is upheld but is trivial and requires a strategy to improve the complainant and respondent's relationship.
 - The complaint is upheld and a management intervention/ counselling is required to redress or correct the situation.
 - The complaint is upheld and the matter should be referred to the school's adopted disciplinary procedure for resolution.
45. Dependent on the outcome of the investigation the head teacher/ chair of governors may consider any of the following actions to improve school relations:
 - Where a complaint is not upheld, the complainant may be invited to meet the head teacher to receive the outcome of the investigation and the reasons why the complaint has no substance.

- Whether or not the complaint is upheld, the complainant may be invited to attend a meeting in order to improve relationships. This can only be achieved by mutual agreement.
 - Where a complaint is upheld, it may be appropriate for the school to provide an apology to the complainant.
 - Whether or not the complaint is upheld, it may be appropriate in certain cases for the member of staff to be provided with professional development or management counselling.
 - Whether or not the complaint is upheld, consideration may be given to transferring the pupil to another class.
 - Where a complaint is not upheld and the complaint is found to be malicious or vexatious, the school should consider actions available to it to resolve the matter.
46. A letter should be sent to the complainant and respondent notifying them of whether or not the complaint was upheld. It is not necessary to inform the complainant of resultant management action, where the disclosure of such information would breach the confidentiality clause of the respondent's contract of employment.

APPEAL PROCEDURE

47. If complainants are dissatisfied with the decision of the head teacher/ chair of governors set against a realistic expectation of the outcome of the complaint, they may appeal to an appropriate committee of the Governing Body, in order to present their case.
48. They must register that wish in writing to the Clerk to the Governors within seven days of receiving the decision.
49. The Clerk to the Governors will convene a meeting of the appropriate committee within three weeks of receiving the appeal, unless there are exceptional circumstances, which will lead to a date being fixed at a later time.
50. Copies of the full details of the complaint and the outcome of the investigation will be submitted to the appropriate committee and the respondent, not less than three days before the meeting.
51. At the meeting of the appropriate committee the parent will present their complaint to the governors and the head teacher / chair of governors will present the response. Either party may wish to call witnesses in support of their case.
52. The decision of the appropriate committee, subject to the principles of confidentiality, will be provided to the complainant and respondent in writing within five working days of the meeting.

53. The decision of the appropriate committee will be final. However, parents will retain the right to pursue their complaints to the Secretary of State for Education and Skills.

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**LIVERPOOL EDUCATION AUTHORITY
PROCEDURE FOR DEALING WITH PARENTAL COMPLAINTS
AGAINST STAFF FORM TO REGISTER A FORMAL COMPLAINT**

Name of School:

Personal Details:

Name of Parent/Guardian:.....

Address:.....
.....

Tel Number:(work)(home)

Pupil Details:

Name of Pupil:.....

Class/Form:.....

Date incident took place:.....

Name of any witness(es):.....
.....

Details of Complaint [Please state clearly the nature of complaint]:

.....
.....
.....
.....

[If necessary, additional information may be included on a separate sheet, which should be signed and attached to this form]

Signed: **Date:**.....

*Parents/Guardians must register the complaint within 3 months of the incident.

Note This form should be returned to the head teacher, unless the complaint is against the head teacher, in which case it should be forwarded to the Chair of Governors.



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FLOWCHART OF PROCEDURE FOR DEALING WITH PARENTAL COMPLAINTS AGAINST STAFF

